



TOWN OF DISCOVERY BAY ORDINANCE NO. 06

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY PROVIDING CHARGES FOR CONNECTIONS TO FACILITIES AND FOR SERVICES FURNISHED BY THE TOWN OF DISCOVERY BAY, AND ESTABLISHING RULES AND REGULATIONS FOR, SEWERAGE SERVICE AND CONNECTION, AND PROVIDING FOR MEANS OF COLLECTION OF CHARGES AND FOR PENALTIES AND ENFORCEMENT MEASURES

Be it ordained by the Board of Directors of the Town of Discovery Bay as follows:

SECTION 1. REPEAL OF RESOLUTIONS AND DEFINITIONS

1.1. All resolutions heretofore adopted by the Board of Directors ("Board") of the Town of Discovery Bay ("Town") and any action by the Engineer, in conflict or inconsistent with any provisions of this ordinance are hereby repealed and rescinded, provided that, binding contracts or agreements entered into between Town and other parties prior to the enactment of this Ordinance shall control over this Ordinance to the extent they are inconsistent herewith.

1.2. **Terms and Definitions.** The following terms when used in this ordinance shall have the following respective meanings:

- A. "Auditor-Controller" shall mean the County Auditor-Controller of Contra Costa County.
- B. "Board" shall mean the Board of Directors of the Town.
- C. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen required in the biological oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.
- D. "Secretary" shall mean Secretary of the Town Board.
- E. "Domestic Sewage" shall mean the water-borne waste derived from the ordinary living processes and of such character as to permit satisfactory disposal without special treatment by the system.
- F. "Domestic Sewerage Service" shall mean the furnishing of sewerage service to the premises of any owner from which domestic sewage originates.
- G. "Engineer" shall mean the Engineer of the Town, or his or her designated deputy, or any other person designated by the Board to perform the services or make the determinations permitted or required under this Ordinance to be made by the Engineer. In the absence of any specific designation, "Engineer" shall mean the General Manager of the Town.
- H. "Family" shall mean any one or more person(s) using a single family dwelling unit.

I. "Installer" shall mean a person, firm, corporation, or other legal entity or taxing agency, including the Town, who installs or causes to be installed a public sewer, which will connect to the Town's sewerage service system.

J. "Main Extension" or "Sewer Extension" shall mean the extension of any trunk sewer or main sewer exclusive of side sewers and service connections.

K. "Main Sewer" shall mean a public sewer, which has been or is being constructed to accommodate more than one side sewer.

L. "Occupant" shall mean any person actually occupying any premises, whether as owner or tenant or under contract or otherwise.

M. "Owner" or "Owner of Record" shall mean the person shown as the owner on the most current assessment roll of Contra Costa County or the person owning a building located on land owned by another person.

N. "pH" shall mean the logarithm of the reciprocal of the hydrogen ion concentration.

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

P. "Premises" shall mean any lot, or any piece or parcel of land comprising one or more lots of record in one ownership, or any building or other structure, or any part of any building or structure used or useful for human habitation or gathering or for carrying on a business or occupation.

Q. "Residential Owner" shall mean any owner who is not a commercial owner or institutional owner

R. "Sanitary Disposal Station" shall mean any facility, which receives, or is designed to receive, domestic sewage, which has been stored prior to discharge to the facility.

S. "Sewage" shall mean domestic sewage.

T. "Sewerage Service" shall mean the services and facilities furnished or available to premises by the Town's sewerage service system for the collection, treatment, and disposal of sewage.

U. "Sewerage Service System" shall mean the sewage collection and disposal system together with all extensions, additions, or improvements thereto at any time heretofore or hereafter made, including all trunk and main sewers within or without the boundaries of the Town and appurtenant to said sewage disposal system, and any pump stations, sewage treatment facilities, and appurtenances serving or used by the Town, hereinafter referred to as "System."

