ORDINANCE NO. 35-18

AN ORDINANCE OF THE SANITARY BOARD OF THE ORO LOMA SANITARY DISTRICT, REGULATING THE INSTALLATION AND CONNECTION OF SANITARY SEWERS, ESTABLISHING A PERMIT SYSTEM, ADOPTING A SCHEDULE OF FEES AND DEPOSITS, AND PROVIDING LIABILITIES AND PENALTIES FOR VIOLATIONS

The Sanitary Board of the Oro Loma Sanitary District does ordain as follows:

ARTICLE I

DEFINITIONS

For the purposes of this Article, certain words and phrases are defined, and certain provisions shall be construed as herein set out, unless it shall be apparent from the context that a different meaning is intended.

Section 1.1 **Annexation** is the legal incorporation of territory into another entity (either contiguous or non-contiguous).

Section 1.2 **Biochemical Oxygen Demand (BOD)**. The quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20 degrees Celsius; expressed in terms of weight per unit volume, milligrams per liter (mg/L).

Section 1.3 **Backwater Prevention Device**. A plumbing fixture installed on a private sewer lateral to prevent sewage from the main from flowing back into a building by physically limiting flow to one direction (i.e., flow is only allowed in the direction away from the building).

Section 1.4 **Backwater Prevention System (BPS)**. The combination of approved backwater check valve and overflow device to prevent the flow of sewage from the public sewer into a building.

Section 1.5 **Board**. The Oro Loma Sanitary District Board of Directors.

Section 1.6 **BOD Loading**. The established amount of BOD contributed to the collection system by any given parcel within the District.

Section 1.7 **Building**. Any structure required to be served by a building sewer or collector sewer.

Section 1.8 **Building Drain**. The lowest horizontal part of a building's interior sewage discharge system, conveying sewage to a point two (2) feet beyond the outside face of the building's foundation wall, where it connects to the building sewer.

Section 1.9 **Building Sewer**. The private sanitary sewer extension, including the wye fitting, tee fitting, or tap, for which the District has permit authority and inspection jurisdiction, but no maintenance responsibility, that runs from the building drain to the collector sewer or public sewer. This may also be referred to as the service lateral or lateral.

Section 1.10 **Building Sewer Minor Alteration**. The modification of an existing building sewer involving rerouting but not changing the connection point to the collector sewer or public sewer.

Section 1.11 **Building Sewer Relocation**. The rerouting of an existing building sewer to a new connection point on the collector sewer or public sewer.

Section 1.12 **Building Sewer Repair**. The repair of a building sewer without rerouting or a new connection point to the collector sewer or public sewer.

Section 1.13 **Capacity Entitlement**. The largest approved discharge claim of a parcel to District sanitary sewer and treatment capacity, established at the time the connection fee for the capacity was paid.

Section 1.14 **Capacity Entitlement Value**. The value of a parcel's entitlement calculated at current rates. Determined by a residential parcel's use or by the combination of a nonresidential parcel's flow, BOD and SS loadings.

Section 1.15 **Capacity Expansion**. Construction of new plant facilities to meet future development demands.

Section 1.16 **CCTV (Closed Circuit Television)**. Instrument used in the inspection of sewer lines and contractor's workmanship, using modern video equipment and computer software.

Section 1.17 **Certificate of Compliance**. A certificate issued by the District certifying that the building sewer (service lateral) complies with the standards set forth in this Ordinance. A Certificate of Compliance shall be valid for 10 years from the date of issue. If the entire building sewer has been replaced, the Certificate of Compliance shall be valid for 20 years from the date of issue.

Section 1.18 **Charge**. The dollar amount set by the District as an annual or monthly payment for services supplied on a recurring or continuous basis.

Section 1.19 **Cleanout**. A capped pipe that provides access to a sewer line, allowing people to clean out a portion of public or private sewer.

Section 1.20 **Collection System**. The aggregate of the Oro Loma Sanitary District's main and trunk sewers that ultimately convey sewage to the treatment plant.

Section 1.21 **Collector Sewer**. The private sanitary sewer, including the wye fitting, tee fitting, or tap; for which the District has permit authority and inspection jurisdiction, but no maintenance responsibility, that collects sewage from more than one building sewer on the same parcel and extends to the public sewer.

Section 1.22 **Combined Sewer**. A sewer designed to receive both surface runoff and sewage.

Section 1.23 **Contractor**. A person or business licensed by the State of California to contract for specific types of engineering and construction work.

Section 1.24 **Credit**. The value of a parcel's sewer capacity entitlement, calculated at current rates, and subtracted from the sum of new fees associated with a change of use or new construction.

Section 1.25 **Developer Deposit**. Funds placed with the District in a non-interest-bearing account for a specific project and drawn on as needed to reimburse the District for expenses incurred on that project.

Section 1.26 **District**. The Oro Loma Sanitary District; the area under its jurisdiction.

Section 1.27 **District Engineer**. Person designated by the General Manager to administer and enforce Engineering policies and rules and regulations established by the District and/or required by law.

Section 1.28 **District Inspector**. An inspector authorized by and acting on behalf of the District.

Section 1.29 **District Standards**. The documents used to define the minimum acceptable design and construction standards for sanitary sewer work within the District.

Section 1.30 **Fee**. The dollar amount set by the District as payment for services supplied on a one-time basis.

Section 1.31 **General Manager**. The person appointed by the Board to administer and enforce the rules and regulations of the District.

Section 1.32 **Grease Interceptor/Trap**. A receptacle designed to collect and retain grease and fatty substances normally discharged from kitchens, food processing, or similar wastes.

Section 1.33 **Inspection**. An examination or formal evaluation process by a professional inspector to ensure that all work performed by a contractor or property owner is in full compliance with all applicable standards, specifications and regulatory requirements.

Section 1.34 **Lateral Inspection**. An inspection of a service lateral by a licensed plumber or other qualified professional to visually examine and inspect the lateral sewer in the manner deemed appropriate by the District Engineer. Such an inspection shall, at a minimum, include the use of a closed-circuit television (CCTV) inspection device, for the purpose of determining whether the lateral sewer complies with District Standards and the requirements of this chapter. The inspection process shall also include testing in accordance with District Standards, Section 7.03, except as provided for in Section 6.11.6.

Section 1.35 **Maintenance of Building Sewers**. Any work performed on a building sewer, excluding interior cleaning and excavation for exterior visual examination, for which a Sewer Permit is issued; including repairs, replacements, and minor alterations.

Section 1.36 **Minimum Connection Fee**. The nonresidential connection fee cannot be less than the single-family residential connection fee.

Section 1.37 **Multiple Family Residence**. A residential, attached dwelling unit connected by a common wall or walls to other similar dwellings; apartments or condominiums.

Section 1.38 **Natural Outlet**. An outlet into a watercourse, ditch, pond, lake, or other body of surface or groundwater.

Section 1.39 **Nonresidential Structures**. Structures used only for commercial, industrial, institutional, governmental, or public purposes. Where a single structure has mixed uses, its classification as nonresidential or residential is determined by the District based on the predominant use.

