

CHESTER PUBLIC UTILITY DISTRICT

CODE

CHESTER PUBLIC UTILITY DISTRICT CODE

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TITLE 1: GENERAL PROVISIONS**CHAPTER 1-1. ADOPTION OF CODE¹****Article 1-1.1: Adoption of Code**

1-1.1.1 References to Code: This Code shall be known as the "Chester Public Utility District Code." It shall be sufficient to refer to this Code as the District Code in any action relating to any provision of this Code. It shall also be sufficient to designate any ordinance adding to, amending, or repealing the provisions of this Code as an addition or amendment to, or a repeal of, the District Code, or a portion thereof.

1-1.1.2 Effective Date: The provisions of this Code shall take effect upon the effective date of the ordinance adopting this Code.

1-1.1.3 Construction and Interpretation of Code: All the provisions of this Code and all District ordinances shall be interpreted to refer to the appropriate or designated officer or office of the District, and whenever an ordinance, uniform code, statute, or other matter which is adopted by reference refers to any department, office, employee, inspection, or other function, unless the context requires otherwise, all such references shall be to the appropriate or designated office, officer, department, agency, employee, or function of the District.

1-1.1.4 Effect of Code on Past Actions and Obligations: Neither the adoption of this Code nor the repeal of any ordinance of the District by this Code shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date of this Code, nor be construed as a waiver of any license or penalty on such effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license or penalty or the penal provisions applicable to any violation of such ordinances, nor to affect the validity of any bond or cash deposit required to be posted, filed, or deposited pursuant to any ordinance, and all vested rights and obligations pertaining to such ordinances shall continue in full force and effect.

1-1.1.5 References to Specific Ordinances: The provisions of this Code shall not in any manner affect the deposits or other matters of record which refer to, or are otherwise connected with, ordinances which are therein specifically designated by number or otherwise and which are included within this Code, but such references shall apply to the corresponding provisions set forth in this Code.

1-1.1.6 Validity of Code: If any section, subsection, sentence, clause, or phrase of this Code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The Board of Directors hereby declares that it would have adopted this Code and each section, subsection, sentence, clause, and phrase of this

¹ Chester Public Utility District Ordinance No. 13 adopted January 13, 1994, and effective March 1, 1994.

Code irrespective of the fact that any one or more sections, subsections sentences, clauses, or phrases be declared unconstitutional.

1-1.1.7 Repeal of Ordinances: All ordinances of the District in force and effect upon the effective date of this Code are hereby repealed except as follows:

(a) Ordinances relating to matters of a special or temporary nature, which ordinances are listed in Table 3 of the Appendix to this Code; and

(b) Ordinances of a general nature which have not been codified but are to remain in effect pending their revision or repeal, which ordinances are listed in Table 4 of the Appendix to this Code.

1-1.1.8 Maintenance of Code: At least three (3) copies of this Code, duly certified by the District Secretary, shall be maintained on file in the District office as the official copies of the Code.

Duly certified copies of each ordinance making a change in this Code shall be filed in the District office in books for such purpose, duly indexed, for ready reference.

At lease annually, the District Secretary shall cause the loose-leaf pages of this Code in which changes have been made to be reproduced, including a notation as to the ordinance number and the date pursuant to which such change is adopted, and distributed in order that the loose-leaf copies of the Code, prepared for the use and convenience of the officers and employees of the District and the general public, may be brought up to date.

CHAPTER 1-2. RULES OF CONSTRUCTION

Article 1-2.1: Rules of Construction

1-2.1.1 Scope: Unless the provisions of this Code otherwise specifically provide, or the context of this Code indicates to the contrary, the general provisions, rules of construction, and definitions set forth in this chapter shall govern the construction of this Code. The provisions of this Code and all proceedings under it are to be construed with a view to effect its objects and to promote justice.

1-2.1.2 Provisions Construed as Restatements and Continuations: The provisions of this Code, insofar as they are substantially the same as existing ordinances relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments.

1-2.1.3 Tenure of Officers Preserved: All persons who, at the time this Code takes effect, hold office under any of the ordinances repealed by this Code, which offices are continued by this Code, shall continue to hold such offices in accordance with the tenure originally granted such persons.

1-2.1.4 Effect of Headings: Title, chapter, article, and section headings contained in this Code shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any title, chapter, article, or section of this Code.

1-2.1.5 Meaning of Section and Subsection: "Section" shall mean a section of this Code, unless some other source is specifically mentioned. "Subsection" shall mean a subsection of the section in which the term occurs, unless some other section is expressly mentioned.

1-2.1.6 Acts by Deputies: Whenever a power is granted to, or a duty is imposed upon a District officer or employee, the power may be exercised or the duty may be performed by a deputy of such officer or employee or by a person otherwise duly authorized pursuant to law or ordinance, unless this Code expressly provides otherwise.

1-2.1.7 Writing: Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, or record is required or authorized by this Code, such notice, report, or record is required or authorized by this Code, such notice, report, statement, or record shall be made in writing in the English language unless this Code expressly provides otherwise.

1-2.1.8 References to Ordinances: Application to Amendments: Whenever any reference in this Code is made to an ordinance, the reference shall apply to such ordinance of the District, unless this Code expressly provides otherwise. Whenever any reference is made to any portion of this Code, or to any ordinance of the District, the reference shall apply to all amendments and additions made to this Code.

1-2.1.9 Notices Required: Service: Whenever a notice is required to be given pursuant to the provisions of this Code, unless different provisions are otherwise specifically set forth in the text of the Code, such notice may be given either by personal delivery thereof to the person to be notified or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to such person to be notified at his last known business or residence address, as the same appears in the public records of the District or other records, pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time the notice is deposited in the post office.

1-2.1.10 Notices Required: Service: Proof: Proof of giving any notice required to be given by the provisions of this Code may be made by the certificate of any officer or employee of the District or by the affidavit or declaration or any person over the age of eighteen (18) years, under penalty of perjury, which affidavit or declaration shows service in conformity with the provisions of this Code or other provisions of law applicable to the subject matter concerned.

