

Bayshore Sanitary District Ordinance Code

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CHAPTER 1
GENERAL PROVISIONS

SECTION 100. Purpose.

The purpose of this Ordinance Code (the “Code”) is to promulgate regulations of general application governing the organization and functioning of the Bayshore Sanitary District.

SECTION 101. Mailing and Office Address.

The official office and mailing address of the Bayshore Sanitary District are as follows:

Bayshore Sanitary District
36 Industrial Way
Brisbane, CA 94005

SECTION 102. Superseding Previous Ordinances.

This Code supercedes the District’s Ordinance Code adopted on April 16, 1987 by Ordinance No. 58 and all amendments to that Code except and to the extent incorporated into this Code. This Code also supercedes all other existing ordinances and regulations of the District that are contrary to or inconsistent with the provisions of this Code.

SECTION 103. Distribution of Revenue.

103.1 All fees and charges payable under the provisions of this Code are to be paid to the Bayshore Sanitary District, County of San Mateo, State of California. Revenues derived from the activities of the District will be allocated to a fund or funds established by the District. The District Board may transfer monies from any fund to any other fund in accordance with applicable provisions of law.

103.2 Revenues derived under the provisions of this Code shall be used for the acquisition, construction, reconstruction, operation, repair and maintenance of sanitary or wastewater facilities, to repay principal and interest on bonds and other indebtedness incurred for the construction or reconstruction of such facilities and for any other lawful purpose as the District Board deems necessary to conduct the business of the District.

SECTION 104. Definitions.

104.1 Words, phrases or terms not specifically defined in this Section, and having a technical or specialized meaning shall be defined in the latest edition of “Standard Methods for the Examination of Water and Wastewater,” published by the American Public Health Association (APHA), the American Water Works Association (AWWA) and the Water Environment Federation (WEF).

104.2 References to waste constituents and characteristics shall have the meanings ascribed to those terms in “Standard Methods for the Examination of Water and Wastewater,”

and measurements of item shall be made as set forth in that publication referred to above, or as established by Federal or State regulatory agencies having jurisdiction over such matters.

104.3 Unless the context specifically indicates otherwise, the meaning of terms used in this Code are as follows:

104.3.1 Board or Board of Directors. The District's governing board.

104.3.2 Building Sewer. The portion of a sanitary sewer line beginning at the plumbing or drainage outlet of any building or industrial facility and running to the lateral sewer.

104.3.3 Charge or Fee. Any pecuniary assessment for services and facilities furnished by the District.

104.3.4 Code. The Ordinance Code for the District, with such amendments as may be adopted from time to time.

104.3.5 Commercial. Any premises used for commercial or business purposes and discharging a quality and/or quantity of wastewater essentially similar to that of a residential customer.

104.3.6 Contamination. An impairment of the background natural quality of the waters of the State of California by waste to a degree that may create a hazard to the public health or otherwise unlawfully preclude their use for beneficial purposes.

104.3.8 County. The County of San Mateo, California.

104.3.9 Customer. Owner or owners of any real property for which the District is providing service; also any person who discharges, causes or permits the discharge of wastewater into public wastewater facilities located in the District.

104.3.10 District. The Bayshore Sanitary District, located in the County of San Mateo, State of California.

104.3.11 District Representative. Any person authorized by the District Board to act on its behalf in carrying out the administrative functions of the District.

104.3.12 District Board. The Board of Directors of the District.

104.3.13 Emergency. A condition which creates imminent danger to the public health, safety or welfare.

104.3.14 Garbage. Solid wastes from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

104.3.15 Hazardous and/or Toxic Materials and Substances. Any material or substance which is determined by laws, regulations or rules of any government agency having jurisdiction over such matters to be toxic, hazardous, poisonous, corrosive or otherwise inimical to public health, safety and welfare.

104.3.16 Lateral Sewer. The portion of a sanitary sewer line within the public street or public right of way connecting a building sewer to the main sewer.

104.3.17. Main Sewer. A public sewer designed to accommodate more than one lateral sewer.

104.3.18 Major Contributing Industry. Any wastewater contributor identified in the Standard Industrial Classification (SIC) Manual, prepared and published by the Executive Office of Management and Budget of the United States, classified within divisions A, SB, D, E, and I therein, the wastewater of which has any one or more of the following characteristics: (1) a discharge flow of 50,000 gallons or more per average work day (if seasonal, the average shall be based upon the seasonal discharge); (2) a flow or pollutant loading greater than five percent of the design capacity of the wastewater facilities; (3) toxic pollutants in amounts defined in standards issued pursuant to Section 307(a) of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500); 33 U.S.C. Section 1151, et seq.); or (4) a significant impact (as determined by the District), either individually or in combination with other contributing industries, upon the wastewater facilities, or upon the quality of effluent from the wastewater facilities.

104.3.19 Natural Outlet. Any outlet into a watercourse, pond, ditch, lake or other body or surface or ground water.

104.3.20 Non-Residential Customer. Any commercial, industrial, institutional, governmental, or miscellaneous customer not classified as a residential customer.

104.3.21 Parcel. A parcel of real property as described in the records of the San Mateo County Assessor by an Assessor's Parcel Number. It includes both improved and unimproved real property.

104.3.22 Person. Any individual, property owner, firm, company, partnership, association, private corporation, public corporation, or governmental entity, authority or agency, and the officers, agents or employees of such organizations.

104.3.23 pH. A measure of acidity or alkalinity.

104.3.24 Pollution. An alteration of the quality of the waters of the District or State by waste to a degree that unreasonably affects such waters for any beneficial use or affects facilities serving such beneficial use. The term pollution may also include contamination.

104.3.25 Premises. A parcel of land, or portion of a parcel, including any improvements located there, which is directly or indirectly using the District's wastewater

facilities. Each dwelling unit of a duplex, apartment or any other dwelling being used as a multi-family residence is deemed a separate premise. Subject to the provision of this Subsection, the District will determine what constitutes a premise.

104.3.26 Public Sewer. A sewer lying within a street or easement, and which is controlled by or under the jurisdiction of the District.

104.3.27 Refuse. All types of waste materials as defined under the headings of “garbage” and “waste matter.”

104.3.28 Report. The sewer service charge report referred to in Section 5473 of the Health and Safety Code of the State of California.

104.3.28 Requirement of Law; Other Requirements of Law. A pertinent provision of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500, 33 U.S.C. Section 1151, et seq.), or of any statute, ordinance, code, rule, regulation, order, directive, or of any applicable National Pollutant Discharge Elimination System (NPDES) permit, or of any amendments thereto, or of other Federal, State, regional or local law.

104.3.29 Residential Customer. Any single or multiple family dwelling customer, including premises defined as condominiums, apartment houses, duplexes, motels, rooming houses or boarding houses, dormitories or similar structures.

104.3.30 Sanitary Sewer. A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

104.3.31 Sewer. A pipe or conduit for carrying sewage.

104.3.32 Sewer Permit. An authorization by the District to construct and/or use sewers and other associated wastewater facilities connected to or incorporated into the District’s wastewater system.

104.3.33 Shall. The words “shall,” “must” and “will” are mandatory; “may” is permissive.

104.3.34 Side Sewer. The portion of a sanitary sewer line beginning at the plumbing or drainage outlet of any building or industrial facility and terminating at the main sewer, which includes the building sewer and the lateral sewer together.

104.3.34 Single-Family Dwelling. Premises designed, improved or used as a residence for one family only and for no other purpose, including homes, condominiums townhouses, apartments and the like. Notwithstanding the foregoing, the following kinds of residential dwelling units shall be deemed to be a part of, and not in addition to, a single family dwelling for all purposes of this Code, including provisions having to do with the calculation and payment of connection fees and sewer service charges:

104.3.34.1 Any structure located within the City of Daly City, which meets requirements set forth in Section 17.40.100 and 17.40.110 of the Daly City Municipal Code. [Section 17.40.100 was added by Ordinance No. 1217 Section 1 (1995); Section 17.40.110 was added by Ordinance No. 1159 Section 3 (1992).]

104.3.34.2 Any structure located in the District, but not within a Town or City referred to above, which meets the following requirements:

(a) The Town or City has not adopted an “ordinance governing second units” as such ordinances are referred to in California Government Code Section 65852.2(b); and

(b) The structure meets all of the requirements of the Government Code Section 65852.2(b).

104.3.35 Standard Specifications. Regulations of the District governing technical requirements for wastewater facilities. See Section 300 of this Code.

104.3.36 Storm Sewer or Storm Drain. A pipeline which carries storm and surface ground waters and drainage, but excludes sewage and polluted industrial wastes.

104.3.37 Suspended Solids (SS). The total non-filterable residue as defined in “Standard Methods for Chemical Analysis of Water and Wastewater.”

104.3.38 Unpolluted Water. Water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the District for disposal to storm or natural drainage, or directly to surface waters.

104.3.39 Waste; Waste Matter. Wastewater and any and all waste substances, whether liquid, solid, gaseous or radioactive including, but not limited to, crockery, bottles, tin cans, metal vessels, ashes, shells, plaster and all other similar non-combustible materials. Waste matter does not include any toxic or hazardous materials or substances.

104.3.40 Wastewater. Waste and water, whether treated or untreated, discharged into or permitted to enter into wastewater facilities. Wastewater includes the combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments together with such ground, surface and storm waters that may be present, as well as other permitted discharges.

104.3.41 Wastewater Constituents and Characteristics. The individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity, or strength of wastewater.

104.3.42 Wastewater Facilities. All facilities for collecting, transmitting, pumping, treating, and disposing of wastewater.

104.3.43 Wastewater System; System. The system of drains, pipes, conduits and other wastewater facilities owned, operated, utilized, maintained and/or otherwise controlled for the public benefit by the District and including facilities of the City and County of San Francisco, or any other public utility in or adjacent to the territory of the District into which wastewaters generated in the District may be discharged or transmitted.

CHAPTER 2
MEETINGS OF THE DISTRICT BOARD

SECTION 200. Public Meetings.

All meetings of the District Board, except legally authorized closed sessions, will be open to the public and will be convened and conducted in conformance with the Ralph M. Brown Act (California Government Code Sections 54950, et seq.).

SECTION 201. Regular Meetings.

201.1 The regular meetings of the District Board will be held on the fourth Thursday of each month at 7:00 p.m. at the meeting room of the District's main pumping station, located at 36 Industrial Way, Brisbane, California. However, if the regular meeting day is a holiday, the meeting will be held at the same time and place on the next business day or on a date set in advance by the Board. The District Board may cancel a regular meeting at any time.

201.2 The order of business of the regular meetings of the District Board, unless changed at the meeting, will be as follows:

- (a) Roll call.
- (b) Oral and written communications.
- (c) Consent.
 - (1) Minutes.
 - (2) Financial report.
- (d) Board Reports
- (e) Staff reports (Maintenance Director, Engineer, Attorney)
- (f) Old business
- (g) New business
- (h) Adjournment

SECTION 202. Special Meetings.

The President of the District Board or a majority of the members of the Board may call a special meeting at any time deemed necessary. Notice, by personal delivery or written notice, must be given to each member, and if requested in writing, to each local newspaper of general circulation and radio or television station. The meeting notice must be delivered personally or by mail not less than 24 hours before the time fixed for the proposed meeting as specified in the

notice. The notice must specify the time and place of the special meeting and the business to be transacted. No other business will be considered at the special meeting. The requisite written notice may be dispensed with as to any member who files with the Secretary of the District a written waiver of notice at or prior to the time the meeting convenes. Attendance at a special meeting constitutes a waiver of these notice provisions.

SECTION 203. Quorum.

The presence of a majority of the members of the District Board constitutes a quorum. A meeting of the Board may not convene or continue in the absence of a quorum.

SECTION 204. Adjournment.

The District Board may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in an order of adjournment. When a meeting may not be opened or further action may not be taken at a regularly opened meeting for want of a quorum, the meeting may be adjourned by the Secretary or any member of the Board, to a day and hour certain and notice of the adjournment must be given for the time and in the manner provided for calling special meetings, except that the purpose of the adjourned meeting need not be stated. A copy of the order or a notice of adjournment must be conspicuously posted on the nearest exterior door to the place where the meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it will be held at the hour specified for regular meetings.

SECTION 205. Minutes of Meetings.

Minutes will be taken of all public sessions of the District Board. The minutes must be approved by the District Board and, upon approval, will be signed by the Secretary of the District. All approved minutes will be retained with the District's records and are available for inspection by any member of the public upon request.

SECTION 206. Method of Action.