Section 1.40 **Overflow Device**. A plumbing fixture designed and installed to provide a spill point on the exterior of a building to prevent interior building damage in the event of a sewer backup.

Section 1.41 **Owner.** Owner shall mean any person, partnership, association, corporation or fiduciary having legal title (or any partial interest) in any real property situated within the District boundaries.

Section 1.42 **Permit**. A Sewer Permit.

Section 1.43 **Private Sewer Facilities**. Sewer facilities that are privately constructed and not dedicated and accepted as a Public Sewer Facility by the District. Private Sewer Facilities generally include sewer facilities within a privately owned building, building sewers, private pump stations, grease interceptors, and all other facilities located between the sewer customer and the connection to the collection line, including the integral wye fitting that connects the lateral to a collection line.

Section 1.44 **Public Sewer**. A sanitary sewer for which the District has accepted maintenance responsibility by Board action.

Section 1.45 **Residential Structures**. Structures used only for dwelling purposes, but can include other structures associated with dwellings such as garages or sheds not used for any commercial purposes. Where a single structure has mixed uses, its classification as residential or nonresidential is determined by the District based on the predominant use.

Section 1.46 **Sanitary Sewer**. A sewer that carries sewage and into which surface runoff, storm water, and ground water are not intentionally admitted.

Section 1.47 **Sanitary Sewer Facilities**. Any component of the system used by the District to collect, convey, and treat sewage.

Section 1.48 **Service Lateral or Lateral**. See Building Sewer.

Section 1.49 **Sewage**. Waterborne wastes conveyed by sewers.

Section 1.50 **Sewer**. A sanitary sewer.

Section 1.51 **Sewer Connection**. Physical connection of a private sewer to the public sewer approved by the District.

Section 1.52 **Sewer Disconnection**. Removal of a building sewer or collector sewer from connection to the public sewer, capping it at its point of connection to the public sewer.

Section 1.53 **Sewer Permit**. An Oro Loma Sanitary District Sewer Permit; written authorization to perform sanitary sewer work within the District.

Section 1.54 **Sewer Upsizing**. The construction or replacement of a smaller diameter sewer system with a larger diameter, to accommodate additional capacity requirements.

Section 1.55 **Single Family Residence**. A residential, detached or attached dwelling unit. Detached: not connected by a common wall or walls to any other building, a house. Attached: connected by a common wall or walls to other similar dwellings, each dwelling occupying a zero lot line parcel, a townhouse.

Section 1.56 **Storm Drain**. A drain that carries surface runoff, storm water, and groundwater; and into which sewage is not intentionally admitted.

Section 1.57 **Storm Sewer**. A storm drain.

Section 1.58 **Suspended Solids (SS)**. Solid material that either floats on the surface of, or is in suspension in, water, sewage, or other liquids and can be measured by laboratory filtering; expressed in terms of weight per unit volume, milligrams per liter (mg/1).

Section 1.59 **SS Loading**. The established amount of SS contributed to the collection system by any given parcel within the District.

Section 1.60 **Watercourse**. A channel in which a flow of water occurs, either continuously or intermittently.

Section 1.61 **Work**. Any activity for which a Sewer Permit has been issued.

ARTICLE II

GENERAL PROVISIONS

Section 2.1 **Authority of the District**. The adoption of this Ordinance establishes the authority of the District to promulgate the following rules and regulations regarding the collection and disposal of sewage and connection to the public sewer. All sewer work within the District must be done as provided in this Ordinance.

Section 2.2 **Violation Unlawful**. It is unlawful for any person to construct, install, connect to, provide, maintain, or use any other means of sewage disposal from any building within the District except by connection to the public sewer in the manner specified by this Ordinance.

Section 2.3 **Relief on Application**. When any person, by reason of special circumstances, believes that

any provision of this Ordinance is unjust or inequitable as applied to that person's property, that person may make written application to the Board, stating the special circumstances, citing the provisions applicable and requesting suspension or modification of those provisions as applied to that property.

Section 2.4 **Approved Application**. If an application for relief is approved, the Board shall, by resolution, suspend or modify the applicable provision as applied to that property, and establish the date and duration of such relief.

Section 2.5 **Relief on Own Motion**. The Board may, on its own motion, find that by reason of special circumstances that any provision of this Ordinance should be suspended or modified as applied to a particular property, and may, by resolution, order suspension or modification of that provision for that property during the period of special circumstances or for any part of that period.

Section 2.6 **Permits, Establishment of Fees, Charges and Deposits**. No public sewer, building sewer, collector sewer, or other sewerage facility shall be installed, altered, repaired, or used within the District without first obtaining a Permit and paying all fees, charges, and deposits.

Section 2.7 **Establishing Capacity Entitlements**. Payment of District sewer connection fees entitles any particular parcel of land within the District to the use of a specific portion of the District's capacity to collect, convey and treat sewage. Capacity entitlement value is equal to the connection fee at the time of original connection and subject to change, pursuant to Section 2.12 and Section 7.3a.

Section 2.8 **Residential Capacity Entitlements**. Residential capacity entitlement is established by payment of a connection fee. Residential capacity entitlement value is equal to the connection fee at the time of original connection and subject to change, pursuant to Section 2.12 and Section 7.3a.

Section 2.9 **Nonresidential Capacity Entitlement**. Nonresidential capacity entitlement is established by payment of a connection fee determined and adjusted by the District in accordance with Section 2.13 and with the formula set forth in Exhibit A, made a part of this Ordinance by reference. Nonresidential capacity entitlement value is equal to their connection fee at current rates at the time of connection and subject to change pursuant to Section 2.12 and Section 7.3a.

Section 2.10 **Assignment of Nonresidential Discharge Quantity and Strength Values**. For each new nonresidential parcel use or change-in-use, the District will request estimates of flow, BOD loading, and SS loading from the parcel owner or his agents. These estimates are subject to adjustment by the District upon review. If these estimates are not provided, the District will assign discharge quantity and strength values based on the most recent District Revenue Program Model. Whenever available, actual water use data, provided by the East Bay Municipal Utility District, combined with actual BOD loading and SS loading, determined at the parcel owner's expense by the District or by an independent laboratory, will be used in assigning discharge quantity and strength values.

Section 2.11 **Review of Nonresidential Discharge Quantity and Strength Values After One Year**. On its own initiative, or at the request of a parcel owner, the District may review a nonresidential parcel's discharge quantity and strength values approximately one year after payment of a new or change-in-use connection fee. The review of water use will be based on 12 months of actual flow data. If BOD loading and SS loading are to be reviewed, the parcel owner must provide at least four

laboratory-determined sets of values for these factors at no expense to the District. If, upon review, there is more than a ten percent (10%) difference between any of the originally established values and the values after one year, the District will adjust the values up or down depending on the direction of the difference. If the discharge quantity and strength values are adjusted, the District will recalculate the parcel's connection fee based on original rates and will require an additional payment or will issue a refund as appropriate.