V. "Side Sewer" shall mean a privately owned and maintained sewer which connects the plumbing system of any house or other building to a main sewer, including any holding tanks, pumping units, and force systems. The side sewer begins at the point of connection to the main sewer (including that branch of the wye by which connection is made, or saddle, or other means of connection) and for houses and other buildings terminates at the point of connection to the plumbing system, and shall not be considered as part of the "sewerage service system" as defined above.

W. "Single-Family Dwelling Unit" hereinafter referred to as "unit," shall mean any dwelling or one or more rooms or each group of rooms in any single or multiple dwelling structure constituting a dwelling unit suitable for residential occupancy by any number of persons living together as a single family, said unit having one or more plumbing fixtures.

X. "Standard Specifications" shall mean the Central Contra Costa Sanitary District Standard Specifications and Addenda, latest edition, and subsequent revisions and amendments, and are by this reference incorporated herein as though fully set forth.

Y. "Street" shall mean any public highway, road, street, avenue, alley, way, easement, or right of way in the Town.

Z. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering.

AA. "Tax Collector" shall mean the County Tax Collector of Contra Costa County.

BB. "Town" shall mean the Town of Discovery Bay, a community services district.

CC. "Treasurer" shall mean the County Treasurer of Contra Costa County.

DD. "Trunk Sewer" shall mean a public sewer, which has been or is being constructed to accommodate more than one main sewer.

SECTION 2. USE OF PUBLIC SEWERS REQUIRED

2.1. Disposal of Wastes. No person shall place, deposit, permit to be deposited, or maintain in any unsanitary manner on public or private property within the Town, or in any area under the jurisdiction of said Town any human or animal excrement or other objectionable waste.

2.2. Violation Unlawful. No person shall connect to, construct, install, provide, maintain or use any privy, privy vault, septic tank, cesspool, or any other means of sewage disposal from any building in said Town except by connection to a public sewer in the manner as provided in this Ordinance.

SECTION 3. SIDE SEWERS REQUIRED

3.1. Permit Required. No person shall uncover, make any connections with or opening into, use, alter or disturb any main sewer or appurtenance thereof without first obtaining a written permit from the Town and paying all fees and connection charges of the Town.

3.2. Contractor's Registration. Except as provided in Paragraph 3.3 hereof, no person who has not complied with the State Contractor's License Law (Sections 7000-7145 of the Business and Professions Code) shall install or construct any Town sanitary sewer or make connections to any Town sanitary sewer in a public street or easement in the Town. All contractors must register with the Engineer prior to commencing or carrying out any such work within the Town.

3.3. Contractor's Registration Exception. The provisions of Paragraph 3.2 shall not apply to work done solely on private property, provided that such work is subject to inspection by the Town for workmanship and possible entrance of foreign material.

3.4. All Costs Paid by Owner. All costs and expenses incident to the replacement installation and connection of a side sewer shall be borne by the owner. The acceptance of any permit shall constitute agreement to comply with all the provisions, terms and requirements of this and other ordinances, rules and regulations of the Town and other public entities having jurisdiction, and with any plans and specifications filed with the Town.

3.5. Separate Sewers. The owner shall provide a separate and independent side sewer for every building except where one building stands at the rear of another on an interior lot, both of which belong to the same owners and no main sewer is available or can be constructed to the rear building through an

adjoining alley, court, yard or driveway. The side sewer from the front building may be extended to the rear building and the whole considered as one side sewer during the period of such ownership. Upon subsequent sale or other division of said ownership, the building not directly connected with a main sewer shall be separately connected with a side sewer, and it shall be unlawful for the owner thereof to continue to use or maintain such indirect connection.

3.6. Sewage Backwater Overflow Prevention Devices.

A. Due to the topographical characteristics of certain areas within the Town, there exists the danger of damage to health and property resulting from the possibility of sewage overflow and back-flooding on public and private property. It is a purpose of this Ordinance to protect the health and safety of the residents of the Town and to minimize the possibility of damage to property by requiring, where topographical conditions warrant it, the installation and maintenance of an approved sewage backwater overflow prevention device.