1-2.1.11 Statute of Limitations: When a limitation or period of time prescribed in any existing ordinance or statute for acquiring a right or barring a remedy, or for any other purpose, has begun to run before this Code goes into effect, the time which has already run shall be deemed a part of the time prescribed as such limitation.

1-2.1.12 Definitions: For the purposes of this Code, unless otherwise apparent from the context, certain words and phrases used in this Code are defined as follows:

- (a) **Board** shall mean the Board of Directors of the District.
- (b) **Calendar year** shall mean from January 1 through December 31 of any given year.
- (c) **District** means the Chester Public Utility District, County of Plumas, California.
- (d) **Fiscal year** shall mean from July 1 of any given year through June 30 of the following year.
- (e) **Gender.** The masculine gender shall include the feminine and neuter genders.
- (f) **Manager or District Manager.** The Manager of the District appointed by the Board as the duly authorized operations and administrative officer of the District.
- (g) **May** shall be permissive.
- (h) **Month** shall mean a calendar month unless otherwise expressed.
- (i) **Number.** The singular number shall include the plural, and the plural number shall include the singular.
- (j) **Oath** shall include affirmation.
- (k) **Office.** The use of the title of any officer, employee, office, or ordinance shall mean such officer, employee, office, or ordinance of this District, unless otherwise specified.
- (l) **Official time standard.** Whenever certain hours are named in this Code, they shall mean standard time or daylight saving time as may be in current use in the District.
- (m) **Operate** shall mean and include carrying on, keeping, conducting, or maintaining.
- (n) **Owner,** applied to a building or land, shall mean and include any part owner, joint owner, tenant, tenant in common, or joint tenant of the whole or a part of such building or land.

(o) **Person** shall mean and include any person, firm, company, corporation, partnership, association, public corporation, political subdivision, city, county, district, the State of California, or the United States of America, or any department or agency of any thereof, unless this Code expressly provides otherwise.

(p) **Real property** shall include lands, tenements, and hereditaments.

(q) **Road** shall mean and include all roads, streets, highways, avenues, boulevards, alleys, courts, places, squares, or other public ways in the District which have been or may hereafter be dedicated and open to public use or such other public property so designated in any law of the State.

(r) **Sale** shall mean and include any sale, exchange, barter, or offer for sale.

(s) **Shall** shall be mandatory.

(t) **State** shall mean the State of California.

(u) **Tenant or occupant**, applied to a building or land, shall mean and include any person who occupies the whole or a part of such building or land, whether alone or with others.

(v) **Tenses.** The present tense shall include the past and future tenses, and future tense shall include the present tense.

(w) **Vehicle** shall mean a device in, upon , or by which any person or property is or may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

TITLE 2: CONFLICT OF INTEREST CODE

CHAPTER 2-1. GENERAL

Article 2-1.1: Adoption of Conflict of Interest Code

2-1.1.1 Adoption of Conflict of Interest Code: The Board of Directors of the Chester Public Utility District shall, from time to time, adopt and amend a Conflict of Interest Code* as required by the California Political Reform Act of 1974² by resolution.³

[Comment 1:

**The Model Conflict of Interest Code adopted by the Fair Political Practices Commission at 2 California Code of Regulations section 18730, incorporated by reference by the Chester Public Utility District Resolution No. 100 provides as follows:*

18730. Provisions of Conflict of Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code Section 87300 or the amendment of a conflict of interest code within the meaning of Government Code Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions. The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. Sections 18100, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees. The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

(3) Section 3. Disclosure Categories. This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq.

² Government Code §87000 and following.

³ See Resolution No. 100 adopted November 14, 1984, amended by Resolution No. 137 adopted December 10, 1992.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under Article 2 of Chapter 7 of the Political Reform Act, Government Code Section 87200; and

(C) The filing officer is the same for both agencies.⁴ Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the financial interest set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests. Place of Filing: The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.⁵

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

⁴ Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under Article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code Section 81004.

⁵ See Government Code Section 81010 and 2 Cal. Code of Regs. Section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

(5.5) *Section 5.5. Statements for Persons Who Resign Prior to Assuming Office. Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.*

(A) *Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:*

(1) *File a written resignation with the appointing power; and*

(2) *File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.*

(6) *Section 6. Contents of and Period Covered by Statements of Economic Interests.*

(A) *Contents of Initial Statements. Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.*

(B) *Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate Confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.*

(C) *Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office, whichever is later.*

(D) *Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.*

(7) *Section 7. Manner of Reporting. Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:*

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more.

(10) Section 10. Manner of Disqualification. When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of an agency, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

(11) Section 11. Assistance of the Commission and Counsel. Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations. This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

Note: Authority: Section 83112, Government Code
Reference: Sections 87300-87302, 89501-89504, Government Code

History

- (1) New section filed 4-2-80 as an emergency; effective upon filing. Certificate of Compliance included.
- (2) Editorial correction.
- (3) Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter.
- (4) Amendment of subsection (b)(7)(B)1: filed 1-26-83; effective thirtieth day thereafter.
- (5) Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter.
- (6) Amendment filed 4-13-87; effective thirtieth day thereafter.
- (7) Amendment of subsection (b) filed 10-21-88; effective thirtieth day thereafter.
- (8) Amendment filed 8-28-90; effective thirtieth day thereafter.
- (9) Amendment filed 8-7-92; effective thirtieth day thereafter.
- (10) Amendment filed 2-5-93; effective upon filing.
- (11) Amendment filed 3-14-95; effective upon filing.]

[Comment 2: Resolution No. 100 adopted November 14, 1984, amended by Resolution No. 137 adopted December 10, 1992, Appendices A and B as follows:

APPENDIX A TO CONFLICT OF INTEREST CODE OF THE CHESTER PUBLIC UTILITY DISTRICT

General Provisions

1. Employees listed in Column I must disclose investments and business positions in business entities and sources of income which manufacture, distribute, sell or supply the goods or services listed in Column II.