Section 2.12 **Change-in-Use of Capacity Entitlement**. If a change in parcel use requires the same or less sewer and treatment capacity than the existing capacity entitlement, the existing capacity entitlement remains in effect. If a change in parcel use requires more sewer and treatment capacity than the existing capacity entitlement, the parcel owner must pay the difference between the new connection fee and the existing capacity entitlement as calculated in accordance with Section 7.3a. When this difference is paid, the parcel's capacity entitlement increases to the level of the new parcel use.

Section 2.13 **Capacity Entitlement Fixed to Parcel**. Once established, capacity entitlement remains with the parcel and cannot be transferred to a different parcel. Parcel owners cannot sell or trade capacity entitlement.

Section 2.14 **Achieved Capacity Entitlement to Remain**. A parcel's capacity entitlement remains at the highest level authorized throughout its use history.

Section 2.15 **Granting Capacity Entitlement Credit**. Credit is granted if a parcel's existing capacity entitlement is lower than the parcel's new capacity entitlement. The amount of credit is calculated in accordance with Section 7.3a. No refund will be made if a parcel's existing capacity entitlement is higher than the parcel's new capacity entitlement.

ARTICLE III

TREATMENT OF SEWAGE AND USE OF PUBLIC SEWERS

Section 3.1 **Treatment of Sewage Required**. It is unlawful to discharge or permit to be discharged to any natural outlet within the District any sewage or other polluted waters, except where suitable treatment is provided in accordance with District Ordinances.

Section 3.2 **Unlawful Disposal**. It is unlawful to construct or maintain any privy vault, septic tank, cesspool, or other facility intended or used for disposal of sewage.

Section 3.3 **Occupancy Prohibited**. No building, industrial facility, or other structure on a parcel shall be occupied until the parcel owner complies with all District rules and regulations.

Section 3.4 **Sewer Required**. Any building on a parcel within the District having a building drain must be connected at the building owner's expense, to a public sewer within ninety (90) days after receiving official notice from the District to do so.

Section 3.5 **Sewer Becomes Available**. When a public sewer becomes available where no public sewer was previously available under the provisions of Section 3.4, building sewers must be connected to that available public sewer within ninety (90) days after receiving official notice from the District to do so. Any privy vault, septic tank, cesspool, or similar private sewage disposal systems must be abandoned and filled with suitable materials, all as determined by the District.

Section 3.6 **Combined Sewer**. No roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff, or groundwater may be connected to any building drain, building sewer, or collector sewer that is connected directly, or indirectly, to a public sewer. It is unlawful to construct or maintain a combined sewer.

ARTICLE IV

SEWER PERMITS AND SEWER WORK

Section 4.1 **Permit Required**. It is unlawful to disturb any sewer within the District, including sewer laterals, without first obtaining a Permit. No Permit is required to uncover sewers to determine location or visually ascertain physical condition; however, a Permit is required to perform a sewer lateral inspection pursuant to Section 6.11. Permit fees and charges are set by Board resolution and are shown in Exhibit A.

Section 4.2 **Permit Application**. The Permit application process is defined in the District Engineering Standard Procedure covering private development.

Section 4.3 **Expiration of Permits**. A Permit is valid for six months from the date of issuance and expires after that period. Once a Permit has expired, all work authorized by that permit must stop until the expired permit is replaced.

Section 4.4 **Permit Replacement**. A new Permit to replace an expired Permit may be issued upon completion of a Permit application and payment of the difference, if any, between the cost of the new Permit at current rates and the cost of the original Permit.

Section 4.5 **Refunds for Expired Permits**. Some of the original costs of an expired Permit are eligible for refund if a written refund request is made to the District within one year from the expiration date of the Permit. Connection fees and sewer service charges are eligible for refund if no connection was made to a public sewer or collector sewer. Unused portions of inspection deposits are eligible for refund. Permit and inspection fees are not eligible for refund.

Section 4.6 **Authorization to Hold Permits**. Contractors licensed by the State of California for the appropriate types of work are authorized to hold Permits. Parcel owners doing building sewer or collector sewer work completely within the bounds of their property, but outside of District easements, are also authorized to hold Permits.

Section 4.7 **Acceptance of Permit by Applicant**. By accepting a Permit from the District, the Permit holder agrees to be bound by and comply with all District requirements and perform work in accordance with the plans and specifications approved by the District. The terms and conditions of the Permit and

the agreement may be amended only by the District. The Permit holder and property owners shall indemnify the District from any loss or damage that may directly or indirectly result from the work performed pursuant to the permit.

Section 4.8 **Work Done Without Permit**. When any sewer work is performed without authorization by Permit, the parcel owner or contractor is required to obtain a Permit for that work and pay double the normal permit and inspection fees or the single-family residence permit and inspection fee, whichever is greater. In addition, the parcel owner or contractor will provide the District full access to inspect all work that was performed.

Section 4.9 **Costs of Sanitary Sewer Work**. All costs and expenses incident to the installation, connection, repair, maintenance, renovation, replacement, disconnection or relocation of a private sewer disposal system, building drain or building sewer, including cleanouts, backwater prevention system/device, pumps or other appurtenances (collectively "installation and maintenance"), shall be borne by the property owner and person causing the connection to be made, including but not limited to the costs of application, plan submittal, plan check, connection fees or any other fee or charge related to the installation.

Any property owner served by the Oro Loma Sanitary District Sewer Collection System shall be responsible and liable for all costs involved in the repair of all damages to Oro Loma's public sewer system caused by the property owner or the property owner's tenants or agents. That person shall defend, indemnify, and hold Oro Loma Sanitary District harmless from any cost, liability, loss or damage that may be incurred or occasioned by the installation or maintenance of the building drain or building sewer.

In no event shall Oro Loma Sanitary District be responsible by reason of approval of plans, issuances of licenses or permits, or allowance of connection to the public system for any harm, cost, loss or damage which may be occasioned by the installation or maintenance of the building drain or building sewer and the same shall be borne by the property owner or the person causing the connection to be made.

It shall be unlawful for any owner of the house, building, or property connected to an Oro Loma Sanitary District public sewer to maintain a building drain or building sewer in a condition that prevents or impedes the cleaning or inspection of the public sewer.

Section 4.10 **Sewer Upsizing/Construction of Excess Capacity.** When the District, in its sole judgment, determines that a proposed new connection(s), including an alternative use of existing connections, may exceed the sewer capacity of existing sewer lines, it may require the developer(s) of such proposed new connection(s) to contract for, at their own expense, a qualified engineering firm to conduct a capacity study of the impact of such proposed connection(s) on existing pipelines downstream from the point of connection to the treatment plant. If said study determines a need to upsize downstream capacity, the developer shall further prepare and submit a sewer upsizing plan to the District for review and approval. Upon District approval and agreement with such study, the District may, in its sole discretion, require one or all of the following:

1. An agreement with the developer to contract for and pay the entire cost of construction of all required downstream improvements in a time period as determined by the District.

2. Require the developer to pay the District a pro rata share of upsizing costs of future improvements, as determined in the sole discretion of the District.

3. Require the developer to pay "per unit" (one EDU) upsizing fee to pay for certain future downstream improvements identified in previous capacity studies.

