



Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6730

FAX (805) 481-6836

AGENDA BOARD OF DIRECTORS MEETING

1655 Front Street
6:30 P.M.

October 22, 2008

Oceano
Wednesday

BOARD MEMBERS

Jim Hill, President
Vern Dahl, Director
Barbara J. Mann, Director

Bill Bookout, Vice President
Pamela Dean, Director

SECRETARY TO THE BOARD

Kevin D. Walsh, General Manager

DEPUTY SECRETARY TO THE BOARD

Gina A. Davis, Administrative Assistant

FIRE CHIEF

Chief Mike Hubert

UTILITY OPERATIONS SUPERVISOR

Philip T. Davis

ALL ITEMS APPEARING ON THE AGENDA ARE SUBJECT TO BOARD ACTION

1. Roll Call*
2. Flag Salute*
3. Public Comment *
Any member of the public may address the Board on any item of interest within the jurisdiction of the Board. The Board will listen to all communications; however, in compliance with the Brown Act, the Board cannot act on items not on the agenda.
4. Board Member Items/Discussion *
5. Review and Approval of Minutes
 - a. September 24, 2008
 - b. September 28, 2008
 - c. October 6, 2008
 - d. October 8, 2008 - Unavailable
6. Reports
 - a. Reports of District Department Heads
 - (1) Report of Administration Operations
 - (2) Report of Utility Department Operations
 - (3) Report of Fire Department Operations
7. Fire Items
None

October 22, 2008

8. Utility Items
 - a. Cleaning and Inspection of District Sewer and Water Lines
Continual Disclosure of the Emergency declared by the Board of Directors concerning the Cleaning and Inspection of the District Sewer and Water Mains.
 - b. Sale of Water to Grande Mobile Manor and Halcyon Estates *
Consider recommendation of the General Manager to approve agreements to provide water service to Grande Mobile Manor and Halcyon Estates. (Staff reports and agreements to be available Monday, October 20, 2008)
 - c. Participation in SSLOCSD Water Recycling Feasibility Study *
Consideration of General Manager's recommendation to participate in the SSLOCSD Water Recycling Feasibility Study (A representative from the Wallace Group will be attending)
 - d. CDBG Sewer Repair and Replacement Project: Awards of Bids *
Consider recommendation of the General Manager to award each bid itemized below regarding the CDBG-funded Sewer Repair and Replacement Project, to the lowest responsible bidder as determined by the District Consulting Engineer, the Wallace Group:
 - (1) Archaeological Monitoring
 - (2) Biological Monitoring
 - (3) Soils Monitoring
 - (4) Construction: Sewer Repair and Replacement
 - e. Replacement Motor for Rolls Royce
Consideration of the General Manager's recommended approval of the purchase of a motor for the Rolls Royce Generator at a price not to exceed \$12,500.
9. Administrative Items
 - a. Board Meeting Protocol*
Discuss the customs and regulations dealing with diplomatic formality, precedence and etiquette required to conduct effective meetings of the District Board of Directors: This item will be tabled until all Directors are present.
 - b. Ordinance/Resolution Codification *
District Legal Counsel will review the status of updating District Ordinances and Resolutions

10. **Adjourn to Executive Session**

EXECUTIVE SESSION

a. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR – WATER RIGHTS AGREEMENT**

CLOSED SESSION – A closed session pursuant to Government Code Section 54956.8 to meet with the agency's negotiator concerning property negotiations and to grant authority regarding terms. The property involved is an interest in the District's water entitlements. The person or persons with whom the agency negotiator may negotiate is the authorized agent for the City of Arroyo Grande.

Return to Open Session

11. **Reports of District Representatives ***

This item gives the President and Board Members the opportunity to present reports to other members regarding committees, commissions, boards, or special projects on which they may be participating.

a. **PRESIDENT JIM HILL**

- (1) Co Strategic Growth Readiness Workshop 10 14 2008
- (2) SSLOCSD 10 15 2008
- (3) Other

b. **VICE PRESIDENT BILL BOOKOUT**

- (1) Fire Oversight Committee 10 10 2008
- (2) Ad Hoc Comm re Board Meeting Protocol 10 20 2008
- (3) Fire Committee 10 21 2008
- (4) Other

c. **DIRECTOR VERN DAHL**

- (1) ALUC 10 15 2008
- (2) Ad Hoc Comm re Board Meeting Protocol 10 20 2008
- (3) OAC 10 20 2008
- (4) Zones 1/1A 10 21 2008
- (5) Other

d. **DIRECTOR PAMELA DEAN**

- (1) Fire Oversight Committee 10 10 2008
- (2) Fire Committee 10 21 2008
- (3) Other

e. **DIRECTOR BARBARA MANN**

- (1) Other

12. **General Manager Items/Discussion***

- a. Co Strategic Growth Readiness Workshop 10 14 2008
- b. Prop 218 Hearing

13. Board Member Discussion*
14. Consideration of Warrants
15. Public Comment *
16. Written Communications
(Correspondence for the Board Received After Preparation of this Agenda is Presented by the General Manager)

Adjournment

* Oral Presentation/Discussion

ALL ITEMS APPEARING ON THE AGENDA ARE SUBJECT TO BOARD ACTION

Consistent with the American with Disabilities Act and California Government Code §54954.2 requests for disability related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires the modification or accommodation in order to participate at the referenced public meeting by contacting the District General Manager or Administrative Assistant at 805-481-6730.

**P.O. Box 599/Oceano, CA 93475
1655 Front Street/Oceano, CA 93445
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Oceano Community Services District

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October 22, 2008

TO: Kevin D. Walsh, Interim General Manager

FROM: Gina A. Davis, Administrative Assistant

SUBJECT: ITEMS TO BE DELIVERED SEPARATELY FROM THE AGENDA PACKET

Due to reduced resources and other circumstances beyond our control, the following items will be delivered on Monday, October 20, 2008:

Report of the Administrative Assistant

Report of the Utility Operations Supervisor

Warrants

Thank you for your patience and understanding.

**OCEANO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES**

WEDNESDAY

September 24, 2008

OCEANO

The meeting was called to order by President Hill at 6:30 P.M.

1. Roll Call

Present: President Hill, Vice President Bookout, Director Dahl, Director Dean, Director Mann

Absent: None

Staff Present: Patrick O'Reilly, Secretary to the Board/ General Manager, Gina A. Davis, Deputy Secretary to the Board/ Administrative Assistant, Philip T. Davis, Utility Operations Supervisor, Alex Simas, District Legal Counsel, John Bova, Fire Captain

Staff Absent: None

2. Flag Salute

President Hill led the flag salute.

3. Public Comment

Jim Hoover, resident of Duna Vista Mobile Home Park in Oceano, Hugh Gilson, SLO County Manufactured Homes Association; Sylvia Martinez, resident of Duna Vista Mobile Home Park in Oceano and Mark Wampler, Arroyo Grande, made various comments about mobile home parks.

4. Board Member Items/Discussion

Director Dean reminded residents that tomorrow is fall clean-up day in Oceano.

5. Review and Approval of Minutes

a. September 10, 2008

After a request for public comment, there being none, upon motion of Director Dean, second by Director Mann, and on unanimous voice vote (5 – 0) the Minutes of September 10th were approved.

6. Reports

a. Report of Utility Operations Supervisor

UOS Davis presented the report for August 2008.

After a request for public comment, none being given, President Hill directed that the reports be received and filed.

7. Fire Items

None

8. Utility Items

a. Cleaning and Inspection of District Sewer and Water Lines.

President Hill introduced this continuing item

**OCEANO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES**

WEDNESDAY

September 24, 2008

OCEANO

After a request for public comment, there being none, upon motion by Director Dean, second by Director Mann, and on the following roll call vote, to wit:

AYES: Director Dean, Director Dahl, Director Mann, Vice President Bookout, President Hill

NOES: None

ABSENT: None

The Board approved the continuance of the declaration of emergency.

b. Storm Water Management Plan

GM O'Reilly and Loch Driesler, Wallace Group, presented the Draft Storm Water Management Plan to the Board for consideration. During public comment, Mary Lucey, Oceano, asked several questions. Vice President Bookout recused himself due to his ongoing litigation against the District, et.el., concerning drainage issues.

After hearing public comment, upon motion by Director Dean, second by Director Dahl, and on the following roll call vote, to wit:

AYES: Director Dean, Director Dahl, President Hill

NOES: None

ABSENT: Director Mann

RECUSED: Vice President Bookout

The Board directed the General Manager to submit the draft Storm Water Management Plan to the Regional Water Quality Control Board, to monitor the progress of the draft plan, and submit a final draft to the Board for approval based on public comment, Board comment and reasonable, required revisions by the Regional Water Quality Control Board.

Vice President Bookout resumed his position on the dais.

c. Water Reliability Agreement with San Luis Obispo County

GM O'Reilly announced that County staff has interpreted the agreement approved by this Board on July 23, 2008 to commit the District to purchase 314 acre feet of "program" water from the County in calendar years 2008 and 2009. District staff had interpreted the agreement to mean the District had the option to purchase the water. District staff has determined that any needed water can be pumped at an approximate cost of \$90 per acre foot compared to the cost of "program" water of \$160 per acre foot. District Engineer John Wallace advised the Board that County staff has just decided to allow subcontractors to decide on a "month to month" basis how much water they want to purchase and is willing

**OCEANO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES**

WEDNESDAY

September 24, 2008

OCEANO

to accept a revised "Water Delivery Request" where the District can specify less than 314 acre feet of water each year. He advised that we should submit a cover letter with the revised "Water Delivery Request" specifying our understanding of the agreement.

After a request for public comment, there being none, upon motion by Director Dean, second by Vice President Bookout, and on the following roll call vote, to wit:

**AYES: Director Dean, Vice President Bookout , Director Dahl,
President Hill**

NOES: None

ABSENT: Director Mann

The Board directed the General Manager to submit a revised delivery request to the County with a cover letter specifying our understanding of the agreement that allows the District to decide on a monthly basis how much "program" water to request.

10. Administrative Items

a. Financial Audit for Fiscal Year 2006-07

AA Davis and GM O'Reilly presented the staff report explaining why it has taken so long to progress with the financial audit for Fiscal Year 2006-07. There was no public comment.

b. Review of District Powers

District Legal Counsel Simas presented a history of the District's legal powers concluding that the powers that are currently active in the District are Water, Sewer, Parks & Recreation, Fire Protection and Solid Waste.

Vice President Bookout suggested that the District use grants to fund the Graffiti power. GM O'Reilly said he would look into that and include this item as an agenda for the Community Enhancement Committee along with consideration of additional street lights.

During public comment, Sylvia Martinez, Oceano, suggested that better lighting and increased sheriff patrols could improve the graffiti situation.

12. Reports of District Representatives

a. PRESIDENT JIM HILL reported on the SSLOCSD meetings of 8/6/08 and 8/20/08 and on the Fire Committee meetings of 8/12/08 and 8/26/08.

b. VICE PRESIDENT BILL BOOKOUT reported on the Water and Sewer Committee meetings of 7/30/08 and 8/21/08 and on the Fire Oversight Committee meeting of 8/15/08.

**OCEANO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES**

WEDNESDAY

September 24, 2008

OCEANO

- c. DIRECTOR VERN DAHL reported on the Water and Sewer Committee meetings of 7/30/08 and 8/21/08, the OAC meeting of 8/25/08, the Zones 1/1A Committee meeting of 8/21/08, the ALUC meeting of 8/20/08 and on the luncheon meeting between himself, President Hill, GM O'Reilly, Steve Adams, city manager of Arroyo Grande and Tony Ferrara, mayor of Arroyo Grande to discuss water issues.
 - d. DIRECTOR PAMELA DEAN reported on a meeting she had with Fire Chiefs Hubert and Heath for indoctrination into local fire operations.
13. General Manager Items/ Discussion
The GM announced that the Fall Cleanup week is schedule to begin September 22nd. He announced that the street sweeping contractor has not yet established a firm schedule but that residents can call the District office and we will let them know when street sweeping will be accomplished each month. The GM commended the Wallace Group on the excellent job they have done moving the sewer repair project along so the District will not lose almost a million dollars in grants. He reported that the District had submitted a "Will Serve" letter for the Coker-Ellsworth project just across from Halcyon. He announced that we have received the County of San Luis Obispo July 2008 Pavement Report which is available in the office for anyone interested in reviewing it.
14. Board Member Items/ Discussion
None
15. Consideration of Warrants
President Hill presented the warrants for consideration.
- Vice President Bookout recused himself from consideration of the warrant for Kirk & Simas due to his lawsuit against the District.
- Thereafter, after a request for public comment, (none being given), upon motion by Director Dahl, second by Director Dean, the Board approved the warrant for Kirk & Simas by unanimous voice vote (3-0)(Director Mann absent and Vice President Bookout recused).**
- Vice President Bookout returned to his position on the Board.
- Thereafter, after a request for public comment, (none being given), upon motion by Director Dahl, second by Director Dean, the Board approved the warrants by unanimous voice vote (4-0)(Director Mann absent).**
16. Public Comment
Phyllis Martinez, Oceano resident from Duna Vista Mobile Home Park, discussed problems with rent control and being overcharged for Arroyo Grande Creek cleanup. GM O'Reilly told her he would get her a contact with the county for those two items.
17. Written Communication

**OCEANO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES**

WEDNESDAY

September 24, 2008

OCEANO

None

11. Adjourn to Executive Session

CLOSED SESSION – A closed session pursuant to Government Code Section 54956.9(b) was conducted to meet with agency's legal counsel concerning pending litigation. (Bookout v. State of California, et al.; San Luis Obispo County Superior Court Case #CV 060384)

CLOSED SESSION – A closed session pursuant to Government Code Section 54957(b)(1) was conducted to conduct the annual performance evaluation of the General Manager.

CLOSED SESSION – A closed session pursuant to Government Code Section 54957.6 was conducted to meet and confer with District's designated representative regarding compensation paid to its represented employees; the District's designated representative is Patrick O'Reilly.

District Legal Counsel Simas reported that the Board had voted unanimously in closed session to extend this meeting beyond the 10 pm deadline. He also reported that no action was taken during closed session.

The meeting was adjourned by President Hill at 11:02 pm.

Patrick O'Reilly, Secretary to the Board

**OCEANO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS SPECIAL MEETING MINUTES**

SUNDAY

September 28, 2008

OCEANO

The meeting was called to order by President Hill at 6:30 P.M.

1. Roll Call
Present: President Hill, Vice President Bookout, Director Dahl, Director Mann
Director Dean

Absent: None

Staff Present: Patrick O'Reilly, Secretary to the Board/ General Manager, Gina A. Davis, Deputy Secretary to the Board/ Administrative Assistant, Alex Simas, District Legal Counsel

Staff Absent: None
2. Flag Salute
President Hill led the flag salute.
3. Public Comment
Jeanette Padilla, Oceano business owner, made general comments.
4. Board Member Items/Discussion
None
5. Administrative Items
 - a. Recruitment of Interim General Manager and Permanent General Manager
GM O'Reilly presented some of the documentation used to in the last GM recruitment.

Concerning the recruitment for a permanent GM, there was general consensus:
 - that District staff would do the recruiting instead of hiring a professional recruiter;
 - that the Job Description and Job Announcement used for the last recruitment would be used for the current recruitment;
 - the entire Board would review all applicants and select those candidates to be interviewed;
 - the recruitment will be coordinated by the District Administrative Assistant so the Interim GM will not be excluded from applying for the permanent position;
 - there will be two interviews. The first conducted by a panel of experts not associated with the District (the last recruitment utilized the District Engineer, the GM of Nipomo CSD, and the City Managers from Arroyo Grande and Grover Beach – the City Manager from Pismo Beach could not attend). The second conducted by the District Board of Directors.
 - the recruitment will be "opened until filled" with an initial review of applications in about a month;
 - the current salary will be provided with a statement that the salary is "under review".

**OCEANO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS SPECIAL MEETING MINUTES**

SUNDAY

September 28, 2008

OCEANO

Concerning the recruitment of the Interim GM, there was general consensus:

- The GM will contact the following potential candidates: Bill Van Orden (previous GM of Templeton CSD), Harold Wright (financial analyst), Bob Mack (previous City Manager of Arroyo Grande), Ed Kreins (previous City Manager of Beverly Hills), Kit Carter (Wallace Group), and John Wallace (Wallace Group);
- The GM will contact other local CSDs for recommendations concerning possible candidates;
- A special meeting of the Board will be convened if necessary to hire an Interim GM before the current GM leaves

6. Board Member Items/Discussion
None

7. Public Comment
Mary Lucey, Oceano resident, made general remarks.

The meeting was adjourned by President Hill at 7:20 pm.

Patrick O'Reilly, Secretary to the Board

**OCEANO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS SPECIAL MEETING MINUTES**

MONDAY

October 6, 2008

OCEANO

The meeting was called to order by President Hill at 7:00 P.M.

1. Roll Call

Present: President Hill, Vice President Bookout, Director Dahl, Director Mann
Director Dean

Absent: None

Staff Present: Patrick O'Reilly, Secretary to the Board/ General Manager, Gina A. Davis, Deputy Secretary to the Board/ Administrative Assistant, Alex Simas, District Legal Counsel, Ryan Fothergill, District Legal Counsel

Staff Absent: None

2. Flag Salute

President Hill led the flag salute.

3. Public Comment

None

4. Board Member Items/Discussion

None

5. Executive Session

There was no public comment on the Executive Session. The Board adjourned to Closed Session at 7:03pm to consider two items. The Board met pursuant to Government Code 5457(b)(1) to consider the appointment or employment of a public employee. The position under consideration was Interim General Manager. The Board also met pursuant to Government Code 54957.6(a) to meet with the District's designated representative to discuss and provide direction to the representative regarding negotiations over the salary, salary schedules or other compensation paid to an unrepresented employee. The District's designated representative is General Manager Patrick O'Reilly.

The Board reconvened in Open Session at 9:58pm. District Legal Counsel Simas reported that the Board had met and interviewed four candidates for the position of Interim General Manager and provided direction to its designated representative concerning negotiating with a candidate for the position of Interim General Manager.

6. Board Member Items/Discussion

None

7. Public Comment

None

The meeting was adjourned by President Hill at 10:00 pm.

Patrick O'Reilly, Secretary to the Board



Oceano Community Services District

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October 22, 2008

TO: Kevin D. Walsh, Interim General Manager

FROM: Gina A. Davis, Administrative Assistant

SUBJECT: ITEMS TO BE DELIVERED SEPARATELY FROM THE AGENDA PACKET

Due to reduced resources and other circumstances beyond our control, the following items will be delivered on Monday, October 20, 2008:

Report of the Administrative Assistant

Report of the Utility Operations Supervisor

Warrants

Thank you for your patience and understanding.



Oceano Fire Department



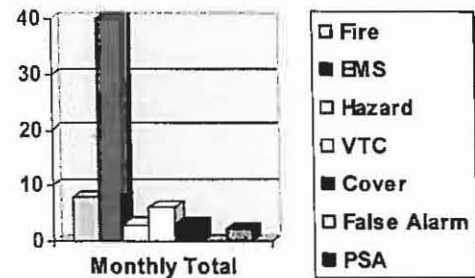
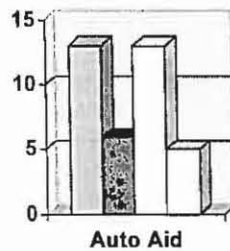
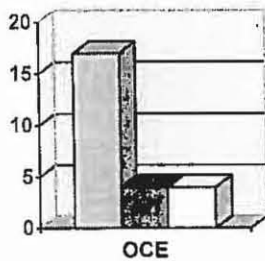
REPORT for September 2008

During the month of September, the department responded to a total of 62 calls. 25 were in Oceano, 13 were in Grover Beach, 6 were in Arroyo Grande, 13 were with Cal Fire and 5 on the beach. Of the 25 calls in Oceano, 17 were EMS related, 4 fire and 4 miscellaneous calls. This put the total as of this report to 570. At this time last year we were at 636.

The department responded to a vegetation fire near the sanitation district. The fire started in the early morning and was contained to approximately one quarter acre. Oceano assisted with salvage and overhaul on a garage fire in Grover Beach. Oceano assisted both Arroyo Grande and Cal Fire with vehicle accidents that required the use of extrication tools.

The three departments continue to work well together and completed training on CPR/AED and infection control. We also started training on Swift water rescue training.

The department is continuing the installation of the alley parking signs. The department has also reviewed several plans for new projects/developments and the department was involved with the funeral procession of Fallen Firefighter Ruben Palamaris.



AGENDA ITEM 10 22 2008 6. a. (3)



Oceano Community Services District

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October 22, 2008

TO: Board of Directors, OCSD

FROM: Kevin D. Walsh, Interim General Manager

SUBJECT: CLEANING AND INSPECTION OF DISTRICT SEWER AND WATER LINES

1. Public Contracts Code Section 22050(c)(1) requires that if the governing body orders any action after the emergency has been declared, the governing body shall review the emergency action at its next regularly-scheduled meeting and at every regularly-scheduled meeting thereafter until the action is terminated, to determine, by four-fifths vote, that there is need to continue the action.

THE RECOMMENDED ACTION BEFORE YOUR BOARD is to: by Board discussion, public comment, motion, second, and roll call vote, determine, by four-fifths vote, that there is a need to continue the action.


Agenda Item 10 22 2008 8.a.



SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

Post Office Box 339 Oceano, California 93475-0339
1600 Aloha Oceano, California 93445-9735
Telephone (805) 489-6666 FAX (805) 489-2765
<http://sslocsd.org/>

Staff Report

To: Board of Directors
From: John Wallace, District Administrator 
Date: October 15, 2008 Meeting
Subject: Update of 2001 District Recycled Water Study

Recommendation:

Staff recommends Board to proceed with an update of 2001 Water Recycling Feasibility Water Study if participating Member Agencies agree to reimburse the District for this work; alternatively the Board may decide the District should also participate in the cost.

Funding:

The Recycled Water Study will be funded by the participating Member Agencies and will not exceed \$15,000.00.

	To date	Proposed	Totals
Budget	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
Expenditures to date for Update to Recycled Water Study	\$ -	\$ -	\$ -
Remaining balance	\$ 15,000.00		\$ 15,000.00

Discussion:

In 2001, Staff completed a water recycling study under a State Water Recycling Program Grant. The study evaluated a variety of alternatives including secondary landscape irrigation for Caltrans ROW and cemetery, turf irrigation, stream augmentation, groundwater recharge and industrial reuse.

