TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT
ORDINANCE NO. 24

AN ORDINANCE OF THE BOARD OF DIRECTORS
OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT
ESTABLISHING BRINE DISCHARGING WATER SOFTENING
APPLIANCE USE REGULATION

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

SECTION 1. Short Title

This Ordinance shall be known and may be cited as Town of Discovery Bay Water Softening Regulation Ordinance.

SECTION 2. Purpose

The purpose of this Ordinance is to protect the health, safety and welfare for the Town of Discovery Bay Community Services District ("District") and its waterways through the regulation of the discharge of sodium, potassium, and chloride products into the District; to impose regulations regarding to compliance with requirements of the California Water Code and the California Health and Safety Code §116775 et seq. and to regulate the use of self-generating water softeners and sodium, potassium, and chloride based products.

SECTION 3. Definitions and Abbreviations

The following definitions shall apply to the terms used in this Ordinance:

"Authorized Office" means the District Manager and Engineer or any person designated by the District Board.

"Brine" means a heavily concentrated solution containing sodium, potassium, or chloride.

"District" means Town of Discovery Bay Community Services District.

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or its legal representatives, agents or assigns.

"Residence" means a structure which is or is intended to be, in whole or in part, a place of dwelling, whether occupied or not, whether fully constructed or not, and includes, without limitation, homes, whether attached to another structure or not, apartments, condominiums and mobile homes.

"Residential self-regenerating water softening appliance" means a water softening device located within or adjacent to a residence located within the District or which discharges into a community sewer system that is tributary to the sewer system owned and operated by the District, whereby the capability of the appliance to remove hardness from water is renewed by the on-site application of a chloride, potassium or similar slat-containing brine solution to the active softening or conditioning material contained therein, followed by a subsequent rinsing of the active softening or conditioning material.

SECTION 4. Regulations

No person shall install or in any manner assist in the installation of a residential or non-residential self-regenerating water softening appliance that discharges in to the District sewer system owned and operated by the District or that discharges into the District sewer system that is tributary to the sewer system owned and operated by the District.

New water softening devices installed for all users or structures shall be of a type and style as selected by the user at their expense, provided however that any such appliances or devises must comply with the terms and conditions of this Ordinance. Use of non-brine discharging water softening devices such as membrane or carbon systems are not prohibited by the District.

SECTION 5. Enforcement

The General Manager and the Engineer of the District shall administer, implement and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the General Manager and District Engineer may be delegated to persons acting in the beneficial interest of or in the employ of the District.

SECTION 6. Violation

The District Manager or any other person designated by the Board, may issue a Notice of Violation to any person who fails to comply with any conditions of this Ordinance. A Notice of Violation shall allow a period of 30 days to correct the violation and/or to remove and dispose of the non-compliant self-regenerating water softener. Any person violating this Ordinance after issuance of a Notice of Violation and the subsequent 30-day period shall pay an administrative fine to the District in an amount of $_250_/month until such system is removed.

Any use or activity in violation of the terms of this Ordinance is declared to be a nuisance per se, and may be abated by order of any court of competent jurisdiction. The District Board, in addition to other remedies, may institute any appropriate action or proceedings to prevent, abate, or restrain the violation. All costs, fees and expenses in connection with such action shall be assessed as damages against the violation.

SECTION 7. Severability

The various parts, paragraphs, section and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

SECTION 8. Adoption and Effective Date

This Ordinance is hereby declared to have been adopted by the District Board at a meeting thereof duly called and held on the 8th day of January, 2014, and ordered to be given effect thirty (30) days after its first publication as mandated by statute.

CERFITICATION

Passed and adopted at a regular meeting of the Board of Directors of the Town of Discovery Bay Community Services District held on January 8, 2014 by the following vote:

Mark Simon
Board President

AYES: 5
NOES: Ø
ABSENT: Ø
ABSTAIN: Ø

Richard J. Howard
Board Secretary