B. Where the surface elevation of the nearest upstream public sewer structure capable of overflow and relief of pressure (i.e., manhole, pressure relief, flushing inlet or rodding inlet structure) is higher than the elevation of the lowest floor containing gravity waste drainage plumbing of any structure connected, or to be connected, to the Town's sewerage system, the owner, at his sole cost and expense, shall install and maintain a backwater overflow prevention device on all side sewers connected to the Town's public sewers, unless the Town grants an exception.

C. All backwater overflow prevention devices shall be located and installed at an elevation that protects parcel owners property from damage in the manner that meet the standards prescribed in the Town's Standard Specifications, latest edition.

D. It shall be unlawful for the owner to maintain any building side sewer connection to the owner's sewerage system without an approved backwater overflow prevention device as required by the provisions of this Ordinance.

E. Property owners who fail to comply with the provisions of the Town's ordinance are liable for all damage that results from missing or improperly installed backwater overflow prevention devices.

3.7. Existing Side Sewers. Existing side sewers may be used in connection with new buildings only when they are found by the Engineer, on examination and test required by him or her, to meet all requirements of the Town. The cost of examination and testing of existing side sewers shall be borne by the owner at the same rates as for inspection.

3.8. Sewer Too Low. In all buildings in which any side sewer is too low to permit gravity flow to the main sewer, sanitary sewage carried by such side sewer shall be lifted by artificial means, approved by the Engineer, and discharged to the main sewer at the expense of the owner.

3.9. Maintenance of Side Sewer. The owner of the property served thereby shall maintain side sewers.

3.10. Design and Construction Standards. Minimum standards for the design and construction of side sewers within the Town shall be in accordance with the Standard Specifications heretofore or hereafter adopted by the Town Board, copies of which are on file in the Town Office. The Engineer may permit or require modifications of the

Standard Specifications where special conditions warrant. One (1) complete set of "as-built" drawings of a reproducible nature, on mylar, and or electronic method's acceptable to the Engineer, showing the actual location of all structures, wyes, and laterals, shall be filed with the Town before final acceptance of the work.

3.11. Drainage into Main Sewer Prohibited. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a side sewer which, in turn, is connected directly or indirectly to a main sewer.

3.12. Design and Construction Requirements. The connection of the side sewer to the main sewer shall conform to the Standard Specifications and other requirements of the Town. All such connections shall be tested in accordance with the Standard Specifications. The Engineer may permit deviations from the prescribed procedures and materials when, in his opinion, special conditions and the best interests of the Town warrant such deviations.

3.13. Notification. The applicant for a side sewer permit shall notify the Engineer when the side sewer is ready for inspection and connection to the main sewer. The connection shall be made under the supervision of the Engineer or his representative. Any damage to the main sewer shall be repaired at the cost of the applicant to the satisfaction of the Engineer.

3.14. Compliance with Local Regulations. Any person constructing a sewer within a street shall comply with all state, county, and city laws, ordinances, rules and regulations pertaining to the cutting of pavement, opening, barricading, lighting, and protection of trenches, backfilling, and repaving, and shall obtain all permits and pay all fees required by the entity having jurisdiction before the issuance of a permit by the Town.

3.15. Protection of Public. All excavations for side sewer and main sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. The owner shall restore lights, sidewalks, parkways, and other public property disturbed in the course of the work in a manner satisfactory to the Town.

3.16. Building Removal. When a building is demolished or removed from any premises, the lateral sewer shall be plugged immediately. The plug shall be a permanent type and shall be located at the property line under the ground surface and marked per the Town's engineer.

SECTION 4. FEES, RATES, CHARGES AND BILLING

4.1. Fees for sewerage service. Fees for sewerage service are established, or continued, by separate ordinance of the Town.