2. *Investments and business positions in any business entity or sources of income which are entitles or persons engaged in farming or real estate development or which are private water companies, and interests in real property are disclosable if held, regardless of any contractual relationship with the District at any time.*

<i>I</i> <u>Designated Employees</u>	<i>II</i> <u>Categories Disclosed</u>
<i>Board of Directors</i>	<i>All</i>
<i>Manager</i>	<i>All</i>
<i>Consultants who participate in the making of decisions on behalf of Chester Public Utility District as determined by the executive officer.</i>	<i>All</i>

APPENDIX B

1. *Motor Vehicles and specialty vehicles and parts therefor.*
2. *Construction and building materials.*
3. *Office equipment and supplies.*
4. *Petroleum products.*
5. *Electrical or electrical generating equipment and supplies.*
6. *Irrigation equipment and supplies--pipes, valves, fittings, tanks, pumps, meters, etc.*
7. *Aggricultural equipment and supplies.*
8. *Well drilling equipment and supplies.*
9. *Safety equipment, facilities, and instructional material.*
10. *Real property.*
11. *Farming.*
12. *Real estate firms and appraisals.*
13. *Engineering Services.*
14. *Printing or reproduction services, publications, and distribution.*
15. *Educational, emergency and medical services and materials.*
16. *Preparation of actions leading to taking in eminent domain.*
17. *Soil test, compaction and other agreements on grading requirements.*
18. *Banks and Savings and Loans.*
19. *EPA agreements and research.*
20. *Insurance companies.*
21. *Public utilities.*
22. *Audit agreements and contracts.]*

TITLE 3: ANNEXATIONS**CHAPTER 3-1. GENERAL****Article 3-1.1: Title**

3-1.1.1 Short Title: This title shall be known and may be cited as Chester Public Utility District Code Annexations Regulation.

3-1.1.2 Severability: If any section, sub-section, sentence, clause or phrase of this title is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this title.

Article 3-1.2: Definitions

3-1.2.1 Definition of Terms: As used in this title, the following terms shall have the following meanings:

- (a) **Board of Directors** means the Board of Directors of the District.
- (b) **District** means the Chester Public Utility District, County of Plumas, California.
- (c) **Manager** means the Manager of the District appointed by the Board.
- (d) **In-Tract Facilities** shall refer to the following facilities installed within the boundaries of the subdivided tract:

(1) In the case of water supply: All distribution mains, including connections to existing mains, even if outside the tract, necessary service stubs, or service pipelines, fire hydrants, fittings, valves, housing thereof, and individual service connections.

(2) In the case of wastewater: All collection mains, including connections to existing mains, even if outside the tract, necessary service-stubs, or service pipelines, manholes and mainline clean-outs, necessary force mains and lift stations, including fittings, valves and housing thereof.

(3) In the case of street lights: All poles, lights, and electric power connection.

Article 3-1.3: Governing Law

3-1.3.1 Annexations of Territory: Annexations of territory to the District shall be in accordance with the Cortese-Knox Local Government Reorganization Act of 1985⁴.

3-1.3.2 Initiation of Proceedings: It is the policy of the District that in all matters involving the annexation of territory to the District, that the District be the initiating agency.

Article 3-1.4: Expenses

3-1.4.1 Deposit to Initiate Proceedings: Every person desiring that the District initiate proceedings for the annexation of territory to the District, shall deposit with the District a sum in the amount to be established by the resolution⁵ of the District Board, from time to time at the time of making such a request and before the Board of Directors of the District act to schedule a public hearing on the proposal. Such deposit shall be applied to any and all fees, costs, and other expenses incurred by the District in connection with such annexation proceedings. Fees, costs, and expenses include, but are not limited to, filing fees, newspaper publication fees, legal fees, plan checking, engineering fees, and administration time and expense. In the event the request for annexation is withdrawn or abandoned, the unused portion of such deposit shall be refunded to the depositing party. Any fees, costs, and expenses incurred in excess of the deposit, shall be billed to the party requesting annexation, and shall be due and payable 15 days after presentation.

[Comment: Resolution 142, adopted 9/9/93, effective 9/9/93 provides:

POLICY REQUIRING DEPOSIT FOR EXPENSES OF ANNEXATION TO CHESTER PUBLIC UTILITY DISTRICT

Every person desiring that the CHESTER PUBLIC UTILITY DISTRICT initiate proceedings for the annexation of territory to the CHESTER PUBLIC UTILITY DISTRICT in accordance with the Cortese-Knox Local Government Reorganization Act of 1985 shall deposit with the CHESTER PUBLIC UTILITY DISTRICT the sum of \$750.00 at the time of making such a request and before the Board of Directors of the CHESTER PUBLIC UTILITY DISTRICT act to schedule a public hearing on the proposal. Such deposit shall be applied to any and all fees, costs, and other expenses incurred by the CHESTER PUBLIC UTILITY DISTRICT in connection with such annexation proceedings. Fees, costs, and expenses include, but are not limited to filing fees, newspaper publication fees, legal fees, and administration time and expense. In the event the request for annexation is withdrawn or abandoned, the unused portion of such deposit shall be refunded to the depositing party. Any fees, costs, and expenses incurred in excess of the deposit shall be billed to the party requesting annexation, and shall be due and payable within fifteen (15) days after presentation.]

3-1.4.2 Payment of Actual Costs Incurred: The party requesting annexation of territory to the District shall reimburse the District for all fees, costs, and expenses incurred by the District in connection with a proposed annexation.⁶

Article 3-1.5: Annexation for Services

⁴ Government Code §56000 et. seq.

⁵ See Resolution No. 142, adopted September 9, 1993.

⁶ See Government Code §66014.

3-1.5.1 General Policy: It is the general policy of the District that territory to be annexed to the District shall be annexed for the purposes of all services provided either directly or indirectly by the District, including but not limited to, water supply, wastewater collection, treatment and disposal, street lighting, and solid waste disposal. Only in extraordinary circumstances will the Board of Directors of the District permit annexation of new territory to the District for less than all services directly or indirectly provided by the District. No services shall be provided until the requirements for all services to be provided to the annexed territory have been met.

CHAPTER 3-2. ANNEXATIONS TO WATER SUPPLY SYSTEM

Article 3-2.1: Charges⁷

3-2.1.1 Storage Facility Charge: A "Storage Facility Charge" shall be imposed on all lands annexed to the District after August 15, 1966.