4. Require the developer to pay all District costs associated with any sewer upsizing option listed above, including, but not limited to legal, engineering and administrative costs.

5. Refuse to approve such connections, if the developer(s) refuse to comply with any of the obligations imposed upon it by Section 1 above.

Section 4.11 **District Cost for Nonpublic Sewer Work**. When modification or failure of public sewer facilities necessitates work on nonpublic sanitary sewer facilities, the determination of responsibility for the costs of nonpublic sewer work is made at the sole discretion of the District.

Section 4.12 **Maintenance of Sewers**. The District is responsible for the maintenance of public sewers. Parcel owners are responsible for the maintenance of the building sewers or collector sewers serving their property, including the wye fitting, tee fitting, or tapped connection to the public sewer. If a building sewer maintenance operation for which a permit has been issued includes the area two (2) feet outside of the building line, and there is no cleanout at that location, a cleanout must be installed as a part of the maintenance operation. All cleanouts shall conform to applicable local plumbing codes and Oro Loma Sanitary District's Standard Specifications.

It is the responsibility of the property owner to maintain the building sewer up to and including its connection to the public sewer.

The operation and condition of building sewers, their cleanouts and any other wastewater facilities required to serve a connector's building, shall be the responsibility of the property owner, who shall keep them in good operating condition at all times and shall undertake all necessary repairs, including replacement of dilapidated and worn out components, at the property owner's expense and at no cost to Oro Loma Sanitary District. All repairs to and replacements of building sewers or other private sewer disposal systems shall be performed in accordance with Oro Loma's Standard Specifications.

Property owners shall maintain a building sewer in a manner that prevents sanitary sewer overflows and sewer spills. Failure of a property owner(s) to abate any condition that is causing sanitary sewer overflow within five business days of receiving a notice from Oro Loma Sanitary District is hereby declared to be a violation of District ordinances and regulations and may be subject to abatement or other remedies.

Section 4.13 **Approval of Nonpublic Sewer Improvements**. Before final approval by the District and use by the parcel owner, completed nonpublic sewer improvements must: conform to the District-approved plans and specifications, pass all required inspections and tests, comply with the District Standards to the District's satisfaction, and have had all required fees and charges paid in full.

Section 4.14 **Acceptance of Public Sewer Improvements**. Before final acceptance by the Board,

public sewer improvements must: conform to the Board-approved improvement plans and specifications, pass all required inspections and tests, and comply with the District Standards to the District's satisfaction. Also required before Board acceptance are: a recorded, final subdivision map providing dedication to the public of streets, easements, or rights-of-way where public sewers have been constructed; one complete, full-size set of record drawings on reproducible polyester film of four (4) mil minimum thickness showing the actual locations of all public sewers, structures, fittings, and building sewer or collector sewer connection locations; one plan view of improvements at 1:100 scale, both drawn on polyester film of four (4) mil minimum thickness and stored electronically in ASCII format; and payment in full of all required fees, charges, and deposits.

Section 4.15 **Disconnection, Reconnection, and Credit for Previous Connection**. Whenever a structure is demolished, removed, or disconnected from the District's collection system, that structure's building sewer must be disconnected and capped at the point of connection to the public sewer or collector sewer in accordance with District requirements. A Permit, with fees and charges calculated at current rates, is required to reconnect to the District's collection system any previously connected structure. Credit for previous connections may be granted for new connections on the same parcel pursuant to Section 7.3a.

Section 4.16 **Liability Imposed by Law**. Permit holders are answerable for, and shall indemnify and hold the District harmless from, any liability or damages imposed by law upon the District including all costs in defending against legal action or in seeking to enforce this Ordinance provision resulting directly or indirectly from the work performed pursuant to the permit.

Section 4.17 **Liability for Work Performance**. The District assumes no liability resulting from sewer work performed by Permit holders.

Section 4.18 **Liability for Defects and Failures**. Permit holders are solely liable for any defects in their sewer work or for any failures that may require repair.

ARTICLE V

SEWER DESIGN AND CONSTRUCTION

Section 5.1 **District Standards**. The District Standards define the minimum acceptable design and construction standards for sewer work within the District. The District Engineer may approve changes to the requirements of the District Standards as warranted by special circumstances, reporting such changes to the General Manager and the Board.

Section 5.2 **Easements and Rights-of-Way**. Any easements or rights-of-way necessary for sewer construction must be procured by parcel owners or Permit holders. These easements or rights-of-way must be of minimum width to allow for sewer construction and maintenance activities of all kinds. Once procured, easements and rights-of-way for District facilities must be dedicated to the District by name and must be accepted by the Board. In addition to the easement and rights-of-way, ingress and egress right-of-way shall also be acquired on behalf of the District for maintenance purposes.

Section 5.3 **Separate Building Sewers**. Each single family residence (house or townhouse) on an individual or common parcel within the District must have a separate building sewer connected to the public sewer. Multiple family residences (apartments or condominiums) on a common parcel within the District may have one or more building sewers connected to either a collector sewer or the public sewer. Each detached nonresidential building on an individual or common parcel within the District must have a separate building sewer connected to the public sewer. Multiple-tenant attached nonresidential buildings on a common parcel may have one or more building sewers connected to either a collector sewer or the public sewer.

Section 5.4 **Building Drain Lower Than Public Sewer**. Where any building drain is too low to allow a gravity flow to the public sewer, the parcel owner or Permit holder will provide, at no expense to the District, a sewage lifting system approved by the District Engineer. This system is subject to inspection by the District and will be operated and maintained at no expense to the District.

Section 5.5 **Backwater Prevention System (BPS)**. The District's policy regarding installation of a backwater prevention system is as follows:

1. **New building sewer:**
   a. Required on all new structures.
   b. Required on all private lift stations where a pump is used to lift sewage to the lateral or sewer main.

   A BPS will also be required whenever the District Engineer or General Manager determines, at their discretion and based upon specific site conditions, that the purpose of this Section will best be served by the installation of such device. All costs to install and maintain the backwater prevention system shall be borne by the property owner. (See Section 4.9)

2. **Existing building sewers:**
   a. Required on all existing structures where it is determined that the upstream manhole rim elevation is greater than or equal to the lowest drain in the structure. For example, structures with basements or structures on steep hillsides.
   b. Required on all existing structures when the lateral requires major repair or total replacement.
   c. Required on all existing structures when additional plumbing fixtures are to be installed. and/or when the structure floor area is to be increased by more than 25%.
   d. Required on all existing structures when the property is damaged by a blockage in a sanitary sewer main or lateral.

3. **Notice of code violation:**
   Should the homeowner fail to comply with the above within 90 days of being notified in writing from the District, the District may, at its sole discretion, send the property owner a letter by certified mail advising them of applicable code violations.

4. **Dwellings at risk of sewer backups/courtesy notice:**
   From time to time, District personnel may identify certain structures that are likely at risk from sewer backups. The owners of those properties will be notified by certified letter explaining the

benefits of retrofitting their building sewer with a BPS. Installation of a BPS under these circumstances is recommended but not required.