The study concluded that with the available market for recycled water, and associated capital and O&M costs to implement such a program, a water recycling program was costly compared to the cost of potable water. However, it was felt that "the door should never be closed" to recycled water opportunities, and that from time to time this opportunity should be re-visited.

Staff proposes to update the 2001 Water Recycling Feasibility Study Report as follows:

1. Update current wastewater flows and projected future build-out wastewater flows based on current SSLOCSD Long Range plan. This would include updated flow information from the City of Pismo Beach.
2. Collect and review available wastewater treatment plant effluent quality data, particularly with respect to key agronomic parameters including EC, TDS, Sodium, Chlorides and Boron.
3. Update turf and landscape market potential in the study area, and differentiate between those only needing secondary treatment and those requiring tertiary 2.2 treatment (high exposure to public).

AGENDA ITEM 10 22 2008 8.c.

- plan. Review viability of providing tertiary wastewater facilities in light of competing interests for plant foot print space from these referenced planning documents.
5. Provide a regulatory review and update of current groundwater recharge/banking requirements of the California Department of Public Health.
 6. Provide updated analysis of utilizing recycled water for direct crop irrigation. Incorporate findings of an active facility in the Monterey area by participating in the California Water Reuse conference on October 26th through 28th, including a tour of actual reuse sites and the Monterey Regional Water Pollution Control Plant. Include considerations of required public education and outreach programs required to implement such a program.
 7. Update alternatives for groundwater recharge and direct reuse of recycled water in light of CDPH guidelines and regulations. Include a cursory feasibility analysis of using recycled water for a seawater barrier to allow the additional pumping of fresh water from the groundwater basin for potable supply. The study will include recommendations for detailed hydrogeologic studies that may be necessary to fully implement such a groundwater recharge program.
 8. Review the Region 3 Regional Water Quality Board Basin Plan objectives in light of updated effluent water quality data, and re-assess viability of using tertiary effluent for stream augmentation in the Arroyo Grande Creek, to reduce the amount of fresh lake water that must be released from Lopez Dam for environmental protection of steelhead and other sensitive species.
 9. Update overall life cycle costs for the various updated alternatives for turf irrigation, groundwater recharge, seawater barrier, and stream augmentation.
 10. Provide a technical memorandum summarizing the findings of this updated recycled water study.

October 17, 2008

To: Kevin, GM *KN*

From: Phil, UOS

SUBJECT: REBUILT ENGINE FOR THE EMERGENCY GENERATOR

Two weeks ago we were operating the emergency generator at well #8 when one of the radiator hoses failed. The emergency generator is used to supply electricity, during power failures, to operate the District's largest well (#8) as well as to furnish electricity to the District Fire Station Office Complex and to the Sheriff's substation. The emergency generator has been used many times over the past 25 years. The bottom line is that the Rolls Royce engine burned up and will have to be replaced.

After many hours of assistance from Dan Gregory (DG Repair Shop) we have investigated numerous ideas on how best to solve the problems associated with this crisis and to ultimately get the emergency generator set back in service.

Most of the cost estimates we have investigated, that would solve our problem, seemed to us to be astronomical.

We found that cost estimates of a new generator set ranged from \$85,000.00 to \$220,000.00. The cost of used generator sets, were from \$50,000.00 to \$120,000.00 and the cost estimates of new engines were from \$35,000.00 to \$60,000.00.

After reviewing the above quotes, we are recommending that we replace the failed Rolls Royce engine with a used engine. Dan Gregory has located a rebuilt 400 HP Caterpillar motor. The motor is located in Castroville California and the asking price is \$12,500.00.

We feel that it is important to get our emergency generator set back in service. The District crew (with the assistance of Dan Gregory and Louie's Crane Service), have removed the failed Rolls Royce engine from the generator set. Dan Gregory has taken all of the necessary measurements and has removed the flywheel and adaptor plate from the generator set. He will be taking these items and measurements to Castroville in order to be certain that the motor will fit our installation before we go any further.


If everything looks OK to Dan, he will purchase the motor and proceed with the installation job. The funds for this job were not budgeted so we are requesting that the Board approve an expenditure of \$12,500.00 to purchase the rebuilt Caterpillar motor.

Oceano Community Services District

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October 22, 2008

TO: Board of Directors
Oceano Community Services District

FROM: Alexander F. Simas 
District Legal Counsel

SUBJECT: FIRST DRAFT OF PROPOSED DISTRICT CODE.

Background: In April, the District Board requested that my office commence codification of the District's ordinances and applicable resolutions. Because of anticipated timing issues, it was agreed that the work would commence in June. An interim status report was provided at the Board's June 15 meeting.

This report is to provide the Board with the first draft of the complete Code.

Procedures Used / Questions to be Answered: The project was commenced by analyzing the District's Ordinances and Resolutions to determine the broad categories of matters to be covered. A survey also was taken of other public agencies to determine how they organize their codes. This work along with substantially all the initial drafting was performed by Shawn Torres of my office.

In reviewing the attached draft, there are several overriding concepts to bear in mind and questions to be answered.

1. As you may expect this was a significant undertaking that required some judgment regarding organization and changes to make definitions and formatting consistent. While reconciling these matters, we have made every effort to faithfully maintain the original ordinances' substance.

At each Section's end, you will see a reference to the Ordinance from which the text comes so that you can compare the two. In doing so, please keep in mind that as the Code is organized, there are some old Ordinance parts that have been reassigned to different Code sections and some old Ordinance parts that later were amended out of existence.

2. We understand that the Board may want to reconsider some of the Code's underlying policy considerations or technical aspects. Unless there is some area of particular and immediate concern, we recommend that the Board approach this by adopting

the Code as a whole and then revisiting one or more chapters at a later time so that the adoption does not get unduly delayed.

3. There are several places in the Code where existing Ordinances either simply repeat existing state law or establish more restrictive requirements than are required by state law. Examples of these are:

a. Sections 1.02.40 and 1.02.50 carry forward existing Ordinance provisions establishing procedures for posting and adopting ordinances. They are generally in accordance with state law, but in some instances the adopted procedures are more restrictive, while in others they are less restrictive.

b. Section 1.02.120 requires the District to bid equipment and supply purchases “. . . when the cost of such purchases exceeds \$5,000 or the maximum allowable by the State, whichever is greater.” The state limit is considerably higher.

In each of these and all other similar cases we recommend a change to simply say that various items shall be handled in accordance with State law.

4. Section 2.01.200 carried forward an unrepealed provision of Ordinance 1985-3 calling for a plan detailing pay ranges and steps, “. . . accepted separately by the Board and appended to these policies and procedures to form an Employee Handbook.”

It is clear that the original Ordinance contemplated a complete set of policies and procedures and a handbook. Clearly over these past 23 years those have evolved and best practices generally do not call for codifying these types of matters. We recommend that these Code Sections be modified to simply provide that the Board will adopt a payment and compensation plan and employee handbooks from time to time, by resolution, and as circumstances warrant.

5. Code Sections 4.20.120 and 4.20.130 reference procedures to impose a lien for payment of District water service charges. Original Ordinance 2006-01 referred to Government Code Sections 61621.1 and 61621.2 which have since been repealed and replaced with Government Code Section 61115. The District Code Sections included reference the new Government Code Section.

6. The District administrative staff should carefully review the Code to assure that all the provisions containing fees and charges have the latest schedules inserted. (Example: Section 5.03.40 related to garbage collection)

7. In reviewing the Code, you almost certainly will find some typographical errors and perhaps some inconsistencies. We invite you to bring these to our attention for

explanation or correction.

There also are locations where the text sometimes formatted using left justification and other times it is formatted using full justification. Those items, along with realigning some tables will be reconciled in the final draft.

What to do Next: The Board's next step on this project could be one or several actions.

1. The Board could provide staff with direction on the minimal matters referenced above and to bring the matter back with a formal ordinance adopting the Code for first reading at the next meeting. Adoption could be followed by later Board action reviewing various Code elements for amendment, either directly or through the Board's committee structure.

2. The Board could undertake a detailed review of the proposed Code at one or more future meetings and provide direction to staff to bring back revisions before formal adoption.

3. The Board could direct that a regular or ad hoc Board committee or an ad hoc citizen committee undertake a detailed review of the proposed Code with direction to bring proposed changes to the Board for review before formal adoption.

**EXHIBIT "A" TO
BOARD REPORT RE DISTRICT ORDINANCE AND
RESOLUTION CODIFICATION PROJECT**

DISTRICT CODE — DRAFT #1

[District Code — Draft #1 follows on the next page.]

EXHIBIT "A"

ROUGH DRAFT #1
October 22, 2008
Review only. Final to follow.

OCEANO COMMUNITY SERVICES DISTRICT CODE

A codification of the general ordinances and applicable resolutions
of the Oceano Community Services District

Codified, indexed and published by

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 APPENDIX A.....	 A

TITLE 1 GENERAL PROVISIONS

Chapters:

1.01 Definitions.

1.02 General Provisions.

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CHAPTER 1.01 DEFINITIONS

Sections:

1.01.10	Definition Application.
1.01.20	Applicant.
1.01.30	Board.
1.01.40	Building.
1.01.50	Building Sewer.
1.01.60	Contractor.
1.01.70	Customer.
1.01.80	District.
1.01.90	District Engineer.
1.01.100	Engineer.
1.01.110	General Manager.
1.01.120	Lateral.
1.01.130	Manager.
1.01.140	Owner.
1.01.150	Permit.
1.01.160	Person.
1.01.170	Public.
1.01.180	Service Connection.
1.01.190	Sewer.
1.01.200	Standards and Specifications.
1.01.210	Shall and May.

1.01.10 **Definition Application.** The definitions given in this chapter, unless otherwise specified, shall be used to interpret this Code, and all succeeding ordinances, resolutions and amendments thereto. (Ord. 1984-2, Art. 1, § 1-1)

1.01.20 **Applicant.** Means a person making application for a water or sewer service connection or fire permit. (Ord. 1984-2, Art. 1, § 1-2)

1.01.30 **Board.** Means the Board of Directors of Oceano Community Services District. (Ord. 1984-2, Art. 1, § 1-3)

1.01.40 **Building.** Means any structure, containing any plumbing fixtures or sanitary facilities, used for human habitation, business for commercial or industrial activity, recreation, public use or other purpose. (Ord. 1984-2, Art. 1, § 1-4)

1.01.50 **Building Sewer.** Means that portion of any sewer beginning at the plumbing or drainage outlet of any building and extending to the property line. (Ord. 1984-2, Art. 1, § 1-5)

1.01.60 **Contractor.** Means any individual, firm, corporation, partnership or association duly licensed by the State of California to perform the type of work to be done under a permit. (Ord. 1984-2, Art. 1, § 1-6)

1.01.70 **Customer.** Means any person who uses or benefits from services provided by the District. This term includes tenants and lessees as well as owners. (Ord. 1984-2, Art. 1, § 1-7)

- 1.01.80** **District.** Means the Oceano Community Services District. (Ord. 1984-2, Art. 1, § 1-8)
- 1.01.90** **District Engineer.** Means a registered civil engineer or engineering firm engaged by the District to act on the District's behalf on technical matters. (Ord. 1984-2, Art. 1, § 1-9)
- 1.01.100** **Engineer.** Means a registered civil engineer licensed by the State of California. (Ord. 1984-2, Art. 1, § 1-10)
- 1.01.110** **General Manager.** Means the District General Manager. (Ord. 1984-2, Art. 1, § 1-11)
- 1.01.120** **Lateral.** Means the sanitary sewer line from the public sewer main to the property line. (Ord. 1984-2, Art. 1, § 1-12)
- 1.01.130** **Manager.** See General Manager. (Ord. 1984-2, Art. 1, § 1-13)
- 1.01.140** **Owner.** Means the property owner, the holder of legal title to the property or one who is legally authorized to represent the title holder. (Ord. 1984-2, Art. 1, § 1-14)
- 1.01.150** **Permit.** Means any written authorization required in order to receive service or permission to perform certain acts pursuant to the rules and regulations detailed herein. (Ord. 1984-2, Art. 1, § 1-15)
- 1.01.160** **Person.** Means any individual, partnership, committee, association, corporation, public agency, or other organization or group of persons, public or private. (Ord. 1984-2, Art. 1, § 1-16)
- 1.01.170** **Public Sewer.** Means a sewer, other than a sewer lateral, that the District operates and maintains. (Ord. 1984-2, Art. 1, § 1-17)
- 1.01.180** **Service Connection.** Means that portion of the sewer or water piping from the public main to the property line. A sewer lateral is synonymous with sewer service connection. (Ord. 1984-2, Art. 1, § 1-18)
- 1.01.190** **Sewer.** Means a sanitary sewer and all associated appurtenances. (Ord. 1984-2, Art. 1, § 1-19)
- 1.01.200** **Standards and Specifications.** Means the technical provisions compiled and adopted, under separate instrument, by the District relating to sewer and water construction. (Ord. 1984-2, Art. 1, § 1-20)
- 1.01.210** **Shall and May.** Shall is mandatory and may is permissive. (Ord. 1984-2, Art. 1, § 1-21)

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CHAPTER 1.02 GENERAL PROVISIONS

Sections.

1.02.10	Code Adoption.
1.02.20	Severability.
1.02.30	Ordinance Adoption Policy.
1.02.40	Posting of Ordinance.
1.02.50	Reading, Alterations, and Waiting Period.
1.02.60	Rates and Fees.
1.02.70	Penalties.
1.02.80	Operating Fund.
1.02.90	Capital Improvement Funds.
1.02.100	Standards and Specifications.
1.02.110	Purchasing Procedures.

1.02.10 **Code Adoption.** The Code as detailed herein is adopted and all work done in respect to these rules and regulations shall be performed as required and not otherwise. (Ord. 2008-__, §__)

1.02.20 **Severability.** If any section, subsection sentence, clause, or phrase of this Code, for any reason, is found to be invalid or unconstitutional, such findings shall not affect the remaining portions of this Code.

The Board hereby declares that it would have passed this Code by section, subsection, sentence, clause or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases are declared invalid or unconstitutional. (Ord. 1984-2, Art. 2, §2-2)

1.02.30 **Ordinance Adoption Policy.** All Ordinances shall become effective 30 days from the date of final passage, except the following type of Ordinance, which shall take effect immediately.

- a. Those calling or otherwise relating to an election.
- b. Those specifically required by law to take immediate effect.
- c. Those fixing the amount of money to be raised by taxation, or the rate of taxes to be levied.
- d. Those for the immediate preservation of the public peace, health, or safety, which shall contain a declaration of the facts constituting the urgency, and shall be passed by a four-fifth vote of the Board.

(Ord. 1984-2, Art. 2, §2-6)

1.02.40 **Posting of Ordinance.** Before the expiration of fifteen (15) days after the passage of an ordinance it shall be posted in three (3) public places with the names of the Directors voting for and against the ordinance, and shall remain posted thereafter for at least one week. A certificate of the clerk or order entered in the Board minutes that the ordinance has been duly posted is prima facie proof of the posting. (Ord. 1984-2, Art. 2, §2-6b)

1.02.50 **Reading, Alterations, and Waiting Period.** Ordinances shall not be passed within five (5) days of their introduction, nor at other than a regular meeting or at an adjourned regular meeting. However, an urgency ordinance may be passed immediately upon introduction and either at a regular or special meeting. All ordinances shall be read in full either at the time of introduction or passage, except, when adopted by unanimous vote of the Board by the directors present. When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at a regular or at an adjourned regular meeting held at least five (5) days after alteration. Corrections of typographical or clerical errors are not alterations within the meaning of this section. This section shall not apply to ordinances which by statute can be passed only after notice and a public hearing. (Ord. 1984-2, Art. 2, §2-6c)

1.02.60 **Rates and Fees.** Rates, fees and charges assigned and collected and the terms, provisions and conditions to be effective respecting such rates for any service performed or provided by the District shall be fixed and established by the Board by separate ordinance. (Ord. 1984-2, Art. 2, §2-15)

1.02.70 **Penalties.** Any violation of this Ordinance shall be cause for the Board to apply such penalties as may be provided for by law or to take any other action which the Board deems appropriate, including the discontinuance of services. (Ord. 1984-2, Art. 2, §2-16)

1.02.80 **Operating Funds.** Each enterprise fund for operation and maintenance of District services shall receive all monies from inspection, plan check fees and service charges and miscellaneous revenue associated with that fund's service.

Such operation and maintenance services shall include but are not limited to facility repairs, supplies, tools, spare parts, chemicals, salaries, equipment such as maintenance vehicles, portable pumps and various other fixed assets and equipment, training of personnel, dues to organizations, and administration overhead.

From time to time the Board may authorize transfer of revenues detailed in this section to a capital improvement fund. (Ord. 1984-2, Art. 2, § 2-44)

1.02.90 **Capital Improvement Funds.** At the Board's discretion, each operating fund may also be identified with a corresponding capital improvement fund. These funds shall receive all monies from connection and annexation fees, interest on capital funds, front footage fees and any revenue from the operating fund associated with a given service.

The monies so received shall be used only for capital improvements such as, but not limited to: enlarging the water supply system, installing larger pumps or lift stations, service main improvements, paying for engineering, administration, and all salaries and costs associated with this type of work.

Nothing in this section prevents the Board from authorizing capital improvement fund expenditures to repair damage caused by a catastrophic event where the community's health is endangered and when other funds are not available. (Ord. 1984-2, Art. 2, § 2-45)

1.02.100 **Supersession.** All ordinances and parts of ordinances insofar as they are in conflict with the provisions of this Code are hereby repealed. (Ord. 1984-2, Art. 2, §2-49)

1.02.110 **Standards and Specifications.** District shall adopt by resolution a set of standards and specifications as defined in section 1.01.200. (Ord. 1984-2, Art. 2, §2-50)

1.02.120 **Purchasing Procedures.** When purchasing equipment or supplies, the District shall call for bids when the cost of such purchases exceeds \$5,000 or the maximum allowable by the State, whichever is greater. When bids are called for, District shall award the contract to the lowest responsible bidder. The District reserves the right to reject any and all bids for cause, and may then call for new bids. (Ord. 1985-1, § 1)

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TITLE 2 ADMINISTRATION AND PERSONNEL

Chapters:

- 2.01 Definitions.
- 2.02 General Policy.
- 2.03 Selection and Placement.
- 2.04 Performance.
- 2.05 In-Service Personnel Transactions.
- 2.06 Disciplinary Action.
- 2.07 Separation from District Service.
- 2.08 Grievance Procedure.
- 2.09 Payment and Compensation Plan.
- 2.10 Fringe Benefits.
- 2.11 Safety and Accident Prevention.
- 2.12 Uncovered Situations.

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CHAPTER 2.01 DEFINITIONS

Sections:

2.01.10	Acting Employee.
2.01.20	Anniversary Date.
2.01.30	Confidential Position.
2.01.40	Continuous Service.
2.01.50	Corrective Action Plan.
2.01.60	Demotion.
2.01.70	Disciplinary Actions.
2.01.80	Dismissal.
2.01.90	Elected Positions.
2.01.100	Employee.
2.01.110	Exempt Employee.
2.01.120	Full-Time Position.
2.01.130	Immediate Family.
2.01.140	Incentive Pay.
2.01.150	Intern Position.
2.01.160	Layoff.
2.01.170	Leave of absence.
2.01.180	Merit Increase.
2.01.190	Part-Time Position.
2.01.200	Payment and Compensation Plan.
2.01.210	Performance Standards.
2.01.220	Position.
2.01.230	Premium Pay.
2.01.240	Probationary Period.
2.01.250	Provisional Position.
2.01.260	Promotion.
2.01.270	Reclassification.
2.01.280	Regular Pay Rate.
2.01.290	Regular Working Day.
2.01.300	Specific Employment Position.
2.01.310	Suspension.
2.01.320	Temporary Position.
2.01.330	Tenured Status.
2.01.340	Transfer.
2.01.350	Voluntary Demotion.
2.01.360	Work Experience Position.