The District Board may act only at a properly convened meeting at which a quorum is present. Actions may be taken by approval of an ordinance, a resolution or a motion. Unless otherwise required by law, actions of the District Board are effective if approved by a majority of Board members voting on the question.

SECTION 207. Recording Vote.

Except where an action is approved by the unanimous vote of all members present and voting, the ayes, noes and abstentions of all Board Members will be recorded.

SECTION 208. Conduct of Meetings.

All meetings of the District Board will be conducted as determined by the chair; provided, however, that upon the request of any Board Member, a meeting may be conducted in accordance with Robert's Rules of Order. The priority of officers to chair a meeting is:

- (a) President
- (b) Vice-President
- (c) Secretary

SECTION 209. Execution of Documents.

All contracts, deeds, warrant, releases, receipts and documents are to be signed in the name of the District by its President and if required, countersigned by its Secretary. However, the Board, by motion, may designate a district representative to sign a document in the name of the District.

SECTION 210. Amendments to the Ordinance Code.

Amendments to this Code must be adopted in the same manner as an ordinance. They shall be entered in the minutes of the District Board and shall be published once in a newspaper of general circulation as may be determined by the District Board. An amendment to the Code takes effect upon expiration of the week of publication and posting.

CHAPTER 3
WASTEWATER FACILITIES REQUIREMENTS

SECTION 300. Standard Specifications.

The document entitled “Standard Specifications for Design and Construction of Sanitary Sewer Collection and Conveyance Facilities,” dated February 2006, and, promulgated by the District, is adopted as the District’s Standard Specifications governing the manner of construction, repair, maintenance and operation of all wastewater facilities within the District. These Standard Specifications are incorporated by reference. Copies of the Standard Specifications are available for examination at all times in the offices of the District and the District’s engineering representative.

SECTION 301. Building Sewers and Connections.

301.1 Permit Required. No person or entity, including public agencies and public utilities, may undertake any of the activities described in Subsection 301.1.1 below or elsewhere in this Code without having first obtained a permit from the District and having complied with the provisions of Subsection 301.1.2 below.

301.1.1 The following activities, as they relate to District wastewater facilities, may not be undertaken without a District permit:

(a) Construction, reconstruction, adjustment, repair, alteration, demolition, relocation and/or abandonment of wastewater facilities, except that a permit is not required when the activity undertaken is pursuant to a written contract with the District or other formal authorization for the work issued by the District.

(b) Connection to and/or use of District wastewater facilities; or

(c) Interference with District wastewater facilities. For these purposes, “interference” includes any activity which by virtue of actual physical contact with or close proximity to such facilities, the application or use of force, introduction of dangerous conditions or the presence of other similar circumstances will or is likely to cause damage, malfunctioning, loss or limitation of District access or use of the facilities, interruption of wastewater service or any other adverse or detrimental condition inhibiting the District’s performance of its wastewater functions or responsibilities.

301.1.2 Anyone who requires a District permit for the purposes of this Section must comply with the other applicable provisions of this Code having to do with payment of fees and charges imposed by the District and satisfaction of requirements for inspection, reporting and other conditions of permit approval.

301.1.3 For purposes of this Section, the term “District wastewater facilities” means not only all facilities already owned, operated or used by the District for the collection, transmission, treatment and disposal of wastewater, but also any such facilities that upon

dedication to and acceptance by the District, or by any other forms of assignment of rights to the District, will be used, operated and/or owned by the District.

301.2 Installation Costs. All costs and expenses incident to the construction and installation of the building sewer and its connection to the District's wastewater system are to be borne by the owner of the property served by the building sewer. The owner must also indemnify the District against any loss or damage that may be occasioned, either directly or indirectly, by the construction, installation or construction of the building sewer.

301.3 Separate Sewers. A separate and independent building sewer must be provided for each building, except:

301.3.1 Where one building stands at the rear of another on an interior parcel and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the District may authorize, subject to such conditions as it deems appropriate, the building sewer from the front building to be extended to the rear building and the whole considered as one building sewer.

301.3.2 If one or more buildings are located on the same parcel, are owned by the same owner, are served by the same building sewer, and use of a single building sewer was legally permissible under District regulations at the time the building sewer was installed, the buildings may continue to share the same building sewer so long as:

(a) The building sewer continues to provide adequate sewer service to all buildings; and

(b) The entire parcel remains undivided.

If at any time the parcel is divided or the single building sewer is no longer adequate, that portion of the property not directly connected to the District's wastewater system must be separately connected to the District's wastewater system with a new building sewer or sewers so that each building is served individually.

301.3.3 Where it is determined by the District that it is necessary to do so in order to properly service a single structure or building, more than one building sewer may be required.

301.4 Clean-outs.

301.4.1 Except as provided in Section 301.4.2, every building sewer must have an approved clean-out which will be provided and installed at or in front of the property line of the premises in accordance with the District's Standard Specifications. The clean-out is to be provided, installed and maintained at the expense of the property owner. The clean-out and its accompanying lateral sewer must be approved upon inspection by the District. A permit from the District is required. (See Section 506.1.)

301.4.2 By resolution, the District Board may exempt qualifying properties in the District from the requirements of Section 301.4.1. A request for such an exemption may be made either by application of an affected property owner or on the motion of the District Board. A resolution granting an exemption must contain findings demonstrating that due to the unique conditions of the site (for example, the very close proximity of the premises to the District's public sewer), the advantages of having a clean-out (a) would be minimal or negligible in facilitating District service to the portion of the lateral located in a public right-of-way or District easement, and (b) the cost to supply, install and maintain the clean-out would outweigh any advantages that the clean-out might afford.

301.4.3 Any exemption granted pursuant to Section 301.4.2 continues only so long as the conditions which justified granting the exemption continue to exist. Upon a change in the relevant circumstance such that the findings which supported granting an exemption can no longer be made, the exemption will be revoked. Revocation is effective upon the adoption of resolutions to that effect by the District Board. Upon revocation of an exemption, the provisions of Section 301.4.1 shall apply and the owner of the property affected is obliged to comply with that Subsection.

301.5 Maintenance of Side Sewers. The property owner is solely responsible to maintain the side sewer and related wastewater facilities between the building and the connection with the main sewer, except that if a clean-out meeting the requirements of Section 301.4 has been installed, the District will maintain the side sewer between the clean-out and the connection with the public sewer. Prior to accepting such maintenance obligation, the District must inspect the clean-out and building sewer or side sewer.

301.6 Pumping; Back Flow Prevention. In all buildings in which a building drain is too low to permit gravity flow to the public sewer, sanitary wastewater entering the drain must be lifted by approved artificial means and discharged to the building sewer. In any locations where a stoppage in a District sewer may cause back flow into the building sewer, the property owner must install an adequate back flow prevention device on private property in accordance with Section 303 below. Construction, operation, and maintenance of wastewater facilities located on private property are the sole responsibility of the property owner.

301.7 When required by the District, the owner of any property served by a building sewer carrying non-residential wastes must install a suitable control manhole in the building sewer to facilitate observation sampling and measurement of the wastes. The manhole, when required, will be constructed in accordance with plans approved by the District's engineering representative. The manhole will be installed by the property owner at the owner's expense, and will be maintained by the owner at all times.

301.8 Inspection and Testing. All lateral sewers and the connection of such sewers to the District's wastewater facilities shall be inspected and tested prior to the time physical connection is made. The applicant must give at least 48 hours advance notice to the District's engineering representative that the building sewer is ready for inspection. Testing will be performed in accordance with the Standard Specifications. The costs of inspection and testing are the responsibility of the property owner.

301.9. Facilities Subject to Resumption of Use Permit. In any case where a resumption of use permit is required pursuant to Sections 500.4 and 507 of this Code and it is proposed by the applicant that existing wastewater facilities are to be used, it shall be a precondition to issuance of the permit and resumption of use of the existing facilities pursuant to Section 503 of this Code that the applicant has caused the existing facilities to be inspected and tested and that the District has found the facilities to be in good condition and determined that they are in conformance with then current District standards, including those requiring the installation of - approved clean-outs, back flow prevention devices and other similar wastewater appurtenances. If it is determined by the District that the existing facilities are not capable of being brought into good condition and conformance with current District standards, the existing facilities may not be reused. Instead, they must be replaced with new facilities that conform to the District's current requirements. All costs of inspection, testing, rehabilitation of existing facilities, and construction of new facilities are the expense of the applicant and must be carried out in such manner as the District directs or approves.

301.10. Teardowns and Substantial Remodels. If any commercial or residential structure undergoes a teardown or substantial remodel, existing lateral sewers must be replaced. New lateral sewers must be inspected and tested prior to connection to the District's wastewater facilities pursuant to section 301.8. For the purposes of this section, a "teardown" shall mean the act of demolishing a building down to the foundation with the intention of building a new structure on the same site. For the purposes of this section, a "substantial remodel" shall mean a remodel which increases the area of the existing structure by at least 50%, or renovates or replaces at least 50% of the area of the existing structure; and requires a City of Daly City building permit.

301.11. Replacement of non-conforming cleanouts. Whenever the side sewer between a building and a cleanout is replaced, or whenever the side sewer between a cleanout and the main is replaced, and the cleanout does not meet the requirements of Section 301.4, then a cleanout meeting the requirements of Section 301.4 must be installed at the property in conjunction with the replacement of the side sewer, at the owner's expense.

SECTION 302. Public Sewers and Appurtenances

302.1 Permit Required. No person may construct, extend, alter, use or disturb any wastewater facilities that are intended to become or are wastewater facilities of the District without first obtaining a written permit from the District, paying all fees and connection charges, and satisfying all other requirements of this Code, except that construction performed under contract with the District does not require a permit.

302.2 Design and Construction Standards. Standards for the design and construction of sewers and other wastewater facilities within the District must be in accordance with the District's Standard Specifications. The District's engineering representative, with the consent of the District Board, may allow modifications or may require higher standards where unusual conditions are encountered.

302.3 Plans, Profiles and Specifications Required. As more specifically set forth in Chapter 5, the application for a permit for construction of wastewater facilities must be accompanied by three (3) complete sets of plans, profiles and specifications complying with all requirements of this Code, prepared by a civil engineer registered in the State of California and showing all details of the proposed work based on an accurate survey of the ground.

302.4 Subdivisions. The requirements of this Section must be fully satisfied before any final subdivision map will be approved by the District Board. The final subdivision map must provide for dedication for public use of streets, easements or rights-of-way in which wastewater facilities are to be constructed. If a final subdivision map of a tract is recorded and the construction is not completed within the time limit allowed in the permit, the Board may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of any bond or other security furnished by the subdivider.

302.5 Easements

302.5.1 It is the policy of the District that public wastewater facilities should be located in public rights-of-way rather than in easements over private property. The District Board may, in its discretion, make exceptions to this policy if it is determined that the District's need for ease of access to the facilities for maintenance and repair is safeguarded and that placement of the facilities in a public right-of-way would be impractical or unduly burdensome.

302.5.2 Wastewater facilities, whether or not they are located on or in private property or public property, do not become public facilities unless they are dedicated to public use and accepted by the District on such terms as the District may require. As a condition of accepting wastewater facilities as public facilities, the applicant must provide such grant deeds of easement to the District, with rights of ingress and egress, as may be necessary for the District to enter upon the private property for the purposes of operating and maintaining the facilities. No easement may be less than fifteen (15) feet in width, unless the easement borders on a public right-of-way in such a manner that the resulting public easement/right-of-way is at least fifteen (15) feet in width. The District reserves the right to require a wider easement if required for maintenance purposes. Easements granted to and accepted by the District must be recorded in the Official Records of San Mateo County as an encumbrance on the private property over which the easement traverses.

302.5.3 Except as provided in Section 302.5.3.4 below, it is unlawful for any person to obstruct, encroach upon or otherwise interfere with District easements or to permit or allow such obstructions, encroachments or interferences.

302.5.3.1 Without any way limiting the breadth of the general prohibition contained in Section 302.5.3 above, the following conditions are expressly prohibited:

(a) Construction, installation or maintenance of any permanent or temporary structure which is on, in or over an easement and cannot be readily and easily removed at any time the District requires access to or use of an easement. In this regard, the

term “structure” includes buildings, fences, gates, decks, roof overhangs, decorative rocks and boulders, and the like;

(b) Planting, growing or maintaining trees, shrubs or other forms of plant life which restrict access to an easement or which interfere with the use or operation of wastewater facilities located in the easement. Included within this prohibition are: trees and shrubs located on the surface of the easement which inhibits access by District personnel, vehicles and equipment; overhanging vegetation located outside the easement that likewise restricts access; and, plants produce roots likely to invade wastewater facilities;

(c) The deposit of any debris, garbage, trash or other waste on or in an easement; and

(d) The abandonment of any property, including vehicles, within an easement.