3-2.1.2 Determination of Storage Facility Charge: The Storage Facility Charge shall be determined by the Board of Directors of the District from time to time and set forth by Resolution⁸. The charge shall be computed so as, in the sole discretion of the Board, to equalize the cost of providing storage facilities, with the necessary appurtenances, throughout the District. It shall be payable upon application for service (or upon construction and prior to acceptance of "in-tract" water system in the case of developers). The Storage Facility Charge payable by developers shall be determined by applying the rate for a 3/4-inch meter to each lot in a tract. If a tract lot owner subsequently applies for a meter larger than 3/4-inch, the difference between the Storage Facility Charge and the meter ordered and the Storage Facility Charge for a 3/4-inch meter shall be payable upon application for service.

3-2.1.3 Source and Transmission Facility Charge: A "Source and Transmission Facility Charge" shall be imposed on all lands annexed to the District after August 15, 1966. The Source and Transmission Facility Charge shall be determined by the Board of Directors from time to time and be set forth by resolution⁹. It shall be based upon gross area of the territory to be annexed and shall be payable not less than fifteen (15) days prior to the date of the conducting authority hearing to order the annexation. Such rate shall be computed so as, in the sole discretion of the Board, to equalize the cost of additional arterial transmission lines needed to serve the District, as well as the cost of additional wells and pumping facilities needed to serve the District. All "individual services" must be put in and the cost thereof borne by the applicant prior to service.

⁷ See Government Code §66013.

⁸ See Resolution No. 110 adopted October 13, 1988.

⁹ See Resolution No. 110 adopted October 13, 1988.

3-2.1.4 Other Annexation Charges: The Board of Directors of the District may make the annexation subject to one or more other conditions and charges as authorized and permitted by the Cortese-Knox Local Government Reorganization Act of 1985.¹⁰

Article 3-2.2: Facilities

3-2.2.1 In-Tract Facilities Dedication: All "in-tract" facilities, including easements and tank sites, must be dedicated to the District, prior to acceptance of a development for service. The cost of such in-tract facilities shall be borne by the developer. All such facilities must meet the District's standards and specifications. If additional facilities of a permanent nature are required to provide pressure or storage exclusively for the service requested, such facilities will be included.

3-2.2.2 Inadequate In-Tract System: The Board, in its sole discretion, may accept for annexation areas with existing in-tract systems which do not meet the District specifications. In such case, an "In-Tract Distribution Facilities Charge" shall be imposed. Such rates shall be determined from time to time by the Board of Directors and set forth by resolution¹¹. It shall be based on gross area and shall be payable prior to annexation, unless the Board shall determine that such charge may be financed by the applicant or by formation of an improvement or assessment district, or by some other means. It shall be computed on the basis of average cost of installation of "in-tract" systems, with credit given for the depreciated value of the existing system of the applicant.

3-2.2.3 Credit for Construction of Facilities: It is the policy of the District to require applicants for service to construct, under District supervision and specifications, transmission facilities necessary to connect mains of District to the development of applicant, together with such storage as may be required by District Engineer. The cost of construction of such "out-of-tract" facilities, (including engineering design fees) after certification as reasonable and proper by District Engineer, shall be credited against "storage" and "transmission" charges required above. If the approved cost shall exceed the required charges, District will enter into an agreement to refund such excess from transmission and storage fees collected within ten (10) years from future connectors to such "out-of-tract" transmission facility. The District itself will make no refunds and will pay over only future connectors, as defined by the District Engineer at time of such agreement.

CHAPTER 3-3. ANNEXATION TO WASTEWATER SYSTEM

Article 3-3.1: Charges¹²

¹⁰ See Government Code §57000 et. seq.

¹¹ No resolution adopted.

¹² See Government Code §66013.

3-3.1.1 Treatment Facility Capacity Charge: A "Treatment Facility Capacity Charge" shall be imposed on all lands annexed to the District after June 16, 1966.

3-3.1.2 Determination of Treatment Facility Capacity Charge: The Treatment Facility Capacity Charge shall be determined by the Board of Directors of the District from time to time and set forth by Resolution. The charge shall be computed so as, in the sole discretion of the Board, to equalize the cost of providing wastewater treatment facilities, with the necessary appurtenances, throughout the District. It shall be payable upon application for service (or upon construction and prior to acceptance of "in-tract" sewer system in the case of developers). The Treatment Facility Capacity Charge payable by developers shall be determined by applying the rate for a single family residence to each lot in a tract. If a tract lot owner subsequently applies for service other than for a single family residence, the difference between the Treatment Facility Capacity Charge for the service ordered and the service for single family residence shall be determined by reference to a "residential equivalent" as determined by the Board of Directors of the District from time to time and as set forth by Resolution.¹³

3-3.1.3 Collection Facility Charge: A "Collection Facility Charge" shall be imposed on all lands annexed to the District after June 16, 1966. The "Collection Facility Charge" shall be determined by the Board of Directors from time to time and be set forth by resolution.¹⁴ It shall be based upon the gross area of the territory to be annexed and shall be payable prior to action by the District as the governing authority ordering annexation. Such rates shall be computed so as, in the sole discretion of the Board, to equalize the cost of existing and additional sewer mains and lift stations to be utilized by the annexed territory and needed to serve the District. All "individual services" must be constructed and installed according to District standards and the cost thereof borne by the applicant prior to service.

3-3.1.4 Other Annexation Charges: The Board of Directors of the District may make the annexation subject to one or more other conditions and charges as authorized and permitted by the Cortese-Knox Local Government Reorganization Act of 1985.¹⁵

Article 3-3.2: Facilities

3-3.2.1 In-Tract Facilities Dedication: All "in-tract" facilities, including easements and lift station sites, must be dedicated to the District, prior to acceptance of a development for service. The cost of such in-tract facilities shall be borne by the developer. All such facilities must meet the District's standards and specifications. If additional facilities of a permanent nature are required to provide collection, lift, or treatment exclusively for the service requested, such facilities will be included.

¹³ Effective July 14, 1994.