5. **Responsibility for BPS:**
   In this Ordinance, the term "backflow prevention device" includes, but is not limited to, backwater overflow devices and backwater check valves, pressure relief devices and shutoff systems, and any other devices the District may approve for the purpose of preventing or minimizing the possibility that raw sewage will back up into any structure, or for any similar purpose. All BPSs shall comply with standards acceptable to Oro Loma Sanitary District and shall be maintained and repaired by the property owner to provide for their uninterrupted function for the purpose for which they were designed.

6. **Maintenance requirements:**
   All BPSs shall fully comply with all Oro Loma Sanitary District requirements and shall be maintained by the property owner to provide for their continuing function as designed. All BPSs shall be accessible at all times and shall be free from any obstructions, including, but not limited to, rocks, soil, vegetation, debris, grass, trees, bushes, plants, landscaping, concrete, asphalt or other ground coverings or any other materials or substances that may impair the proper function of or unobstructed accessibility to the devices.

7. **Failure to follow BPS requirements:**
   Any property owner whose property has no BPS protection device as required by this Ordinance or other law or regulation, or which has a defective or improperly installed backflow protection device, or which has a backflow protection device that does not comply in all respects with the requirements of this Ordinance or with any standards adopted or utilized by Oro Loma Sanitary District shall be responsible for all damage that results from the lack of such a device, or the failure of the defective or improperly installed or noncompliant device to prevent or minimize such damage. Oro Loma Sanitary District will not be liable for damage resulting from sewer overflows when a backflow prevention device has not been installed or maintained as required by this Ordinance.

Section 5.6 **Reuse of Existing Building Sewers**. An existing building sewer may be reused for a new connection if that building sewer is of non-rigid joint construction and satisfactorily passes both pressure testing and CCTV inspection.

Section 5.7 **Requirements for Grease Interceptors/Traps**. When in the judgment of the District, there is a potential for excessive amounts of grease, sand, flammable liquids, or other substances to be discharged into a public sewer, grease interceptors/traps must be provided, at no expense to the District, to reduce the quantities of these substances in the discharged sewage. Grease interceptors/Traps must be of types and sizes approved by the District Engineer and must be located to provide proper operation and ease of cleaning, maintenance, and inspection. Requirements for grease interceptors/traps will be determined on a case-by-case basis.

Section 5.8 **Protection of Utilities**. The Permit holder shall notify Underground Service Alert (USA), at 1 (800) 642-2444 at least forty-eight (48) hours before excavating within the District so that the location of underground facilities can be marked on the surface by the various utilities. The Permit

holder shall exercise deliberate care to avoid damaging existing utilities and services, and is responsible for the prompt repairs or replacements required to restore service.

Section 5.9 **Damage to Existing District Facilities**. If existing District facilities are damaged during sewer work, the Permit holder must arrange with the District for the repair of the damage, at no expense to the District, and to the satisfaction of the District.

Section 5.10 **Restoration of Excavated Property**. Any property disturbed by excavation for sewer work must be restored to the satisfaction of the District and the local agency having jurisdiction over the work site.

Section 5.11 **Responsibility for Safety**. The Permit holder is responsible for the safety of the general public and all persons at the work site for the duration of the sewer work; this responsibility is continuous and is not limited to normal working hours. All sewer work must be done in accordance with the safety rules and regulations of CAL/OSHA and other city, county, state, and federal agencies having jurisdiction over the work site.

Section 5.12 **Compliance With Other Regulations**. Permit holders are responsible for becoming aware of and complying with all applicable rules and regulations and obtaining applicable permits from and paying applicable fees and charges to any other agencies having jurisdiction over the work site.

No person shall connect a drain line, wastewater pipeline, building drain, building sewer or private sewer disposal system to any public sewer without the submission of required plans, reviewed and accepted by Oro Loma Sanitary District whether by permit, license or otherwise, including the payment of applicable fees and connection charges; and unless the location and method of construction have been approved by Oro Loma Sanitary District's Engineer or representative.

ARTICLE VI

INSPECTION

Section 6.1 **Inspection Required**. All sewer work within the District is subject to inspection. For inspection purposes, the District must be provided access to sewer work at all times during construction and proper and safe facilities for access. The District must be furnished every reasonable facility for ascertaining that materials and workmanship are in accordance with the requirements and intentions of the District Standards.

Section 6.2 **Testing New Building Sewers**. The test section shall be through the full length of the building sewer from the connection to the public sewer to the cleanout location adjacent to the building footprint. The air or water test of new private laterals shall conform to the testing requirements of Oro Loma Sanitary District's Standard Specifications.

Section 6.3 **Inspection Notification**. The Permit holder shall notify the District Inspector at least twenty-four (24) hours prior to beginning sewer work, including making connections to the public sewer or backfilling excavations containing sewer facilities.

Section 6.4 **Required Inspections**. The District Standards identify the inspections and tests required for sewer facilities. Under special circumstances, when in the judgment of the District Engineer it is necessary, the District Engineer may impose inspections and tests in addition to those required by the District Standards.

Section 6.5 **Backfilling Before Inspection and Testing**. If connections to the public sewer or excavations containing sewer facilities have been covered before District examination, the Permit holder shall expose the connections or facilities to allow for inspection and testing.

Section 6.6 **Right of Entry**. District personnel bearing proper identification and credentials shall be permitted to enter all private property under District jurisdiction for the purposes of inspecting, sampling, or testing sewer facilities or sewage as provided by District Ordinances.

Section 6.7 **Observance of Safety Rules**. While performing necessary inspection work on private property, District personnel shall observe all safety rules and regulations established for the property by the owner or the owner's agents.

Section 6.8 **Property Owner Held Harmless, Indemnified**. For the duration of necessary inspection work on private property, the District will indemnify and hold the property owner and owner's agents harmless against injury or death to District employees or property damage, caused by the negligence of District employees.

Section 6.9 **Liability of Property Owner**. The property owner and the owner's agents shall indemnify and hold the District harmless against injury or death to persons or property damage caused by negligence or failure of the property owner to maintain safe conditions as required by the property safety procedures, the rules and regulations of other agencies having jurisdiction over the property, or reasonable construction safety standards.

Section 6.10 **Overtime Inspection**. Inspections requested after normal District working hours, on weekends, or on holidays may be obtained only by prior arrangement with the District. All costs associated with overtime inspection will be borne by the Permit holder.

Section 6.11 **Lateral Inspection Program**.

1. Health and Safety Basis: An owner shall have the lateral of their real property inspected utilizing CCTV and pressure tested, at owner's expense, in accordance with the requirements of this Section and District Standards Section 7.03, as directed and within the time period indicated by the District Engineer (or designated representative) upon the occurrence of any of the following events:

   a. Overflow or Malfunction. Whenever the District determines that the lateral has recently overflowed or has recently malfunctioned. This requirement shall not apply to overflows caused by blockages in the District's main line or other event unrelated to a defect in the building sewer.

   b. Lateral Failure or Lack of Maintenance. Whenever the District finds that there is sufficient evidence to conclude that the lateral or cleanout has failed, is likely to fail, or has not been properly maintained.

c. Public Health Threat. Upon any other reasonable cause to believe that there is a threat to the public health, safety, or welfare due to the condition of the lateral.
d. Age of Pipes or Extent of Foliage Causing Higher Flow Within the Service Area. Whenever the District determines that the age of pipes in combination with observed foliage (tree roots near the lateral suggesting root intrusion causing infiltration) or the age of the pipes independently are causing a higher than average flow in a neighborhood or area, the District Engineer may direct an inspection of the lateral to determine the need for repair.