302.5.3.2 The foregoing prohibitions do not preclude the owners of the real property subject to a District’s easement from making uses of the easement so long as such uses are not inconsistent with the District’s rights.

302.5.3.3 Any condition that constitutes an obstruction of, encroachment upon or interference with a District easement must be removed by the property owner or any other responsible person promptly upon the District’s demand to do so. However, in an emergency, the District is entitled, without prior demand, to remove any obstruction, encroachment or interference by such means as the District determines are appropriate, even if such removal will result in damage to or loss of property by the property owner or any other responsible person who caused or allowed the condition to occur. If a condition is not removed by responsible persons after the District’s reasonable demand, or without demand in the case of an emergency, the District is entitled to recover from any responsible persons all costs and expenses incurred to remove the condition. The remedies provided to the District by this Section are in addition to, and cumulative with, any other remedies available to the District pursuant to this Code or as otherwise provided by law.

302.5.3.4 In the event of a substantial hardship, or for other good cause, an affected person may seek relief from the provisions of this Section 302.5 by requesting a waiver pursuant to the provisions of Chapter 8 of this Code.

302.6 Persons Authorized to Perform Work. Only properly licensed contractors may construct public wastewater facilities within the District. All terms and conditions of the permit issued by the District to the applicant are binding on the contractor. The requirements of this Section apply to building sewers installed concurrently with public sewer construction.

302.7 Compliance with Local Regulations. Any person constructing wastewater facilities in or on streets or other public property shall comply with all state, county or city laws, ordinances, rules and regulations pertaining to the cutting of pavement, opening, barricading, lighting, protecting trenches, backfilling and repaving, and the person must obtain all permits and

pay all fees required by the governmental entity or entities having jurisdiction, prior to the issuance of a permit by the District.

302.8 Record Drawings. As a condition of final acceptance of wastewater facilities to be dedicated to or constructed on behalf of the District, three (3) sets of record drawings showing the actual locations of all mains, wyes, laterals and other structures as well as any changes to the approved construction drawings, must be filed with the District.

302.9 Inspection and Testing. After approval of plans by the District, actual construction may be started and all work must be performed under the inspection of and in accordance with the Standard Specifications and policies of the District. All work must be tested and inspected by the District or its representative when construction is completed but before use is made of the facilities constructed. Inspection and testing must be conducted at such other times as the District or its representative may require. The applicant must give 48 hours advance notice to the District's representative.

302.10 Reimbursement Agreement. If the cost to extend, expand or upgrade public wastewater facilities has been paid by the person constructing the facilities, the District may enter into a reimbursement agreement with that person providing for the collection from subsequent connectors of the prorated share of the subsequent connectors' costs, if any, for construction of the facilities. The agreement will be on such terms as the District may require and be subject to the approval of the District Board.

SECTION 303. Protection from Back Flow.

In all buildings where plumbing fixtures in a building are located below the level of the top of the nearest upgrade manhole of the District's main sewer, the building must be protected from back flow of sewage by the installation of back flow prevention devices in accordance with the California Uniform Plumbing Code and the ordinances of the City on which the building is located.

CHAPTER 4
USE OF PUBLIC SEWERS

SECTION 400. Use of Public Sewers Required.

400.1 The owner of a parcel of land located within the District's territory and on which there exists a building or other structure used for human occupancy or other purposes requiring sanitation facilities must install suitable sanitation facilities in the premises and must connect the facilities to the District's wastewater system if any property line of the parcel is located within 200 feet of a public sewer that is accessible to the premises. The connection must be accomplished by the owner in accordance with the provisions of this Code.

400.2 Except as provided in Section 401, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other device intended or used for the private disposal of wastewater.

SECTION 401. Private Wastewater Disposal.

401.1 If a public sanitary sewer is not available, the building sewer must be connected to a private wastewater disposal system complying with the provisions of this Chapter.

401.2 Before beginning construction of a private wastewater disposal system, the property owner must obtain a written permit from the District as well as other permits or approvals required by any other public agency having jurisdiction over such matters.

401.3 The type, capacities, location, layout, operation and maintenance of a private wastewater disposal system must comply with all applicable regulations promulgated by any government agency having jurisdiction with respect to the discharge of wastewater into a private wastewater disposal system.

401.4 No septic tank, cesspool or other private wastewater treatment or disposal system may be permitted to discharge effluent to any natural outlet or public sewer. Removal, discharge or other disposal of waste materials from the system must be accomplished in strict conformance with all applicable regulatory requirements.

401.5 The property owner must operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the District.

401.6 At such time as a public sewer becomes accessible to a property served by a private wastewater disposal system, as provided in Section 400, a direct connection is required to be made to the public sewer in the manner required by this Code. Use of the private wastewater system must be discontinued and it is to be filled and abandoned in the manner directed by the District.

SECTION 402. Grease, Oil and Sand Interceptors.

402.1 Appropriate interceptors must be provided when they are necessary for the proper handling of liquid waste containing grease in an excessive amount (see Section 403.8.2) or any flammable wastes, sand or other harmful constituents; except that grease interceptors are not required for residential dwelling units. All interceptors must be of a type and capacity approved by the District's engineering representative and are to be located so as to be readily and easily accessible for inspection and cleaning.

402.2 Grease, oil and sand interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water tight, and equipped with easily removable covers which, when bolted in place, shall be gas tight and water tight.

402.3 All grease, oil and sand interceptors, where required, shall be properly operated and maintained at all times by the owner at the owner's expense.

SECTION 403. Prohibitions.

403.1 General Prohibitions. No person may, and it is unlawful to, discharge wastes into the District's wastewater facilities that cause, threaten to cause or are capable of causing, whether alone or by interaction with other substances:

- (a) A fire or explosion;
- (b) Obstruction of flow, or injury to, the wastewater facilities, or any portion of them;
- (c) Harm to life or safety of persons or to their property;
- (d) Conditions inhibiting or preventing the effective maintenance or operation of the wastewater facilities;
- (e) Strong or offensive odors, air pollution or any noxious, toxic or malodorous gas or substance or gas-producing substances;
- (f) Interference with wastewater treatment processes, overloading of the wastewater facilities, or excessive collection or treatment costs, or use of capacity in the wastewater facilities to which the person is not entitled;
- (g) Interference with: any wastewater reclamation process operated in conjunction with the wastewater facilities;
- (h) A detrimental environmental impact, a nuisance or a condition unacceptable to any public agency having regulatory jurisdiction over operation of the wastewater facilities;

(i) Discoloration or any other adverse condition in the quality of the effluent from the wastewater facilities such that receiving water quality requirements established by any statute, rule, regulation, ordinance, or permit condition cannot be met by the District or the City and County of San Francisco; or

(j) Conditions which cause or may cause the District or the City and County of San Francisco to be in violation of requirements of law.

403.2 Storm Drainage and Ground Water

403.2.1 No person may and it is unlawful to discharge, cause to be discharged or permit to be discharged, any storm water, ground water, rain water, street drainage, swimming pool drainage, subsurface drainage or yard drainage, either directly or indirectly, into the District's wastewater facilities unless a permit for that activity has been issued by the District. The District may issue such a permit only upon findings that no reasonable alternative method of disposal of such water is available and that the discharge will not cause harm to the District's wastewater system.

403.2.2 Notwithstanding the provisions of Section 403.2.1 above, in the case of a single-family residence which, on April 16, 1987, had an existing drain connected directly or indirectly to the District's wastewater system, the connection may be continued without a permit under the following conditions:

403.2.2.1 The drain is used exclusively to dispose of storm waters or rain waters naturally accumulating on the premises;

403.2.2.2 No reasonable alternative method of disposal is available;

403.2.2.3 No alteration is made to the drain or to the drainage system feeding water to the drain that increases the volume of water discharged to the drain; and

403.2.2.4 The discharge from the drain will not harm or unduly tax the District's wastewater facilities.

403.2.3 Any discharge occurring by virtue of the provisions of this Section or other provisions of this Chapter are subject to fees and charges under Chapter 6 of this Code.

403.3 Unpolluted Water. No person shall, and it is unlawful to discharge, cause to be discharged or permit to be discharged any unpolluted water including, but not limited to, cooling water, process water or blow-down water from cooling towers or evaporative coolers, either directly or indirectly, into the District's wastewater facilities unless a permit for that activity has been issued by the District.

403.4 Garbage Grinders. No person shall, and it is unlawful to discharge, cause to be discharged, or permit to be discharged waste from garbage grinders into the wastewater facilities, except:

403.4.1 Wastes generated in preparation of food normally consumed on the premises may be so discharged; or

403.4.2 The discharge is made pursuant to a permit issued by the District.

Garbage grinders from which wastes are permitted under either Section 403.4.1 or 403.4.2 above, shall be of a design and capacity to shred wastes sufficiently such that all waste particles are carried freely under normal flow conditions into and through the wastewater facilities.

403.5 Direct Discharge. No person may, and it is unlawful to discharge, cause to be discharged or permit to be discharged any wastes or wastewater, or any object, material or other substance directly into a manhole or other opening into the District's wastewater facilities other than wastes or wastewater through an approved building sewer, unless a permit for such discharge has been issued by the District.

403.6 Holding Tank Waste. No person may, and it is unlawful to discharge, cause to be discharged or permit to be discharged any holding tank waste into the District's wastewater facilities.

403.7 Radioactive Wastes. No person may, and it is unlawful to, discharge, cause to be discharged or permit to be discharged any radioactive wastes into the District's wastewater facilities.

403.8 Additional Limitations. No person may, and it is unlawful to discharge, cause to be discharged or permit to be discharged any wastewater:

403.8.1 Containing more than 300 mg/l of oil or grease of animal or vegetable origin;

403.8.2 Containing more than 100 mg/l of oil or grease of mineral or petroleum origin;

403.8.3 Having a pH lower than 6.0 or having a corrosive property capable of causing damage or hazard to the District's wastewater facilities;

403.8.4 Having a pH high enough to cause alkaline encrustations on sewer walls or other damage to the District's wastewater facilities;

403.8.5 Containing any sand, grit, straw, metal, glass, rags, feathers, paper, tar, plastic, wood, leaves, garden clippings, manure, dead animals, offal or any other solid or viscous

substance capable of causing obstruction to the flow in the District's wastewater facilities, or which in any way interferes with the proper operation of the wastewater facilities;

403.8.6 Containing any hazardous, toxic or poisonous material or substance the discharge of which is prohibited by the laws or regulations of any government agency having jurisdiction over such matters.

403.8.7 Containing any hazardous, toxic or poisonous substance not otherwise specifically prohibited in this Code in sufficient quantities to constitute a hazard to humans or animals, or to create a hazard in the District's wastewater facilities, or to injure or interfere with their operation; or

403.8.8 Containing suspended solids, not otherwise specifically prohibited under the provisions of this Code, the characteristics or quantities of which require unusual attention, treatment or expense in handling or treating of such material in the District's wastewater facilities.

403.9 Specific Customer Limitations. Notwithstanding the limitations upon the characteristics or quantities of wastewater discharged, caused to be discharged or permitted to be discharged into the District's wastewater facilities pursuant to this Chapter, the District may, in connection with the issuance of permits pursuant to the provisions of Chapter 5, establish additional or different specific limitations on wastewater strength upon a finding by the District that:

403.9.1 The limitations contained in this Chapter may not be sufficient to protect the operation of the wastewater facilities, or any portion of them, or the waste or wastewater proposed to be discharged otherwise constitutes a hazard to, or an unreasonable burden upon, such operation; or otherwise causes or significantly contributes to violation of the National Pollutant Discharge Elimination System (NPDES) permit; or

403.9.2 The limitations contained in this Chapter may be unreasonably restrictive when applied to a specific industry; and imposing a less stringent limitation will not cause or contribute to violation of any State or Federal requirement of law; or

403.9.3 Specific standards have been established by the State or Federal Government for a specific category of industrial customer which would supersede the limitations set forth in this Chapter with respect to such category.

403.10 Protection from Damage. No unauthorized person shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment that is part of the District's wastewater facilities.

403.11 Discharge to Natural Outlet. It is unlawful to discharge to any natural outlet within the District, or in any area under the jurisdiction of the District, any wastewater, industrial wastes unless proper treatment has been provided and the discharge has been authorized in accordance with provisions of this Code.

CHAPTER 5
PERMITS

SECTION 500. Permit Required – Wastewater Discharges.