¹⁴ Resolution not adopted.

¹⁵ See Government Code §57000 et. seq.

3-3.2.2 Inadequate In-Tract System: The Board, in its sole discretion, may accept for annexation areas with existing in-tract systems which do not meet the District specifications. In such case, an "In-Tract Facilities Charge" shall be imposed. Such rates shall be determined from time to time by the Board of Directors and set forth by resolution¹⁶. It shall be based on gross area, and shall be payable prior to annexation, unless the Board shall determine that such charge may be financed by the application by formation of an improvement or assessment district, or by some other means. It shall be computed on the basis of average cost of installation of "in-tract" systems, with credit given for the depreciated value of the existing system of the applicant.

3-3.2.3 Credit for Construction of Facilities: It is the policy of the District to require applicants for service to construct, under District supervision and specifications, collection facilities necessary to connect mains of District to the development of applicant, together with such lift and treatment facilities as may be required by District Engineer. The cost of construction of such "out-of-tract" facilities, (including engineering design fees) after certification as reasonable and proper by District Engineer, shall be credited against "treatment" and "collection" charges required above. If the approved cost shall exceed the required charges, District will enter into an agreement to refund such excess from collection and treatment fees collected within ten (10) years from future connectors to such "out-of-tract" collection facility. The District itself will make no refunds and will pay over only future connectors, as defined by the District Engineer at time of such agreement.

CHAPTER 3-4. ANNEXATION TO STREET LIGHTING SYSTEM

Article 3-4.1: Facilities

3-4.1.1 In-Tract Facilities: All "in-tract" facilities, including street lights, poles, and power supplies to adequately light the annexed area, must be in place prior to acceptance of a development for service. The cost of such in-tract facilities shall be borne by the developer. All such facilities must meet the District's standards and specifications.

Article 3-4.2: Funding

3-4.2.1 Funding: The Board will not accept for annexation any areas unless adequate provisions are made for the funding of the future operation of street lighting services within the annexed territory. The manner in which street lighting services are to be funded shall be as determined by the Board in its sole discretion. Such methods for funding future street light operations may include, but are not limited to, the formation of a Mello-Roos district for the annexed area, or the formation of an improvement or assessment district. All expenses for such procedure shall be borne by the applicant and paid prior to annexation.

¹⁶ No resolution adopted.

CHAPTER 3-5. ANNEXATION FOR SOLID WASTE SERVICES

Article 3-5.1: Policy

3-5.1.1 Annexed Areas to be Subject to Solid Waste Rules and Regulations:

All areas annexed to the District shall be subject to Title 8, Rules and Regulations for Solid Waste.

TITLE 4: CONSTRUCTION CONTRACTS**CHAPTER 4-1. INFORMAL BIDDING PROCEDURES
UNDER THE
UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT
(SECTION 22000, ET SEQ. OF THE PUBLIC CONTRACT CODE)****Article 4-1.1 Construction Cost Accounting Procedures**

4-1.1.1 Informal Bid Procedures: Public projects, as defined by the Uniform Public Construction Cost Accounting Act (Section 22000, et seq. of the Public Contract Code) of seventy-five thousand dollars (\$75,000¹) or less may be let to contract by informal procedures as set forth in Section 22032, et seq., of the Public Contract Code.

4-1.1.2 Contractors List: A list of contractors shall be developed and maintained in accordance with the provisions of Section 22034 of the Public Contract Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission.

4-1.1.3 Notice Inviting Informal Bids: Where a public project is to be performed which is subject to the provisions of this Ordinance, a notice inviting informal bids shall be mailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with Section 22, and all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the Public Contract Code. Additional contracts and/or construction trade journals may be noticed at the discretion of the department/agency soliciting bids, provided however:

(a) If there is no list of qualified contractors maintained by the District for the particularly category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the Commission.

(b) If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.

4-1.1.4 Award of Contracts: The Manager of the District is authorized to award informal contracts not exceeding ten thousand dollars (\$10,000) pursuant to this Section. All other contracts shall be awarded by the Board of Directors.

As provided in Section 22034(f), where all bids received are in excess of seventy-five thousand dollars (\$75,000²³), the Board of Directors may, by passage of a resolution by a four-fifths

¹ Effective July 1, 2000, the informal bid limit increased from \$75,000 to \$100,000.

vote, award the contract at eighty thousand dollars (\$80,000²) or less, to the lowest responsible bidder, if it determines the cost estimate of the public agency was reasonable.

² Effective July 1, 2000, the monetary limit increased from \$80,000 to \$110,000.

TITLE 5: WATER SUPPLY RATES AND REGULATIONS**CHAPTER 5-1. GENERAL****Article 5-1.1: Title**

5-1.1.1 **Short Title:** This title shall be known and may be cited as Chester Public Utility District Code Water Supply Rates and Regulations.

5-1.1.2 **Severability:** If any section, sub-section, sentence, clause or phrase of this title is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this title.

Article 5-1.2: Definitions

5-1.2.1 **Definition of Terms:** As used in this title, the following terms shall have the following meanings:

- (a) **Applicant:** An individual or agency applying for water service.
- (b) **Board of Directors:** The Board of Directors of the Chester Public Utility District.
- (c) **Commercial Service:** Provision of water to premises where the customer is engaged in trade.
- (d) **Cross Connection:** Any unprotected connection between any part of a water system used or intended to supply water for drinking purposes and any source or system containing water or substance that is not or cannot be approved as safe, wholesome, and potable for human consumption.
- (e) **Customer:** An individual or agency of record receiving water service from the utility.
- (f) **Date of Presentation:** The date upon which a bill or notice is mailed or delivered personally to the customer.
- (g) **District:** Chester Public Utility District, County of Plumas, California.
- (h) **Domestic Service:** Provision of water for household residential purposes including water for sprinkling lawns, gardens and shrubbery; watering livestock; washing vehicles; and other similar and customary purposes.
- (i) **Fire District:** Chester Fire Protection District.