4.2. Plan Check, Inspection, Permit, Connection and Capacity Fees. Plan check, inspection, permit, connection and capacity fees are established, or continued, by separate Ordinance of the Town.

SECTION 5. SPECIFICATIONS

5.1. Town's Standard Specifications. The current Standard Specifications of Central Contra Costa Sanitary District, Martinez, California, and subsequent revisions and amendments thereto are adopted as the Standard Specifications of the Town and are by this reference incorporated herein as though fully set forth.

SECTION 6. ENFORCEMENT MEASURES

6.1. Liability for Violation.

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

B. A violation of any of the Town's ordinances, rules, or regulations relative to sewerage service is a misdemeanor pursuant to Government Code § 61621.5.

6.2. Discontinuance of Service. The Town may refuse to furnish sewerage service and may discontinue all services, as provided in Paragraph 6.4, to any premises where the Engineer finds that practices or conditions exist, or are imminent, that would be detrimental or injurious to the system or where necessary to protect itself against fraud, abuse, or improper operational and maintenance procedures.

6.3. Enforcement. The Town, the Board and all proper Town officers, agents, or employees shall promptly take all steps, actions or remedies necessary for the collection of fees, charges and penalties as provided in this Ordinance (including the enforcement of the lien of said fees, charges and penalties) which are now or hereafter be provided for in the law. Said remedies for collecting and enforcing said fees, charges and penalties, set forth in the law, are cumulative and may be pursued alternately or consecutively, as the Board determines.

6.4. Violation – Nonpayment of Bills. Upon failure of the owner or user of any premises to pay any sewerage service charges, or if the owner or user of any premises violates any other provision of this Ordinance, and said violation continues for a period of 60 days, the Engineer may disconnect the premises from the system, subject to the hearing provisions of Section 13.

6.5. Public Nuisance – Abatement. During the period of such disconnection, human habitation of such premises shall constitute a public nuisance, and the Town may cause proceedings to be brought for the abatement of the occupancy of said premises by human beings during the period of such disconnection.

6.6. Emergency Disconnection. Notwithstanding the provisions of Paragraphs 6.4 and Section 13 if, in the opinion of the Engineer, such violation constitutes a public hazard or menace, the Engineer may immediately enter upon the premises without notice and do such things including disconnection of the premises from the system and expending such sums as are necessary to abate such hazard.

6.7. Correction of Violations. Any sum expended by the Town in correcting a violation shall be a charge upon the property, the responsible party, and the owner of the property, and the Town may collect such sums from the same.

6.8. Reconnection After Violation. The Engineer shall estimate the cost of disconnection and the reconnection to the system, and the owner or user shall deposit the cost, as estimated, of disconnection and reconnection, before the premises are reconnected to the system.

6.9. Reconnection After Nonpayment of Bills. Whenever premises have been disconnected from the system for nonpayment of sewerage service charges, in addition to the requirements of Paragraph 6.8, such premises shall not be reconnected to the system until all delinquent charges and penalties have been paid and until a connection permit has been obtained and until such of the following charges as are applicable have been paid: a sewer disconnection fee equal to the actual cost to the Town of such disconnection; a sewer inspection fee for reconnection, and a permit fee; and until the owner and/or user of such premises otherwise has complied with this Ordinance. A Reconnection will not be performed by the Town.

SECTION 7. (RESERVED)

SECTION 8. APPLICANTS OUTSIDE TOWN

8.1. Outside Town. The Town shall not make sewerage service available to any applicant whose property, which the service would serve is located outside the boundaries of the Town.

8.2 Beyond Town. The Town is not obligated to install any sewer lines beyond the boundaries of the Town.

SECTION 9. USE OF SEWERS – REQUIREMENTS, LIMITATIONS, CHARGES

9.1 Permit Required. Permits to discharge into the sewerage system of the Town anything but domestic sewage will be granted only in accordance with and in consideration of, the conditions of this Ordinance and shall be subject to reasonable rules, regulations and requirements.