2.01.10 **Acting Employee.** Means an employee performing the duties of a given tenured position on a temporary basis, and until formal recruitment procedures have come to a conclusion. (Ord. 1985-3, Part 4, Art. 1 § 1-1)

2.01.20 **Anniversary Date.** Means the annual date established as the month and day an employee successfully completes the six (6) month probationary period. The employee's anniversary date is not effected by an authorized leave of absence. (Ord. 1985-3, Part 4, Art. 1 § 1-2)

2.01.30 **Confidential Position.** Means a position so designated by the Board that has access to privileged and confidential information relating to District administration, employer-employee relations and other personnel matters. The employee's access to such confidential matters shall be strictly limited to the areas of work in which each individual position is normally engaged. (Ord. 1985-3, Part 4, Art. 1 § 1-3)

2.01.40 **Continuous Service.** Means uninterrupted employment with the District from the effective date of employment, except by authorized absence with or without pay. (Ord. 1985-3, Part 4, Art. 1 § 1-4)

2.01.50 **Corrective Action Plan.** Means a plan approved by the General Manager to rectify or improve substandard performance as indicated by evaluation. (Ord. 1985-3, Part 4, Art. 1 § 1-5)

2.01.60 **Demotion.** Means an employee's involuntary position change to a lower paying position. (Ord. 1985-3, Part 4, Art. 1 § 1-6)

2.01.70 **Disciplinary Actions.** Means a demotion, dismissal, suspension, pay reduction, letter of warning or reprimand. (Ord. 1985-3, Part 4, Art. 1 § 1-7)

2.01.80 **Dismissal.** Means an involuntary termination of employment with the District for disciplinary reasons. (Ord. 1985-3, Part 4, Art. 1 § 1-8)

2.01.90 **Elected Positions.** Means those positions filled by popular vote or by appointment pending the next scheduled election. (Ord. 1985-3, Part 4, Art. 1 § 1-9)

2.01.100 **Employee.** Means any person legally occupying a position in the District's service. (Ord. 1985-3, Part 4, Art. 1 § 1-10)

2.01.110 **Exempt Employee.** Means employees designated as executive, administrative or professional. Exempt employees are expected to complete their assigned duties rather than adhere to a strict workday schedule. Consequently, no overtime or compensatory time will be provided for working beyond a forty (40) hour work week. (Ord. 1985-3, Part 4, Art. 1 § 1-11)

2.01.120 **Full-Time Position.** Means any position, approved by the Board, in which an employee works a continuing, year-round shift of thirty-five (35) or more hours per work week. (Ord. 1985-3, Part 4, Art. 1 § 1-12)

2.01.130 **Immediate Family.** Means a spouse, parent, child, or grandchild and corresponding relatives by marriage. (Ord. 1985-3, Part 4, Art. 1 § 1-13)

2.01.140 **Incentive Pay.** Means a salary increase of up to 7.5% that recognizes individual employee performance which consistently exceeds the standards normally associated with job performance and significantly contributes to the District's efficient and effective operation. The limits and requirements of this action are further detailed herein. (Ord. 1985-3, Part 4, Art. 1 § 1-14)

2.01.150 **Intern Position.** Means a temporary nonpaying position provided for the educational benefit of the intern employee and administered in conjunction with an accredited educational facility. (Ord. 1985-3, Part 4, Art. 1 § 1-15)

2.01.160 **Layoff.** Means a termination of service because of organizational changes, lack of work, lack of funds, or other reasons not reflecting discredit upon the employee. (Ord. 1985-3, Part 4, Art. 1 § 1-16)

2.01.170 **Leave of Absence.** Means permission to be absent from duty without pay for a specified period and purpose. (Ord. 1985-3, Part 4, Art. 1 § 1-17)

2.01.180 **Merit Increase.** Means that periodic increase in salary that is based on performance and duration of employment in any given position. (Ord. 1985-3, Part 4, Art. 1 § 1-18)

2.01.190 **Part-Time Position.** Means a position, approved by the Board, in which an employee works a continuing, year round shift averaging fifteen (15) hours or more per week. All such employees are entitled to vacation and sick leave according to a formula adopted by the Board. (Ord. 1985-3, Part 4, Art. 1 § 1-19)

2.01.200 **Payment and Compensation Plan.** Means a plan detailing the pay ranges and steps, and the specifics of employee compensation. The plan is accepted separately by the Board and appended to these policy and procedures to form an Employee Handbook. (Ord. 1985-3, Part 4, Art. 1 § 1-20)

2.01.210 **Performance Standards.** Means standards which stipulate what is expected of an employee in fulfilling the position's duties. Standards are expressed in terms of quantity, quality, or manner of performance. (Ord. 1985-3, Part 4, Art. 1 § 1-21)

2.01.220 **Position.** Means a seat of employment approved by the Board and defined by a special set of duties on file at the District office that requires full-time or part-time employment. (Ord. 1985-3, Part 4, Art. 1 § 1-22)

2.01.230 **Premium Pay.** Means a pay rate which compensates employees for time worked at one and one-half (1.5) or the regular pay rate, or more. The regular pay rate shall not include premium pay. (Ord. 1985-3, Part 4, Art. 1 § 1-22)

2.01.240 **Probationary Period.** Means an introductory period regarded as part of the examination process which provides the General Manager the opportunity to observe and evaluate an employee's competence and ability to perform assigned duties. District employee shall be regarded as a probationary employee for the first 365 calendar days of employment. Probationary employees serve entirely at the will and pleasure of the General Manager and may be terminated by the General Manager without cause and without right of appeal or hearing at any time. (Res. 1997-7(1))

2.01.250 **Provisional Position.** Means a temporary appointment in which a position is filled on a full-time basis for which an employee is awaiting certification from an eligibility list or completion of hiring procedures. In no instance will an employee be in provisional status for more than six (6) months unless approved by the Board. (Ord. 1985-3, Part 4, Art. 1 § 1-25)

2.01.260 **Promotion.** Means a change of position for an employee to a higher salary range. (Ord. 1985-3, Part 4, Art. 1 § 1-26)

2.01.270 **Reclassification.** Means, as approved by the Board, a significant change in a position's duties and responsibilities. A reclassification downward does not affect an employee's anniversary date. In a reclassification upward, the anniversary date is changed to the date the Board approves the reclassification. (Ord. 1985-3, Part 4, Art. 1 § 1-27)

2.01.280 **Regular Pay Rate.** Means the hourly rate actually paid an employee for the normal, non-premium work time performing the duties for which the District employed that employee. (Ord. 1985-3, Part 4, Art. 1 § 1-28)

2.01.290 **Regular Working Day.** Means the day generally defined as Monday through Friday, 8:00 A.M. until 5:00 P.M., excluding holidays, for office staff, and 7:30 A.M. until 4:00 P.M. with a half-hour break for lunch as regular working hours for field personnel. A regular workday may also be the average hours spent each working day. Nothing in this definition shall prevent the General Manager from authorizing flexible work schedules. (Ord. 1985-3, Part 4, Art. 1 § 1-29)

2.01.300 **Specific Employment Position.** Means a full-time position employed to perform and complete a specific task. Once the task is completed, the employee is terminated. An employee may occupy specific status for at least one (1) year to a maximum of three (3) years. (Ord. 1985-3, Part 4, Art. 1 § 1-30)

2.01.310 **Suspension.** Means an employee's temporary separation from District service with or without pay for disciplinary purposes. (Ord. 1985-3, Part 4, Art. 1 § 1-31)

2.01.320 **Temporary Position.** Means a position intended to be occupied on less than a year-round basis to cover seasonal peak work loads, unanticipated work loads of a limited duration, normal vacation and sick leave relief, and other situations involving a fluctuating staff. Temporary positions are paid on an hourly basis with no other District benefits. (Ord. 1985-3, Part 4, Art. 1 § 1-32)

2.01.330 **Tenured Status.** Means the status achieved when an employee successfully completes a probationary period. A tenured employee may be discharged for cause. (Ord. 1985-3, Part 4, Art. 1 § 1-33)

2.01.340 **Transfer.** Means, at the General Manager's discretion, a change of an employee from one position to another with the same or comparable duties. (Ord. 1985-3, Part 4, Art. 1 § 1-34)

2.01.350 **Voluntary Demotion.** Demotion performed at the employee's request. This is not a disciplinary action. (Ord. 1985-3, Part 4, Art. 1 § 1-35)

2.01.360 **Work Experience Position.** Means a temporary position which is designed to provide job training to persons who might not otherwise be able to compete in the labor market for regular positions, or a position established to give temporary on-the-job training for full-time students. (Ord. 1985-3, Part 4, Art. 1 § 1-36)

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CHAPTER 2.02 GENERAL POLICY

Sections:

2.02.10 General Policy.

2.02.10 General Policy. It is the District's policy to employ the best qualified individuals available. Employee selection, promotion, and advancement shall be determined on individual merit as identified through performance and examinations. In return for competent and faithful service, the District affirms that its employees are entitled to reasonable security of tenure as well as fair and dependable compensation. The District's acts and decisions regarding selection and compensation of individuals under its employ shall be based on the policies and procedures established in this Title. In addition, the District affirms that it will not discriminate because of age, race, religious creed, sex, color, national origin, marital status, ancestry, physical handicap or mental condition. (Ord. 1985-3, Part 4, Art. 2 § 2-1)

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CHAPTER 2.03 SELECTION AND PLACEMENT

Sections:

- 2.03.10 **Vacancy, Other than Fire Chief.**
- 2.03.20 **Announcement.**
- 2.03.30 **Examination.**
- 2.03.40 **Certification.**
- 2.03.50 **Choice of Eligibles.**
- 2.03.60 **Physical Examination.**
- 2.03.70 **Application Restrictions.**
- 2.03.80 **Verification.**
- 2.03.90 **Personnel Action Form.**
- 2.03.100 **Temporary and Volunteer Personnel Working in Non-Tenured Full-Time Positions.**
- 2.03.110 **Selection/Filing the Fire Chief Position.**

2.03.10 **Vacancy, Other than Fire Chief.** When a vacancy occurs, or a position approved by the Board needs to be filled, the General Manager shall prepare in writing a proposed position description for newly authorized positions, and desired recruiting plan. The General Manager will authorize the filling of all positions with the exception of the Fire Chief position. For Fire Chief position, refer to section 2.03.110. (Ord. 1988-3, § 2)

2.03.20 **Announcement.** The position shall be posted for no less than one week. The announcement shall indicate title, nature of work, desired training, education, and experience, and when and where to apply. The position shall remain open for at least one week. In cases of promotion refer to section 2.04.90. (Ord. 1985-3, Part 4, Art. 3 § 3-2)

2.03.30 **Examination.** The General Manager shall determine the type(s) (written, oral, performance, physical) of examination(s) for each position, and the examination(s) shall be administered by the General Manager or his designee. (Ord. 1985-3, Part 4, Art. 3 § 3-3)

2.03.40 **Certification.** The supervisor of the vacant position shall screen and certify eligible applicants. (Ord. 1985-3, Part 4, Art. 3 § 3-4)

2.03.50 **Choice of Eligibles.** The General Manager shall hire from the list of certified eligibles. (Ord. 1985-3, Part 4, Art. 3 § 3-5)

2.03.60 **Physical Examination.** All new employees shall be required to have a physical examination, to include any test directed by the examining physician. The examination may be given by the employee's own doctor at employee expense, or designated District medical personnel at District expense, excluding laboratory test(s). If the examining physician determines that a disability risk or other medical problem exists which could interfere with reasonable performance of the employee's job, the General Manager and the employee will meet and develop a Corrective Action Plan. To continue employment, the employee must comply with the terms of the Corrective Action Plan, and prior to the conclusion of the probationary period, the employee shall submit evidence from a physician which indicates that the potential disability or other medical problem is not a hindrance to the successful performance of the employee's job. In all instances where the examining physician determines that uncorrectable medical problems which would unduly affect job performance exist, employment will be terminated. Reasonable

accommodations shall be made for otherwise handicapped candidates. (Ord. 1985-3, Part 4, Art. 3 § 3-5)

2.03.70 **Application Restrictions.** An applicant will not be considered for any non-elective position who:

- a. Is a member of a Director's immediate family.
- b. Has a member of his/her immediate family already employed with the District. (Ord. 1985-3, Part 4, Art. 3 § 3-7)

2.03.80 **Verification** The successful job applicant may be fingerprinted before employment and all statements submitted on the employment application or attached resume shall be subject to verification. (Ord. 1985-3, Part 4, Art. 3 § 3-8)

2.03.90 **Personnel Action Form.** Every appointment, promotion, transfer, demotion, step increase, longevity increase, suspension without pay, separation from service, or any information or action which affects the salaried status of an employee shall be initiated by the General Manager on a Personnel Action Form. (Ord. 1985-3, Part 4, Art. 3 § 3-9)

2.03.100 **Temporary Personnel Working in Non-Tenured Full-Time Positions.** When a temporary, volunteer, or a non-tenured full-time position is made a tenured position by the Board, the employee occupying that position may be appointed by the General Manager without initiating the routine announcement or examination procedures, provided that employee has served at least three months in that position. Any time served may also be counted toward fulfilling the probationary requirements. (Ord. 1985-3, Part 4, Art. 3 § 3-10)

2.03.110 **Selection/Filling the Fire Chief Position.** When a vacancy occurs, the following procedures will be followed:

- a. The Board's President shall appoint a search committee.
- b. The Search Committee shall advertise, receive applications, review and interview applicants for the position.
- c. The Search Committee shall recommend no more than five (5) applicants to the Board.
- d. The Board shall make the Fire Chief selection from the Search Committee recommendations. (Ord. 1988-3, § 2)

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CHAPTER 2.04 PERFORMANCE

Sections:

2.04.10	General Requirements.
2.04.20	Evaluation.
2.04.30	Evaluation Report.
2.04.40	Corrective Action Plan.
2.04.50	Probationary Period.
2.04.60	Office Hours.
2.04.70	Merit Increases.
2.04.80	Attendance.
2.04.90	Promotions.

2.04.10 **General Requirements.** In order to maintain a high level of service to Oceano's residents, each employee is expected to perform up to his/her position's minimum performance standards. (Ord. 1985-3, Part 4, Art. 4 § 4-1)

2.04.20 **Evaluation.** Each employee's performance shall be evaluated as of the employee's anniversary date by that employee's immediate supervisor, who then will submit that evaluation to the General Manager not less than one (1) week before the anniversary date. (Ord. 1985-3, Part 4, Art. 4 § 4-2)

2.04.30 **Evaluation Report.** The General Manager may request or perform an evaluation report on any employee's performance at any time. (Ord. 1985-3, Part 4, Art. 4 § 4-3)

2.04.40 **Corrective Action Plan.** The General Manager may request a Corrective Action Plan be prepared to provide clear direction to an employee whose performance is substandard. (Ord. 1985-3, Part 4, Art. 4 § 4-4)

2.04.50 **Probationary Period.** An Introductory period regarded as part of the examination process, which provides the General Manager the opportunity to observe and evaluate an employee's competence and ability to perform assigned duties. District employee shall be regarded as a probationary employee for the first 365 calendar days of employment. Probationary employees serve entirely at the will and pleasure of the General Manager and may be terminated by the General Manager without cause and without right of appeal or hearing at any time. (Res. 1997-7(2))

2.04.60 **Office Hours.** Except as otherwise designated by the Board, regular office hours are from 8:00 A.M. to 5:00 P.M. Monday through Friday. (Ord. 1985-3, Part 4, Art. 4 § 4-6)

2.04.70 **Merit Increases.** The conferring of a merit increase must be approved by the General Manager. It is presumed that most employees' productivity will increase as the employee becomes familiar with his/her duties. Consequently, review periods for merit increases will usually come at:

- a. End of the six (6) month probationary period.

b. At each anniversary date thereafter until the employee has reached the maximum merit step of the position he/she occupies.

However, it is the supervisor's right and obligation to defer any such merit increase if the supervisor finds the employee's performance is less than satisfactory or worse. (Ord. 1985-3, Part 4, Art. 4 § 4-7)

2.04.80 Attendance. Employees are expected to work a complete designated work day. Tardiness shall be cause for disciplinary action. If an employee cannot report for work, then that employee is expected to notify his/her immediate supervisor within two hours after the time the work day should have begun. (Ord. 1985-3, Part 4, Art. 4 § 4-8)

2.04.90 Promotions. It shall be the District's general policy to fill job vacancies by promotion from within the organization when the District's best interest is served. The General Manager may promote an employee without normal announcement or examination procedures under the following circumstances:

a. A previously authorized position becomes vacant and a qualified District employee is on a standing eligibility list.

b. A previously authorized position becomes vacant and an employee is not on an eligibility list, but has an above standard performance record.

With the exception of situations covered by this section all newly created positions shall be filled through the routine selection procedures. (Ord. 1985-3, Part 4, Art. 4 § 4-9)

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CHAPTER 2.05 IN-SERVICE PERSONNEL TRANSACTIONS

Sections:

- 2.05.10 **General.**
- 2.05.20 **Promotion.**
- 2.05.30 **Demotion.**

2.05.10 General. This Chapter's purpose is to provide an orderly method to control and effect District personnel career movements. (Ord. 1985-3, Part 4, Art. 6 § 6-1)

2.05.20 Promotion. It shall be the District's general policy to fill job vacancies by promotion from within the organization if the General Manager determines that the District's best interests are served. (Ord. 1985-3, Part 4, Art. 6 § 6-2)

2.05.30 Demotion.

a. An employee may be demoted to a lower salary range or to another position paying a lower salary upon the employee's written request and the General Manager's approval. Such demotions shall be known as voluntary demotions, and shall be noted on all official records.

b. An employee serving a probationary period may request a voluntary demotion and, upon the General Manager's approval, shall be demoted to a vacant position for which he/she qualifies. If the demotion results in:

1. A lower paying position not previously occupied by the employee, his/her probationary period shall be a continuation of the probationary period spent at the higher level.

2. A return to a former position from which the employee had been promoted, in which case, the employee shall not be required to serve a new probationary period.

c. An employee with tenured status may request a voluntary demotion. If the General Manager deems it appropriate, a new probationary period may not be required.

d. Involuntary Demotions: The General Manager may demote an employee to a lower salary range or position for which he/she is qualified or reclassify the position to a lower paying position when the employee does not demonstrate the capacity to adequately perform the duties at the higher level. When such an action occurs, the General Manager shall supply in writing to the affected employee, the specific reasons and rationale for the involuntary demotion. This written documentation shall take place at least five (5) days prior to the involuntary demotion's effective date. (Ord. 1985-3, Part 4, Art. 6 § 6-3)

CHAPTER 2.06 DISCIPLINARY ACTION

Sections:

- 2.06.10 **General.**
- 2.06.20 **Grounds for Discipline.**
- 2.06.30 **Written Warning.**
- 2.06.40 **Negative Evaluations or Written Warnings.**
- 2.06.50 **Content of Warning**
- 2.06.60 **Mailing of Notices.**

2.06.10 **General.** The following measures are part of the disciplinary process: warning, reprimand, suspension with or without pay, dismissal, demotion, or reduction in pay. The General Manager may discipline any employee for cause. (Ord. 1985-3, Part 4, Art. 7 § 7-1)

2.06.20 **Grounds for Discipline.** The following are grounds for discipline:

- a. Discourteous treatment of the public or fellow employees
- b. Drinking of intoxicating beverages or use of illegal or non-prescribed drugs on the job, or arriving on the job under the influence of such beverages or drugs.
- c. Habitual absence or tardiness.
- d. Abuse of sick leave.
- e. Disorderly conduct.
- f. Incompetency or inefficiency.
- g. Being wasteful of material, property, or working time.
- h. Violation of any lawful or reasonable regulation or order made and given by an employee's supervisor; insubordination.
- i. Neglect of duty.
- j. Dishonesty.
- k. Misuse of District property.
- l. Willful disobedience.
- m. Conduct unbecoming a District employee.

(Ord. 1985-3, Part 4, Art. 7 § 7-2)

2.06.30 **Written Warning.** All disciplinary acts will be accompanied by a warning letter to the employee stating the reasons and grounds for such discipline. The employee must acknowledge receipt of the warning by signing the letter at the time of presentation: which signature signifies only the document's receipt, not necessarily agreement to the contents. The

employee may, before the next regular working day's conclusion, respond in writing to the warning letter's contents. (Ord. 1985-3, Part 4, Art. 7 § 7-3)

2.06.40 **Negative Evaluations or Written Warnings.** All negative evaluations or warning letters shall remain part of the employee's personnel file. Negative evaluation shall not be used by the General Manager in decisions to dismiss if the performance has improved or the action which merited a warning has not recurred. each both for a period of at least one (1) year. (Ord. 1985-3, Part 4, Art. 7 § 7-4)

2.06.50 **Warning Contents:** Any disciplinary action which may result in suspension without pay shall be set forth in writing to the employee at least five (5) working days before the proposed effective date or dates. This notice shall be prepared by the General Manager after consultation with District Legal Counsel and shall contain the following:

- a. A description of the proposed action and its effective date or dates, and the ordinance, regulation, or rule violated.
- b. A statement of the acts or omissions upon which the action is based.
- c. A statement that a copy of the materials upon which the action is based is attached or available for inspection upon request.
- d. A statement advising the employee of the right to request a hearing as provided in section 2.07.50 of this Title.
- e. A date by which time the employee must respond in writing if he/she wishes to contest the action.

2.06.60 **Notice Mailing.** All notices of proposed action shall be personally served or be mailed by certified mail, return receipt requested, to the employee's last known address. (Ord. 1985-3, Part 4, Art. 7 § 7-5)

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CHAPTER 2.07 SEPARATION FROM DISTRICT SERVICE

Sections:

- 2.07.10 **Resignation.**
- 2.07.20 **Layoffs.**
- 2.07.30 **Employee Dismissal.**
- 2.07.40 **Dismissal Notice.**
- 2.07.50 **Procedures for Disciplinary Actions and Dismissal of Tenured Employees.**

2.07.10 Resignation. To leave District service in good standing, an employee must file a written notice of termination with the General Manager at least two (2) weeks before the effective date. The General Manager may, however, grant good standing with less notice if he/she determines the circumstances warrant. Resignations may not be withdrawn without the General Manager's approval. (Ord. 1985-3, Part 4, Art. 8 § 8-1)

2.07.20 Layoffs. Whenever, in the Board's judgment, it becomes necessary, due to the lack of work, lack of funds, or other economic reason, or because the necessity for a position no longer exists, the Board may abolish any employment position, and the employee holding such position may be laid off or demoted.

a. Employees to be laid off shall be given at least fourteen (14) calendar days prior notice.

b. Except as otherwise provided, whenever there is a reduction in the work force, the General Manager first shall demote to a vacancy, if any, in a lower position for which the employee who is the latest to be laid off (in accordance with section 2.07.20 of this Chapter) is qualified.

c. An employee affected by layoff may have retreat rights to displace an employee who has less seniority in a lower position that the employee has previously occupied or supervised. For this document's purposes, seniority includes all periods of full-time service at or above the retreat position being considered.

d. To retreat to a former or lower position, an employee must request displacement action in writing to the General Manager within five (5) working days after receiving the layoff notice. Employees retreating to a lower position shall be placed at the salary step representing the least loss of pay. In no case shall the salary be increased above that received in the position from which the employee was laid off.

e. If two positions have the same job description, then employees shall be laid off according to employment status in the following order: temporary, provisional, probationary, and tenured. Temporary, provisional, and probationary employees shall be laid off according to the service District's service needs as determined by the General Manager. In cases where there are two or more tenured positions with the same job description from which the layoff is to be made, such employees shall be laid off on the basis of the last evaluation rating in the position, providing such rating has been filed at least 60 days prior to layoff as follows:

First, all employees having "Unsatisfactory" ratings;

Second, all employees having "Marginal" ratings;

Third, all employees having "Less Than Satisfactory" ratings;

Fourth, all employees having "Satisfactory" ratings;

Fifth, all employees having "Commendable" ratings;

Sixth, all employees having "Superior" ratings;

Seventh, all employees having "Exceptional" ratings.

Employees within each rating category shall be laid off in order of least seniority first.

f. The names of persons laid off or demoted in accordance with these rules shall be entered upon a reemployment list. The reemployment list shall be used by the General Manager when a vacancy arises in the same or lower position before certification is made from an eligibility list.

g. Names of persons laid off shall be carried on the reemployment list for one year, except that persons appointed to tenured positions of the same level as that from which they were laid off, shall upon such appointment, be dropped from the list. Persons who refuse reemployment shall also be dropped from the list. Persons reemployed in a lower position in the same classification, or on a temporary basis, shall be continued on the list for the higher position for one year. At the General Manager's discretion, the list may be extended for an additional year. (Ord. 1985-3, Part 4, Art. 8 § 8-2)

2.07.30 Employee Dismissal.

a. Tenured Employee Dismissal. The General Manager may dismiss a tenured employee at any time for cause, after consulting with District Counsel following shall constitute sufficient cause for dismissal:

1. Conviction of a felony.
2. Fraud in securing employment.
3. Misappropriation of District funds or property.
4. Intentional or gross misconduct.