It is unlawful for any unauthorized person to do any of the following without having first obtained a written permit from the District:

500.1 Construct or use any private wastewater disposal system;

500.2 Uncover, make any connection with or opening into, use, alter or disturb any facility of the District's wastewater system;

500.3 Reestablish use of any private wastewater disposal system that has been discontinued for a period of one (1) year or more;

500.4 Reestablish service to any premises served by the District's wastewater system where use of the system has been discontinued for a period of one (1) year or more;

500.5 Do cause or permit any other action for which a permit is required pursuant to this Code.

SECTION 501. Pre-Existing Discharges.

For the purposes of Sections 500.5 and 500.6 above, premises which have been legally connected to the District's wastewater system or to a private wastewater disposal system but as to which no connection permit was issued shall be deemed to have been authorized the volume and nature of discharge which existed as of the 1989/1990 fiscal year, which will be determined by using the water usage for that time period.

[Amended by Ordinance No. 100, April 25, 2013]

SECTION 502. Requirements Applicable to All Permits.

No permit may be issued until all of the following requirements have been satisfied:

502.1 The applicant has submitted a properly completed application on a form supplied by the District, together with all other information, including plans and specifications for any proposed construction that may be required to enable the District to properly evaluate the application. The applicant's signature on an application for a permit constitutes the applicant's agreement to comply with all of the provisions of this Code, the other rules and regulations of the District and the approved plans and specifications for any project;

502.2 The applicant has made application to the appropriate County or City agency for any required building, encroachment, or other development permit applicable to a proposed project and the District has been supplied by the applicant with suitable documentation confirming that the County's/City's plan check and/or other required review has been initiated.

502.3 It has been determined by the District that:

502.3.1 The real property to be served is within the District's service area;

502.3.2 The proposed activity is not prohibited or precluded by the regulations of the District or of any other government agency having jurisdiction over wastewater disposal within the District;

502.3.3 The District's wastewater system has the capacity to accommodate the quantity and quality of wastewater to be produced by the proposed project;

502.3.4 No expansion or extension of the District's wastewater system is required to serve the proposed activity or, if required, that the applicant has satisfied all requirements of the District for expansion and/or extension of the facilities to the vicinity of the proposed activity. All costs necessary for acquisition, construction and installation of needed facilities must be borne by the applicant, except that pursuant to Section 302.10 of this Code the District may enter into reimbursement agreements with applicants on such terms as the District Board approves; and

502.3.5 Any easements necessary for the District to operate and maintain public facilities installed in private property have been granted and accepted by the District (see Section 302.5 of this Code); and

502.4 The applicant has paid all fees and charges imposed by the District to process and consider the application.

SECTION 503. Other Conditions and Requirements of Permits.

Where the interests of the District would be served, the District Board may, in its discretion:

503.1 Impose additional requirements upon an applicant which must be satisfied before the permit will be issued;

503.2 Authorize issuance of the permit subject to satisfaction of one or more conditions at a future time; failure to satisfy any such condition constitutes grounds for the Board to revoke the permit and discontinue any use authorized by the permit; and/or

503.3 Waive compliance by the applicant with requirements or conditions previously imposed.

SECTION 504. Types of Sewer Permits.

504.1 There are four (4) classes of sewer permits:

504.1.1 A Class 1 sewer permit is required for the following types of residential connections: Permit Type 1A for single family residences, including condominium and townhouse residential units; Permit Type 1B for multiple-unit residences; Permit Type 1C for rooming houses or boarding houses; and Permit Type 1D for miscellaneous residential uses including residential occupancies commonly referred to as second dwelling units, in-law units and granny units.

504.1.2 A Class 2 sewer permit is required for the following types of non-residential connections: Permit Type 2A for commercial establishments; Permit Type 2B for industrial establishments; Permit Type 2C for institutional establishments; and Permit Type 2D for miscellaneous non-residential establishments.

504.1.3 A Class 3 sewer permit is required for the construction of sewer mains, pumping stations and other wastewater facilities to be dedicated to the District.

504.1.4 A Class 4 permit is required for all activities requiring a permit not designated either a Class 1, Class 2, or Class 3 sewer permit.

504.2 Upon the District's acceptance of a sewer system constructed pursuant to a Class 3 permit, but prior to connection of any premises or facilities that will discharge into the District's wastewater facilities, a Class 1 or Class 2 permit, as applicable, must be obtained by the applicant for each connection.

SECTION 505. Information Required by Type of Sewer Permit.

505.1 Class 1. The following information is required of all applicants for Class 1 Sewer Permits.

505.1.1 The property's legal description as recorded in the County's official records, the assessor's parcel number, the street address of the premises and any other identifying information needed by the District.

505.1.2 Type of work to be done including the nature of the structures, uses and occupancies to be served, whether it is a new connection, a repair or other type of work, and the building department plan check number.

505.1.3 The name, address and phone number of the applicant, owner, contractor and engineer, as applicable.

505.1.4 Any additional information which the District may require due to the nature of the project.

505.1.5 The signature of the applicant and if not the owner or contractor, documentation confirming the applicant's authority to act on behalf of the owner

505.2 Class 2. The following additional information is required of all applicants for a Class 2 Permit:

505.2.1 Applicant's business name.

505.2.2 The standard industrial classification of applicant's business and the classification number.

505.2.3 The applicant's name, mailing address and telephone number.

505.2.4 The engineer's/contractor's name, address and telephone number.

505.2.5 The volume and character of wastewater proposed to be discharged.

505.3 Class 3. The following additional information is required of all applicants for a Class 3 Sewer Permit:

505.3.1 The location of the project.

505.3.2 Maps, plans, profiles and other information as required by the District. These maps, plans, profiles etc. must show: the location and boundary lines of any property to be sewerred and each tract, lot or parcel of the property; existing and proposed streets, roads, highways, easements and rights-of-way within and immediately contiguous with the property; and all proposed connections with the District's sewer system. The profile must accurately show the proposed sewer or other proposed facilities, existing ground surface elevations and existing utilities (surface and subsurface) together with such changes as may result from subsequent grading, filling, road construction and the like. All utility conflicts an any required utility relocations must be shown.

505.3.7 A Negative Declaration or Final Environmental Impact Report, whichever is applicable, as determined by the lead agency for the project pursuant to the California Environmental Quality Act.

505.4 Class 4. The following additional information is required of all applicants for a Class 4 Sewer Permit:

505.4.1 A statement of the work to be performed or Board action that requires the issuance of a Class 4 Sewer Permit.

505.4.2 Such information as the District may require for the particular type of permit sought.

SECTION 506. Private Wastewater Disposal System Permit.

506.1 Pursuant to Section 401 of this Code, any person proposing to construct, connect to and operate a private wastewater disposal system must first obtain a Class 4 Sewer Permit for that purpose from the District. The applicant must submit such information as the District may require including written approval of the proposed system by the San Mateo County Department

of Environmental Health. The permit will provide that the District may inspect the work during construction and before any underground portions are covered.

506.1.1 A private wastewater disposal system permit is issued for a period of 3 years. At the end of this period, the permit shall expire and must be renewed.

506.2 Sewer Appurtenance Permit. Any person who proposes to install a sewer appurtenance, such as a property line clean-out (see Section 301.4) or a back flow prevention device (see Section 303), must obtain a Class 4 Sewer Permit for that purpose from the District. Issuance of such a permit will be conditioned upon the work being performed in accordance with the District's Standard Specifications and other regulations, District inspection and approval of the work and the applicant's payment of applicable fees. With respect to a permit for a property line clean-out, it is also a condition of the permit that the portion of the building sewer between the clean-out and the District's public sewer to which the building sewer connects must have been inspected and tested to the satisfaction of the District to demonstrate that the building sewer conforms to District standards and regulations and is in good condition and repair, or if not, that appropriate corrective action has been taken to satisfy those requirements before the District will accept responsibility for its maintenance under Section 301.4.

SECTION 507. Resumption of Use Permit.

In any case where a previously authorized connection to the District's wastewater system has been discontinued other than temporarily in the ordinary course of use, a person seeking to reconnect to the District's wastewater system must obtain a permit for that purpose. The applicant must supply the information describing the applicant's use corresponding to the application that would be required if the applicant were applying for a new use and pay the fees and charges required in Chapter 6 including any additional connection charges imposed in Section 601.6.

SECTION 508. Other Permits.

Where provisions of this Code require a permit to be issued before action may be taken, but specific requirements applicable to the particular permit are not established in this Chapter, the permit is subject to reasonable requirements established by the District Board under the circumstances.

SECTION 509. Issuance of Permit.

Issuance of permits may be authorized only upon action taken at a meeting of the District Board, except that the Board may, by resolution, delegate to specified representatives the authority for the issuance of Class 1 and Class 2 sewer permits and for permits for sewer appurtenances such as property line clean-outs and back flow prevention devices in connection with occupancies and uses served by Class 1 and Class 2 sewer permits.

SECTION 510. Payment of Permit Fees.

No permit may be issued until all applicable fees and charges, including inspection fees, and, if applicable, connection charges established by this Code, have been paid.

SECTION 511. Compliance with Permit.

After issuance of a permit, no deviation may be made from the approved plans, specifications and permit conditions except with the written permission of the District Board or its authorized representative.

SECTION 512. Expiration of Permits.

512.1 Unless otherwise provided, a permit issued under this Code remains in effect for a period of twelve (12) months from the date it is issued. After that time, the permit expires automatically unless on or before the expiration date: (a) the action authorized by the permit has been completed; (b) the permit has been extended by the District; or (3) the applicant has obtained and is maintaining in effect all other required permits, including a building permit, and any other government approvals necessary for the applicant to pursue the authorized action to completion. If at any time, any of the other necessary permits or government approvals for the proposed project are revoked or are allowed to lapse, the District's permit will be revoked or will lapse, as the case may be, automatically. In that case, fees and charges previously paid are not refundable.

512.2 If a permit issued by the District expires, is revoked or allowed to lapse, the applicant may not proceed with the proposed action and/or project until a new permit has been obtained from the District. In that event, the applicant must satisfy all requirements and conditions the District imposes, including payment of application and inspection fees and other applicable charges. The applicant is not entitled to a credit for any fees or charges previously paid.

SECTION 513. Expiration of Permits.

The District Board may extend permits for additional periods of six (6) months upon a showing of good cause, and upon a determination by the District Board that: (1) sufficient capacity to serve the applicant's project continues to exist in the District's wastewater facilities; and (2) the District will not be adversely affected by the extension of the permit. No person is entitled to an extension of a permit as a matter of right. An extension may be denied if the applicant fails to provide any documents or information reasonably deemed necessary by the District Board for consideration of the request.

SECTION 514. Transferability of Permits.

514.1 Class 1 and Class 2 sewer permits may be transferred from one applicant to another upon written notice to the District. The transferee of a permit must comply with all requirements and conditions imposed by the District with respect to the permit. No other permits may be transferred from one person to another without approval of the District Board.

514.2 A permit issued for use in connection with a particular premises or a particular project may not be transferred so as to be used in connection with other premises or another project.

514.3 The District Board may revoke any permit purported to have been transferred in violation of this section.

SECTION 515. Wastewater Discharge Permits.

515.1 **Mandatory Wastewater Discharge Permit.** A major contributing industry or other customer discharging or proposing to discharge wastewater having characteristics or quantities equivalent to that of a major contributing industry must not, and it is unlawful for any such industry or customer to connect to or discharge into the District's wastewater facilities without first obtaining a wastewater discharge permit under this Section. All persons required to obtain a wastewater discharge permit shall submit an application for a Class 4 permit for that purpose. The Applicant will transmit the completed permit applications, together with the Applicant's request to the City and County of San Francisco, to the District together with the District's required fee. Upon the City and County of San Francisco's issuance of a permit, the District will issue the applicant a Class 4 permit, incorporating the terms of the wastewater discharge permit issued by the City and County of San Francisco and any terms and conditions that the District may require.

515.2 **Optional Wastewater Discharge Permit.** A wastewater discharge permit may be required by the District for any customer who:

515.2.1 Requests that charges and fees established pursuant to this Code be based upon an estimated volume of wastewater discharged, or to be discharged, into the wastewater system.

515.2.2 Proposes to discharge wastewater that has, or will have, wastewater strength characteristics less than normal range for the customer classification to which such customer is assigned because of pretreatment, activities, manufacturing processes or other circumstances peculiar to the customer's wastewater characteristics.