2. Other Events Requiring Lateral Inspection. An owner shall have the lateral of their property inspected and tested in accordance with the requirements of this Article upon the occurrence of any of the following events:

a. Additions or Improvements. Prior to the issuance of a building permit for a building addition or new improvements where said addition or improvements (or cumulative additions or improvements through multiple projects over the prior three years) have a value of $50,000 or greater, or where said addition or improvements result in a 25% or more increase in building square footage, or when a significant change to the building's plumbing system (e.g. bathroom addition) is planned, or when an accessory dwelling unit (ADU) or additional building unit is to be constructed.
b. Transfer of Property Title. Prior to transfer of title upon the sale of any real property, the owner shall provide to the District Engineer a lateral inspection report as specified in paragraph 7 of this section. In the event such inspection report is not provided to the District Engineer prior to transfer of property title, the buyer of the property shall be responsible for providing the inspection report within 30 days after the transfer, and shall be responsible for any needed repairs identified by such inspection. The cost of inspection(s) and report(s) shall be borne by the owner. Failure of the buyer to comply with this regulation is punishable in accordance with Article VIII of this Ordinance. Prior to transfer of title, the owner must disclose in writing to the buyer that the District requires inspection and repair of the lateral in accordance with this chapter.
c. When the District finds that a lateral has been repaired or installed without a permit from the District.
d. When the District finds that a lateral was not installed per District Ordinance or Standards.

3. Exception to Inspection Requirement. Owners who hold a valid Service Lateral Certificate of Compliance issued by the District are exempt from inspection requirements of paragraph 2. This exemption does not apply to any inspection required under paragraph 1. The District Engineer may, at their sole discretion, exempt an owner from the inspection requirement for other valid reasons. Additionally, the following types of property are exempt from the inspection requirements of Paragraph 2(a) and 2(b):
a. Separately Owned Residential Properties Served by a Shared Lateral. The sale or transfer of a residential property that is served by a Private Sewer Lateral that also serves one or more separately owned residential properties, including, but not limited to, duplexes, triplexes, properties in common interest developments, and other multifamily residential properties where the Private Sewer Lateral is shared by multiple property owners or ownership entities.
b. Mobile Home Parks.

4. Any owner may request an administrative review regarding the propriety of an inspection required by this section, by filing a written notice of appeal with the District Engineer no later than 30 days after receiving written notice of the need to perform an inspection.

5. When an owner refuses to provide an inspection required by this subsection, the District may conduct a lateral inspection and the owner shall be responsible for the costs of such inspection. Should the District's inspection reveal the need for repairs, the District may issue a notice of repair to the owner and require any of the remedies provided, pursuant to subsection 9, to ensure repairs are made and costs are paid by the property owner.

6. Testing. The inspection process shall also include leakage testing of the lateral by the owner in accordance with District Standards, Section 7.03. However, if on the basis of the visual inspection or other factors, the owner opts to proceed with permitted repairs or replacement of the lateral, testing may be deferred until such repairs or replacement are completed. If testing is conducted, the owner shall be responsible for isolating the lateral for purposes of the test.

7. Lateral Inspection Report Requirements. An inspection report shall be prepared by a licensed plumber or qualified professional who shall declare under penalty of perjury that the report is true and correct.

    a. The inspection report shall include the following:
        i. Date of inspection
        ii. Address of inspection
        iii. Name of inspector
        iv. NASSCO PACP/LACP certification number, if applicable
        v. Name of plumbing firm and license number
        vi. Lateral material(s) and lengths
        vii. Estimated age of lateral
    b. The inspection report shall identify all of the following:
        i. Any and all defects that could allow infiltration into the lateral or otherwise create a maintenance issue in the District sewer system. Such defects may include but not be limited to the following: displaced joints, open joints, root intrusion, substantial deterioration of the line, cracks, leaks, inflow or infiltration, grease and sediment deposits or other conditions likely to increase the chance for blockage of the lateral or sewer main.
        ii. Results of pressure testing.
        iii. Whether any properties connect to the lateral or if the lateral connects to lateral(s) from other properties prior to connection to the Sewer Main.
        iv. Whether any connection, by pipes or otherwise, allows rainwater or groundwater to enter the private sewer lateral or public sewer.
        v. Whether the building sewer has an installed backwater prevention system where any outlet or trap of the private sewer lateral is below the level of the nearest manhole. If a backwater prevention system is already installed, the report shall indicate whether the backwater device is functioning properly.
        vi. Any other facts regarding the condition, maintenance and repair of the lateral.

c. The inspection report shall include an electronic copy of the inspection video in a non-proprietary format (mpg4 or other format approved by the District Engineer), a rating of the building sewer condition based on PACP standards, and if applicable, the results of pressure testing.
d. A licensed plumber or qualified professional who prepares a false inspection report shall be subject to punishment under Article VIII of this section in addition to any other legal remedies or punishment provided by law.

8. If the District Engineer's review of the lateral inspection report finds that the lateral is in compliance with District Standards and that no further action by the owner is required, the District will issue a Sewer Lateral Certificate of Compliance as described in Section 6.11.11.

9. Lateral - Required Repairs.

   a. Notice to Repair. Upon receipt of the lateral inspection report pursuant to this Article, the District Engineer will determine whether it indicates any deficiencies in the operation of the lateral and, thereafter, shall provide the owner with a Notice to Repair as may be deemed appropriate by the Engineer. The District Engineer shall provide the determination and issue a notice to repair within 15 business days after receipt of the inspection report. The Notice to Repair shall specifically identify the deficiencies to be corrected and shall establish a deadline of 180 days, within which the owner shall complete the required corrective actions. The corrective action may include a requirement that the lateral be replaced altogether and also may include the installation of cleanouts and backwater prevention system as required by the District's Standards.
   b. Obligations of the Owner. The owner shall obtain a Permit from the District and complete all corrective action to the satisfaction of the District Engineer. In the event a building permit is also required for the repairs, the owner shall obtain the requisite building permit and secure the approval of the relevant building official.

10. Testing. The repaired or replaced lateral shall be tested by the owner in accordance with District Standards, Section 7.03. The owner shall be responsible for isolating the lateral for purposes of the test. Testing results shall be submitted to District Engineer for review. The District may conduct additional inspections or testing related to the repair or replacement, such as inspecting the alignment of the wye connection to the main.