5. Failure to respond or improve regarding an item specified in section 2.07.20.a. through 2.07.20.j. of this Chapter, after an evaluation or corrective action plan has failed to produce a sufficient performance improvement.

6. Incapacity due to mental or permanent physical disability rendering the employee unable to perform job duties.

Severe physical or mental disability.

b. Probationary Employee Dismissal. A probationary employee may be dismissed at any time during a probationary period without right of appeal or hearing. In case of such dismissal, the General Manager shall notify the dismissed probationary employee in writing that he/she is being separated from District service.

c. General Manager Dismissal. General Manager dismissal shall be as outlined in the contract between the General Manager and the District. (Ord. 1985-3, Part 4, Art. 8 § 8-3)

2.07.40 **Dismissal Notice.** All employees shall be provided with a dismissal notice. This notice shall be prepared by the General Manager after consultation with the District counsel and shall contain the following:

a. A description of the proposed action and its effective date or dates, and in a tenured employee's case, the ordinance, regulation or rule violated.

b. A statement of the acts or omissions upon which the action is based.

c. A statement that a copy of the materials upon which the action is based are attached or available for inspection upon request.

d. In a tenured employee's case, a statement advising the employee of the right to file an appeal as provided in section 2.07.50 of this Article. (Ord. 1985-3, Part 4, Art. 8 § 8-4)

2.07.50 **Procedures for Disciplinary Action and Tenured Employee Dismissal.**

a. Informal Hearing Before the General Manager: A tenured employee, upon receiving a notice of dismissal or disciplinary action, may appeal in writing to the General Manager within five (5) days after the notification date. The General Manager shall then schedule an informal hearing at which the employee may answer the charges against him/her, present any mitigating evidence, or otherwise respond to the dismissal notice. The hearing guidelines and format shall be available upon request. The General Manager shall issue his/her opinion and decision within ten (10) days of the hearing and if the General Manager finds that the dismissal was not justified, he/she may order a less severe disciplinary action, or may order the employee reinstated with full back pay and benefits.

b. An employee wishing to appeal the General Manager's decision may do so before an executive Board session.

c. A tenured employee desiring a Board hearing must file a written request for the same with the General Manager within five (5) days of receipt of the General Manager's decision of the informal appeal. The General Manager, upon receiving the request for hearing, shall schedule an executive Board session at the next scheduled meeting or before.

d. The employee shall present his opinion and present facts before the Board and the Board shall hear the General Manager's recommendation. The Board shall then render its decision.

e. It is these procedures' intent to render an impartial and fair decision in a timely manner. If the employee objects to the Board's decision, the employee shall initiate judicial review in the appropriate jurisdiction within 90 days. (Ord. 1985-3, Part 4, Art. 8 § 8-5)

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CHAPTER 2.08 GRIEVANCE PROCEDURES

Sections:

2.08.10	Purpose.
2.08.20	Grievance Definition.
2.08.30	Informal Discussion.
2.08.40	Procedure.
2.08.50	Representation.

2.08.10 **Purpose.** It is this Chapter's purpose is to provide a communication procedure through which an employee or employee group may have their complaint heard and decided in an orderly and fair manner. (Ord. 1985-3, Part 4, Art. 9 § 9-1)

2.08.20 **Grievance Definition.** A grievance is a complaint of an employee or group of employees concerning the interpretation or application of:

- a. Administration of employment conditions, including job description, salary, and benefits in force between the District and the employee.
- b. Working conditions within the General Manager's control, including rules and regulations, and for which no other procedures for orderly complaint solution exists. (Ord. 1985-3, Part 4, Art. 9 § 9-2)

2.08.30 **Informal Discussion.** Any employee, or employee group, first shall discuss the alleged grievance with the immediate supervisor within twelve (12) working days of the event comprising the alleged grievance. If the employee is still dissatisfied with the supervisor's complaint solution, the grievance may be entered into the grievance procedure. (Ord. 1985-3, Part 4, Art. 9 § 9-3)

2.08.40 **Procedure.** The grievance procedure shall be as follows:

- a. If a complaint or grievance has not been resolved at the informal discussion stage, the grievant may submit his/her complaint in writing, or use a form provided by the District, to the General Manager within five (5) working days of the informal discussion. Within five (5) working days of receipt of such grievance, the General Manager shall investigate and provide a written response to the grievance.
- b. If the response received by the employee resolves the grievance, the employee may appeal to the Personnel Committee within five (5) working days of the General Manager's decision. Upon receipt, the Personnel Committee or their designee shall investigate and respond in writing within ten (10) working days to the aggrieved employee.
- c. If, within five (5) working days of receipt of the Personnel Committee's written response to the grievance, the employee is still dissatisfied with the resolution proposed, the employee may appeal in writing for a hearing before the Board. The requested hearing must be held within twenty (20) working days by the Board, whose decision shall be final. Such Board decision shall be in writing, stating the reasons for its decision, and shall be presented to the aggrieved employee within five (5) working days.

d. It is understood that at any time during these procedures, the employee has right to representation. (Ord. 1985-3, Part 4, Art. 9 § 9-4)

2.08.50 **Representation.** Nothing contained herein shall be interpreted to preclude an employee, who has been discharged or disciplined, from seeking a solution through the courts or other State administrative channels which are available to him/her. (Ord. 1985-3, Part 4, Art. 9 § 9-5)

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CHAPTER 2.09 PAYMENT AND COMPENSATION PLAN

Sections:

- 2.09.10 **Payment and Compensation Plan Preparation.**
- 2.09.20 **Plan Adoption.**
- 2.09.30 **Compensation.**
- 2.09.40 **Regular Salary Increase.**
- 2.09.50 **Pay Period.**
- 2.09.60 **Overtime.**
- 2.09.70 **After Hours Call-Out.**
- 2.09.80 **Designated Time Off.**
- 2.09.90 **Standby.**

2.09.10 **Payment and Compensation Plan Preparation.** The General Manager shall prepare a payment and compensation plan which shall prescribe for each position a minimum pay rate, progressive pay rates, other designated benefits and items that are to be negotiated good faith as may be prescribed by the Meyers-Millias Brown Act. (Ord. 1985-3, Part 4, Art. 10 § 10-1)

2.09.20 **Plan Adoption.** The General Manager shall submit a total compensation plan for approval to the Board. The Board shall review the proposed payment and compensation plan, make necessary changes and adopt the plan by resolution. This adoptive resolution may be that same resolution used to adopt the annual budget. (Ord. 1985-3, Part 4, Art. 10 § 10-2)

2.09.30 **Compensation.**

a. **Beginning Salary.** A new employee shall receive the minimum salary for the position. When it is difficult to hire qualified personnel or when a person of unusual qualifications is engaged, the General Manager may request the Board to authorize appointment at a higher step. The Board must approve any appointments at a step higher than the second pay step.

b. **Step Placement After Reclassification, Promotion or Success in Open Recruitment.** If an employee is reclassified, promoted or applies and is successful through open recruitment for a position compensated at a higher range than his/her original position, the employee shall be placed at the lowest possible step that insures a minimum five percent (5.00%) increased salary; provided, however, that nothing contained herein shall affect the provisions of section 2.09.40b. If after reclassification, promotion or successfully competing in open recruitment, the employee's range provides for less than a five percent (5.00%) increased salary, then the employee will be placed at the same step in the new range that he/she held in his/her prior range. (Ord. 1985-3, Part 4, Art. 10 § 10-3)

2.09.40 **Regular Salary Increases.**

a. **Step Increases.** Progression from one step to the next, within a range in the payment and compensation plan, shall be made at the probationary period's conclusion and shall be based upon the rating as adjudged in the employee's most recent annual performance evaluation by the employee's immediate superior. The supervisor will then make his/her

recommendation to the General Manager, who shall review procedures and approve or disapprove increases.

b. Incentive Pay. The Board, upon the General Manager's recommendation, may provide incentive payments up to seven and one-half percent (7.50%) in excess of current salary paid to an employee. This payment is subject to the following:

1. It not be effective longer than one year without additional Board review and approval.

2. The employee must have worked at least two years for the District.

3. The incentive can be anything less than or equal to the maximum seven and one half percent (7.50%) increase.

4. It is understood that this payment is for continued exceptional service to the District and will not be conferred lightly. (Ord. 1985-3, Part 4, Art. 10 § 10-4)

2.09.50 **Pay Period.** Salaried employees shall be paid every two weeks in accordance with the District's existing pay schedule. Hourly employees also shall be paid biweekly. (Ord. 1985-3, Part 4, Art. 10 § 10-5)

2.09.60 **Overtime.** It is the District's policy to discourage overtime whenever possible. However, when overtime is necessary and authorized by the General Manager or designated supervisor it shall be paid as follows:

a. For all employees eligible for overtime, a rate one and one-half (1.5) times the employee's regular hourly rate shall be earned for the hours worked exceeding forty (40) hours per week. Vacation, holidays, and sick leave shall count as working hours when computing overtime. A work week begins on Sunday and ends on Saturday at midnight. Overtime earners shall be compensated by the next regular pay period with pay unless he/she has taken compensating time off before the end of the pay period in which the overtime was earned. Compensating time off in lieu of overtime pay is also earned at a rate of one and one-half (1.5) hour off for each overtime hour worked.

b. It is understood that time spent in seminars, conferences and/or training sessions beyond the normal working hours is for the employee's benefit and not required as a condition of work. Any time used by employees traveling to and from such seminars, conferences, or training sessions shall not be considered as time worked, and shall not be used to compute overtime unless specifically authorized by the General Manager or his/her designee in advance of travel.

c. If an employee is required to attend a seminar, conference or training session, that employee shall have his/her choice of public or personal transportation. If the employee chooses his/her personal vehicle he/she shall be compensated for its use based upon the rate detailed under the District Travel Policies.

Work time for attending required conferences, seminars or training sessions shall include:

1. Time in attendance;
2. Time spent on homework, if any.

d. Overtime compensation will not be paid to those positions designated as exempt. These positions are administrative, executive and professional.

e. Overtime is not earned for the additional hour in connection with changeover from daylight savings to Standard time. Conversely, time is accounted as Standard for the hour when Standard Time changes to Daylight Savings time. (Ord. 1985-3, Part 4, Art. 10 § 10-6)

2.09.70 **After Hours Call-Out.** All nonexempt employees who respond after hours shall be compensated at the minimum of two (2) hours for each response. If actual work exceeds two (2) hours, then all time worked on call-out qualifies as overtime, then the hours will be compensated for at overtime rates.

Employees responding to calls during holidays shall receive straight time pay in addition to the paid holiday, unless that time worked during a holiday qualifies as overtime in which case compensation will be at overtime rates. (Ord. 1985-3, Part 4, Art. 10 § 10-7)

2.09.80 **Designated Time Off.** With as little as eight (8) hours notice an employee's supervisor may designate or assign certain days off for any given employee if that employee has worked more than eight (8) hours in any work day within the pay period in which the days off have been designated. Designated time off shall only be used when budget constraints or Board direction requires it. (Ord. 1985-3, Part 4, Art. 10 § 10-8)

2.09.90 **Standby.** Certain employees will be required to be on standby for holidays, weekends and occasional other times. Such employees shall accrue no additional compensation for this standby time unless standby for time other than weekends and holidays exceeds one hundred sixty (160) hours for any given employee within the fiscal year. If time spent on standby for occasions other than holidays and weekends exceeds one hundred sixty (160) hours for an employee within a fiscal year, then that employee shall receive compensation at a rate of one and 50/xx dollars (\$1.50) per hour for each hour in excess of one hundred (160) hours spent on standby during days other than holidays and weekends.

The employee on standby shall be required to wear a pager and remain in the area where the pager is active. The standby employee may pursue any activity that leaves him available to properly respond to paged calls. (Ord. 1985-3, Part 4, Art. 10 § 10-9)

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CHAPTER 2.10 FRINGE BENEFITS

Sections:

- 2.10.10 Fringe Benefits.**
- 2.10.20 Holidays.**
- 2.10.30 Vacation.**
- 2.10.40 Sick Leave.**
- 2.10.50 Family Death Leave.**
- 2.10.60 Jury Duty.**
- 2.10.70 Military Leave.**
- 2.10.80 Leave of Absence Without Pay.**
- 2.10.90 Retirement.**
- 2.10.100 Social Security.**
- 2.10.110 Health Plan.**
- 2.10.120 Life Insurance.**
- 2.10.130 Outside Employment.**

2.10.10 Fringe Benefits. All full-time, tenured part-time, probationary, and provisional positions are eligible for fringe benefits as noted below.

a. Employees in various positions are eligible for vacation and sick leave based on the following formula:

<u>Hours Worked Per Week</u>	<u>Proportion of Full Benefits</u>
0 - 17	00.00%
18 - 20	50.00%
21 - 23	57.50%
24 - 26	65.00%
27 - 29	72.50%
30 - 32	80.00%
33 - 35	87.50%
36 - 38	95.00%
39 +	100.00%

b. All employees entitled to medical insurance shall not be eligible for these benefits until completing two full months of District employment. Full-time, part-time, and provisional positions are eligible for full insurance benefits as detailed in the Payment and Compensation Plan provided the employee works twenty (20) hours or more, on the average, each week.

c. All employees entitled to vacation and sick leave shall not be eligible until they have completed six months of continuous service. However, vacation and sick leave shall be accrued from the employment date. (Ord. 1985-3, Part 4, Art. 11 § 11-1)

2.10.20 Holidays. The District's holiday policy shall be as follows:

a. All eligible employees shall be entitled to holidays with pay as detailed in the Payment and Compensation Plan. Each holiday represents an eight (8) hour day.

b. Included with traditional holidays may be floating holidays. These holidays may be used at any time subject to the approval of the General Manager or designated supervisor. If not taken during the fiscal year earned, floating holidays are forfeited. A floating holiday is not eligible for payoff at employment termination.

c. In addition to the holidays detailed in the Payment and Compensation Plan, the Board may declare additional holidays.

d. With the exception of floating holidays, employees required to work on a holiday as specified in this section shall receive full holiday pay in addition to straight time pay or, if compensatory time is permitted under these policies, compensatory time at straight time for hours worked.

e. Unless otherwise provided in this section, when a holiday listed herein falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed. Unless otherwise provided in this section, when a holiday listed herein falls on a Saturday, the preceding Friday shall be deemed to be the holiday in lieu of the day observed. (Ord. 1985-3, Part 4, Art. 11 § 11-2)

2.10.30 **Vacation.** The District's vacation policy shall be as follows:

a. The manner in which vacation time is earned is detailed in the Payment and Compensation Plan.

b. Employees designated as executive, administrative or professional shall be entitled to additional vacation days as provided in the Payment and Compensation Plan.

c. An employee who terminates during the initial six (6) months of service shall not be entitled to vacation leave or payment for accrued vacation, nor shall such employee be entitled to sick leave or payment for accrued sick leave.

d. Vacation shall be scheduled by the General Manager or designated supervisor so as to meet the District's operating requirements.

e. On December 31 of each year, employees shall have accrued no more than the number of vacation days they are entitled to earn in two and one-half years of employment.

f. An exception to the number of vacation days carried over may be made at the General Manager's discretion.

g. All employees eligible for vacation shall be entitled to payment for unused vacation leave upon separation from District service at a rate specified in the Payment and Compensation Plan. (Ord. 1985-3, Part 4, Art. 11 § 11-3)

2.10.40 **Sick Leave.** All eligible employees are entitled to sick leave with pay in accordance with the following:

a. After six (6) months' paid service, employees are eligible at the rate detailed in the Payment and Compensation Plan.

b. Sick leave will be authorized only for the illness of an employee or his/her immediate family. Abuse of this sick leave privilege is cause for discipline. The General Manager or designated supervisor is responsible to ensure that sick leave is not misused.

c. Sick leave may be used for such things as: personal injury or illness; an employee's required attendance upon a sick or injured spouse, child, or other immediate family member residing with the employee; medical or dental appointments.

d. After successfully completing a probationary period and upon voluntary separation in good standing after six (6) of uninterrupted, continuous service, or upon retirement, sick leave accrued will be compensated at the rate and manner detailed in the Payment and Compensation Plan. (Ord. 1985-3, Part 4, Art. 11 § 11-4)

2.10.50 **Family Death Leave.** The General Manager may authorize leaves of up to five (5) days with pay for the death of a member of an employee's immediate family or household. This benefit applies to tenured employees only. (Ord. 1985-3, Part 4, Art. 11 § 11-5)

2.10.60 **Jury Duty.** The General Manager may authorize time off as necessary for jury duty. If the employee transfers to the District the fees paid for jury service, then full pay shall be continued during the leave. (Ord. 1985-3, Part 4, Art. 11 § 11-6)

2.10.70 **Military Leave.** Every District employee is entitled to such leaves of absence with pay and other benefits as are provided in the Military and Veterans Code. (Ord. 1985-3, Part 4, Art. 11 § 11-7)

2.10.80 **Leaves of Absence Without Pay.** Upon specific request by a tenured employee, and with the General Manager's approval, leaves of absence without pay may be granted for:

a. Illness of disability beyond that covered by sick leave, not to exceed six (6) months.

b. Personal reasons which do not cause inconvenience to the department, not to exceed thirty (30) days.

c. Education and training that will benefit the District, not to exceed six (6) months.

d. Before a leave of absence is granted, an employee must exhaust all accrued vacation.

e. A leave of absence may be extended up to one (1) year, upon finding of unusual or special circumstances, and the General Manager's approval. Failure to report for duty after a leave of absence has expired, been disapproved, or cancelled shall be considered an automatic resignation. (Ord. 1985-3, Part 4, Art. 11 § 11-8)

2.10.90 **Retirement.** With certain exceptions, all District employees will enjoy membership in a retirement plan as detailed in the Payment and Compensation Plan. (Ord. 1985-3, Part 4, Art. 11 § 11-9)

2.10.100 **Social Security.** The District shall not participate in the Social Security program. In lieu of the money the District would have contributed to Social Security on the employee's behalf, seventy (70) per cent of that amount shall be contributed toward each employee's portion of their retirement plan contribution. (Ord. 1985-3, Part 4, Art. 11 § 11-10)

2.10.110 **Health Plan.** The health plan, including degree of coverage, is detailed in the Payment and Compensation Plan. (Ord. 1985-3, Part 4, Art. 11 § 11-11)

2.10.120 **Life Insurance.** In conjunction with major medical insurance, the District shall provide a life insurance policy as detailed in the Payment and Compensation Plan. (Ord. 1985-3, Part 4, Art. 11 § 11-12)

2.10.130 **Outside Employment.** Outside employment must receive the General Manager's approval. (Ord. 1985-3, Part 4, Art. 11 § 11-13)

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CHAPTER 2.11 SAFETY AND ACCIDENT PREVENTION

Sections:

- 2.11.10 Safety Consciousness.
- 2.11.20 Reported Accidents.
- 2.11.30 District Vehicle Use.

2.11.10 **Safety Consciousness.** All employees are urged to be safety conscious at all times. Department heads and immediate supervisors have the primary responsibility for identifying unsafe conditions and practices and seeing that they are corrected. Employees should realize that safety is an important part of their job and that disregard for safe working procedures can be a cause of discipline. (Ord. 1985-3, Part 4, Art. 12 § 12-1)

2.11.20 **Reported Accidents.** Personal injury accidents, regardless of how minor, shall be reported within twenty-four (24) hours on the accident report form available. It is extremely important that these forms be completed accurately. All vehicular accidents are to be reported immediately to the General Manager. (Ord. 1985-3, Part 4, Art. 12 § 12-2)

2.11.30 **District Vehicle Use.** Employees who are required to use District vehicles shall:

- a. Be aware they are on public display when driving a District vehicle and must conduct themselves accordingly.
- b. Be aware that if any violation results in a citation, it is the employee's responsibility.
- c. Fasten their seat belts at all times and see to it that their passengers do the same. (Ord. 1985-3, Part 4, Art. 12 § 12-3)

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CHAPTER 2.12 UNCOVERED SITUATIONS

Sections:

2.12.10 General Manager's Discretion.

2.12.10 **General Manager's Discretion.** Any problem, situation or procedure not covered in this Code or any ambiguity or contradiction contained herein shall be handled in a manner that, in the General Manager's opinion, provides the best solution. (Ord. 1985-3, Part 4, Art. 13 § 13-1)

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TITLE 4 WATER SERVICE

Chapters:

- 4.01 General Provisions.
- 4.02 New Water Connection Service.
- 4.03 Existing Water Connection Service.
- 4.10 Fees.
- 4.20 District Billing.
- 4.30 Maintenance.

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CHAPTER 4.01 GENERAL PROVISIONS

Sections:

- 4.01.10 **Board Authority**
- 4.01.20 **General Manager Authority.**
- 4.01.30 **District Employees.**
- 4.01.40 **Water Meters.**
- 4.01.50 **Protection of Health.**
- 4.01.60 **Service Connection.**
- 4.01.70 **No Single Service.**
- 4.01.70 **Promulgation and Enforcement of Water Service Requirements.**
- 4.01.80 **No Single Service.**
- 4.01.90 **Revenue.**

4.01.10 Board's Authority. Subject to the delegation of daily operational duties as provided herein, all reservoirs, pipelines, pumping stations, wells, treatment facilities, valves, connections, meters and other appurtenances and District property used in connection with the water system shall be under the Board's management and control. All District water service shall be provided in accordance with the rules and regulations provided for herein any and all of which may be amended or added to or repealed in whole or in part by the Board. (Ord. 2006-1 Art. 1)

4.01.20 General Manager Authority. The General Manager shall be responsible for the District water system's daily operational control. (Ord. 2006-1 Art. 1)

4.01.30 District Employees. District employees, and no others, shall have the right to operate the District water system and enter onto District property to carry out the Board and General Manager's operational directives. (Ord. 2006-1 Art. 1)

4.01.40 Water Meters. In all cases, water shall be supplied through water meters installed in accordance with this Code and, in each case, the property owners shall be responsible for all water passing through the meter. (Ord. 2006-1 Art. 1)

4.01.50 Protection of Health. The District reserves the right to treat any and all water served through its system with such chemicals and processes, at such time, and in such amounts as it deems proper to safeguard public health. The District further reserves the right to safeguard public drinking water supplies by preventing backflow into the District water system. (Ord. 2006-1 Art. 1)

4.01.60 Service Connection. As used herein "service connection" means the water line and appurtenances installed between the connecting main and the meter and including a valve on the customer's side of the meter. (Ord. 2006-1 Art. 2 § 3)

4.01.70 No Single Service. Service to newly constructed buildings shall include both sewer and water, except as may be otherwise specifically approved by the District Board. (Ord. 2006-1 Art. 2 § 2(a))

4.01.80 Promulgation and Enforcement of Water Service Requirements. The District shall promulgate, prescribe and enforce such water service requirements as may be

necessary or convenient to protect and control the water service connections sold, supplied, delivered, distributed and maintained pursuant to his Code.