9.2 Prohibited Discharges. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described water or wastes to any public sewer:

A. Any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial waters. Unpolluted water shall mean any water within the following limits of quality:

pH	7.0 minimum, 8.5 maximum
Dissolved Solids	1,000 milligrams per liter, maximum
Biochemical Oxygen Demand	5 milligrams per liter, maximum
Suspended Solids	5 milligrams per liter, maximum
Settleable Solids	0.1 milliliters per liter, per hour, maximum
Grease or Oil	None
Color or Odor	None
Toxic Concentration of Substances	None

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

C. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscose substances capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage treatment plant.

D. Any garbage that has not been properly shredded. Proper shredding is defined as having not more than 5 percent by weight (determined on a dry basis) of all material discharged less than ¼ inch in its largest dimension, and no particle greater than ½ inch in its largest direction.

E. Any liquid or vapor having a temperature higher than 105°F.

F. Any water or waste having a pH lower than 6.5 or higher than 10.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage work.

G. Any water or waste containing (1) floatable grease, oil or fat of animal or vegetable origin in excess of 25 milligrams per liter, or (2) floatable grease, oil or fat of mineral origin in excess of 10 milligrams per liter, or (3) dispersed grease, oil or fat in excess of 200 milligrams per liter.

H. Any noxious or malodorous substances which by themselves or by interaction with other wastes may create a public nuisance or hazard or make human entry into the sewers extraordinarily hazardous.

I. Any water or waste having greater than 350 milligrams per liter of suspended solids.

J. Any water or waste having greater than 350 milligrams per liter of suspended solids.

K. Any water or waste which exerts or causes excessive discoloration.

L. Any unusual volume of flow or concentration of waste constituting a “slug.” “Slug” is defined as any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24 hour concentration or flows during normal operation.

M. Any water or waste containing dissolved sulfides in excess of 0.1 milligram per liter.

N. Any water or waste containing a toxic or poisonous substance in sufficient quantity to inure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant. The following is a partial list of toxic substances and their maximum concentration allowable for admission into the public sewer system.

<u>Toxicant</u>	<u>Maximum Allowable Concentration</u>
Alcohol	100 mg/liter
Algicides	See Note A
Aluminum	0.2 mg/liter
Antibiotics	See Note A
Arsenic & Arsenicals	1.0 mg/liter
Bactericides	See Note A
Barium	5.0 mg/liter
Beryllium	5.0 mg/liter
Boron	10.0 mg/liter
Bromine, Iodine, Chlorine (total)	50.0 mg/liter
Cadmium	0.1 mg/liter
Chromium & Chromium Salts	0.5 mg/liter
Copper & Copper Salts	0.1 mg/liter
Cresols & Creosots	2.0 mg/liter
Cyanides & Nitriles	0.2 mg/lit.
Fluorine	1.5 mg/liter
Formaldehydes	1.0 mg/liter
Fungicides	See Note A
Insecticides	See Note A
Iron	1.0 mg/liter
Lead	0.2 mg/liter
Manganese	0.2 mg/liter
Mercury & Mercurials (as Mercury)	0.01 mg/liter
Nickel	0.2 mg/liter
Organic Solvents	1.0 mg/liter
Phenols & Their Derivatives	0.5 mg/liter
Selenium	2.0 mg/liter
Sulfonamides & Dyes	See Note A
Zinc Compounds (as Zinc)	0.2 mg/liter
Strong Oxidizing Agents, such as Chromates, Dichromates, Permanganates, Peroxides, etc.	See Note A
Strong Reducing Agents, such as Nitrates, Sulfites, Thiosulfates, etc.	See Note A

Note A: None will be allowed unless specifically approved in writing by the Engineer.