- (j) **Fire Protection Service:** Provision of water to premises for automatic fire protection.
- (k) **Mains:** Distribution pipelines located in streets, highways, public ways or private right-of-way which are used to serve the general public.
- (l) **Manager:** The Manager of the District appointed by the Board.
- (m) **Municipal or Public Use:** Provision of water to a municipality or other public body.
- (n) **Premises:** The integral property or area, including improvements thereon, to which water service is or will be provided.
- (o) **Rate and Fee Schedules:** The effective rates, fees, rentals, charges, and regulations, as set forth herein.
- (p) **Service Connection:** The pipe, valves and other facilities by means of which the utility conducts water from its distribution mains to and through the meter, or to the curb stop.
- (q) **Temporary Service:** A service for construction work, irrigation of vacant property, and similar uses, that because of their nature will not be used steadily or permanently. Temporary service will be provided only where it can be safely delivered through the District facilities.

Article 5-1.3 Service Area and Type

5-1.3.1 **Service Area:** Comprises the area within the boundaries of the District. Whenever there is a surplus of available water above that which is required within the District, the District may, in the discretion of the Board of Directors, sell or otherwise dispose of such surplus outside the District to persons, firms, and public or private corporations.¹⁷

5-1.3.2 **Description of Service:**

- (a) **Supply:** The District will exercise reasonable diligence and care to deliver a continuous supply of water to the customer at a sufficient pressure at the meter and to avoid any shortage or interruption in delivery.

The District does not guarantee any particular amount of water or pressure by reason of having installed a meter or making a connection to its water mains. It does agree that the water will be delivered through the main in conformity with the amount of water

¹⁷ See P.U.C. §16473. See however, Government Code §56133 (effective 1/1/94) which requires request and approval by LAFCO to provide new or extended services outside district jurisdictional boundaries after January 1, 1993.

which the District is able to deliver conveniently through the available facilities which the District has, according to the Water System held by the District, the size of pipes, the number of customers using water from the particular pipe to which the meter in question is attached, and the amount of water available for distribution to the main in question.

If, in the opinion of the District, it is doubtful if satisfactory water service can be given, due to location or elevation of the premises, then the District may require a written release from liability for any damage or inconvenience that may occur by reason of insufficient pressure or inadequate volume of water or intermittent supply. The said release shall, without further notice from the District, remain in effect for all consumers taking water through the service, until changes, extensions or betterments may be made to the distribution system by the District.

If the customer desires a reduced service pressure below the District static pressure, he or she shall provide the necessary pressure reducing valve and blow-off at his or her own expense.

(b) **Quality:** The District will endeavor to supply a safe and potable water at all times.

(c) **Classes of service:** All services installed by the District will be classified as follows:

- (1) Residential
- (2) Commercial
- (3) Municipal or public use
- (4) Public fire protection
- (5) Private fire protection

(d) **Types of service:** All services except authorized fire hydrants shall be metered.

CHAPTER 5-2. WATER SERVICE

Article 5-2.1: Customer Service

5-2.1.1 **Owner to be Customer of Record:** Beginning March 1, 1994, only an owner of the land and premises to which water service is to be provided shall be entitled to apply for water services to the premises. Applications by tenants or persons other than an owner will not be permitted, except as required by section 16481 of the Public Utility Code or by other law. Customers of record as of March 1, 1994, who are not owners of the premises, shall not be affected by the provisions of this section.

5-2.1.2 **Application for Service:** Each applicant for water service will be required to sign a form provided by the District setting forth:

- (a) The date and place of application.
- (b) The location of premises to be served.
- (c) The date on which the applicant will be ready for water.
- (d) Whether the premises have ever before been supplied by the District.
- (e) The purpose for which the service is to be used.
- (f) The size of service.
- (g) The address to which bills are to be mailed or delivered.
- (h) Whether the applicant is an owner or tenant of, or agent for, the premises.
- (i) Documentation of ownership of the premises such as real property tax bill, recorded deed, or other recorded document of title.
- (j) An agreement to abide by all regulations of the District.
- (k) Whether other water sources exist on premises.
- (l) Such other data as the Board of Directors in their sole discretion shall from time to time deem necessary, and which from time to time shall be, by Resolution, passed by the Board of Directors.

The application is merely a written request for service and does not bind the applicant to take service for any period of time longer than the one upon which the rates and minimum charges of the rate schedule are based; neither does it bind the District to give service, except under reasonable conditions. Where extension of District mains is required to provide service, the applicant will be required to pay the cost of such extension subject to the provisions of Title 3 herein.

5-2.1.3 Individual Liability for Joint Service: Two (2) or more parties who join to make application for service shall be jointly and individually liable and shall be sent a single periodic bill.

5-2.1.4 Changes in Customer's Equipment: Customers making any material change in the size, character or extent of the equipment or operations utilizing water service, or whose change in operations results in a large increase in the use of water shall immediately give the District written notice of the nature of the change, and, if necessary, amend their application. Said application shall also be amended upon request made by the District Manager and in the event of disagreement as to the facts for such amendment, a hearing shall be had before the Board of Directors and their decision shall be final and binding upon the customer.

5-2.1.5 **Special Contracts:** Contracts, other than applications, may be required prior to service, under the following conditions:

- (a) When construction of special extension facilities is necessary.
- (b) For temporary service.¹⁸

[Resolution No. 145 adopted February 24, 1994, provides at Exhibit A, item I.: "The charge . . . for temporary service, is as follows: \$25 minimum charge per 30-day period, payable in advance, plus \$1.00 per 1,000 gallons used. If such service is by means of a fire hydrant, the District shall determine which fire hydrant is to be used. The customer has the responsibility to inform the District in writing when service is no longer required. The customer will be billed for such temporary service until such notification request discontinuance has been received."]

- (c) For standby service.
- (d) For fire service.
- (e) For connections with other qualified utilities.
- (f) For meters larger than 2-inch.

5-2.1.6 **Special Information:**

(a) **Contracts:** Each contract for water service shall at all times be subject to such changes or modifications by the Board of Directors of the District as it may, from time to time, in its discretion, direct by Resolution.

[See comments under:

§ 5-2.1.5(b) and 5-2.8.2 regarding temporary service.

§ 5-2.1.5(c) and 5-2.1.6(a) regarding standby service.]