Each and every condition and requirement with respect to use, connection, disconnection, reconnection and discontinuance of water, water service, and water service connections provided for herein shall apply with equal force and effect to any failure or refusal of any person or corporation, public or private, to comply with water service requirements.

There shall be no deviation from this Code's requirements of this Code except upon express authorization by the General Manager or his designated representative. (Ord. 2006-1 Art. 7 § 1-3)

4.01.90 **Revenue.** The revenue that makes up the District's reserves shall be charged with the obligation to pay periodic short falls in revenue, if any collected pursuant to this Article to meet the District's contractual commitments as well as on-going costs to provide water service. (Ord. 2006-1 Art. 10 § 1)

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CHAPTER 4.02 NEW WATER SERVICE CONNECTIONS

Sections:

- 4.02.10 New Service Permit Required.
- 4.02.20 New Service Permit Application.
- 4.02.30 Service Connection Locations
- 4.02.40 Permit for Work Over a Public Way.
- 4.02.50 Plans and Specifications.
- 4.02.60 Review Procedures.
- 4.02.70 All Costs Paid by Owner.
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- 4.02.190 Disconnection for Violation.
- 4.02.200 Disconnected Premises Occupancy
- 4.02.210 Enforcement Means
- 4.02.220 Chapter Violation is a Misdemeanor.
- 4.02.230 Violator Liable for Expense, Loss or Damage.

4.02.10 **New Service Permit Required.** No public water main, water service, or other facility or other action requiring a permit from the District shall be installed altered or repaired until a permit is first issued by the District and all fees are paid in accordance with Chapter 4.10 of this Title. (Ord. 2006-1 Art. 2 § 1)

4.02.20 **New Service Permit Application.** A permit application for a service connection must be made for each newly constructed structure or existing structure remodel or addition on a form furnished by the District. (Ord. 2006-1 Art 2 § 2)

The applicant's signature on any District or county permit application shall constitute an agreement, binding upon the applicant and his successors in interest, to comply with all provisions, terms and requirements of this Chapter and with the plans and specifications approved by the District.

The applicant may request in writing that a permit be modified. (Ord. 2006-1 Art. 2)

4.02.30 **Service Connection Location.** All service connections will be permanent District facilities and installed to the property line. (Ord. 2006-1 Art. 2 § 3)

4.02.40 **Permits for Work Over a Public Way.** A separate permit must be secured by the applicant from the San Luis Obispo Department of Public Works, the State Department of

Transportation or any other authority having jurisdiction over any public way in which applicant intends to perform any work related to District services. (Ord. 2006-1 Art. 2 § 1(k))

4.02.50 Plans and Specifications. Plans, profiles and specifications shall be prepared by a registered engineer and submitted to the District for review and approval before constructing a public service for which the District has jurisdiction. All such documents submitted shall be prepared in accordance with, and review shall be based upon the District's standards and specifications in existence at the time submitted. (Ord. 2006-1 Art. 2 § 1(b))

4.02.60 All Costs Paid By Owner. All costs and expenses incident to the installing and connecting water or other work for which a permit has been issued shall be borne by the owner. The owner shall indemnify the District from any loss or damaged that may directly or indirectly be occasioned by the work.

4.02.70 Review Procedures. District staff shall make every effort to review and comment on any plans, profiles and specifications, or modifications thereto, within ten (10) business days after submittal. Upon approval, the General Manager or District Engineer shall sign and date the pertinent pages. (Ord. 2006-1 Art. 2 § 1(b))

4.02.80 Final Map Approval. In the case of a subdivision, the final subdivision or parcel map shall be submitted to the District for review and approval before recording. (Ord. 2006-1 Art. 2 § 1(c))

4.02.90 Public Water Lines. All public water lines shall be in streets or rights of way dedicated to public use or, upon District approval shall be in easements or right of way granted to District.

Easements and rights of way contained in a final subdivision or parcel map shall be of sufficient size to allow laying and maintaining a public service. The cost to obtain said easement or right of way shall be borne by the applicant. (Ord. 2006-1 Art. 2 § 1(c)(i))

4.02.100 Time Extensions. If construction of a public service is not completed within the time allowed by the District, the General Manager may extend the time limit or, with Board approval, complete the work and enforce the provisions of any bond furnished by the applicant. (Ord. 2006-1 Art. 2 § 1(c)(ii))

4.02.110 Persons Authorized to Perform Work. The construction of a public service shall be performed by contractors licensed by the California Contractors State Licensing Board. (Ord. 2006-1 Art. 2 § 1(d))

4.02.120 Compliance with All Applicable Laws. Any person constructing a public service or any structure requiring District approval or permit shall comply with all State, County District, South San Luis Obispo County Sanitation District or any other applicable laws not herein identified, and the permit. The Applicant is responsible for assuring that the contractor conforms to all permit conditions and laws applicable to the permit. (Ord. 2006-1 Art. 2 § 1(d) and (e))

4.02.130 Construction Warnings. Whenever a public service is under construction, such lights, signs and barriers shall be erected and maintained to give reasonable warning to the

public at all times of each dangerous condition to be encountered. The applicant also likewise shall protect the public using the adjacent public rights of way against any such conditions in connection with the construction of such public service.

Any streets, sidewalks, parkways and other property disturbed in the course of work shall be reinstalled in a manner satisfactory to the District. The applicant or contractor may be required to post a bond to guarantee that repairs to any property disturbed will be made. (Ord. 2006-1 Art. 2 § 1(f))

4.02.140 **Public Service Acceptance by District.** The administration, inspection, enforcement and acceptance of a new public service shall be by the General Manager, District Engineer or other authorized District representative. (Ord. 2006-1 Art. 2 § 1(g))

4.02.150 **Design and Construction Standards.** All work performed in connection with design and construction of public services to be operated and maintained by the District shall be in accordance with the District's standards except where the State, County or Federal governments establish a more restrictive applicable standard, in which case the more restrictive requirements shall apply. (Ord. 2006-1 Art. 2 § 1(g))

4.02.160 **District Liability and Indemnification; Insurance.** The District, its officers, agents and employees shall not be liable for injury or death to any person or damage to any property arising out of the applicant's performance of any work. Applicant shall indemnify and hold the District and its officers, agents and employees harmless from any liability incurred in connection with construction of a public service by applicant, including all attorneys' fees and costs incurred in defending against a civil or administrative action or to enforce this provision. Before commencing any work, applicant shall obtain, maintain and provide evidence to the District of property and liability insurance in amounts reasonable necessary to provide coverage to the District, as may be established by the District from time to time. (Ord. 2006-1 Art. 2 § 1(l))

4.02.170 **Chapter Violation Notice.** Any person found in violation of this Chapter shall be served by the General Manager or other authorized District personnel with written notice stating the violation's nature with reasonable particularity, and providing a reasonable time to cure such violation. All persons shall be held strictly liable for their acts and for all acts of their agents and employees hereunder. Upon notification from the District of any violation under this Chapter, the applicant immediately shall undertake corrective action. (Ord. 2006-1 Art. 2 § 1(m))

4.02.180 **Continued Chapter Violation: Abatement.** Habitation of any building or continued occupancy or operation of any commercial or industrial facility in violation of this Chapter is hereby declared to be a public nuisance.

The District may cause proceedings to be brought to abate the occupancy or operation of any building for continued violation of this Chapter. The District may abate the violation at the District's sole discretion but the abatement costs, including any reasonable attorney's fees and administrative costs shall be paid by the property owner and shall be a charge applied against the offending property as provided by law. (Ord. 2006-1 Art. 2 § 1(n))

4.02.190 **Disconnection for Violation.** After reasonable notice and opportunity to cure a violation of this Chapter, without curative action by the property owner, the District may disconnect the property from the District water mains. Upon disconnection the District shall

estimate the cost to disconnect and reconnect to the system. User shall deposit the estimated cost before being reconnected to the system. Upon reconnection, the District shall refund any unused portion of the deposit to the user. (Ord. 2006-1 Art. 2 § 1(o))

4.02.200 **Occupancy of Disconnected Premises.** During any period of disconnection as described in section 4.02.190, occupancy or operation of any building or facility to which water service has been disconnected shall constitute a public nuisance and the District may abate the same as provided in §4.02.170. (Ord. 2006-1 Art. 2 § 1(p))

4.02.210 **Enforcement Means.** The District hereby declares that the foregoing procedures are established as a means to enforce the terms and conditions of its ordinances, rules and regulations and not as a penalty. (Ord. 2006-1 Art. 2 § 1(q))

4.02.220 **Chapter Violation is a Misdemeanor.** A violation of this Chapter by any person is a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000.00), imprisonment not to exceed one (1) month or both. Each and every connection or occupancy in violation of the this Chapter shall be deemed a separate violation and each and every day or part of a day a violation of this Chapter shall be deemed a separate offense. (Ord. 2006-1 Art. 2 § 1(r))

4.02.230 **Violator Liable for any Expense, Loss or Damage.** Any person violating any provision of this Chapter shall be held liable to the District for any expense, loss or damage occasioned by the District by reason of said violation. (Ord. 2006-1 Art. 2 § 1(s))

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CHAPTER 4.03 EXISTING WATER SERVICE CONNECTIONS

Sections:

- 4.03.10 **Service Applications.**
- 4.03.20 **Property Transfers.**
- 4.03.30 **Rules and Regulations Violations; Discontinuance Notice.**
- 4.03.40 **Application for Relief; Property Owner, Customer.**
- 4.03.50 **Relief on District Action.**
- 4.03.60 **Water Use Without Application.**
- 4.03.70 **No Warranty of Water Pressure.**
- 4.03.80 **Meter Locations.**
- 4.03.90 **Municipal, Industrial and Domestic Service Connections.**
- 4.03.100 **Multiple Unit Connections.**
- 4.03.110 **Service Connection Size and Location.**
- 4.03.120 **Service Connection Curb, Cock and Valve.**

4.03.10 **Service Applications.** Applications for service to use an existing service connection shall be made only in the property owner's name on a form approved by the District along with all applicable fees.

The property owner's name shall be the only name listed with the District for water service and the owner shall be responsible for all fees incurred until the owner notifies the District that service is to be disconnected. (Ord. 2006-1 Art. 3 § 1)

4.03.20 **Property Transfers.** A service application shall be submitted within thirty (30) calendar days after the date the property ownership transfers. Failure to transfer the services as provided herein shall result in an increased application fee as provided in Chapter 4.10.

There shall be no mid-period meter readings for property transfers or otherwise. (Ord. 2006-1 Art. 3 § 1)

4.03.30 **Rules and Regulations Violations; Discontinuance Notices.** A customer shall be entitled to reasonable notice by the District of its intent discontinue service for noncompliance or violation or infraction of this Chapter. Said notice shall give the customer a reasonable opportunity to cure the noncompliance, violation or infraction. No service discontinuance notice is required when the noncompliance, violation or infraction has created, or will create, a dangerous condition or a condition that is detrimental to the public health, safety and welfare.

Property owners are responsible for the actions of customers occupying their property and cause the District to disconnect the water service through the customer's noncompliance with the rules and regulations detailed herein. Property owners shall be held jointly and severally liable for any and all fees and costs incurred. (Ord. 2006-1 Art. 3 § 2, 2a, 2b)

4.03.40 **Application for Relief; Property Owner, Customer.** A property owner or customer may appeal a District decision by written application. The application shall state the basis for an appeal and request modification or relief from the decision.

The District Secretary shall make every effort to set a hearing for the next regularly scheduled Board meeting and shall cause a notice of hearing to be given to the, property owner or customer, no less than five (5) days prior to the hearing date unless notice is waived in writing.

The Board shall rule upon the application within forty-five (45) days from the date the application was submitted unless the Board makes a finding that additional time to make its findings are needed. (Ord. 2006-1 Art. 3 § 3)

4.03.50 **Relief on District Action.** The Board may suspend or modify any provision of this Chapter with regard to a particular premises upon a finding that special circumstances exist that demonstrate that the Chapter, as applied, does not advance the District's interests. (Ord. 2006-1 Art. 3 § 4)

4.03.60 **Water Use Without Application.** If water service is delivered to a premises without the occupant first having made an application for existing water service and paying the application fee, the occupant and, if applicable, the property owner will be held liable for all charges for all water service rendered. The amount shall be determined by meter reading or on the basis of the estimated consumption for the estimated length of time service was received by the occupant without proper application. (Ord. 2006-1 Art. 3 § 5)

4.03.70 **No Warranty of Water Pressure.** The District assumes no responsibility for loss or damage because of lack of water pressure. All connections, pumps, tanks, chlorinators or other appurtenances installed at any point in the after line between the meter and customer's water outlets shall be the customer and property owner's sole responsibility.

Installation must be approved by the District. Approval shall be based upon standard water works practice as promulgated by the American Waterworks Association and District standards. (Ord. 2006-1 Art. 3 § 7)

4.03.80 **Meter Locations.** The District shall approve all meter locations. Water service will be installed in size as determined by the District and at the location desired by the applicant where such requests are reasonable and compatible with function of the distribution system. (Ord. 2006-1 Art. 3 § 8)

4.03.90 **Municipal, Industrial and Domestic Service Connections.** Except as provided herein each municipal structure, industrial structure or domestic structure under separate ownership shall have its own service connection. Two or more structures under a common owner may share a single service connection. A service connection shall not be used to supply water to non adjoining property that has a common owner. When a parcel is subdivided any existing service connections shall belong to the parcel where it is located. A service connection may supply water to a recreational vehicle or living unit trailer for a maximum of seventy-two (72) hours every ninety (90) days.

The District reserves the right to limit the number of structures to be supplied by a single service connection or the number of service connections in any given area. An illegal service connection as described herein shall be charged \$100.00 per incident, charged against the property supplying the water utility account. (Ord. 2006-1 Art. 3 §§ 9. a-c)

4.03.100 Multiple Unit Connections. Upon District approval one (1) service connection may be provided for service to planned unit developments, such as condominiums, apartments or trailer courts, or service to parcels that contain more than one (1) dwelling unit, provided that the parcel cannot be split in the future. If at any time the parcel is split, §4.03.90 of this Chapter shall apply. (Ord. 2006-1 Art. 3 § 10)

4.03.110 Service Connection Size and Location. The District shall determine the service connection's size and location in relation to the premises to be served's boundaries. No meter shall be larger than one half (1/2) inch in size, unless it is a compound meter, and attached to equal or larger size service lead.

The customer's pipe to the meter shall not be laid until the service connection is installed. If the customer's on-site water lines are installed and the location at the meter does not correspond with the service connection, then the customer must bear any additional cost incurred to relocate the customer's pipe or make whatever changes are necessary. (Ord. 2006-1 Art. 3 § 11)

4.03.120 Service Connection Curb, Cock and Valve. Every District service connection installed shall be equipped with a curb cock or valve on both inlet and outlet sides of the meter. The inlet valve or curb cock is for the District's exclusive use in controlling water use through the service connection and meter. If either of the above described curb cocks or valves is damaged or worn-out through use by the customer to an extent requiring the replacement or repair, the District shall charge the customer for such replacement and repair. (Ord. 2006-1 Art. 3 § 12)

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CHAPTER 4.10 FEES

Sections:

4.10.10	Fee Disposition.
4.10.20	Inspection Fees.
4.10.30	Service Connection Fees
4.10.40	Equivalent Single Family Dwelling.
4.10.50	Additional Connection Fees.
4.10.60	Capacity Fees.
4.10.70	Repayment Agreements.
4.10.80	Annexation Rates.
4.10.90	Out of District Services.
4.10.100	Turn on Fee.

4.10.10 **Fee Disposition.** All fees collected on the District's behalf shall be shown as revenue in the proper account and the funds deposited in the manner provided by the District. (Ord. 2006-1 Art. 2 § 1i)

4.10.20 **Inspection Fees.** Fees for building, water and related facilities inspections are detailed below:

Single Family Dwelling	\$50.00
Multiple Units (per unit)	\$25.00

(Ord. 2006-1 Art. 2 § 1h)

4.10.30 **Service Connection Fee.** The fee to file the application or renewal for a new service connection is \$30.00. Additionally, the following fees apply:

5/8" x 3/4" Meter	\$675 installation charge + \$81.60/front foot with a minimum front foot charge of \$4,080 (Minimum = \$4,755)
3/4" Meter	\$950 installation charge + \$81.60/front foot with a minimum front foot charge of \$4,080 (Minimum = \$5,030)
1" Meter	\$1,350 installation charge + \$81.60/front foot with a minimum front foot charge of \$4,080 (Minimum = \$5,430)
1 1/2" Meter	\$2,700 installation charge + \$81.60/front foot with a minimum front foot charge of \$4,080 (Minimum = \$6,780)
2" Meter	\$5,400 installation charge + \$81.60/front foot with a minimum front foot charge of \$4,080 (Minimum = \$9,480)
3" Meter	\$10,800 installation charge + \$81.60/front foot with a minimum front foot charge of \$4,080 (Minimum = \$14,880)
4" Meter	\$18,900 installation charge + \$81.60/front foot with a minimum front foot charge of \$4,080 (Minimum = \$22,980)
6" Meter	\$43,200 installation charge + \$81.60/front foot with a minimum front foot charge of \$4,080 (Minimum = \$47,280)

(Ord. 2006-1 Art. 2 § 4)

4.10.40 **Equivalent Single Family Dwelling.** For purposes of this section an equivalent single family dwelling is defined as follows:

a. For residential construction, equivalent single family dwelling means any house or individual dwelling unit such as an apartment, mobile home, condominium or any living area containing a cooking facility. Any such unit equals one (1) equivalent single family dwelling.

b. For non-residential construction the single family dwelling equivalency factor is based upon the water meter size as follows:

<u>Required Meter Capacity</u>	<u>SFR Equivalencies</u>
10 gpm (5/8" Meter)	1
15 gpm (3/4" Meter)	2
25 gpm (1" Meter)	4
50 gpm (1 1/2" Meter)	7
80 gpm (2" Meter)	11
160 gpm (3" Meter)	23
250 gpm (4" Meter)	36
500 gpm (6" Meter)	71

(Ord. 2006-1 Art. 2 §§ 6 a-b)

4.10.50 **Additional Connection Fees.** To defray the fiscal impact of the California State Water Project and the Lopez Dam Improvement Revenue Bonds a fee of \$1,000 shall be charged for each equivalent single family dwelling.

The additional connection fees shall be set aside in a separate account and used to defray the cost to purchase supplemental water. Once user fees are adequate to cover water department operations and maintenance costs, including any outstanding debt and water purchases, the fees may be used to defray water capital replacement or water capital improvement costs. (Ord. 2006-1 Art. 2 § 5)

4.10.60 **Capacity Fees.** In addition to existing connection fees established above, effective January 1, 1993, a capacity fee of \$1,572 shall be charged for each equivalent single family dwelling.

On January 1, 1994, the capacity fee shall be increased by the then current SFR minimum bi-monthly water charge multiplied by six ($\$1,572 + [14.50 \times 6] = \$1,659$).

On January 1, 1995, the capacity fee shall be increased by the then current SFR minimum bi-monthly water charge multiplied by six ($\$1,659 + [14.50 \times 6] = \$1,746$).

On January 1 of all subsequent years, the capacity charge shall be increased by the then current SFR minimum bi-monthly water charge multiplied by six. (Ord. 2006-1 Art. 2 §)

4.10.70 **Repayment Agreements.** Those applicants who require a water main extension in front of the property to be served shall pay the entire cost of such extension which in some cases may be partially reimbursable if other parties connect directly to the extended system. If reimbursement is requested the following applies:

a. The extension must be at least two hundred (200) feet in length and have the potential to directly serve other property. In this case direct service means the ability to connect directly into the extension with a service connection to another property but without further extending the public system.

b. The District shall determine the new connections' prorated cost. Such costs shall be based upon construction costs furnished by the applicant and as approved by the District.

c. These main extension charges shall be detailed in an agreement approved by the Board. Said agreement shall not be in force more than ten (10) years.

d. The District shall collect from those charges levied against the new connections a ten percent (10%) administration fee.

e. The public main extension under agreement may be further extended in accordance with the provisions set forth herein without obligation and reimbursement shall not be made by those new services connecting to the additional extension excepting when that additional extension conforms to the guidelines detailed in this section and is under a separate repayment agreement. (Ord. 2006-1 Art. 2 § 2b)

4.10.80 **Annexation Rates.** For each acre or fractional part of an acre of the land included in the area proposed to be annexed to the District, \$100 shall be charged to defray the District's administrative and personnel costs to process such annexation. (Ord. 2006-1 Art. 2 § 2c)

4.10.90 **Out of District Services.** For properties outside the District boundaries but are receiving District water or sewer services, not on an emergency basis, there will be a \$7.10 administrative charge per billing cycle. (Ord. 2006-1 Art. 2 § 8)

4.10.100 **Turn on Fee.** If, at any time, water service is discontinued, a turn-on fee of \$30 will be paid to the District prior to service being restored. (Ord. 2006-1 Art. 3 § 6)

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CHAPTER 4.20 DISTRICT BILLING

Sections:

- 4.20.10 **Billing.**
- 4.30.20 **Minimum Bi-Monthly Charges; Non-Residential.**
- 4.30.30 **Minimum Bi-Monthly Charges; Residential.**
- 4.30.40 **Partial Billing.**
- 4.30.50 **Disputed Bills.**
- 4.30.60 **Billing Adjustments.**
- 4.30.70 **Meter Found not Registering.**
- 4.30.80 **Terms and Conditions for Providing Service and Bill Payment.**
- 4.30.90 **Billing Address.**
- 4.30.100 **Delinquent Bills.**
- 4.30.110 **Service Termination Procedures.**
- 4.30.120 **Delinquent Charges become a Lien.**
- 4.30.130 **Addition of Unpaid Fees and Charges to the Tax Roll.**
- 4.30.140 **Returned Checks.**

4.20.10 Billing. Water Meters shall be read and billings for water and sewer service shall be mailed once every two (2) months. Where both water and sewer service are being provided at a given service address, both water and sewer charges shall appear on one (1) bill. (Ord. 2006-1 Art. 4 § 1)

All payments for service including, reconnection payments, penalties and any other payments shall be mailed to the District office. No field personnel shall collect payments directly from customers. (Ord. 2006-1 Art. 4 § 2)

When a meter is otherwise inaccessible, so that it cannot be read, an estimated bill for services will be rendered. Accumulated errors, if any, in such estimates will be adjusted when the meter is first read. If an estimated reading is required, the bill recipient shall be notified at the time of the billing. (Ord. 2006-1 Art. 4 § 1)

4.20.20 Minimum Bi-Monthly Charges; Non-Residential Non-residential accounts shall be charged as follows:

<u>Meter</u>	<u>Minimum Charge</u>
5/8" x 3/4"	\$29.15
3/4"	\$36.55
1"	\$58.40
1 1/2"	\$109.20
2"	\$172.30
3"	\$276.95
4"	\$473.80
6"	\$741.30

The minimum bi-monthly water charge, as listed, allows six hundred (600) cubic feet of water. Additional needs will be charged at the metered rate of:

7 - 25 ccf	\$2.25 / ccf
Additional Needs	\$2.95 / ccf

In addition to the charges listed above, a fee of \$1.14 per ccf, or portion thereof, will be charged to defray the additional costs associated with Zone 3 Lopez Dam Retrofit and Water Treatment Plan Update. (Ord. 2006-1 Art. 4 § 1a)

4.20.30 **Minimum Bi-Monthly Charges; Residential** The minimum bi-monthly water charges for residential accounts will be \$23.94, which will allow six hundred (600) cubic feet. Additional needs shall be charged at the metered rate of:

7 - 25 ccf	\$2.25 / ccf
Additional Needs	\$2.95 / ccf

In addition to the charges listed above, a fee of \$1.14 per ccf, or portion thereof, will be charged to defray the additional costs associated with Zone 3 Lopez Dam Retrofit and Water Treatment Plan Update.