515.2.3 Discharges or proposes to discharge unpolluted water into the wastewater system.

515.2.4 Maintains or proposes to maintain, a holding tank for wastewater which discharges into the wastewater system.

515.2.5 Maintains and operates or proposes to maintain and operate a flow meter which measures either the volume of wastewater discharged into the wastewater system or the volume of unpolluted water discharged into the wastewater system.

515.2.6 Discharges or proposes to discharge wastewater into the wastewater system by means other than through an approved building sewer.

515.2.7 Maintains and operates or proposes to maintain and operate a private wastewater disposal system for other than residential uses for which a private wastewater disposal system permit has been issued under Section 506.

515.2.8 Occupies or owns a parcel at which the business or activity on the premises would create a hazard to public health or the wastewater system should an accidental discharge occur.

515.3 Permit Conditions. Wastewater discharge permits authorized under this Chapter are subject to all provisions and requirements of this Code, and to all other requirements of law. Permits authorized under this Chapter may include any or all of the following limitations, requirements and conditions:

515.3.1 The unit charge or schedule of charges and fees for the service and use of the wastewater facilities to be paid by the permittee and the terms and conditions of such payment;

515.3.2 The allowable average and maximum wastewater constituents and their characteristics permitted to be discharged into the public wastewater facilities;

515.3.3 Limitations upon time and rate of wastewater discharge, or requirements for flow regulation and equalizations;

515.3.4 Requirements for the installation of inspection, sampling or testing facilities;

515.3.5 Pretreatment requirements;

515.3.6 Specifications for monitoring programs which may include, but are not necessarily be limited to, sampling locations, frequency and method of sampling, number, types and standards per test, and reporting schedule;

515.3.7 Requirements for maintaining records related to the wastewater discharge, as specified by the District, and provisions for access by the District to that information;

515.3.8 The mean and maximum mass emission rates, or other appropriate limits, when incompatible pollutants are proposed to be discharged into, or are present in, the customer's wastewater discharge; and

515.3.9 Such other conditions, requirements and provisions deemed appropriate by the District to ensure compliance with the provisions of this Code or other requirements of law.

515.4 Duration of Wastewater Discharge Permit.

A wastewater discharge permit authorized under this Chapter shall be effective for the period determined and specified by the District, but in no event longer than five (5) years.

515.5 Modification, Amendment or Other Change.

515.5.1 Every wastewater discharge permit is subject to modification, amendment or other change by the District during its term if determined necessary by the District to ensure compliance by the customer with the requirements of this Code or other requirements of law.

515.5.2 Except in an emergency, if the District determines that non-compliance with the requirements of the Code or other requirements of law has created a risk to the public health, safety or welfare, the District may give written notice to a permittee of any proposed modification, changes or amendments to the customer's permit not less than thirty (30) days prior to the effective date of such change, modification or amendment. The District may specify a time schedule for compliance with any new conditions, provisions or requirements established by modification, change or other amendments to the permit. The notice will state the time, date and place of a public hearing to be held by the District Board on the question of the proposed modifications, changes or amendments and any time schedule for compliance. The date of the hearing will be at least ten (10) days after the date notice is given.

515.5.3 If the District determines that non-compliance with the requirements of the Code or other requirements of law has created a condition which constitutes an emergency, the permit may be modified, amended or otherwise changed by the District without prior written notice or hearing, but the District must convene a public hearing on the matters in question as promptly thereafter as practicable following the procedures in Section 515.2 above.

515.6 Non-assignability of Wastewater Discharge Permit. A wastewater discharge permit is personal to the designated permittee and relates only to the use or operation described in the permit. No person may and it is unlawful to assign, convey, sell, lease, sublet or otherwise transfer a wastewater discharge permit, or any rights conferred by the permit, to another person, or to use, cause to be used or permit to be used a permit in connection with different premises, or a different operation than that specified in the permit or with a new, expanded or modified operation.

515.7 Monitoring Facilities. The District may require a customer to construct, operate and maintain, at the customer's own expense, monitoring, sampling and metering facilities or other facilities and equipment to allow inspection, sampling and flow measurement of the customer's building sewer, or internal drainage systems or waste or wastewater discharges. Such monitoring, sampling and metering facilities or other facilities and equipment must be located on the customer's premises; except that the District may allow such facilities and equipment to be constructed on public property adjacent to the customer's premises upon a determination by the District that installation of such facilities and equipment on the customer's premises would be impracticable or cause unnecessary or undue hardship. If the District makes the foregoing determination, and the public property on which such facilities or equipment are proposed to be

constructed or installed is not within the jurisdiction of the District, the customer must obtain permission for such installation or construction, and for continued maintenance and operation of the facilities and equipment, from the government agency having jurisdiction over the public property. Monitoring sampling, or metering facilities and equipment to be provided, installed, maintained and operated pursuant to the provisions of this Section must be situated, constructed and installed as to permit safe and immediate access by the District; except that the District may, at the option of the customer, secure such equipment and facilities with a lock furnished by the District at the expense of the customer. The customer must provide sufficient space, as determined by the District at or near the equipment and facilities to allow ready and accurate monitoring, sampling and collection of samples for analysis. The equipment and facilities, and the sampling and measuring equipment to be maintained and operated in connection with them must be maintained and operated at all times in a safe and proper condition by and at the expense of the customer and at no expense to the District.

Monitoring, sampling and metering equipment or facilities to be furnished pursuant to the provisions of Section 515 must be provided in conformance with all reasonable requirements of the District as well as applicable construction standards and specifications of the District and of any government agency having jurisdiction over the place where the equipment and facilities are located. Installation and construction of the facilities and equipment must be completed within ninety (90) days following written notification from the District except that the District may, at its discretion, extend the time for that performance.

515.8 Inspection and Sampling. The District is authorized to inspect the premises of the permittee at all reasonable times to ascertain whether there is compliance with the provisions of this Code and the permit. Owners and occupants of premises where wastewater is created, held or discharged must allow the District ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, monitoring or performing the duties reasonably necessary or appropriate in carrying out or enforcing the provisions of this Code and the permit. The District also has the right to install and use on the customer's premises such devices as are reasonably necessary or appropriate to conduct sampling, metering and monitoring operations or other duties. If a customer has established security measures requiring identification and clearance prior to entry onto the customer's premises, the customer must furnish and provide such identification and clearance measures to the District to enable the District's ready access.

515.9 Pretreatment. Pretreatment of wastes or wastewater must be furnished by any customer on the customer's premises when such waste or wastewater, prior to pretreatment, does not comply with the minimum acceptable requirements and criteria for discharge into the wastewater facilities as set forth in Section 403 of this Code. Pretreatment facilities are to be provided and maintained at the customer's expense. They must be of sufficient design and capacity that pretreated waste and wastewater discharged from the premises into the wastewater facilities satisfy the prescribed minimum standards and other requirements established by the District.

515.10 Protection Against Accidental Discharges.

515.10.1 Every customer must provide protective measures against accidental or unauthorized discharges of prohibited wastes, wastewater constituents or characteristics or volumes into the wastewater facilities in violation of Section 303 of this Code, or as may otherwise be set forth in any permit issued pursuant to this Code. Such measures may consist of operational or other procedures and/or facilities determined reasonably necessary and appropriate for that purpose by the District. All costs of such measures will be borne by the customer.

515.10.2 The District may specify standard procedures and/or facilities for each classification of customer, and, to the extent specified, the customer must institute and use those procedures and/or install and construct those facilities for each such classification. Alternatively, the District may require any customer to propose to the District for its review suitable procedures and/or facilities with supporting plans, specifications, data, explanations or other matters as reasonably required by the District to ascertain the effectiveness of the procedures and/or facilities proposed. The District may require revisions, amendments, modifications, or other changes to such proposals and approve or reject the same as the District deems reasonably necessary and appropriate to ensure protection against accidental or unauthorized discharges.

515.11 Public Information.

515.11.1 Except as provided in this Section or as otherwise required by law, all information and data regarding a customer's operations pursuant to a wastewater discharge permit furnished by a customer or obtained from reports, questionnaires, permit applications, permits, monitoring programs, inspections or from other sources provided or required under the provisions of this Code are available to the public and other government agencies without restriction unless the customer requests in writing that such information be confidential and establishes to the satisfaction of the District that the disclosure of the information to other persons would result in unfair competitive disadvantage to the customer except that in no event will wastewater constituents, characteristics or volumes be deemed confidential information.

515.11.2 Notwithstanding the provisions of Section 515.11.1 above, information approved by the District as confidential will be available for use by the District, the City and County of San Francisco, the State, the Federal government and any agency of those entities in connection with enforcement proceedings or any judicial proceedings to which the customer is a party. Otherwise, information accepted by the District as confidential will not be communicated to any government agency or to the general public by the District until and unless prior written notification is given to the customer.

515.12 Special Agreements. The provisions of this Code do not limit the authority of the District to enter into agreements, and to recover costs resulting from such agreements, with any customer relating to treatment, pretreatment or other matters in furtherance of the provisions of this Section 515 and its purposes if in the discretion of the District Board the unique, unusual or extraordinary circumstances, such an agreement is deemed in the interests of the District; except that no such agreement may authorize non-compliance with required federal standards or waive such standards.

515.13 Notice to Affected Public Agencies. No Wastewater Discharge Permit may be issued, nor will it become effective, until affected public agencies have been given an opportunity to review and comment upon the proposed permit in the manner set forth in this Section 515.13.

515.13.1 An “affected public agency” within the meaning of this Section is the City and County of San Francisco, the County of San Mateo and any city or town having territory located in the District if the wastewater to be discharged under the proposed permit will be discharged within or conveyed through the territorial boundaries of the city or town.

515.13.2 Not less than ten (10) days prior to the date a wastewater discharge permit is proposed to be issued and become effective, the District will give written notice to any affected public agency that has informed the District it desires to receive such notices. As a minimum, the written notice will identify the applicant, the addresses of the applicant and the site of the proposed discharge, the nature of the uses to be made on the site, the wastewater constituents proposed to be discharged, the conditions which the District intends to attach to the proposed permit and the date, time and place of any public hearing or other meeting of the Board at which the permit will be considered.

515.13.3 Any affected public agency may comment upon the proposed permit and may request changes to the conditions or that the permit not be issued. If the District agrees with the requests, the changed conditions shall be included in the permit or the permit will not be issued, as the case may be. The decision of the District Board is final.

CHAPTER 6
FEES, RATES AND CHARGES

SECTION 600. Sewer Service Charge.

600.1 Purpose of Sewer Service Charge. The purpose of the sewer service charge is to raise revenue for the costs of maintenance, operation, construction and reconstruction of the District’s wastewater facilities, the collection, conveyance, treatment and disposal of wastewater and for other proper expenditures necessary to conduct the business of the District.

600.2 Customers Subject to Charge. All premises connected to the District’s wastewater system and all premises that could connect to the system but are presently connected to a septic tank or other private wastewater disposal system are subject to the sewer service charge. Premises which are unable to make the connection are exempt from the sewer service charge. It is the sole responsibility of the premises owner to notify the District of the grounds for any claimed exemption.

600.3 Rate Schedule.

600.3.1 Sewer Service Charge. The annual sewer service charge for each residential unit and for each non-residential account is equal to the collection system charge described in Section 600.3.2 plus the wastewater quantity charge, described in Section 600.3.3.

600.3.2 Collection System Charge. The collection system charge is imposed at a rate not to exceed that described in the schedule below. For residential premises that include multiple residential units, one collection system charge is imposed for each residential unit. For non-residential premises, one collection system is imposed for each premise. The collection system charge is designed to recover the District’s costs associated with administering the District and maintaining the collection system, costs that do not vary with the amount of wastewater contributed by particular users.

Collection System Charge

<u>Type</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025+</u>
Residential	\$190.00	\$205.00	\$220.00	\$235.00	\$250.00
Non-residential	\$190.00	\$205.00	\$220.00	\$235.00	\$250.00

600.3.3 Wastewater Quantity Charge. The wastewater quantity charge is imposed at a rate not to exceed that described in the schedule below per unit of annual water consumption multiplied by whichever of the loading factors below is applicable.

Wastewater Quantity Charge (per unit)

<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025+</u>
\$6.40	\$6.80	\$7.20	\$7.60	\$8.00

<u>Use</u>	<u>Loading Factor</u>
Residential	1.0
Restaurants	1.6
Motels/Hotels	1.0
Offices	1.0
Institutional	1.0
Stores/General Commercial	1.0
Industrial	1.2
All Other Commercial	1.0

The wastewater quantity charge is designed to recover the District’s costs associated with treating the quantity and quality of wastewater discharged by a customer.