(b) **Customer's Bills:** In the event a bill is not paid within thirty days after presentation, service may be discontinued. Service shall be terminated in the manner prescribed by Sections 16482 through 16483 of the Public Utility Code. A cash deposit¹⁹ and a re-connection fee²⁰ will be required to re-establish service.

(c) **Deposit Receipts:** All deposits will be applied to unpaid balances if service has been discontinued by the District by reason of unpaid bills; and a new deposit must be made in such amount as shall from time to time be set by the Board of Directors

¹⁸ See also Article 5-2.8.

¹⁹ See §5-2.1.8.(b).

²⁰ See §5-2.1.7.(b).

before service may be resumed. Any remaining surplus shall be refunded to the person making the deposit.

Deposits shall in no event bear interest.

Each receipt for a cash deposit to establish or re-establish credit for service will contain the following statements:

"This deposit will be applied to unpaid balances if service has been discontinued by the District because of non-payment of bill and the full amount shall be re-established before service will be resumed."

"This deposit, less the amount of any unpaid water bills, will be refunded, without interest, on discontinuance of service."

5-2.1.7 Credit Establishment:

(a) Establishment of Credit: Each applicant, before receiving service, will be required to establish the customer's credit by either of the following methods:

(1) A deposit in such amount as shall from time to time be set by Resolution of the Board of Directors.

[Resolution No. 145 adopted February 24, 1994, provided at Exhibit A, item 1.4.a.: "The deposit required to establish credit in the case of new customers shall be twice the estimated average of their periodic bill, but not less than \$30.00."]

(2) Use of service for more than a year, during the last twelve (12) months of which the customer paid all water bills promptly.

(b) Re-Establishment of Credit: To re-establish credit, a customer will be required to pay all back bills up to the time service was discontinued. The customer will be required to pay a re-connection charge and make a cash deposit²¹ as described in the regulation on deposits.

[Resolution No. 145 adopted February 24, 1994, provided at Exhibit A, item 1.3.: "The re-connection fee and and deposit shall be as follows: Re-connection Fee \$35. In addition, the customer shall pay all account arrearages and collection costs including, but not limited to attorney's fees."]

5-2.1.8 Deposits:

(a) Establishment of Credit: The amount required to establish credit for service shall equal twice the estimated average of the periodic bill, but shall not be less than thirty dollars (\$30.00).

²¹ See §5-2.1.8.(b).

[Resolution No. 145 adopted February 24, 1994, provided at Exhibit A, item I.4.a: "The deposit required to establish credit in the case of new customers shall be twice the estimated average of their periodic bill, but not less than \$30.00."]

(b) **Re-establishment of Credit:** To re-establish credit, customers must deposit an amount equal to twice the estimated average of their periodic bill, but not less than forty dollars (\$40.00).

[Resolution No. 145 adopted February 24, 1994, provided at Exhibit A, item I.4.b: "The deposit required to re-establish credit after discontinued service shall be twice the estimated average of their periodic bill, but not less than \$40.00."]

(c) **Unpaid Accounts:** Deposits prescribed herein may be applied to unpaid bills for water service when such service has been discontinued. The District will require the customer to pay all outstanding bills, a reconnection fee as provided in Section 5-2.6.8, and redeposit the specified amount before restoring water service.

(d) **Refund or Disposition of Deposits:** The deposit, less the amount of any unpaid water bills, will be refunded, without interest, on discontinuance of service. Credit will be established by the customer maintaining his or her account in good standing for twelve (12) continuous months, at which time the deposit shall be returned.

(e) Deposits shall not be required from Federal, State or County or Municipal service.

Article 5-2.2: Notices

5-2.2.1 **Notices to Customers:** Notices from the District to a customer will normally be given in writing, and either delivered or mailed to the customer at the customer's last known address. Where conditions warrant and in emergencies, the District may resort to notification either by telephone or by messenger.

5-2.2.2 **Notices from Customers:** Except as otherwise provided, notice from the customer to the District may be given by the customer or the customer's authorized representative orally or in writing. The place for giving notice to the District shall be as follows:

- (a) At the District's operating offices, or
- (b) To an agent duly authorized to receive notices or complaints.

Article 5-2.3: Service Connections and Meters

5-2.3.1 **Service Connections:** The District will furnish and install a service of such size and at such location as the applicant requests, provided such requests are reasonable and there is access to the meter by public way. The service will be installed from its water distribution main to the curb line or property line of the premises which may abut on the street, on other

thoroughfares, or on the District right-of-way or easement. Charges for new service shall be as fixed by the Board of Directors by Resolution.

[Resolution No. 145 adopted February 24, 1994, provides at Exhibit A, item I.5: "The charge for new service connection shall be the actual cost of material, labor (either force account or contract), equipment time, and incidental costs, plus ten percent (10%) for administrative expense. Water service will be installed to the property line."]

5-2.3.2 **Meters:**

(a) Meters will be installed at the curb or at the property line and shall be owned by the District. The customer shall pay an installation fee as established by Resolution

[Resolution No. 145 adopted February 24, 1994, provided at Exhibit A, item I.6.: "The charge for new water service where the service line is already installed to the property line shall be the actual cost of the meter for the size of water service requested and one (1) hour labor based on the maintenance foreman's wages plus benefit factor, plus ten percent (10%) for administrative overhead."]

(b) No rent or other charge will be paid by the District for a meter or other facilities, including housing and connections, located on a customer's premises.

(c) At the District's discretion, meters may be sealed by the District, and no seal shall be altered or broken except by one of its authorized employees or agents.

(d) Only duly authorized employees or agents of the District will be permitted to install a service connection from the District's main to the customer's premises.

(e) Meter shall be of a size large enough to provide service without excessive velocity in the meter.

5-2.3.3 **Change in Location of Meters or Services:** Meters or services moved for the convenience of the customer will be relocated at the customer's expense. Meters or services moved to protect the District's property will be moved at the District's expense.

5-2.3.4 **Changes in Size of Meter:** Permanent changes in the size of meters on existing services will be made at the expense of the customer.