For meters serving more than one (1) residential dwelling unit, the minimum bi-monthly charge shall be calculated as \$3.99 multiplied by six (hundred cubic feet), multiplied by the number of dwelling units served. (Ord. 2006-1 Art. 4 § 1b)

4.20.40 **Partial Billing.** Partial billings shall be based upon the following chart:

<u>Days of Use</u>	<u>Fraction of Charge</u>
1 – 15	1/4 of minimum
16 – 30	1/2 of minimum
31 – 45	3/4 of minimum
46 – 60+	All of minimum

(Ord. 2006-1 Art. 4 § 2)

4.20.50 **Disputed Bills.** Whenever there is a dispute as to a bill's accuracy, the District will initiate an investigation, including a meter test in accordance with this Chapter.

Bills reflecting clerical or meter errors shall be adjusted, taking into consideration the volume of business, seasonal demand, and any other factors that may assist in determining an equitable charge. (Ord. 2006-1 Art. 4 § 3)

4.20.60 **Billing Adjustment.** The owner may request a billing adjustment whenever a bill reflects a high usage compared to the previous comparable seasonal billing period. The owner must produce evidence of a break or malfunction that was not reasonably detectable. The owner must also produce evidence the break or malfunction has been repaired.

High usage is defined as water use for a billing period which is in excess of one and one-half (1.5) times the normal seasonal bimonthly use as solely determined by the District.

Once the District determines there is no evidence that the excess water use was due to the willful act or the negligence of the consumer or the consumer's agent(s), the General Manager will credit the consumer's account for one-half (1/2) the difference between the dollar amount of the normal

bill and the dollar amount of the disputed bill. The "normal bill" will be calculated as normal seasonal bimonthly use at current commodity rates.

If the General Manager does not authorize the credit, the owner may appeal the decision to the Board. The appeal must be in writing and explain why the customer disagrees with the General Manager's decision. Consumers requesting a bill adjustment must allow District staff to complete a residential water use survey before any bill adjustment is given. The General Manager may grant exemptions to this requirement if District staff is unavailable to perform the survey in a timely manner.

Consideration of an adjustment pursuant to this section shall be allowed only once in any consecutive 24 month period. The Board may make exceptions to the adjustment frequency and amount limitations for "Acts of God" such as earthquakes and floods. (Ord. 2007-1 Art. 1)

4.20.70 **Meter Found Not Registering.** When a meter is found to be out of order, the water charge will be based upon the average of the past twelve (12) water bills. (Ord. 2006-1 Art. 6 § 5)

4.20.80 **Terms and Conditions for Providing Service and Bill Payment.** Statements for metered water service will be rendered according to meter registration. Statements will be mailed every two (2) months and are due and payable upon presentation. For each property receiving service, all responsibility and liability for charges incurred is assumed by the property owner until the owner notifies the District, in writing, to discontinue such service. The District is not responsible for errors unless such notification is in writing. (Ord. 2006-1 Art. 4 § 5)

4.20.90 **Billing Address.** All billing shall be mailed in the property owner's name to the property owner's residence. Billings can be sent to the service address even though the owner does not occupy the residence at the service address if, mail service is provided to the service address and the property owner completes an authorization form requesting a billing be sent to the service address. The fee for this service is \$2.40 per bill. (Ord. 2006-1 Art. 4 § 6)

4.20.100 **Delinquent Bills.** A customer's water service may be discontinued if a bill becomes delinquent. Charges not collected within twenty (20) days of billing shall be delinquent. If charges and penalties are not collected within twenty (20) days of billing, the General Manager is authorized to commence service termination procedures. (Ord. 2006-1 Art. 5 §§ 1a-b)

If a customer receives water service at more than one (1) location and the bill for service at any one (1) location is not paid, water service at all locations may be turned off upon approval of the water and sewer committee. (Ord. 2006-1 Art. 5 § 2)

4.20.110 **Service Termination Procedures.** The owner or his authorized agent shall be mailed a written notice of intent to shut off water service. Said notice shall contain an explanation for the service termination. Notice shall be mailed no earlier than twenty (20) days from the mailing date of the delinquent service bill. There shall be a \$5.00 service charge for said notice.

No earlier than fifteen (15) days after notice is mailed, a good faith effort will be made to contact an adult residing at the premises. Notwithstanding the attempt to locate an adult, the delinquency notice shall be posted on the building where service is to be disconnected. The posted notice shall

state that unless the charges and penalties are paid within forty-eight (48) hours, service will be discontinued. Once delinquency notice has been posted an additional \$25.00 fee will be assessed.

If it becomes necessary to remove a water meter to discontinue service for reasons other than maintenance, a reconnection fee shall be charged for its replacement. If water service has been turned off for failure to pay for service, a reconnection fee shall be charged, and paid in advance of water being restored. If payment is received after 3:30 p.m. on any working day then service may not be restored until the next working day. If payment was made after 3:30 p.m. and the customer desires for their service to be restored the same day, then the reconnection charge shall be increased by the cost for call-out service. Call out service is a minimum of two (2) hours at time and a half pay. (Ord. 2006-1 Art. 5 §§ 1d(i-ii))

4.20.120 Delinquent Charges Become a Lien. Charges of any kind more than one hundred twenty (120) days delinquent plus penalties and interest thereon when recorded as provided in California Government Code § 61621.1 shall constitute a lien upon the real property. However, no such lien shall be created against any publicly owned property. Such lien shall continue until the charges, penalties and interest are fully paid, or until the property is sold or until otherwise extinguished by operation of law.

If any action at law is commenced to collect delinquent charges, the District shall compute the amount of the charges plus penalties, disconnection fees, administrative costs and interest on the sum thereof at the rate of one-half of one percent (.050%) per month from the delinquency date and shall report the total of such computation to the County Auditor for inclusion on the tax rolls. A copy of said report shall be recorded with the County Recorder. (Ord. 2006-1 Art. 5 § 4)

4.20.130 Addition of Unpaid Fees and Charges to the Tax Roll. On or before July 15 of each calendar year, the District Secretary shall prepare a list of persons owing connection fees, service charges, penalties and other charges. The Secretary shall transmit the list to the County Auditor on or before August 10th for inclusion in the assessment roll. The procedures for notice and hearing set forth in California Government Code Section 61621.2 shall be followed. (Ord. 2006-1 Art. 5 § 5)

4.20.140 Returned Checks. A service charge of \$30.00 for each returned check may be collected at the General Manager's discretion. The General Manager may require payment in cash, certified check or other means acceptable as bona fide payment. (Ord. 2006-1 Art. 5 § 1d(iv))

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CHAPTER 4.30 MAINTENANCE

Sections:

- 4.30.10 **District Maintenance.**
- 4.30.20 **Customer Maintenance.**
- 4.30.30 **Improvements of Water System by Others.**
- 4.30.40 **Meter and Service Connection Maintenance and Repair.**
- 4.30.50 **Obstruction of District Property.**
- 4.30.60 **Change of Meter Location.**
- 4.30.70 **Meter Test.**
- 4.30.80 **Water Supply Shut-Off for Repairs or Modifications.**
- 4.30.90 **Damage on the Premises Served.**
- 4.30.100 **Tampering with District Property.**
- 4.30.110 **Unsafe Apparatus.**
- 4.30.120 **Admittance of District Employees to Customer's Premises.**
- 4.30.130 **Cross Connections.**
- 4.30.140 **Temporary Supply from Fire Hydrants.**

4.30.10 **District Maintenance.** All service connections, water meters, and housing installed by the District shall be maintained at District expense, except as otherwise herein provided. (Ord. 2006-1 Art. 6 § 1)

4.30.20 **Customer Maintenance.** Backflow prevention devices will be maintained at the customer's expense. (Ord. 2006-1 Art. 6 § 1)

4.30.30 **Improvements of Water System by Others.** Any customer or owner desiring to make improvements or changes necessitating the cutting, refitting, raising or lowering of service connections, water mains, fire hydrants, standpipes, meters, valves or other parts of the water system shall notify the District. If such changes are approved by the District; the work shall be accomplished by District personnel or under the direct supervision of District personnel with the owner or owner's agent paying actual costs thereof including administration and overhead costs. (Ord. 2006-1 Art. 6 § 2)

4.30.40 **Meter and Service Connection Maintenance and Repair.** The District shall furnish, set and maintain all meters and service connections. The District shall replace equipment when such equipment is rendered unserviceable through reasonable use. However, when replacements and repairs or adjustments of any District equipment is necessary by any act of negligence or carelessness by the customer, the District shall be reimbursed by the property owner for any costs incurred. (Ord. 2006-1 Art. 6 § 3)

4.30.50 **Obstruction of District Property.** It shall be each property owner's duty to keep the space above the meter, shut-off box, fire hydrant or valves free from any obstruction that may interfere with access by District employees. The customer shall be given twenty-four (24) hours notice to remove any obstructions. If the customer fails to remove the obstruction then the District shall remove the obstruction and charge the customer for the removal cost. (Ord. 2006-1 Art. 6 § 3)

4.30.60 **Meter Location Change.** When the a meter location is changed at the property owner's request, the total cost including administration and overhead to make the

change will be paid by the owner. Payment must be received by the District prior to the meter relocation. (Ord. 2006-1 Art. 6 § 4)

4.30.70 Meter Test. Upon one (1) week's notice, a customer may request the District to test the meter serving the customer's premises. The customer shall have the right to require the District to conduct the test in his presence or in the presence of his authorized representative. The customer shall be notified, not less than five (5) days in advance, of the test time and place. A written report giving the test results shall be given to the customer within ten (10) days after the test's completion. The customer shall pay \$40.00 to cover the reasonable test cost. If the meter is found to register more than two percent (2.00%) fast, the fee shall be returned.

4.30.80 Water Supply Shut-Off for Repairs or Modifications. The District may shut off the water supply to repair, extend or alter water mains and to repair and replace hydrants, to repair and renew water service connections, or to change and test water meters or detector check valves.

When the water supply is to be shut-off for any of the above reasons, the District will make a reasonable effort to deliver notice of the shut-off to the customer or to some responsibly interested person on the premises but it does not assume any liability for the customer's failure to receive or to understand such notice. The District shall not be responsible for the maintenance of pressure nor the continuity of water supply, and customers dependent upon a continuous water supply should provide for adequate storage for emergencies.

Customers having water heaters or any device requiring a continuous water supply should take all necessary steps to prevent water damage to or the causing of injury by such devices as a result of the shutting-off of the water supply. (Ord. 2006-1 Art. 6 § 6)

4.30.90 Damage on the Premises Served. The District assumes no responsibility for the maintenance and operation of the customer's water system beyond the service connection. The customer assumes all liability and responsibility of every kind and District shall be kept whole and held harmless at all times as to any and all claims resulting from matters involving quantities, qualities, time and occasion of delivery, or any other phase of maintenance operation and service of customer's water system. (Ord. 2006-1 Art. 6 § 7)

4.30.100 Tampering with District Property. No person, other than an authorized District employee, shall operate, or cause to be operated; any valve connected to a water main, service connection or fire hydrant. No person shall tamper with or otherwise interfere with any water meter, meter valve, backflow prevention device detector check valve or other part of the water system. Notwithstanding this section a non District employee may shut-off water to prevent damage to a customer's property or District property.

If a curb cock or wheel valve controlling a water supply is uncovered or a meter cover or center piece is removed or lifted, the person, firm or corporation responsible will be held liable for any injury or damage to the District property. (Ord. 2006-1 Art. 6 § 8)

4.30.110 Unsafe Apparatus. The District may refuse to furnish water and may discontinue service to any premises where an unsafe apparatus is installed or where any apparatus is installed to circumvent the provisions of this Code. Discontinuance will occur immediately upon discovery of any such installation. An illegal service connection providing

water service as described herein shall be charged \$100 per incident and shall be charged against the property supplying the water. . (Ord. 2006-1 Art. 5 § 6)

4.30.120 Admittance of District Employees to Customers' Premises. Upon reasonable notice authorized District inspectors, agents and employees shall have the right of entry and access to customer's premises for the following purposes:

a. Testing, changing or reading water meters installed, maintained and operated by the District;

b. Inspecting any and all such building, grounds and premises to determine the water quality and quantity of use and the existence of any condition causing, or likely to affect the furnishing or receipt of water service.

c. Determine the existence, operation, maintenance and use in on or about said buildings, grounds, premises of any plumbing, water piping, water fixture or connects which may now or hereafter cause, create or permit backflow, back siphonage or any other condition affecting, or likely to affect, the District water supply's purity and potability; and

d. Facilitate the District's enforcement, of any and all of its applicable rules and regulations. Each District inspector, agent, and employee shall be furnished with and upon the request of any customer shall display appropriate evidence of identification. (Ord. 2006-1 Art. 6 § 9)

4.30.130 Cross Connections. Cross connections of any type which may permit backflow of water from a supply other than the District's into the District's water supply is a backflow hazard permissible only to the extent approved by the District and shall be protected by an approved backflow device. Since the potential pollution hazard is created by operations on the property, the expense of installation and maintenance of said device shall be paid by the customer. Such a connection shall at all times be subject to inspection for possibility of backflow. . (Ord. 2006-1 Art. 6 § 10)

4.30.140 Temporary Supply From Fire Hydrants. Upon application and a fee of \$300 a fire hydrant permit may be issued. The application shall specify the location of the fire hydrant to be used. A deposit of \$500 shall be submitted together with the application. The deposit shall act as security for the meter and for charges due. Upon return of the meter device the deposit will be refunded minus the cost of the water used and a disconnect fee of \$30.00.

Application for hydrant meters shall be for a period of sixty (60) days or portion thereof to run coterminous with the district billing period.

Upon issuance of the permit the applicant shall only operate the hydrant with wrenches or tools specifically designed for hydrant operation. The use of crescent wrenches or other tools not manufactured for hydrant operation is prohibited. (Ord. 2006-1 Art. 9 §§ 1-3)

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TITLE 5 SOLID WASTE

Chapters:

- 5.01 Definitions
- 5.02 Solid Waste Collection and Control Department.
- 5.03 Mandatory Garbage Service and Rates and Charges.
- 5.04 Franchise
- 5.05 Delinquent Fee and Charge Collection.
- 5.06 Solid Waste, Rubble and Refuse Accumulation.
- 5.07 Accumulated Solid Waste and Rubble Clearing.
- 5.08 Standard Container Storage and Placement for Pick-up.

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CHAPTER 5.01 DEFINITIONS

Sections:

- 5.01.10 Introduction.
- 5.01.20 Cast Offs.
- 5.01.30 District.
- 5.01.40 Developed Property.
- 5.01.50 Franchisee.
- 5.01.60 Garbage.
- 5.01.70 Green Waste.
- 5.01.80 Hazardous Materials.
- 5.01.90 Person.
- 5.01.100 Receivables or Recyclable Materials.
- 5.01.110 Refuse.
- 5.01.120 Rubble.
- 5.01.130 Solid Waste.
- 5.01.140 Standard Container.

5.01.10 **Introduction.** Unless the context otherwise requires, the definitions set forth in this chapter shall govern the interpretation of this chapter's provisions. (Ord. 1999-1, Part 6, Art. 1 § 1-1)

5.01.20 **Cast Offs.** "Cast offs" means discarded mattresses, couches, chairs, and other household furniture, but does not include rubble or solid waste. (Ord. 1999-1, Part 6, Art. 1 § 1-2)

5.01.30 **District.** "District" means the Oceano Community Services District. (Ord. 1999-1, Part 6, Art. 1 § 1-3)

5.01.40 **Developed Property.** "Developed property" means any lot or parcel of land that is connected to the District water system or is served by a private well. (Ord. 1999-1, Part 6, Art. 1 § 1-4)

5.01.50 **Franchisee.** "Franchisee" means and includes a person or any other entity authorized under and by virtue of a contract with the District to collect solid waste. (Ord. 1999-1, Part 6, Art. 1 § 1-5)

5.01.60 **Garbage.** "Garbage" means and includes kitchen and table refuse, offal, swill and also every accumulation of animal and vegetable refuse, and other matter that attends the preparation, consumption, decay or dealing in or storage of meats, fish, fowl, birds, fruits or vegetables. It shall also include crockery, bottles, tin vessels, fireplace ashes and all or any refuse, save and excepting as defined in this section as green waste, rubble, cast offs, and recyclables. (Ord. 1999-1, Part 6, Art. 1 § 1-6)

5.01.70 **Green Waste.** "Green waste" means and includes all tree trimmings, grass cuttings, dead plants and weeds, but shall not include rubble. (Ord. 1999-1, Part 6, Art. 1 § 1-7)

5.01.80 **Hazardous Materials.** "Hazardous Materials" means any material defined as hazardous in the California Health and Safety Code, as may be amended from time to time; any

waste that is hazardous according to the criteria set forth in the California Code of Regulations, as may be amended from time to time, or any waste that must be disposed of in a hazardous waste landfill. (Ord. 1999-1, Part 6, Art. 1 § 1-8)

5.01.90 **Person.** "Person" means a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust organization, or any other type of legal entity, or the manager, lessee, agent, servant, officer, or employee of any of them who is in possession of a commercial or residential property. (Ord. 1999-1, Part 6, Art. 1 § 1-9)

5.01.100 **Recyclables or recyclable materials.** "Recyclables" or "Recyclable Materials" means, but is not limited to, any paper, glass, cardboard, plastic, ferrous metal, aluminum, or other material that is to be segregated for collection for reuse in the market place. (Ord. 1999-1, Part 6, Art. 1 § 1-10)

5.01.110 **Refuse.** "Refuse" means and includes garbage, recyclables, green waste, cast offs, and/or rubble. (Ord. 1999-1, Part 6, Art. 1 § 1-11)

5.01.120 **Rubble.** "Rubble" means and includes all debris from the construction, demolition or alteration of buildings, earth, rocks or incinerator ashes, brick, mortar, concrete and similar solid material. (Ord. 1999-1, Part 6, Art. 1 § 1-12)

5.01.130 **Solid Waste.** "Solid waste" means and includes all waste substances including garbage, green waste, and recyclables, but does not include cast offs or rubble. (Ord. 1999-1, Part 6, Art. 1 § 1-13)

5.01.140 **Standard Container.** "Standard container" means and includes residential and commercial containers made of metal or plastic for holding/containing solid waste in a sufficient strength to prevent them from being broken under ordinary conditions. The size and capacity of standard containers are established by the Collection Rate and Charge Ordinance enacted pursuant to section 5.03.40 of this Code. Standard containers include garbage containers, green waste containers, and recyclable containers. (Ord. 1999-1, Part 6, Art. 1 § 1-14)

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CHAPTER 5.02 SOLID WASTE COLLECTION AND CONTROL DEPARTMENT

Sections:

- 5.02.10 **Creation**
- 5.02.20 **Operations Supervisor**
- 5.02.30 **Operations Supervisor's Duties**
- 5.02.40 **Exceptions**

5.02.10 **Creation.** A Solid Waste Collection and Control Department is hereby created to collect and dispose of refuse within the District. (Ord. 1999-1, Part 6, Art. 2 § 2-1)

5.02.20 **Operations Supervisor.** The General Manager or his/her designee shall be the Operations Supervisor of the District's Solid Waste Collection and Control Department. (Ord. 1999-1, Part 6, Art. 2 § 2-2)

5.02.30 **Operations Supervisor's Duties.** The Operations Supervisor shall administer and oversee compliance with this Title's provisions. (Ord. 1999-1, Part 6, Art. 2 § 2-3)

5.02.40 **Exceptions.** Nothing in this Title shall be deemed to prohibit the removal and hauling by a licensed person of materials considered by the Operations Supervisor to constitute a health menace of such nature as necessary to be ordered to be promptly removed.

Nothing in this Title shall be construed to prohibit any producer of solid waste, cast offs, rubble, or refuse from hauling the same to a permitted disposal site.