600.3.4 Subject to the provisions of Section 600.4, annual water consumption is the amount of water supplied to and consumed on a parcel of real property determined as follows:

600.3.4.1 Water consumption for premises containing non-commercial residential dwelling units is based upon: first, a determination of the actual metered water consumption (measured in units) for the six-month water billing period that most closely covers the last two calendar months of the previous calendar year (i.e., November and December) and the first four calendar months of the current calendar year (i.e., January, February, March and April); and, second, an annualization by extrapolation to reflect a period equivalent to 12 months. However:

600.3.4.1.1 If water usage has occurred during each two-month water billing period throughout the year and the annualization calculation used in Section 600.3.4.1 results in computed consumption that is higher than the premises’ actual annual average consumption, the District will establish the sewer service charge for the premises using the premises’ actual annual consumption.

600.3.4.1.2 In the case of a new connection occurring after July 1 of any year, water consumption is presumed to be 200 gallons per day from the date of the new connection through the end of the fiscal year; thereafter, the water consumption for the premises will be determined as provided in Section 600.3.4.1 above.

600.3.4.2 Water consumption for all other uses, including commercial residential (such as, for example, motels and hotels), other commercial, industrial and institutional, is based upon actual metered water consumption (measured in units) during the 12-month period from February of the previous calendar year through March of the current calendar year, or such other 12-month period as is determined by the District to be representative of the user’s water consumption.

600.3.4.3 As used in Section 600.3, a “unit” of water consumption is defined as the equivalent of a volume of water measuring one hundred cubic feet (748 gallons).

600.4 Additional Non-residential Provisions. The following are additional provisions applicable to the computation of the sewer service charge for non-residential customers:

600.4.1 Upon application to the District by customers maintaining extensive irrigated landscaping or in other situations where it can be conclusively established that the metered water consumption is not a valid measure of the quantity of wastewater discharged, the quantity of wastewater to be used in determining the yearly rate will be determined by the District.

600.4.2 The District may require, or the customer may request, the installation of District-approved recording and sampling devices or flow meters on the premises for use by the District. Such devices or meters must be available for inspection at any reasonable time and their cost of installation, operation and maintenance are at the customer's expense. Recording devices must be capable of recording instantaneous and accumulated flows and sampling devices must be automatic and capable of twenty-four hour storage with temperature maintained between 35 degrees and 40 degrees Fahrenheit and a capacity of five gallons, all as approved by the District. The customer is responsible for the maintenance, repair and replacement of all sampling and recording devices and equipment.

600.5 Vacancy. No credit, adjustment or refund may be made to a customer due to vacancy unless the premises are disconnected from the wastewater system.

600.6 Effective Date of Charges. Charges and rates established by Section 600 are effective on the date specified by the District and apply to all premises connected at that time to the District's wastewater system. A pro-rated charge will be billed directly in accordance with Subsection 600.10 below.

600.7 Person Responsible. The owner of the premises is responsible for payment of any and all sewer service charges applicable to the premises. It is the duty of each owner to ascertain from the District the amount and due date of applicable charges and to pay the charges when due. It is also the duty of the owner to inform the District promptly of all circumstances, and of any change in any circumstances, that will affect the applicability or amount of the charge.

600.8 Collection of Sewer Service Charges On Tax Roll.

600.8.1 Pursuant to the provisions of Division 5, Part 3, Chapter 6, Article 4 of the Health and Safety Code of the State of California, but subject to the provisions of Section 600.8, the District elects as the primary procedure for the collection of sewer service charges to have all sewer service charges for each fiscal year collected on the tax roll of the County of San Mateo in the same manner, by the same persons and at the same time as property taxes, assessments and other charges collected in that manner.

600.8.2 A written report will be prepared and filed with the District Secretary giving the description of each parcel of real property, inside or outside the District, upon which is situated a premises that receives sewer service from and the benefit of facilities of the District.

The report will indicate the amount of charge for each parcel for that year, computed in conformity with Section 600.

600.8.3 The District Secretary will cause notice to be given of the filing of the report and of the time and place for hearing on the report. The notice must be published prior to the date of the hearing in a newspaper of general circulation published in the District. The publication will be once a week for two successive weeks. At least five days must intervene between the first and second publication dates not counting the publication dates themselves. A minimum of two public notices will be published in a newspaper circulated more than once a week. In a newspaper which circulates once a week, the public notice must be published in each circulation for two successive weeks. The period of notice commences upon the first day of publication and terminates at the end of the 14th day.

600.8.4 At the time stated in the notice, the District will hear and consider all objections or protests, if any, to the report and may continue the hearing from time to time. If protest is made by a majority of separate parcels of property described in the report, the report may not be adopted, the charges must be collected separately from the tax roll and the charges will not constitute a lien against any parcel or parcels of land.

600.8.5 Upon the conclusion of the hearing, the District Board may adopt, revise, change, reduce or modify any charge or overrule any or all objections, excepting objections from a majority as described above in Section 600.8.4. The Board must make its determination upon each charge as described in the report, which determination is final.

600.8.6 On or before August 10th of each year following the Board's final determination concerning the report, the District Secretary will file with the Controller of the County of San Mateo a copy of the report with a statement endorsed over the Secretary's signature stating that the report has been finally adopted by the District and directing the Controller to enter the amounts of the charges against the respective parcels of land as they appear on the current assessment roll so that the charges may be collected on the tax roll in accordance with the provisions of Sections 5473.5 through 5473.11 of the California Health and Safety Code.

600.8.7 Except as provided in Section 5473.8 of the Health and Safety Code, the amount of the charges constitutes a lien against the parcel of land against which the charge has been imposed as of the date prescribed by law as the lien for property taxes.

600.9 Use of Revenues. Revenues derived under this Section may be used only for the acquisition, construction or reconstruction, maintenance and operation of sanitation or sewage facilities of the District, to repay the principal and interest on bonds issued for the construction of such facilities and to repay the federal or state loans or advances made to the District for the construction or reconstruction of sanitary or sewage facilities. However, such revenues may not be used for the acquisition or construction of new local street sewers or laterals, as distinguished from main trunk, interceptor and outfall sewers.

600.10 Direct Billing. If for any reason the full amount of any sewer service charges are not collected in accordance with the provisions of Section 600.8, the sewer service charges, or the portion not appearing on the tax roll, will be collected by direct billing of the property owner, as provided in this Section. The provisions of this Section will also apply to sewer service charges accruing after a new connection to the District's wastewater facilities, in which case the annual charge will be prorated over the period of time from the date of the new connection to the end of the fiscal year.

600.10.1 Billing. The District will ascertain the amount of each sewer service charge applicable to such premises and will mail to the owner within sixty (60) days from and after the date any sewer service charges become due and payable, a bill for the sewer service charges that are then due and payable. The bill will be mailed to the person or persons listed as the owner on the last equalized assessment roll of the County of San Mateo at the address shown on the assessment roll, or to the successor in interest and/or the lessee of such owner, if the name and address of any successor in interest or lessee is known to the District. Each bill will contain a statement that a delinquency in payment for sixty (60) days constitutes a lien on the parcel against which the charge is imposed and that when recorded the lien will have the force, effect and priority of a judgment lien for three (3) years unless sooner released or otherwise discharged. Failure of the District to mail any bill or failure of owner to receive such a bill does not excuse the owner from the obligation of paying sewer service charges for premises owned by him or her.

600.10.2 How Payable. Each sewer service charge to be collected by direct billing is due and payable in full at the time of billing or at the time specified in the bill. However, if in any fiscal year, a sewer service charge is payable for a period covering eight (8) months or more of the fiscal year, the sewer service charge will be billed in two installments with the first installment covering the period for which a sewer service charge is owed during the first six (6) months of the fiscal year, and the second installment covering the remaining six months of the fiscal year.

600.10.3 Delinquency Date of Sewer Service Charges. Each sewer service charge is delinquent if not paid on or before the thirtieth (30th) day of the month following the date upon which the sewer service charge became due and payable.

600.10.4 Where Payable. Sewer service charges collected by direct billing are payable at the administrative office of the District.

600.10.5 Penalties for Non-Payment of Sewer Service Charges – Lien. Whenever a delinquency occurs for non-payment of sewer service charges, a penalty of ten (10) percent attaches to the charges, and for each month that any portion of the charges remain delinquent, a further penalty of one and one-half (1 1/2) percent of the unpaid charge is added.

SECTION 601. Sewer Connection Charges.

601.1 Purpose of Sewer Connection Charges. The purpose of the sewer connection charge is to equalize the cost of acquisition, construction and installation of the District's

wastewater facilities so that each person connecting to the District's facilities pays a proportionate share of those costs.

601.2 Basis of Charge. No connection may be made to the District's wastewater system, until there has been paid to the District a sewer connection charge based upon the estimated volume of wastewater to be discharged from the premises to be connected. The connection charge is in addition to charges for permits, inspections or the other requirements of any other rule or regulation of the District. The connection charge must be paid at the time an application for a Class 1 or Class 2 sewer permit is filed.

601.3 Schedule/Determination of Charges.

601.3.1 The connection charge for connection to the District's system will be determined in accordance with the following schedule.

Fiscal Year	Base Charge	Per Gallon Charge
2005-06	\$3070.00	\$15.32
Maximum	\$3414.00	\$17.07

601.3.2 The scheduled increases occur automatically at the beginning of each fiscal year and without further approval by the District Board. Notwithstanding the automatic increase, the Board will review the scheduled increase at the beginning of each fiscal year and may, in its discretion, reduce the scheduled charges for that fiscal year. Any reduction does not affect increases scheduled in any subsequent fiscal year(s); nor do scheduled increases or Board actions to decrease the charges affect the Board's power to increase the charges in excess of the schedule so long as the Board complies with all notice, hearing and other requirements of the law.

601.4 Charges by Type of Connection.

601.4.1 Definitions. For the purposes of this section, the following definitions shall apply:

601.4.1.1 "Accessory dwelling unit" means an attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons. It includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated.

601.4.1.2 "Attached accessory dwelling unit" means an accessory dwelling unit that is constructed and contained within the existing space of the single-family residence or accessory structure and has an independent exterior access from the existing residence.

601.4.1.3 "Detached accessory dwelling unit" means an accessory dwelling unit that is constructed either to expand the footprint of the existing single-family residence or accessory structure, or to be a new accessory structure on the parcel.

601.4.2 Residential Connections. The residential connection charge for connection to the District's wastewater system is the corresponding base charge for the applicable fiscal year for each single family dwelling.

601.4.2.1 Attached accessory dwelling units. Consistent with state law, a new or separate connection is not required for attached accessory dwelling units, nor is there a connection charge for such units.

601.4.2.2 Detached accessory dwelling units. A connection charge is required for detached accessory dwelling units, and such fee shall be in proportion to the detached accessory dwelling unit's impact on the District's system based upon the detached accessory dwelling unit's square footage.

601.4.3 Non-Residential Connections. The non-residential charge is the corresponding per gallon charge for the applicable fiscal year multiplied by the estimated volume of wastewater to be discharged measured in gallons per day, average daily flow, but in no event will the charge be less than the corresponding base charge for the applicable fiscal year. Payment of the non-residential connection charge entitles the occupant(s) to discharge up to the volume of wastewater purchased, but no more. If the District requires, or the property owner desires, more than one building sewer to be connected to the wastewater system from a single non-residential structure, the charge for the second and each subsequent connection is fifty percent (50 %) of the minimum non-residential connection charge. Payment of charges for a multiple sewer connection does not result in an increase in the volume of wastewater the premises are entitled to discharge.

601.4.4 Combined Residential and Non-Residential Connections. If a parcel has combined residential and non-residential uses, the connection charge is the total of (a) the corresponding base charge for the applicable fiscal year multiplied by the number of living units, and (b) the corresponding per gallon charge for the applicable fiscal year times the estimated volume of wastewater to be discharged from the non-residential premises, measured in gallons per day, average daily flow. In no event will the connection charge for the non-residential premises be less than the corresponding base charge for the applicable fiscal year.

601.4.5 Temporary Connections.

601.4.5.1 Pursuant to a Class 4 permit, the District may from time-to-time authorize temporary connections to the District wastewater system. Temporary connections may only be authorized for construction dewatering discharges, groundwater remediation discharges, or similar discharges that are not connected to residences or non-residential establishments. The initial duration of such a permit shall not exceed 12 months. Thereafter, the board may authorize an extension of the temporary connection, subject to the payment of a connection charge, for the period of time that the temporary discharge is anticipated to continue, provided that the permit shall not have a term in excess of 5 years.