11. Certificate of Compliance. If the District Engineer's review of the lateral test results and any other relevant information finds that the lateral is in compliance with District Standards, the District will issue a Certificate of Compliance that shall be valid for 10 years from the date of issue. If the entire sewer lateral has been replaced, the Certificate of Compliance shall be valid for 20 years from the date of issue.

12. Appeals. Any owner who receives a Notice to Repair may request an administrative review, regarding the accuracy of the determination or the propriety of any corrective action required by filing a written notice of appeal with the District Engineer no later than 30 days after receipt of the Notice to Repair.

13. Failure to Repair. Should an owner fail to conduct the required repairs within the time required by the notice to repair, the District may deem such failure to be a public nuisance and may initiate enforcement measures as provided for in Article VIII of this Ordinance.

ARTICLE VII

FEES, CHARGES, DEPOSITS, AND BONDS

Section 7.1 **Establishment of Fees**. The fees for various District services related to residential and nonresidential development are set by Board resolution and are shown in Exhibit A.

Section 7.2 **Permit and Inspection Fees**. These fees are imposed to cover the costs of issuing Permits, inspecting sewer work, and maintaining permanent District records.

Section 7.3 **Connection Fees**. These fees are imposed to cover the cost for a given parcel within the District to use existing sewer facilities capacity. This fee is based on property use and how much sewer and treatment capacity any particular use will require. Residential connection fees are charged per dwelling unit; nonresidential connection fees are charged by estimated or actual, if available, discharge quantity and strength data. Residential and Non-residential connection fees are calculated pursuant to Exhibit A, and, once paid, are non-refundable.

Section 7.3a **Connection Fee Credits.**

1. Redevelopment of Existing Parcel(s) and/or modifications of existing sewer capacity entitlement.

    a. When a parcel undergoes redevelopment or capacity modifications, the connection fees due will be calculated pursuant to Exhibit A, less a credit equal to the connection fee paid for the parcel(s) at the time of original connection or the District fee in effect five (5) years prior to the current fee, whichever is greater.
    b. No adjustment of monetary value due to inflation shall be made to the original connection fees.
    c. No refund will be applied for any case in which the original connection fee exceeds the current fee, as calculated by the District.

Section 7.4 **Sewer Upsizing Fees.** These fees are charged to recover costs of premature upsizing of existing downstream sewer lines to accommodate additional flows from new connections, which collectively will overload the system. This fee is a per dwelling unit or equivalent dwelling unit (EDU) charge based on collection system flow modeling and/or flow capacity studies, in possession of the District. The per unit charge is calculated by the District by dividing the cost of improvements by the estimated number of future units to be connected to and benefit from said improvements.

Section 7.5 **Mapping and CCTV Fees.** These fees are imposed to cover the cost of updating the District's sewer base map(s) to include the new development's sanitary sewer systems, and the cost of televising by District crews of the development newly installed sanitary sewer lines.

Section 7.6 **Easement, Fee Title, and Quitclaim Review Fees**. These fees are imposed to cover the costs of reviewing easement and fee title documents before acceptance by the District and reviewing quitclaim documents before execution by the District.

Section 7.7 **Document Reproduction Fees**. These fees are imposed to cover the time and expense for reproduction of various District documents.

Section 7.8 **Sewer Service Charges**. These fees are imposed to cover the costs of supplying continuous sewer service to each parcel connected to the District's collection system. These charges are established by Board resolution and are shown in the current District Ordinance No. 37, Exhibit A. The cost of these fees is not prorated. After the first fiscal year, residential sewer service charges are collected for the District by the Alameda County Assessor on the County tax rolls. Nonresidential sewer service charges are collected by the East Bay Municipal Utility District based on water service billings for parcels connected to the District's collection system.

Section 7.9 **Plan Check Deposits**. Plan check deposits are developer deposits estimated and approved by the District that cover the costs of reviewing sewer improvement plans submitted by residential and nonresidential developers.

Section 7.10 **Inspection Deposits**. Inspection deposits are developer deposits set by Board action, at the time of improvement plan and specification approval, for the inspection and processing of subdivision (parcel maps and tracts) projects containing public sewers; or for nonsubdivision-related public sewer relocations or extensions of more than five hundred (500) linear feet.

Section 7.11 **Annexation**. Annexation fees are charged on a per parcel basis or gross acre basis at rates established by the Board, which may be modified from time to time. Annexation deposits are developer deposits estimated and approved by the District that cover the costs of processing an annexation application, including: administrative functions, map checks, legal fees, Local Agency Formation Commission and State Board of Equalization application fees, and other expenses. Annexation deposits are estimated on a case-by-case basis since applications of this type vary widely in extent and complexity.

Section 7.12 **Miscellaneous Development Deposits**. Miscellaneous development deposits are developer deposits the District may require to cover the costs of District review of a concept or proposal to determine if a project is feasible in relation to the available sewer facilities and District Standards. Miscellaneous development deposits are estimated on a case-by-case basis because of the variables of different projects.

Section 7.13 **Developer Deposit Account Balances Less Than $500.00**. If charges against a developer deposit account reduce the balance to less than $500.00, the District will estimate the amount of an additional deposit necessary, if any, for the District to complete its work on the project. Until the additional deposit is made, the District will stop work on the project.

Section 7.14 **Developer Deposit Account Closing Balances**. If, after District work on a project is complete, a developer deposit account balance is positive, the District will refund the remaining deposit; if the balance is negative, the District will invoice the depositor for the negative balance amount. The District has available the same remedies for recovering past due developer deposit account balances as it has for recovering delinquent sewer service charges under the enforcement authority of the District.

Section 7.15 **Bonds and Warranties**. The District Engineer may require residential and nonresidential developers to post bonds or other forms of security to assure completion of public sewer facility

improvements and to guarantee against defects in those improvements for a specified period of time after Board acceptance.

ARTICLE VIII

ENFORCEMENT

Section 8.1 **Violation Unlawful**. After the effective date of this Ordinance, it is unlawful for the sewage discharge of any building within the District to be disposed of in any ways other than those provided by this Ordinance.

Section 8.2 **Punishments, Multiple Violations**. Under Section 6523 of the Health and Safety Code of the State of California, violations of an ordinance, rule, regulation, or standard of a sanitary district are misdemeanors and each offense is punishable by fine, imprisonment, or both. Each Ordinance violation is a separate offense, as is each day that violation continues.

Section 8.3 **Liability for Violation**. Any person violating District Ordinances, rules, regulations, or standards becomes liable to the District for any costs incurred by the District because of those violations. Any person violating District requirements adopted or ordered according to Section 54739 of the California Government Code may be civilly liable to the District for each day each violation occurs.

Section 8.4 **Public Nuisance**. The District declares that the continued occupancy of any residential building, or the continued operation of any nonresidential facility, while that building or facility is in violation of this or any other District Ordinance, is a public nuisance. When any building is in violation of this or any other District Ordinance, the District may bring proceedings for abatement of occupancy during the period of the violation.

Section 8.5 **Means of Enforcement Only**. The District declares that the following provisions are established only as a means of enforcing the terms and conditions of District Ordinances, rules, and regulations, and not as penalties.