Nothing in this Title shall be construed to prohibit the collection and removal of grass clippings and shrubbery by individual residents and by individuals doing business as professional landscapers, when the collection is directly related to their work. (Ord. 1999-1, Part 6, Art. 11 §§ 11-1 – 11-3)

5.02.50 **Violation a Misdemeanor.** Any person violating any provisions of this Title shall be guilty of a misdemeanor and subject to the provisions of this Code, as amended from time to time. (Ord. 1999-1, Part 6, Art. 14 § 14-1)

5.02.60 **Individual Right to Dispose of Recyclable Waste Material.** Nothing in this Title shall limit the right of an individual person, organization or other entity to donate, sell or otherwise dispose of recyclable material, provided that any such disposal is in accordance with this Title's provisions. (Ord. 1999-1, Part 6, Art. 1 § 15-1)

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CHAPTER 5.03 MANDATORY GARBAGE SERVICE AND RATES AND CHARGES

Sections:

- 5.03.10** **Collection and Disposal.**
- 5.03.20** **District Collection and Disposal Service.**
- 5.03.30** **Removal Period.**
- 5.03.40** **Rates Fees and Charges.**
- 5.03.50** **Property Owner Liable.**

5.03.10 **Collection and Disposal.** The periodic collection and disposal of solid waste from all developed properties within the District is mandatory. (Ord. 1999-1, Part 6, Art. 3 § 3-1)

5.03.20 **District Collection and Disposal Service.** The District will provide solid waste collection and disposal service through its Franchisee; and all developed properties within the District shall use the District's solid waste collection and disposal service, except that there may be joint or multiple use of solid waste containers, subject to conditions established by the District. (Ord. 1999-1, Part 6, Art. 3 § 3-2)

5.03.30 **Removal Period.** All solid waste of any kind shall be removed by District, its agents, employees, or Franchisees or representatives, at least every seven (7) days, unless otherwise directed by the District's Operations Supervisor. (Ord. 1999-1, Part 6, Art. 3 § 3-3)

5.03.40 **Rates, Fees and Charges.** Collection rates, fees and charges for solid waste collection and disposal shall be established pursuant to California Constitution Article XIID, §6(a), and are as follows:

<u>Residential</u>	<u>Rate</u>
1 Can	\$8.70
2 Cans	\$12.50
3 Cans	\$24.45
4 Cans	\$28.88

<u>Commercial</u>	<u>Pickups/week</u>	<u>Rate</u>
1-Yard	1	\$42.50
1-Yard	2	\$61.15
1-Yard	3	\$80.80
1-Yard	4	\$99.45
1-Yard	5	\$120.15
1-Yard	6	\$139.85
1.5-Yard	1	\$50.75
1.5-Yard	2	\$77.65
1.5-Yard	3	\$104.65
1.5-Yard	4	\$146.05
1.5-Yard	5	\$178.15
1.5-Yard	6	\$212.35

2-Yard	1	\$54.90
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2 Yard	2	\$90.10	\$90.10	1
2 Yard	3	\$128.40	\$128.40	1
2 Yard	4	\$187.50	\$187.50	1
2 Yard	5	\$230.00	\$230.00	1
2 Yard	6	\$274.50	\$274.50	1
3 Yard	1	\$66.25	\$66.25	1
3 Yard	2	\$122.20	\$122.20	1
3 Yard	3	\$170.90	\$170.90	1
3 Yard	4	\$320.10	\$320.10	1
3 Yard	5	\$396.70	\$396.70	1
3 Yard	6	\$422.60	\$422.60	1
4 Yard	1	\$94.25	\$94.25	1
4 Yard	2	\$141.95	\$141.95	1
4 Yard	3	\$204.50	\$204.50	1
4 Yard	4	\$304.50	\$304.50	1
4 Yard	5	\$361.50	\$361.50	1
4 Yard	6	\$422.60	\$422.60	1
1 Can	1	\$12.25	\$12.25	1
2 Cans	1	\$20.50	\$20.50	1
3 Cans	1	\$24.65	\$24.65	1
4 Cans	1	\$30.05	\$30.05	1
96 Gal. WW	1	\$26.95	\$26.95	1

(Ord. 1999-1, Part 6, Art. 3 § 3-4)

5.03.50 **Property Owner Liable.** A developed property's owner shall be responsible and liable to pay the solid waste collection, rates and charges for that property. At the owner's request, a duplicate bill and delinquency notices will be mailed to the service address by the District or its Franchisee. (Ord. 1999-1, Part 6, Art. 3 § 3-5)

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CHAPTER 5.04 FRANCHISE

Sections:

- 5.04.10 Franchise.
- 5.04.20 Franchise Agreement Required.
- 5.04.30 Collection Truck Condition.
- 5.04.40 Hazardous Materials.
- 5.04.50 Infectious Waste.
- 5.04.60 Recyclable Material Ownership

5.04.10 Franchise. A franchise, exclusive or nonexclusive, to collect and dispose of solid waste may be granted by the District. (Ord. 1999-1, Part 6, Art. 4 § 4-1)

5.04.20 Franchise Agreement Required. No person shall collect, or enter into an agreement to collect, or provide for the collection or disposal of solid waste, unless such person is authorized by the District to operate within the District by means of a franchise agreement. (Ord. 1999-1, Part 6, Art. 4 § 4-2)

5.04.30 Collection Truck Condition. Every truck used by a Franchisee to collect and remove solid waste shall be kept well painted, clean, and in good operating condition. (Ord. 1999-1, Part 6, Art. 10 § 10-1)

5.04.40 Hazardous Materials. A Franchisee shall not be required to collect hazardous or dangerous materials as part of its regular collection activity. Liquid and dry caustics, acids, biohazards, flammable, explosive materials, insecticides, and similar substances shall not be deposited in standard containers described in Chapter 5.01. Any person collecting such substances shall store, handle and dispose of such materials in accordance with local, state and federal law and shall obtain all necessary local, state and federal permits therefore. (Ord. 1999-1, Part 6, Art. 12 § 12-1)

5.04.50 Infectious Waste. A Franchisee shall not be required to collect infectious waste (as defined in California Health and Safety Code Section 7054.4, as amended from time to time, or any successor provision or provisions thereto) as part of its regular collection activity. Anyone producing such wastes shall store, handle and dispose of such materials only in the manner approved by the County health officer or designated deputy, and in accordance with local, state and federal law and with all necessary local, state and federal permits. (Ord. 1999-1, Part 6, Art. 12 § 12-2)

5.04.60 Recyclable Material Ownership. Solid waste shall become the property of the Franchisee upon placement at curbside. (Ord. 1999-1, Part 6, Art. 13)

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CHAPTER 5.05 DELINQUENT FEE AND CHARGE COLLECTION

Sections:

5.05.10 Delinquent Accounts.

5.05.20 Tax Roll.

5.05.10 Delinquent Accounts. Once each year, prior to a date established by the District, the Franchisee shall take the following actions to collect delinquent solid waste collection and disposal accounts:

a. Present to the District a list of property owners (with corresponding parcel numbers) within the District whose accounts are more than one hundred twenty (120) days past due;

b. Send a certified letter requesting payment to each property owner with a delinquent account;

c. At least (30) thirty days after receiving delivery certification for payment requests, present to the District a list of property owners (with corresponding parcel numbers) whose accounts are still past due. (Ord. 1999-1, Part 6, Art. 5 § 5-1)

5.05.20 Tax Roll. After the Franchisee has completed all of the actions listed in Section 5.05.10, the Board shall adopt a resolution authorizing the County Auditor to place the delinquent accounts upon the tax roll. The Franchisee shall bear the full cost of any fees charged by the County Auditor to place the delinquent accounts on the tax roll. (Ord. 1999-1, Part 6, Art. 5 § 5-2)

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CHAPTER 5.06 SOLID WASTE, RUBBLE, AND REFUSE ACCUMULATION

Sections:

- 5.06.10 Accumulation.
- 5.06.20 Solid Waste Disposal.
- 5.06.30 Rubble or Cast Off Disposal.
- 5.06.40 Owner Liability.

5.06.10 Accumulation. No person shall allow the following to accumulate on developed property or undeveloped property:

- a. Solid waste, unless the same shall be in a standard container;
- b. Rubble; and/or
- c. Cast offs.

(Ord. 1999-1, Part 6, Art. 6 § 6-1)

5.06.20 Solid Waste Disposal. No person shall dispose of solid waste originating on such person's property by:

- a. Causing the same to be placed on another person's lot or parcel;
- b. Causing the same to be deposited in or near litter receptacles placed by the District in public places for incidental use by pedestrians or vehicular traffic;
- c. Causing the same to be deposited on any public or private place, street, lane, alley, or drive, unless the same shall be in a standard container;
- d. Causing the same to be placed into any standard container other than those in such person's possession, unless permission for such use is granted by the commercial or residential customer in possession of the standard container. (Ord. 1999-1, Part 6, Art. 6 § 6-3)

5.06.30 Rubble or Cast off Disposal. No person shall dispose of rubble or cast offs originating on such person's property by:

- a. Causing the same to be placed on another person's lot or parcel;
- b. Causing the same to be deposited in or near litter receptacles placed by the District in public places for incidental use by pedestrians or vehicular traffic;
- c. Causing the same to be deposited on any public or private place, street, lane, alley, or drive, unless the same shall be in a standard container. (Ord. 1999-1, Part 6, Art. 6 § 6-4)

5.06.40 Owner Liability. The owner of developed or non-developed (vacant) lot or parcel of land shall be liable for paying the costs, including administrative costs and attorneys' fees for removing solid waste, refuse, and rubble that accumulates on his/her property in

violation of this Title, if said waste is not removed after notice, as provided in this Title. (Ord. 1999-1, Part 6, Art. 6 § 6-5)

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CHAPTER 5.07 ACCUMULATED SOLID WASTE AND RUBBLE CLEARING

Sections:

- 5.07.10 Public Nuisance.**
- 5.07.20 District Supervisor Authority.**
- 5.07.30 Notice Form.**
- 5.07.40 Notice.**
- 5.07.50 Enforcement.**

5.07.10 Public Nuisance. Solid waste, refuse, and/or rubble accumulation in violation of Chapter 5.06 is hereby declared to be a public nuisance. (Ord. 1999-1, Part 6, Art. 7 § 7-1)

5.07.20 District Supervisor Authority. The District’s Operations Supervisor is authorized and empowered to notify the owner, his or her agent, or person in control of any lot or parcel within the District, and direct them to dispose of solid waste, refuse, and/or rubble that has accumulated in violation of Chapter 5.06. Such notice shall be given by posting the lot or parcel and by certified mail addressed to the owner, his or her agent, at his or her last known address, or by personal service on the owner, agent, person in control or occupant of the property. (Ord. 1999-1, Part 6, Art. 7 § 7-2)

5.07.30 Notice Form. The notice shall describe the work to be done and shall state that if the work is not commenced within ten (10) calendar days after receipt of notice and diligently prosecuted to completion without interruption, the District Operations Supervisor shall notify the County Environmental Health Department to commence abatement proceedings. Cost of said abatement, including administrative costs and attorneys’ fees, shall be a lien on the property. The notice shall be substantially in the following form:

NOTICE TO REMOVE SOLID WASTE REFUSE, CAST OFFS, AND/OR RUBBLE

The owner of the property commonly known as: _____ is hereby ordered to properly dispose of the solid waste matter, refuse, cast offs, and/or rubble located on the property, to wit: _____ (type of waste matter to be disposed of) within ten calendar days from the date hereof. If the disposal of the solid waste matter, cast-offs, and/or rubble herein described is not commenced and diligently prosecuted to completion within the time fixed herein, the District Operations Supervisor will apply to the County of San Luis Obispo Environmental Health Department for an order to abate said nuisance, and the costs of such abatement shall become a charge against the property, and shall be made a special assessment against the property. Said special assessment may be collected at the same time and in the same manner as is provided for the collection of ordinary County taxes, and shall be subject to the same procedures as foreclosure and sale in the case of delinquency as is provided for ordinary County taxes. If you should have any questions please contact the undersigned at (805) 481-6730.

Date:

District Operations Supervisor

cc: San Luis Obispo County Environmental Health Department

(Ord. 1999-1, Part 6, Art. 7 § 7-3)

5.07.40 **Records.** The District Operations Supervisor shall cause to be kept in his/her office a permanent record containing:

- a. A description of each parcel of property for which notice to dispose of waste matter has been given;
- b. The name of the owner, if known;
- c. The date the matter was referred to the San Luis Obispo County Department of Environmental Health;
- d. Action taken by the County Department of Environmental Health.

Each such entry shall be made as soon as practicable after completion of such act.
(Ord. 1999-1, Part 6, Art. 7 § 7-4)

5.07.50 **Enforcement.** The County of San Luis Obispo Environmental Health Department is hereby authorized to enforce all abatement proceedings authorized by this Title.
(Ord. 1999-1, Part 6, Art. 7 § 7-5)

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CHAPTER 5.08 STANDARD CONTAINER STORAGE AND PLACEMENT FOR PICK-UP

Sections:

- 5.08.10 Residential Waste Collection.
- 5.08.20 Container Placement.
- 5.08.30 Interference With Solid Waste.

5.08.10 Residential Waste Collection. All residential standard containers shall be placed for collection along the street in front of the premises or the rear alley, when applicable, only on the date established for collecting solid waste on the particular route, or after 5:30 P.M. on the day immediately prior to such collection, and shall not remain thereon for more than twelve (12) hours after it has been emptied unless special in yard service has been contracted for. (Ord. 1999-1, Part 6, Art. 8 § 8-1)

5.08.20 Container Placement. Any container placed for collection along a street or roadway shall be placed within three (3) feet of the street or roadway edge, without causing a safety hazard. If automated service is provided in the District, containers shall be placed in accordance with guidelines established by the Franchisee and approved by the District.

Upon collection, the Franchisee shall place all standard containers approximately three (3) feet from the street or roadway edge, to avoid creating a safety hazard. (Ord. 1999-1, Part 6, Art. 8 §§ 8-2, 8-3)

5.08.30 Interference With Solid Waste. No person other than a Franchisee or customer shall interfere in any manner with any solid waste standard container or the contents thereof, or remove any such solid waste standard container from the location where it was placed by the customer or Franchisee, nor remove the contents of any solid waste standard container. (Ord. 1999-1, Part 6, Art. 9 §9-1)

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TITLE 6 SEWER SERVICE

Chapters:

6.01 General Provisions.

6.02 Fees

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CHAPTER 6.01 GENERAL PROVISIONS

Sections:

- 6.01.10 Uniform Plumbing Code.
- 6.01.20 Amendments Made in the Uniform Plumbing Code.
- 6.01.30 Violation Unlawful.
- 6.01.40 Connection Required.
- 6.01.50 Septic Tanks.
- 6.01.60 Protection from Damage.
- 6.01.70 Waste Disposal.
- 6.01.80 Waste Treatment Required.
- 6.01.90 Drainage into Sanitary Sewers Prohibited.
- 6.01.10 Waste Types Prohibited.
- 6.01.110 Other Wastes Prohibited.
- 6.01.120 South San Luis Obispo Sanitation District.
- 6.01.130 Interceptors Required.
- 6.01.140 Interceptor Maintenance.
- 6.01.150 Control Manhole.
- 6.01.160 Design and Construction Requirements.
- 6.01.170 Separate Sewers for Separate Lots.
- 6.01.180 Existing Building Sewer and Sewer Lateral Use.
- 6.01.190 Cleanouts.
- 6.01.200 Building Drain Relation to Sewer Lateral.
- 6.01.210 Manner of Connecting Building Sewer to Lateral Sewer.
- 6.01.220 Tests.
- 6.01.230 Private Sewer Abandonment Required When Public Sewer Available.
- 6.01.240 Who May Install Sewer Laterals.
- 6.01.250 Building Sewer Maintenance.
- 6.01.260 Oversized Public Sewers.
- 6.01.270 All Work to be Inspected.
- 6.01.280 Sewer Service Outside the District.
- 6.01.290 Service Charge Commencement.
- 6.01.300 Sewer Service Discontinuance.

6.01.10 Uniform Plumbing Code. To prescribe regulations governing plumbing materials and methods, the Board adopts the International Association of Plumbing and Mechanical Officials Installation Standards, published by the International Association of Plumbing and Mechanical Officials, being particularly the 1985 Edition thereof and the whole thereof (the "UPC"), save and except such portions as are hereinafter deleted, modified or amended by this Code and the UPC is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Title takes effect, the provision thereof shall be controlling within the District's limits. (Ord. 1986-2, § 1)

6.01.20 Amendments Made in the UPC. The UPC schedule of fees is eliminated from adoption. The District adopts only those UPC Sections that the District is authorized to administer and enforce. (Ord. 1986-2 § 2)

6.01.30 **Violation Unlawful.** It shall be unlawful for any person to connect to, construct, install or provide, maintain and/or use any other means of sewage disposal from any building within District except by connection to a public sewer in the manner as provided by this Title, when the public sewer has been constructed and accepted for use and is available within two hundred feet (200') of the property containing said building. (Ord. 1984-2, Art. 5, § 5-2)

6.01.40 **Connection Required.** The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, newly constructed or under construction, situated within the District and abutting on any street, alley or right of way in which there is located a District public sewer, is hereby required at his expense to connect such facilities directly with the proper public sewer in accordance with the provisions of this Title.

If a public sanitary sewer system is extended to the property line of any improved property that is being served by a septic system, that property must connect to the sanitary sewer system within two (2) years, or when the septic system fails, whichever occurs first. At the time of connection, the property owner or his agent must obtain a connection permit from the District and pay all fees required at the time the permit is issued. (Ord. 1984-2, Art. 5, § 5-3)

6.01.50 **Septic Tanks.** When septic tanks are permitted they shall be constructed in accordance with the County Health Department's requirements. (Ord. 1984-2, Art. 5, § 5-4)

6.01.60 **Protection from Damage.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the District sewage facilities. Any person violating this provision shall be subject to the penalties provided by law. (Ord. 1984-2, Art. 5, § 5-5)

6.01.70 **Waste Disposal.** It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the District, or in any area under the District's jurisdiction, any human excrement or other objectionable waste. (Ord. 1984-2, Art. 5, § 5-6)

6.01.80 **Waste Treatment Required.** It shall be unlawful to discharge to any stream or water course, any sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with all prevailing laws, statutes, ordinances, and rules and regulations. (Ord. 1984-2, Art. 5, § 5-7)

6.01.90 **Drainage into Sanitary Sewers Prohibited.** No leaders from roofs and no surface drains for rain water shall be connected to any sanitary sewer. No surface or subsurface drainage, rain water, storm water, seepage, cooling water of industrial origin or unpolluted industrial process waters shall be permitted to enter any sanitary sewer by any device or method whatsoever. (Ord. 1984-2, Art. 5, § 5-8)

6.01.100 **Waste Types Prohibited.** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

a. Any gasoline, benzene, naphtha fuel oil, or other flammable or explosive liquid, solid, or gas.

b. Any water or waste containing toxic or poisonous solids, liquids or gas in sufficient quantity, either singly or by interaction with other waste, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/l of CN . in the wastes as discharged to the public sewer.

c. Any water or waste having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to the sewage work's structures, equipment, and personnel.

d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshing, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders. (Ord. 1984-2, Art. 5, § 5-9)

6.01.110 Other Wastes Prohibited. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the General Manager's opinion that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the General Manager will give consideration to such factors as the quantities of subject wastes in relation to the sewage treatment process and capacity of the sewage treatment plant. The temperature in, degrees, of substances prohibited are:

a. Any liquid or vapor having a temperature higher than one hundred forty degrees Fahrenheit (140° F).

b. Any water or waste containing fats, wax grease, or oils, whether emulsified or not, in excess of one hundred mg/l (100 mg/l) or containing substances which may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit (32° F) and one hundred fifty degrees Fahrenheit (150° F).

c. Any garbage that has not been properly shredded so that no particles are greater than one-half inch (1/2") in any dimension. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (3/4 hp) or greater shall be subject to the General Manager's review and approval.

d. Any water or waste containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

e. Any water or waste containing iron, chromium, copper, zinc, and similar objectionable, or toxic substances: or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the General Manager for such materials.

f. Any water or waste containing phenols or the taste or odor producing substances, in such concentrations exceeding limits which may be established by the General Manager as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies or jurisdiction for such discharge to the receiving waters.

g. Any radioactive waste or isotopes having such half-life or concentration as may exceed limits established by the General Manager in compliance with applicable state or federal regulations.

h. Any water or waste having a pH in excess of 9.5.

i. Materials which exert or cause:

1. Unusual concentrations of inert suspended solids, such as, but not limited to, Fullers earth, lime slurries, and lime residues, or of dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate.

2. Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.