The maximum allowable concentration of toxic or potentially toxic materials not listed above will be determined by the Engineer on an individual basis. In no event shall any industrial waste discharged to the public sewers have a 96-hour median tolerance limit (Tim), as determined by the Routine Fish Bioassay Method, or less than 25 percent.

O. Any other substance, material, water or waste, which is not amenable to treatment by the treatment process, or causes the sewage treatment plan effluent to violate discharge requirements issued by the State Water Resource Control Board or the Regional Water Quality Control Board, or harms the sewers, treatment processes and equipment, or has any adverse effect on the receiving waters, or can endanger health, safety, public property, or can cause a nuisance.

SECTION 10. PROTECTION OF TOWN PROPERTY

10.1. Damage to Town Property. No person shall break, dig up, obstruct, injure, manipulate, remove, or in any way interfere with the property and facilities, or any part thereof, including, but not limited to, any valve, manhole cover, clean-out, flushing inlet, sewer lines, or apparatus connected therewith, of the Town without prior written authorization from the Town to do so.

10.2. Deposits on Town Property. No person shall place or deposit upon the property or in the facilities of the Town any waste, garbage, trash, debris, or other unauthorized material.

SECTION 11. DUTIES OF ENGINEER AND AUDITOR-CONTROLLER

11.1. Engineer's Responsibilities. The Engineer shall supervise all connections to the system and enforce all provisions of this Ordinance. The Engineer shall collect all fees and charges excepting those relating to the billing, collection and delinquency of Annual Sewerage Service Charges.

11.2. Right of Entry.

A. The Engineer shall be authorized to enter all private properties for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portions of the system lying within the property.

B. The entries authorized by Paragraph 11.2.A. shall be conducted either with the consent of the owner or occupant or pursuant to the provisions of Title 13 of Part III of the Code of Civil Procedure (CCP Section 1822.50 et seq.)

C. The Engineer shall be authorized to enter onto all easements held by the Town for the purposes set forth in Paragraph 11.2.A. where the easement including a right of access; where the fee owner objects, the procedures set forth in Section 11.2.B. shall be followed.

SECTION 12. NOTICES

12.1. Written or Oral. Notices from the Town to any person will be given in writing, either delivered personally to the owner of record or mailed to his last known address, except that in any emergency, the Engineer may give oral notice by telephone or in person.

12.2. Notices to the Town. Notices from any person to the Town may be given by such person or his authorized representative orally or in writing at the office of the Engineer, or may be sent by mail to the Engineer.

SECTION 13. APPEALS

13.1. Appeal of Engineer's Determinations. Any sewer dissatisfied with any determination of the Engineer may appeal the determination to the Board within 15 days after receiving notice of the determination by filing written notice of appeal with the Town. The notice of appeal shall state the grounds for appeal. At a regular meeting of the Board after the notice of appeal is filed, the Board shall hear the appeal. The decision of the Board shall be final.

13.2. Payment and Refund. Pending decision upon any appeal relative to the amount of any charge hereunder, the appellant desiring to proceed with construction shall pay such charge. After the appeal is heard, the Board shall order refunded to the appellant such amount, if any, as the Board shall determine should be refunded.

13.3. Relief on Own Motion. If the Board on its own motion finds that by reason of special circumstances any provision of this Ordinance should be suspended or modified as applied to a particular premises, it may, by resolution, order such suspension or modification for such premises during the period of such special circumstances, or any part thereof.

SECTION 14. VALIDITY

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

SECTION 15. EFFECTIVE DATE.

This Ordinance becomes effective 30 days after passage.

Passed and adopted at a regular meeting of the Board of Directors of the Town of Discovery Bay on August 20, 2003, by the following vote:

AYES: 4
NOES: 0
ABSENT: 1
ABSTAIN: 0

ATTEST:

By: Virgil Koehne
VIRGIL KOEHNE, Secretary
Town of Discovery Bay

Ray Tetreault
RAY TETREAULT, Board President
Town of Discovery Bay