601.4.5.2 The connection charge is payable in advance in connection with the issuance of each permit for a temporary connection authorizing such discharge beyond an initial 12-month period, for which no connection charge is required. The amount of the connection fee will be determined pursuant to the following formula:

$$CF = CC \times Q \times CMT\% \times T$$

Where: CF is the connection fee.

CC is the then-current per gallon connection charge under section 601.3.1 or its successor.

Q is measured volume of wastewater in average gallons per day using data from the previous year or years. Where multiple years of data are available, the year with the greatest volume shall be used.

CMT% is the “Constant Maturity Treasury” rate of the same or nearest duration as the permit (i.e. 1 year or 2 years), as published daily by the United States Department of the Treasury, on the date the permit application is submitted or beginning date of the permit, whichever is earlier.

T is the number of years that the permit will be valid.

For example:

Assume a particular user proposed to discharge 10,000 gallons per day for a two-year period. An initial 1-year permit would be issued without a connection charge required. At the end of the permit, the user would apply for a one-year Class 4 permit to authorize the discharge for the remainder of two-year period. If at that time the measured discharge for the prior year was 10,000 gallons per day, the applicable per-gallon connection charge was \$17.07, and the one-year Constant Maturity Treasury rate on the date of application was 3.0%, the applicable connection fee for the two-year permit would be payable in advance of issuance and calculated as follows:

$$\$17.07 \times 10,000 \times .03 \times 1 = \$5,121.$$

601.4.5.3 Notwithstanding anything to the contrary in section 601.6, temporary discharges pursuant to a Class 4 permit shall have a wastewater discharge entitlement of “0.”

[Subsection 601.4.4 added by Ordinance No. 97, September 23, 2010]

601.5 Persons Responsible. The owner of the premises is responsible for payment of all connection charges applicable to the premises. It is the duty of each property owner to ascertain from the District the amount and due date of any applicable connection charge and to pay the

charge when due. Each property owner is responsible to inform the District promptly of any change in circumstances which may result in a change in the amount of the charge.

601.6 Increased Use of Sewers.

601.6.1 No person may cause or permit an increase in the wastewater discharge from any non-residential premises over the amount of the wastewater discharge entitlement for the premises without prior consent of the District and the payment of an additional sewer connection charge.

601.6.2 The present wastewater discharge entitlement for any premises in the District is as follows:

601.6.2.1 For premises not previously connected to the District's wastewater facilities, the entitlement is "0";

601.6.2.2 For premises previously legally connected without a sewer connection permit, the entitlement is determined in accordance with Section 501 of this Code.

601.6.2.3 For residential premises, the entitlement is determined by the number of dwelling units authorized to be connected with each dwelling unit, regardless of size, deemed to discharge the equivalent of 200 gallons per day, average daily flow.

601.6.2.4 For non-residential premises connected pursuant to a sewer connection permit the entitlement is the amount shown on the permit except that if no amount is shown on the permit, then the entitlement is an estimate of the flow provided by the owner, which shall be based on flows from similar facilities located within or outside of the District, as approved by the District. .

601.7 Resumption of Use. Any person required to obtain a permit for resumption of a discontinued use pursuant to Section 507 must pay a supplemental connection charge as follows:

601.7.1 First, the usual connection charge for a new connection will be calculated as provided in Section 601.3; and

601.7.2 Second, credit will be given (a) for any connection charges previously paid for the use which was disconnected, and (b) for the differential increase, if any, in connection charges that occurred between the time connection charges were originally paid to the time the original use was discontinued, but in that case, this portion of the credit is available only if all sewer service charges levied against the premises during that interval were paid. In no event shall the amount of any credit exceed the amount of the connection charge computed as provided in Section 601.3. Credits will be given, pursuant to this section, when a non-residential connection is converted to a residential connection or vice versa.

601.8 Wastewater Volume Determination.

601.8.1 Except as provided in this Section, the amount of wastewater discharged from a premises is presumed to be the volume of fresh water, including all sources of non-wastewater, used by or furnished to the premises.

601.8.2 Upon application of a customer, and upon a finding by the District Board that a significant portion of fresh water or non-wastewater does not enter the District's wastewater facilities, the District Board may authorize determination of the volume of the wastewater discharge to be determined by an appropriate metering device. The metering device must be of a type and at a location approved by the District and will be installed at the customer's expense. The metering device must measure accurately either the amount of wastewater discharged into the wastewater facilities or the amount of fresh water or non-wastewater diverted from the wastewater facilities. Upon installation, meters will be maintained and tested periodically for accuracy in accordance with requirements established by the District. All maintenance and testing will be at the expense of the owner.

601.8.3 In lieu of use of a metering device, and upon a determination by the District Board that it would be unnecessary or impractical to install, maintain or operate a metering device, the volume of wastewater discharges may be based upon an estimate. Factors to be considered are the number and capacities of plumbing fixtures through which wastewater is discharged into the District's wastewater facilities, seating or other occupancy considerations, the types of improvements located on the premises, the nature and extent of goods and services produced on the premises, and other circumstances reasonably related to water use, wastewater volume calculations and/or diversions of wastewater flow from wastewater facilities.

601.9 Administration of Connection Charges.

601.9.1 The sewer connection charge rate may be revised only by an amendment to this Code approved by a two-thirds vote of the members of the District Board.

601.9.2 The District Board will review the sewer connection charge annually during the month of July to determine whether the connection charge rates should be adjusted. No permits for which a connection charge is payable may be issued in the next fiscal year until the review has been completed.

601.9.3 Nothing contained in this Section limits any rights or remedies of the District to collect sewer connection charges. In addition to any other rights and remedies available, the District Board may, if it determines to do so, employ the procedures established in California Health and Safety Code Sections 5474 et seq.

SECTION 602. Permit and Inspection Fees.

602.1 Application for permits. Each permit applicant shall pay a fee to the District for reviewing and processing the permit application. The fee for each class of permit is as follows:

- | | |
|-------------------|----------|
| a) Class 1 Permit | \$300.00 |
| b) Class 2 Permit | \$300.00 |
| c) Class 3 Permit | \$125.00 |

d) Class 4 Permit \$125.00

602.1.1. Costs included - Class 1 and Class 2 Permits. For Class 1 and Class 2 permits, the cost set forth in section 602.1 includes engineering, legal or other expenses pertaining to the processing and review of the applicant's plans and specifications, and for inspection of construction undertaken pursuant to the permit.

602.1.2. Costs included - Class 3 and Class 4 Permits. For Class 3 and Class 4 permits, the costs set forth in Section 602.1 only cover engineering, legal or other expenses pertaining to the issuance of the permit. For all other engineering, inspection, legal or administrative expenses pertaining to the processing and review of the applicant's plans and specifications and for inspection of construction undertaken pursuant to the permit, the District shall estimate the costs in advance of issuance of the permit, and the applicant shall deposit the estimated amount with the District prior to the issuance of the permit. Any unused portion of such deposit shall be refunded to the applicant upon final inspection and approval of the work. No such deposit shall accrue interest. In the event no deposit has been made, or if the deposit is insufficient, amounts due for additional costs shall be paid within fifteen (15) days after written demand by the District to the applicant, and District staff shall discontinue processing and inspections until such time as the payment is made.

602.1.3. Separate permit required. For activities requiring a Class 3 or Class 4 permit, a separate Class 1 or Class 2 permit is required for each physical connection to the District's wastewater collection system.

602.2 Extension of Permits. A non-refundable fee of \$50.00 shall be imposed for the review and consideration of any request to extend a permit. No extension shall be effective until the fee is paid.

602.3 Time for Payment. Except as otherwise provided herein or by the District Board, all fees and charges required by this Section shall be paid at the time of permit application.

602.4 Reinspection Fees. If a Class 1 or Class 2 permit is issued on condition that the work or activity authorized by the permit must be inspected and approved by the District, and upon inspection it is determined that District approval will not be granted until reinspection or corrective action is taken by applicant, the applicant must pay a reinspection fee to the District. The reinspection fee is equal to the actual cost incurred by the District for each reinspection, but in no event will the reinspection fee be less than \$175.00 for each reinspection.

SECTION 603. Sewer Relocation Charge.

603.1 Imposition of Charge. A sewer relocation charge may be imposed by the District whenever all of the following conditions are found by the District Board to exist:

603.1.1 A government entity proposes to undertake a work of public improvement that will necessitate relocation, modification or reconstruction of existing District wastewater facilities;

603.1.2 Except for the work of improvement, the wastewater facilities would not have required relocation, modification or reconstruction at that time;

603.1.3 The District will be required to pay all or some part of the relocation, modification or reconstruction of its facilities but will not be reimbursed for all or some portion of the attendant costs; and

603.1.4 The work of improvement is primarily for the benefit of an identifiable and limited portion of the District's constituents and not primarily for the general benefit of all District constituents.

603.2 Effect of General Benefit. If the Board makes all of the findings required by Section 603.1, it must further determine to what extent, if any, there is some benefit to the District generally by reason of the proposed project. To the extent the District Board determines that there is some general benefit to the District, the prorated share of the net cost, as defined in Section 603.4 below, will be borne by the District from its general funds. In making the determination required by this Section, the Board may consider all relevant factors including increased life of the wastewater facilities and benefits to wastewater facilities outside of the improvement project boundaries.

603.3 Parcels Subject to Relocation Charge. A relocation charge, consisting of the portion of the costs not allocated to the District generally under Section 603.1 and additional amounts accruing under Section 603.4, may be levied against all parcels within the boundaries of the improvement project that are either connected to or able to connect to the District's wastewater facilities. Determination of whether a parcel is able to connect to the District's wastewater facilities is governed by Chapter 5 of this Code. Those parcels that are unable to connect are exempt from the relocation charge. If the government entity that is undertaking the improvement project has not established boundaries for the project, the District Board will set the boundaries based upon a determination of which premises are benefited by the improvement project.

603.4 Determination of the Net Cost. The total amount to be allocated among the benefited premises as a relocation charge shall be the net cost to be borne by the District for all necessary expenses, after credit for any reimbursements or other outside funding provided to the District from sources other than the imposition of the relocation charge. Necessary expenses include, without limitation: labor, material and equipment costs; fees for engineering, architectural, legal or other professional services; interest charges; bond or insurance premiums; and the like.

603.5 Computation of Relocation Charge Payable by Each Premises. The amount of the relocation charge to be imposed against each parcel will be computed according to the following formula:

$$RC = \frac{PSC}{TSC} \times NDC$$

Where “RC” is the relocation charge to be imposed against each premises; “PSC” is the annual sewer service charge imposed by this Code and then in effect for the premises; “TSC” is the total of all annual sewer service charges imposed on all benefited premises within the boundaries of the improvement project; and “NDC” is the net District cost after taking into account any reduction by reason of the effect of a general benefit, pursuant to Section 603.2 above. In performing the computation for any premises not presently subject to a sewer service charge, “PSC” will be the minimum annual sewer service charge rate and “TSC” will be determined as if a minimum annual sewer service charge rate was in effect for the premises.

603.6 Adoption of Resolution. The imposition of a relocation charge pursuant to this Section will be established by a Resolution of the District Board that is approved by a two-thirds vote of its members. The Resolution will set out the following:

603.6.1 A schedule of the relocation charges to be imposed.

603.6.2 The description of all premises subject to the charge by Assessor’s Parcel Number.

603.6.3 The provisions for payment and collection of the charge.

603.6.4 The time and place of a public hearing by the District Board at which persons may appear and voice any objections they may have to the imposition of the charge.

603.7 Use of Relocation Charge Revenue. Except as prohibited by Section 5471 and 6520.5 of the Health and Safety Code of the State of California, revenues derived from the imposition of the relocation charge may be used for any lawful purpose as determined by the District Board.

SECTION 604. Environmental Impact Report and Negative Declaration – Preparation or Review Fee.

A charge will be imposed upon and collected from applicants to defray costs for the preparation or review by the District of any environmental documents including an Environmental Impact Statement (EIS), an Environmental Impact Report (EIR), a Negative Declaration, or other similar statement, report or study for any projects (as defined in the California Environmental Quality Act of 1969) undertaken by any person other than the District. The charge will be the actual cost incurred by the District for preparation and review and will be reimbursed by the applicant to the District. A deposit may be required pursuant to Section 602.1.2.

SECTION 605. Applications for Waivers.

A non-refundable fee of \$100.00 will be paid by any applicant for a waiver pursuant to Chapter 8.