3. Unusual biochemical oxygen demand, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

4. Unusual volume or flow or concentration of wastes.

j. Water or waste containing substances which are not amenable to treatment or reduction by the sewage treatment process as employed by the South San Luis Obispo County Sanitation District, or which are amenable to treatment only to such a degree that the sewage treatment plant effluent of said district cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters. (Ord. 1984-2, Art. 5, § 5-10)

6.01.120 **South San Luis Obispo County Sanitation District.** South San Luis Obispo County Sanitation District shall have final say concerning the type of wastes allowed in the sewer system. (Ord. 1984-2, Art. 5, § 5-11)

6.01.130 **Interceptors Required.** Grease, oil, and sand interceptors shall be provided when, in the General Manager's opinion, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients: except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the General Manager, and shall be located as to be readily and easily accessible for cleaning and inspection. (Ord. 1984-2, Art. 5, § 5-12)

6.01.140 **Interceptor Maintenance.** Where preliminary treatment or flow equalizing facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. (Ord. 1984-2, Art. 5, § 5-13)

6.01.150 Control Manhole. When required by the General Manager, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and their appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the General Manager. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. (Ord. 1984-2, Art. 5, § 5-14)

6.01.160 Design and Construction Requirements. Building sewer and lateral sewer design and construction shall be in accordance with the District's requirements and such District Design Standards and Specifications as may be adopted by the District, from time to time, and the UPC. (Ord. 1984-2, Art. 5, § 5-15)

6.01.170 Separate Sewers for Separate Lots. Building sewers and lateral sewers shall only serve one (1) lot or parcel under a single ownership. Every building or industrial facility must be separately connected with a public sewer if such public sewer exists in the street upon which the property abuts or in an easement which will serve said property. However, one (1) or more buildings, located on property belonging to the same owner may be served with the same sewer during the period of said ownership. Upon the subsequent subdivision and sale of a portion of said lot, the portion not directly connected with such public sewer shall be separately so connected with such public sewer, and it shall be unlawful for the owner thereof to continue to use or maintain such indirect connection. (Ord. 1984-2, Art. 5, § 5-20)

6.01.180 Existing Building Sewer and Sewer Lateral Use. Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the inspector, to meet all District requirements. If it can be demonstrated that the property to which an old sewer lateral is connected has paid sewer user fees within five (5) years then the sewer connection fee shall be waived, otherwise all fees applicable to new connections shall be paid. (Ord. 1984-2, Art. 5, § 5-21)

6.01.190 Cleanouts. Cleanouts in building sewers shall be placed at the junction with the soil pipe at the building and at intervals not exceeding one hundred feet (100') in straight runs and at every horizontal or vertical change in pipe alignment exceeding ninety feet (90'). Cleanouts shall be of the same diameter and material as the building sewer. The cleanout at the building shall be brought to ground surface and sealed with a watertight nonferrous screw plug. Other cleanouts shall be sealed with watertight plugs at the fittings. A cleanout shall be placed at the connection point to the lateral sewer to facilitate testing of the building sewer and lateral maintenance. (Ord. 1984-2, Art. 5, § 5-22)

6.01.200 Relation of Building Drain to Sewer Lateral.

a. Where the building drain is high enough to permit the building sewer to slope in accordance with the provisions of this Title and where the lowest floor of the building which contains sanitary facilities is at an elevation above the rim of the closest upstream manhole, no special conditions are imposed.

b. In all buildings where the floor elevation is less than the rim of the closest upstream manhole or bypass invert elevation, an overflow device or a backflow protect

device shall be installed. When an overflow device is installed, the elevation of discharge of said installation shall be at one foot (1') below the lowest floor elevation containing a plumbing fixture.

c. Where gravity discharge of waste water is not possible the owner shall install equipment to pump the waste water to the lateral sewer. The discharge pipe shall not be less than two inches (2") and shall contain the method of preventing backflow from the sewer lateral as detailed in the District's Standards and Specifications. (Ord. 1984-2, Art. 5, § 5-23)

6.01.210 Manner of Connecting Building Sewers to Lateral Sewers. The connection of the building sewer into the public sewer shall be made at the lateral sewer. The connection shall be made in the presence of an inspector and under his supervision. (Ord. 1984-2, Art. 5, § 5-24)

6.01.220 Tests. Building sewers shall be tested in the manner prescribed by the District's Standards and Specifications. (Ord. 1984-2, Art. 5, § 5-25)

6.01.230 Private Sewer Abandonment Required When Public Sewer Available. When a public sewer becomes available to a property served by a private sewage disposal system as elsewhere provided in this Chapter, a direct connection shall be made to the public sewer in compliance with the District's Code, rules and regulations and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled in accordance with the County Health Department requirements. (Ord. 1984-2, Art. 5, § 5-26)

6.01.240 Who May Install Sewer Laterals. Sewer laterals shall be installed by District forces. Property owners will not be allowed to install lateral sewers. The District reserves the right, from time to time, to approve an appropriately licensed contractor to install a given sewer lateral. (Ord. 1984-2, Art. 5, § 5-27)

6.01.250 Building Sewer Maintenance. Building sewers and appurtenances shall be maintained by the owner of the property served. Building sewer maintenance or repairs which involve uncovering or removing the sewer pipe shall not be started without securing a permit except in an emergency in which case a permit will be obtained at the first reasonable opportunity and no work covered until an inspection has been made. (Ord. 1984-2, Art. 5, § 5-28)

6.01.260 Oversized Public Sewers. When a person is required by the District to install a sewer more than one (1) pipe size larger than required to serve that person's land, the District may either proceed under this Title's provisions regarding main extensions or may enter into an agreement to pay for the oversizing from District funds. The cost of said oversizing shall be collected when the lands benefiting from the oversizing are connected to the sewer. (Ord. 1984-2, Art. 5, § 5-29)

6.01.270 All Work to be Inspected. All sewer construction work and building sewers shall be inspected by an inspector acting for the District to ensure compliance with all District requirements. No sewer shall be connected to the District's public sewer until the work covered by the permit has been completed, inspected and approved by the inspector. (Ord. 1984-2, Art. 5, § 5-30)

6.01.280 **Sewer Service Outside the District.** All costs and expenses incident to the installation and connection of any sewer or other work outside the District for which a permit has been issued shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the work. (Ord. 1984-2, Art. 5, § 5-31)

6.01.290 **Service Charge Commencement.** The service charge shall accrue beginning on the first day of the month following the connection to the sewer system. (Ord. 1984-2, Art. 5, § 5-32)

6.01.300 **Sewer Service Discontinuance.** If all the delinquent bills and penalties have not been paid to the required amount within forty-eight (48) hours after posting the disconnection notice, the General Manager shall disconnect the sewer where such property has been previously served by sewer, or the General Manger may discontinue water service to the property. The cost to disconnect the sewer and reconnect it, together with all other amounts due, must be paid in cash or cashier's check or certified check at the time application is made to reconnect. It shall be unlawful for any person to inhabit a disconnected property or produce any sewage thereon until the property has been reconnected. Service charges shall continue to accrue during the period of such disconnection. (Ord. 1984-2, Art. 5, § 5-33)

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CHAPTER 6.02 FEES

Sections:

- 6.02.10 Sewer Service Connection Fees.
- 6.02.20 Commercial Establishments, Schools, Manufacturing, Industrial or Any Similar Use.
- 6.02.30 Sewer Use Rates.
- 6.02.40 Inspection Fee.

6.02.10 Sewer Service Connection Fees. Connection fees for new sewer services will be accumulated by the District and used for system improvement. These fees are established as follows:

	<u>Improvement</u>	<u>Fee</u>
Single Family Dwelling		\$500
Apartment Complex (bachelor, one or two bedroom)		\$375/unit
Apartment Complex (three or four bedrooms)		\$500/unit
Motel or hotel (charge is per individual room within the motel/hotel, plus charge for the residential facilities for same)		\$250/room
Condominiums and similar type structures which are privately owned units.		\$500/unit
Mobile home parks (plus \$200 for each washroom and restroom)		\$500/unit
Travel trailer or recreational vehicle park (Plus \$500 for each residential unit at the park <u>and</u> \$200 for each washroom and restroom)		\$250/space

(Ord. 1984-1, § 3)

6.02.20 Commercial Establishments, Schools, Manufacturing, Industrial or Any Similar Use. Connection fee to be based on the capacity of the meter, the square of the meter size and the ratio of the meter as follows:

<u>Meter Size</u>	<u>Fee</u>
5/8" x 3/4"	\$500
3/4"	\$700
1"	\$1,225
1 1/2"	\$2,750
2"	\$4,875
3"	\$11,000
4"	\$27,500
6"	\$62,500

(Ord. 1984-1, § 3)

6.02.30 **Sewer Use Rates.** The Bi-monthly rates for sewer use are established as follows:

<u>Use Category</u>	<u>Bi-Monthly Charge</u>
Multiple Unit residential (per unit)	\$9.25
Single Family Residential (per dwelling)	\$9.25
School (per average daily attendance)	\$.065
RV Trailer Park (per space)	\$5.20
Special Case	Varies (1.50)
Non Residential	\$9.25 Minimum, plus \$0.75/ccf water use over 10 ccf

(Ord. 1994-2, § 2)

6.02.40 **Inspection Fee.** \$50.00 shall be charged for all new sewer connections and shall be collected at the same time as the connection fee. (Ord. 1994-2, § 3)

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TITLE 7 HEALTH AND SAFETY

Chapters:

- 7.01 Fire Service.
- 7.02 Fireworks.
- 7.03 Open Fires.

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CHAPTER 7.01 FIRE SERVICE

Sections:

- 7.01.10 **Uniform Fire Code Adoption.**
- 7.01.20 **Bureau of Fire Prevention.**
- 7.01.30 **Definitions.**
- 7.01.40 **Flammable or Combustible Liquid Storage in Outside Aboveground Tanks is prohibited.**
- 7.01.50 **Liquefied Petroleum Gas Storage is Restricted.**
- 7.01.60 **Explosive and Blasting Agent Storage is Prohibited.**
- 7.01.70 **Amendments made in the Uniform Fire Code.**
- 7.01.80 **Appeals.**
- 7.01.90 **New Materials, Processes, or Occupancies which May Require Permits.**
- 7.01.100 **Penalties.**
- 7.01.110 **Service Fees.**

7.01.10 Uniform Fire Code Adoption. To prescribe regulations governing conditions hazardous to life and property from fire or explosion, the District that certain Code and Standards known as the Uniform Fire Code (the "UFC"), including all Appendix Chapters, published by the Western Fire Chiefs Association and the International Conference of Building Officials, being particularly the 1985 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by this Chapter, the UFC is adopted and incorporated as fully as if set out at length herein, and from the date on which this Chapter takes effect, the provision thereof shall be controlling within the District's limits. (Ord. 1986-1 § 1)

7.01.20 Bureau of Fire Prevention. The UFC shall be enforced by the Bureau of Fire Prevention in the District Fire Department which is hereby established and which shall be operated under the Fire Department Chief's supervision.

If anyone other than the Fire Chief is appointed the Bureau of Fire Prevention's Chief, that appointment shall be confirmed by the Board.

The Fire Chief may detail such Fire Department members as inspectors as from time to time may be necessary. The Fire Chief shall recommend to the General Manager the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to Fire Department members and nonmembers, and appointments made after examination shall be for an indefinite term with removal only for cause. (Ord. 1986-1 § 2)

7.01.30 Definitions. Wherever the word "jurisdiction" is used in the UFC, it is the District. (Ord. 1986-1 § 3)

7.01.40 Combustible Liquid Storage is Restricted. Flammable or combustible liquid storage in outside aboveground tanks and containers is prohibited except in nonresidential areas, following a public hearing before the Board and Board approval after its finding that said permit will not allow creation of a dangerous condition. (Ord. 1986-1 § 4)

7.01.50 Liquefied Petroleum Gas Storage is Restricted. The limits referred to in UFC §82.105 (a), in which liquefied petroleum gas storage is restricted, are hereby established as
Title 7; Chapter 7.01 7-2 (Rev. 10/10/08)

follows: No storage is allowed except in nonresidential areas, following a public hearing before the Board and Board Approval of Directors after its finding that said permit will not allow creation of a dangerous condition. (Ord. 1986-1 § 5)

7.01.60 Explosive and Blasting Agent Storage is Prohibited. The limits referred to in UFC § 77.106 (b), in which explosive and blasting agent storage is prohibited, are hereby established as follows: No storage is allowed, except in nonresidential areas, following a public hearing before the Board and Board approval after its finding that said permit will not allow creation of a dangerous condition. (Ord. 1986-1 § 6)

7.01.70 Amendments Made in the Uniform Fire Code. The UFC is amended and changed in the following respects:

UFC Article 78, Fireworks, Section 78.102(b) is hereby modified in the following respects: The possession, storage for purposes of sale at retail and use only, of safe and sane fireworks with the District is permitted in accordance with the rules and regulations established by the District. (Ord. 1991-1 § 1)

7.01.80 Appeals. Whenever the Fire Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of this Title or the UFC do not apply or that the true intent and meaning of this Title or the UFC have been misconstrued or wrongly interpreted, the applicant may appeal the Fire Chief's decision to the Board within thirty (30) days after the decision's date. The Board shall have the discretion to refer all appeals to a board of appeals pursuant to UFC Section 2.302. (Ord. 1991-1 § 2)

7.01.90 New Materials, Processes, or Occupancies The General Manager, the Fire Chief, and one Assistant Fire Chief shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes, or occupancies for which permits are required in addition to those now enumerated in the UFC. The Fire Chief shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons. (Ord. 1986-1 § 9)

7.01.100 Penalties. Any person who violates any provision of this Title or the UFC or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the District or by a court of competent jurisdiction, within the time fixed herein, shall, severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not less than \$50.00, not more than \$500.00, or by imprisonment for not less than two (2) days, nor more than one hundred eighty (180) days, or by both such fine and imprisonment. Imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. 1986-1 § 10a-b)

7.01.110 **Service Fees.** Service fees include any or all of the following Fire Department activities:

a. Motor Vehicle Response.

1. Level One Response includes vehicle traffic collision with driver / passenger / pedestrian injury assessment, patient evaluation, patient stabilization, and or basic life support until victims are transported if required. Also, scene safety traffic control, and fire suppression stand by. Service Fee: \$435.00

2. Level Two Response includes Level One Response service plus extrication requiring or involving the use of hand tools and / or power tools. Service Fee: \$835.00

b. Structural and Vehicle Fire Suppression Response.

1. For each heavy apparatus, this includes engines, aerials, and rescues. Service Fee: \$250 per hour.

2. For each light apparatus, this includes brush trucks, command and support vehicles. Service Fee: \$100 per hour.

c. Hazardous materials or other situations shall be billed at the same rates for the apparatus as structural fire suppression and an additional itemized bill for materials used. (Ord. 2006-2)

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CHAPTER 7.02 FIREWORKS

Sections:

- 7.02.10 Fireworks Possession, Use and Sale Regulated.
- 7.02.20 Safe and Sane Fireworks Definition.
- 7.02.30 Application.
- 7.02.40 Investigation and Report.
- 7.02.50 Grant or Denial of a Permit.
- 7.02.60 Designation of Location for Safe and Sane Fireworks Sales.
- 7.02.70 Duration of Permit.
- 7.02.80 Salespersons.
- 7.02.90 Violations.
- 7.02.100 Penalties.
- 7.02.110 Chapter Violations.

7.02.10 **Fireworks Possession, Use and Sale Regulated.** The possession, use, storage for purposes of sale at retail, and sale at retail of safe and sane fireworks within the District is allowed subject to the rules and regulations contained herein. (Ord. 1991-2 § 2)

7.02.20 **Safe and Sane Fireworks Definition.** "Safe and sane fireworks" mean those fireworks defined as "safe and sane" in California Health and Safety Code Section 12529 and classified by the State Fire Marshall as "safe and sane" in accordance with Health and Safety Code Section 12562. (Ord. 1991-2 § 2.1)

7.02.30 **Application.** Any person, as defined in the Health and Safety Code Section 12523, desiring to sell at retail, safe and sane fireworks within the District must first make written application for a permit to the Fire Chief. The applicant must be 21 years of age or older. The application for permits shall be made in writing at least twenty-three days (23) days prior to the proposed sale and contain the following information:

- a. The applicant's name, age, address, and telephone number of the applicant;
- b. The organization that the applicant represents;
- c. The proposed booth location and the land owner's consent to the proposed location's use.
- d. Evidence of a valid license to perform those acts specified on the application for a permit as defined in Health and Safety Code Section 12517.
- e. A statement that the applicant will obtain all necessary permits and licenses including business licenses to perform those acts specified on the application for a permit.
- f. The applicant shall deposit \$50.00 as a process administrative fee. If the permit is not issued to the applicant, the deposit will be refunded. (Ord. 1991-2 § 2.2)

7.02.40 **Investigation and Report.** The Fire Chief shall undertake an investigation and submit a report of findings and recommendations to the Board, concerning the permit issuance. (Ord. 1991-2 § 2.3)

7.02.50 **Permit Grant or Denial.** The Board may grant or deny the permit, subject to such reasonable conditions, if any, as it shall prescribe. Such conditions shall include, but not be limited to:

a. The permittee shall deposit a \$500 clean up fee which may be refunded in whole or in part, as determined by the District, if the sale location is properly cleaned up as determined by District.

b. The permittee must require that each safe and sane fireworks purchaser sign a statement that such purchaser is sixteen (16) years of age or older.

c. Notwithstanding any other provision of law, the permittee shall furnish to the Fire Chief a public liability and property damage insurance policy, with a deductible acceptable to the Fire Chief, with limits of bodily injury of not less than fifty thousand dollars (\$50,000.00) for one person or one hundred thousand dollars (\$100,000.00) for each occurrence annually and with a limit of property damage liability of not less than twenty-five thousand dollars (\$25,000.00) for each occurrence as payment for damages to persons or property which may result from or be caused by, and negligence on the part of the permittee or his or its agents, servants, employees, or subcontractors. The District and its officers, directors, and employees shall be named as additional insureds under such public liability policy. A certificate of insurance shall be presented consistent with the above prior to sale and shall provide that the insurer will not cancel the coverage without fifteen (15) days prior written notice to the Fire Chief.

d. The permittee has obtained all necessary permits and licenses referenced in paragraph 7.02.30 e) above.

e. The number of permits is limited annually to seven (7).

f. In addition to the conditions set forth in this Chapter, the District, by resolution, may set additional fees, regulations and conditions for granting permits.
(Ord. 1991-2 § 2.4)

7.02.60 **Designation of Location for Safe and Sane Fireworks Sales.** Any permit issued pursuant to section 7.02.50 above shall designate the location at which the permittee may sell at retail, safe and sane fireworks. (Ord. 1991-2 § 2.5)

7.02.70 **Permit Duration.** The permit's term shall coincide with the valid period of the license. This provision shall not prohibit revocation of the permit by the Fire Chief for just cause where a fire nuisance exists or where personal injury may occur or where the permittee is in violation of District's rules and regulations. (Ord. 1991-2 § 2.6)

7.02.80 **Salespersons.** No person under age eighteen (18) years shall sell, or handle for sale, any safe and sane fireworks. (Ord. 1991-2 § 2.7)

7.02.90 **Violations.** In addition to any other violations provided by law, the following shall constitute violations related to the possession, storage, sale at retail, and use of safe and sane fireworks within the District:

a. It is unlawful for any person to sell, or offer for sale, safe and sane fireworks at any time outside the period specified in Health and Safety Code Section 12599, said period being from noon on June 28 to noon on July 6.

b. It is unlawful for any person to store for sale any safe and sane fireworks without having in his or her possession a valid permit as required by this Title.

c. It is unlawful for any person to store or possess any safe and sane fireworks for which a license is required and which has been revoked or surrendered, or any license which has not been renewed and such storage or possession is held beyond the period provided for in Health and Safety Code Section 12604.

d. It is unlawful for any person to store, sell, or discharge any safe and sane fireworks in or within one hundred (100) feet of a location where gasoline or any other Class 1 flammable liquids are stored or dispensed.

e. It is unlawful for any person to place, throw, discharge or ignite, or fire any safe and sane firework at any person or group of persons where there is a likelihood of injury to any such person.

f. It is unlawful for any person to sell or transfer any safe and sane fireworks to a consumer or user thereof other than at a fixed place of business of a retailer for which a license and permit have been issued.

g. It is unlawful for any person to allow or permit a fire nuisance, as defined in Health and Safety Code Section 12510, to exist on any premises where any safe and sane fireworks are sold or stored.

h. It is unlawful for any person to conduct a public display without possessing a valid permit for this purpose.

i. It is unlawful for any person to advertise to sell safe and sane fireworks without a valid license and permit.

j. It is unlawful for any person to sell, give, or deliver any safe and sane fireworks to a person who is under age sixteen (16) years.

k. It is unlawful for any person to perform any act, or transact or attempt to transact any business, with an expired license or an expired permit where a license or permit is required for performing such act or transaction. (Ord. 1991-2 § 2.8)

7.02.100 Penalties. Except as provided in Health and Safety Code Section 12702, any person who violates any provision of this Chapter, or any regulations issued pursuant thereto, is guilty of misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred dollars (\$500) or more than one thousand dollars (\$1,000), or by imprisonment in the San Luis Obispo County Jail for not more than one (1) year, or by both such fine and imprisonment. (Ord. 1991-2 § 2.9)

7.02.110 **Chapter Violations.** The Fire Chief, or his or her duly authorized representative, is hereby authorized to issue citations for the misdemeanors specified in Health and Safety Code Section 13871 and for violations of this Code. The Penal Code provisions related to the same shall apply. (Ord. 1991-2 § 3)

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CHAPTER 7.03 OPEN FIRES

Sections:

- 7.03.10 Chapter Application.
- 7.03.20 Open Beach Fire Size Limitations.
- 7.03.30 Fire Material Limitation.
- 7.03.40 Fire Abandonment Prohibited.
- 7.03.50 Enforcement.
- 7.03.60 Chapter Violations.

7.03.10 Chapter Application. The restrictions, limitations and prohibitions in this Chapter regarding open beach fires shall apply to the following beach areas within the Oceano Community Services District:

- a. The beach area bordered by the center line of Arroyo Grande Creek to the South and the center line of Smith Avenue to the North. (Ord. 1994-1 § 2.1)
- b. The beach area bordered by the center line of Arroyo Grande Creek to the South and the center line of Brook Avenue to the North and the extension of Laguna Drive to the East. (Ord. 1994-1 § 2.2)
- c. The beach area described in §§ 7.03.10 a) – b) are depicted in Appendix A attached to this Code. (Ord. 1994-1 § 2.3)

7.03.20 Open Beach Fire Size Limitations. It is unlawful for any person to light, build, use or maintain an open fire of a size greater than three feet (3') in diameter and three feet (3') in height within the area specified in Appendix A attached to this Code. (Ord. 1994-1 § 3)

7.03.30 Fire Material Limitations.

- a. Only untreated wood products free of metal, oil, or toxic substances shall be used for open fires. (Ord. 1994-1 § 4.1)
- b. It is unlawful for any person to ignite, burn or maintain any fire fueled by pallets consisting of wood, plastic, fiber or other material. (Ord. 1994-1 § 4.2)
- c. It is unlawful for any person to import, transport or possess any pallet, or other materials, that contain plastic, fiber or other material to construct a beach fire in the area described in Appendix A attached to this Code. (Ord. 1994-1 § 4.3)

7.03.40 Fire Abandonment Prohibited. It is unlawful for any person to abandon any fire without first having extinguished it. It is unlawful to cover any flames, hot ashes, or coals with sand. (Ord. 1994-1 § 5)

7.03.50 Enforcement. This Chapter shall be enforced by the Fire Chief, the Fire Department and the Pismo Dunes State Vehicle Recreation Area Park Rangers. (Ord. 1994-1 § 6)

7.03.60 **Chapter Violations.**

a. Any person who violates this Chapter's provisions is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$500 and not more than \$1,000, or by imprisonment in the San Luis Obispo County Jail for a period not exceeding one (1) year, or both such fine and imprisonment. (Ord. 1994-1 § 7.1)

b. The Fire Chief, the Fire Department members and the Pismo Beach State Vehicle Recreation Area Park Ranges are hereby authorized to issue citations for violations of this Ordinance. The provisions of Penal Code Part 2, Title 4, Chapter 5.C. (commencing with Section 853.1) shall apply. (Ord. 1994-1 § 7.2)

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APPENDIX A

BEACH FIRES PROHIBITED AREA

[The map referenced in Code Sections 7.03.10 and 7.03.30 follows on the next page.]

EXHIBIT "A"