Section 8.6 **Notification and Correction of Violations**. Any person violating this or any other District Ordinance will be served by an authorized District representative, with written notification describing the violation and providing a reasonable time limit for its correction. The time limit set for correcting violations will be not more than seven working days. Offenders shall cease permanently all violations within the time limit specified in the written notice. Offenders shall be held strictly responsible for violations resulting from their own actions as well as from the actions of their employees or agents. Upon written notification of violation, the person in charge of the area or activity in violation is to act for its correction.

Section 8.7 **District Correction of Violations**. To ensure prompt enforcement, the District may use its own resources to correct violations of this Ordinance. To recover the costs of correcting violations, the District may add those costs to the sewer service charge payable by the offender or tenant or owner of the parcel in violation. The District has the same remedies available for the collection of violation correction costs as it has for the collection of delinquent sewer service charges. Additionally, the District may petition the Alameda County Superior Court for the issuance of a preliminary or permanent

injunction, or both, as appropriate, restraining any person from continued violation of this Ordinance.

Section 8.8 **Disconnection of Sewer Service**. As an alternative method of enforcing this or any other District Ordinance, the General Manager has the authority to disconnect from the District's collection system any parcels in violation of District Ordinances.

Section 8.9 **Occupancy While Disconnected**. The occupancy of any building disconnected from the collection system for violation of District Ordinances is a public nuisance and will cause the District to bring proceedings for abatement of occupancy during the period of disconnection.

Section 8.10 **Reconnection**. Before a parcel disconnected from the District's collection system for violation of District Ordinances may be reconnected, all violations must be corrected and the person responsible for the disconnected parcel shall deposit with the District the cost, as estimated by the District, of disconnection from and reconnection to the collection system, and pay the District reasonable attorney's fees and cost of suit if legal action was necessary to abate occupancy.

ARTICLE IX

MISCELLANEOUS PROVISIONS

Section 9.1 **Protection From Damage**. It is unlawful for any person maliciously, willfully, or negligently to break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is a part of the District's sewage facilities. Any person violating this provision is subject to the penalties provided by law.

Section 9.2 **Separability**. If any section, subsection, sentence, clause, or phrase of this Ordinance or the application of it to any person or circumstances is for any reason held to be unconstitutional or invalid, such decision will not affect the application of such provision to other persons or circumstances. The Board declares that it would have passed this Ordinance irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases might be declared unconstitutional.

Section 9.3 **Repeal of Existing and Inconsistent District Ordinances**. Ordinance No. 35-16, and all other Ordinances and parts of Ordinances inconsistent with this Ordinance, are hereby repealed. Provided that, if any portion of this Ordinance, including Exhibit "A" as amended and attached hereto, is deemed invalid for any reason by a court of competent jurisdiction, the amendments made by this Ordinance and Exhibit "A" shall be rendered void and cause the amended portions to remain in full force and effect for all purposes.

ARTICLE X

EFFECTIVE DATE

Section 10.1 Upon adoption, this Ordinance will be entered in the minutes of this Board, will be posted in three (3) public places within the District, and will be published once in *The East Bay Times,* a newspaper of general circulation within the District; and posting and publication will be completed not later than one week from the effective date. This Ordinance will be effective November 1, 2026, after adoption and posting.

I certify that the foregoing is a full, true, and correct copy of an Ordinance passed and adopted by the Sanitary Board of Oro Loma Sanitary District, Alameda County, California, at a meeting held on the 8th day of September, 2026, by the following vote of the Board members:

AYES, Members: Dean, Duncan, Lee, Simon, Young

NOES, Members: None

ABSENT, Members: None

ABSTAIN, Members: None

Shelia Young, President

COUNTERSIGNED:

Rita Duncan, Secretary

Reviewed by Reviewed by the Construction Committee on April 22, 2026

Exhibit A
SCHEDULE OF FEES AND DEPOSITS

I. PERMIT FEES

A. Permit Issuance Fee	$30.00
B. Building Sewer Backwater Prevention Systems Installation to existing sanitary sewer lateral	No Fee

II. INSPECTION FEES

A. **Existing Sewers**

Building sewer repairs/minor alterations	$250.00
Building sewer complete replacement	$250.00
Building sewer relocations, per relocation	$250.00
Disconnects and caps	$250.00
Installation of building sewer Backwater Prevention Systems	No Fee
CCTV Inspection	$1,000.00
Lateral Inspection Certificate Fee (Initial)	$450.00
Lateral Re-inspection Fee	$250.00

B. **New Construction**

Single family residences, per unit	$250.00
Multiple family residences, per unit	$250.00
Non-residential, per unit	$250.00
Mainline extension, per lineal foot	$ 2.00 or $400.00 min.
Mobile Home parks/trailer courts, per unit	$250.00
CCTV Inspection	$1,000.00

III. CONNECTION FEES AND CHARGES

A. **Residential Connection** — $6,919.00

Single-family residences, per unit
Multiple family residences, per unit;
Mobile home parks, per lot;
Trailer courts, per space.

B. **Nonresidential Connection**

Flow, per gal./day	$29.70
Biochemical Oxygen Demand, per lb./day	$1,420.38
Suspended Solids, per lb./day	$1,377.34

A non-residential connection fee cannot be less than the single-family residence connection fee.

Exhibit A
SCHEDULE OF FEES AND DEPOSITS

IV. SPECIAL FEES AND CHARGES

A. Sanitary Sewer Upsizing, "per unit" (one EDU)	Set by District Engineer's Estimate
B. Annexation Fee, per unit/parcel	$1,500.00
C. Reproduction (See Note) Note: Refer to District Standard Procedure I.A.11, Inspection of Public Records and Duplication Charge Policy	
D. Mapping and CCTV (Subdivision with Public Sewer)	$1,000.00

V. DEVELOPER DEPOSIT

A. Annexation Deposit	Set by District
B. Inspection, subdivision with public sewers	Set by Board, generally 10% of engineer's estimate of sanitary sewer improvement cost.
C. Upsizing Fees (Not "per unit")	Set by District
D. **Plan Check**	
Subdivision with public sewers Subdivision with public sewers and lift station Subdivision without public sewers with 4 or more units (3 units or less included, whichever is greater. in permit and inspection fee)	Set by District, generally 5% of engineer's estimate of sanitary sewer improvement cost, or $500.00, whichever is greater.
Miscellaneous Development	Set by District
Document Review Easement, Fee Title, Quitclaim	$300.00 + $1,000.00 deposit for attorney's fee and other

VI. CREDITS AND REFUNDS

A. Residential Connection — See Section 7.3a

B. Nonresidential Connection — See Section 7.3a

C. Developer Deposit Refunds

If, in its sole discretion, the District determines that a refund is due to a developer, the District will take the following steps:

1. Establish the amount to be refunded.
2. Mail a check to the developer at his/her last known mailing address.
3. If said check is returned to the District or is not cashed within six months from the date of issuance, the District will deposit said funds into its construction fund.

VII. INTEREST

It is the District's policy not to pay any interest of any kind on fees, charges, deposits, refunds or credit claims, or any other fees or charges collected by the District.