SECTION 606. Collection of SFPUC Capacity Charge

606.1 Background

Pursuant to a joint exercise of powers agreement between the District and the City and County of San Francisco, the District must collect a capacity charge on behalf of San Francisco in consideration of the fact that wastewater discharged from District customers flows to and is treated by the San Francisco Public Utilities Commission Wastewater Enterprise system. The purpose of the charge is to allow San Francisco to recover capital, operation and maintenance costs incurred as a result of the use of its wastewater enterprise facilities. The amount of the SFPUC capacity charge is determined by the San Francisco Public Utilities Commission and not the District. According to the agreement, at this time, District customers are not required to pay the SFPUC capacity charge on properties that are within the City of Brisbane.

606.2 Amount of SFPUC Capacity Charge

The amount of the SFPUC capacity charges shall be as set out separately in a resolution of the District Board.

606.3 SFPUC Capacity Charge Imposed

Except for connections to be made from within the City of Brisbane, any person who has made a request to the District for a new connection to the District's wastewater system must pay the appropriate SFPUC capacity charge to the District before connecting.

In addition, except for premises within the City of Brisbane, any District customer who has made a request to the District for any addition, improvement, modification, or change in use to any existing connection that results in increased wastewater flows (as reflected in the table of charges adopted by the resolution referred to in section 606.2) must pay the appropriate SFPUC capacity charge to the District.

[Added by Ordinance No. 99, adopted February 28, 2013]

CHAPTER 7 ENFORCEMENT

SECTION 700. Responsibility.

The primary responsibility for enforcing this Code is vested in the District and the District's authorized representatives are authorized and empowered to act as the District's enforcement agents with power to inspect and issue appropriate citations and other notices, including cease and desist orders, for violations of the provisions of this Code. The conduct of formal enforcement proceedings for violations of any of the provisions of this Code (including, without limitation, levying of fines and penalties, termination of service, revocation of permits and civil, administrative and criminal actions before courts of law, administrative agencies or other tribunals with appropriate jurisdiction) shall be the exclusive responsibility of the District acting by and through the Board.

SECTION 701. Powers and Authority of Inspectors.

The District's representatives bearing proper credentials and identification will be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this Code and any other relevant inquiry concerning the nature of any premises, the type of activities conducted, the number and type of plumbing fixtures on site and any other facts and information reasonably necessary to carry out the provisions of this Code.

SECTION 702. Corrections of Violations.

702.1 Notification of Unauthorized Discharges. Every customer is required to notify the District immediately upon discharging wastes or wastewater in violation of the provisions of this Code or of any permit issued pursuant to this Code. A customer who discharges, causes to be discharged, or permits to be discharged such wastes or wastewater must, within 15 days of the occurrence, submit a written report to the District describing the cause or causes of the unauthorized discharge and the measures taken, or proposed to be taken, to prevent future similar occurrences. Submission of the report does not relieve the customer of liability for any expense, loss or damage suffered or incurred by the District, directly or indirectly, by reason of such unauthorized discharge, nor does submission of the report relieve or absolve any person from civil liabilities or imposition of civil or criminal penalties. However, failure to submit the required report is a separate and independent violation of this Code subject to all pertinent sanctions.

702.2 Notices to Employees Regarding Unauthorized Discharges. Every non-residential customer engaged in an activity that has the potential for the discharge of waste and wastewater constituents of a nature and character other than typical of a residential customer must prominently post a notice on the customer's premises advising of the requirement to notify the District of any unauthorized discharge, including the telephone number of the District to be called in the event of such discharge. The District may require any such customer to inform and advise the customer's officers, agents and employees of the provisions of this Code, the provisions of any permit issued pursuant to this Code, other requirements of law or of any other

information which may be of assistance in ensuring compliance with the Code, permit and other requirements of law.

702.3 Case and Desist Orders. Upon a determination by the District that a discharge of waste or wastewater has occurred, or is occurring, or is about to occur, in violation of any provision of this Code, or of any provision of a permit, the District may issue an order to cease and desist the discharge or any practice or operation likely to cause such a discharge and further order such person to:

702.3.1 Comply immediately with the provisions of this Code and the provisions of any permit issued pursuant to this Code;

702.3.2 Comply in accordance with a time schedule established by the District; and/or

702.3.3 Take appropriate remedial or preventative action.

702.4 Time Schedules. Upon a determination by the District that a discharge of waste or wastewater has occurred, is occurring or is about to occur in violation of the provisions of this Code or a permit issued pursuant to this Code, the District may require any person responsible to submit for approval, subject to such modifications, terms and conditions as the District reasonably deems necessary or appropriate, a detailed time schedule of specific actions which the person will take in order to eliminate and prevent any further violation .

702.5 Damage to Wastewater Facilities or Emergency Corrections. If repairs, construction or other public work is performed on any premises pursuant to a provision of law that authorizes the emergency performance of public work and the expenditure of public funds therefore, or pursuant to any other provision of law that authorizes public work on private property in order to correct, eliminate or abate a condition that threatens to cause, causes or caused damage to the District's wastewater facilities, or which otherwise threatens to cause, causes or caused a violation of any provision of this Code or of any other requirement of law, the person responsible for the occurrence or condition and the occupant and owner of the premises shall be liable, jointly and severally to the District for such public expenditures.

702.6 If deemed necessary in the enforcement of this Code, the District may exercise any remedy authorized by law including correction of the violation. The cost of correction action is the obligation of any legally responsible person and may be added to any sewer service charge payable by the person violating the Code or payable by the owner or occupant of the property upon which the violation occurred, and the District has such remedies for the collection of those costs as it has for the collection of sewer service charges. The District may also petition the superior court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining any person from continued violation of this Code.

702.7 Court Injunctions. Upon a determination by the District that a discharge of waste or wastewater has occurred, or is occurring, or is about to occur in violation of the provisions of this Code, or in violation of any provision of a permit issued pursuant to the Code, and further

that the customer, occupant or owner of the premises has not complied with the provisions of a duly issued cease and desist order as prescribed in Subsection 702.3 or the terms and conditions of a time schedule as described in Subsection 702.4, the violation will be reviewed by the District Board which may direct that a court injunction be sought to compel the customer, occupant, or owner of the premises to do or to refrain from doing a specified act or acts in order to correct the violation.

SECTION 703. Termination of Service.

To effect its enforcement powers, the District may terminate wastewater service to any premises from which wastes or wastewater have been discharged or are threatened to be discharged in violation of any provision of this Code, or because of a delinquency in the payment of any charge or fee assessed by the District, or because of a violation of any other requirement of law or this Code.

703.1 Notification/Hearing. Prior to termination of service, the District shall notify, in writing, the owner and any known occupant other than the owner of the property that service is intended to be terminated. The notice must state the date of proposed termination of service, the reason(s) therefore and the date, time and place of a hearing to be held by the District Board upon the question of the termination. Such notice must be mailed to the owner at the address shown on the records of the assessor of the County of San Mateo or as otherwise known to the District, and a copy is to be delivered to any known occupant or, alternatively, posted conspicuously on the property. The hearing will be held not less than ten (10) days after notice is given. Any owner, occupant alleged violator, the District's representatives and any other persons the District Board deems appropriate will be heard at the hearing on the question of termination of service. At the conclusion of the hearing, the District Board may make such order as it deems appropriate under the circumstances and in furtherance of the purposes and intent of this Code, including termination of service if warranted. Actual termination of service shall be effected in the manner directed by the Board with notice of the action to be taken to the owner, occupants, public officials having jurisdiction with regard to public health and housing and other interested persons.

703.2 Imminent Threat. Notwithstanding the foregoing, any unauthorized connection with or opening into the public wastewater system or its appurtenances or any unauthorized discharge into the wastewater facilities may be abated by the District without notice if such unauthorized connection, opening or discharge poses an imminent threat of damage to the District's wastewater facilities or of injury to the public health, safety or welfare.

703.3 Protection Against Public Hazard or Nuisance; Reimbursement. In the event a disconnection from the wastewater facilities would create a public hazard or nuisance, the District's representatives may enter upon the premises for the purpose of doing such things as may be reasonable necessary to alleviate or remove the hazard or nuisance. The owner and any occupant of the premises is obligated to reimburse the District for all expenses incurred by the District in disconnecting the premises or in doing other things authorized by this Section; and no reconnection shall be made until all such reimbursements are paid.

SECTION 704. Revocation of Permits.

704.1 Subject to the procedure set forth in Section 704.2 below, the District Board may revoke any permit issued pursuant to the provisions of this Code upon a determination by the District Board that:

704.1.1 The permittee has failed to factually report the wastewater constituents, characteristics or volume of the permitted wastewater discharge;

704.1.2 The permittee has failed to report significant or substantial changes in the operations conducted upon the premises to which the permit pertains or significant or substantial changes in wastewater constituents, characteristics or volumes pertaining to the premises;

704.1.3 The permittee has refused or failed to permit reasonable access by District representatives to the premises to which the permit pertains; or

704.1.4 The permittee has violated, caused to be violated or allowed to be violated any term, condition, or provision of the permit.

704.2 Prior to revocation of the permit, the District Board must notify, in writing, the owner and any known occupant, customer and the alleged violator that the permit is intended to be revoked. The notice must state the date of the proposed revocation, the reasons for the intended action, and the date, time and place of the hearing to be held by the District Board upon the question of revocation of the permit. The notice is to be mailed to the owner at the address shown on the records of the Assessor of the County of San Mateo or as known to the District, and a copy is to be delivered to any known occupant or, alternatively, posted conspicuously on the property. The hearing may not be held less than ten (10) days subsequent to the giving of notice. The owner, the customer, any occupant, the alleged violator, the District's representatives and any other person the District Board deems appropriate will be heard at the hearing on the question of revocation of the permit. The District Board may make such orders as it deems appropriate under the circumstances and in furtherance of the purpose and intent of the permit and other provisions of the Code, including revocation or suspension of the permit, in which case it shall be unlawful for the former permittee to engage in the previously authorized activity until a new permit has been obtained or the suspension terminated.

SECTION 705. Public Nuisance.

Any discharge or threatened discharge, or any condition which is in any manner in violation of the provisions of this Code or of any permit issued pursuant to this Code, or of any order or directive of a District representative authorized to do so by this Code, is unlawful and a public nuisance. Such a nuisance may be abated, removed or enjoined, and damages may be assessed in any manner provided by law.

SECTION 706. Criminal Penalties.

Any person found to be violating any provision of this Code shall be guilty of a misdemeanor punishable by a fine of one thousand dollars (\$1,000.00), or imprisonment in the County jail for a period of one month, or both, for each violation committed. Each day in which a violation continues is a separate offense.

SECTION 707. Remedies Cumulative.

The remedies provided for in this Code are cumulative and not exclusive and are in addition to any other remedies afforded to the District under law.

CHAPTER 8 WAIVERS

SECTION 800. Grants of Waivers.

Subject to the provisions of this Chapter, the District Board may grant waivers from compliance with provisions of this Code or other regulations of the District.

SECTION 801. Applications.

Applications for waivers shall be submitted in writing and shall be considered and acted upon by the District Board at a regular or special meeting. The Board may schedule a public hearing on an application and in that case the Board will cause notice of the public hearing to be given in a manner it determines is adequate in the circumstances.

SECTION 802. Limitations on Waivers.

No waiver may be granted if the action would result in a violation of any statute, regulation, order or other provision of law promulgated or enacted by a Federal, State or local government entity having jurisdiction over the matter in question.

SECTION 803. Necessary Determination.

A waiver may be granted only upon a determination by the District Board that:

803.1 In the absence of the waiver, the strict application of the provisions of this Code or other regulation would result in a substantial hardship peculiar to the applicant and not generally applicable to other persons similarly situated;

803.2 Granting the waiver is necessary for the preservation and enjoyment by the applicant of substantial personal and/or property rights possessed by other persons similarly situated;

803.3 Granting the waiver will not constitute a special privilege of the applicant; and

803.4 Granting of the waiver will not be materially detrimental to the public health, safety and welfare, nor will it result in undue hardships to other persons.

If the Board makes such a determination, it must adopt a resolution granting the waiver which includes findings of fact supporting the Board's determination under Section 803.

SECTION 804. Burden of Proof.

The burden of establishing facts to support the necessary determination for a waiver is the responsibility of the applicant. The District Board may deny any application if the applicant fails to supply pertinent information, including documents and records, required by the Board to make the necessary determination.

SECTION 805. Fees; Conditions.

In addition to the application fee required by Section 605 of this Code, the District Board may impose additional reasonable fees and charges to cover the District's expenses of considering an application for a waiver, including the cost of giving notice of a public hearing, the costs of engineering and legal services and the like. The Board may also require the applicant to satisfy reasonable requirements as a condition of granting a waiver.

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