5-2.3.5 **Ownership:** The service connection, whether located on public or private property, is the property of the District, and the District reserves the right to repair, replace and maintain it, as well as to remove it upon discontinuance of service.

5-2.3.6 **Maintenance:** The service connection, including the meter and the meter box, will be repaired and maintained by the District at its expense except as provided in Section 5-3.1.2, but the District is not responsible for the installation and maintenance of water lines beyond the end of its service.

Article 5-2.4: Multiple Units

5-2.4.1 **Number of Services to Separate Premises:** Separate premises shall be supplied through individual service connections.

5-2.4.2 **Service to Multiple Units:** Separate houses, buildings, living or business quarters on the same premises, under a single control or management, may be served at the option of the applicant by either of the following methods:

(a) Through separate service connections and individual meters to each or any unit, provided that the pipeline system from each service is independent of the others and is not interconnected.

(b) Through a single service connection to the entire premises, on which only one minimum charge will be applied. The responsibility for payment of charges for all water furnished to combined units, supplied through a single service connection, must be assumed by the applicant.

5-2.4.3 **Resale of Water:** Except by special agreement in writing first had and obtained, no customer shall resell any of the water received by him or her from the District, nor shall such water be delivered to premises other than those specified in his or her application for service.

Article 5-2.5: Bills and Payment

5-2.5.1 Rendering of Bills:

(a) Meter Readings:

(1) Meters will be read at regular intervals for the preparation of regular bills and as required for the preparation of opening bills, closing bills and special bills; provided however, that meters, in the discretion of the District Manager, will not be read during the months of October through March, inclusive. During any month meters are not read, the customer will be billed the minimum monthly charge. Any usage in excess of the gallonage covered by the minimum monthly charge will be billed with the next meter reading.

(2) It may not always be possible to read meters on the same day of each period. Should a monthly billing period contain less than twenty-seven (27) or more than thirty-three (33) days, a pro-rata correction will be made.

(b) Monthly Bills. Bills for water service will be rendered monthly.

(c) **Opening and Closing Bills and Monthly Bills.** Opening Bills rendered for periods smaller or greater than one month will be prorated²². If the closing period of

²² See §§5-2.3.1 and 5-2.3.2(a) for new service connection and meter installation fees and charges, respectively.

water service is less than one month, the bill will not be less than the monthly minimum charge.

5-2.5.2 **Payment of Bills:**

(a) Periodic bills are due and payable on presentation. Payment may be made at the District's office or to an authorized collector.

(b) Closing bills, if service is to be discontinued, are due and payable on presentation. Collection will be made at the time of presentation.²³

(c) Thirty days (30) will be allowed after bills are mailed before service is discontinued for non-payment²⁴.

[Resolution No. 151 adopted December 8, 1994, provides that there shall be an additional grace period of 15 days so that service is not discontinued until 45 days after bills are mailed.]

(d) A late charge in an amount set from time to time by Resolution of the Board shall be imposed if the bill is not paid within twenty-five (25) days after presentation.

[Resolution No. 151 adopted December 8, 1994, provides a late charge of \$0.00.]

(e) Returned, unpaid checks will be subject to a charge as set by Resolution of the Board.

[Resolution No. 145 adopted February 24, 1994, provided at Exhibit A, item 1.8.: "The returned check charge shall be \$10.00."]

(f) When bills are delinquent, the District may demand that the full amount of both delinquent and current bills be paid in full, together with any late charge²⁵

(g) Delinquent water charges, interest and penalties thereon, shall constitute a lien on the real property served to the extent and in the manner authorized by section 16472.1 of the Public Utilities Code.

5-2.5.3 **Billing of Separate Meters Not Combined:** Each meter on customer's premises will be considered separately and the readings of two (2) or more meters will not be combined, unless the District's operating convenience requires the use of more than one (1) meter, or of a battery of meters. The minimum monthly charge for such combined meters will be based on the diameter of the total combined discharge areas of the meters.

²³ See §5-2.6.7. for service closing charge.

²⁴ See also §§5-2.6.1(a) and 5-2.6.1(b), 6-4.3.2(c) and 6-4.4.1(a).

²⁵ See however Public Utilities Code §16482.1 which requires payment of delinquent charges to prevent termination of service. To restore service, current charges must be paid with the delinquent charges.

5-2.5.4 Disputed Bills: Should the customer dispute the correctness of a bill for District water service, said customer shall deposit the amount of the disputed bill with the District Manager within fifteen (15) days after the receipt of the bill. The District Manager shall then forthwith make a factual investigation and shall submit his or her findings to the person making the deposit and to the Board of Directors. The Board of Directors shall then hear the matter and the determination of the Board shall be final and binding upon the customer.

Service will not be discontinued pending the outcome of the Manager's investigation provided that subsequent bills are paid or deposited with the District.

Where a meter cannot be read without undue difficulty because of an obstruction, the customer will be notified and requested to correct the condition. If the customer does not correct the obstruction, the District may do so at the customer's expense. The District has the right to discontinue the service if the condition is not corrected by the customer. Where service is turned off for such cause, the District may require payment of a turn-on charge before restoring service. The amount of the turn-on charge shall be established by Resolution of the Board.

[Resolution No. 145 adopted February 24, 1994, provided at Exhibit A, item I.11.: "The restoration - re-connection charge shall be as follows:

a. Restoration Following Requested Water Service Shutoff: If service is restored within one hour, charge shall be included within the charges provided by §5-2.6.7. However, if water service is requested to be restored more than one hour after shutoff, the charge will be one hour labor, based on the maintenance foreman's wages (including benefit factor) if service is requested during the District's regular office hours. After the District's regular office hours, the charge will be two (2) hours labor, based upon the maintenance foreman's wages (including benefit factor). If water is off for more than 7 days, there will be an additional meter charge."]

5-2.5.5 Meter Error:

(a) Meter Test:

(1) A customer may, giving not less than one (1) week's notice, request the District to test the meter serving his or her premises.

(2) The District will require the customer to deposit an amount to cover the reasonable cost of test as established by Resolution.

[Resolution No. 145 adopted February 24, 1994, provided at Exhibit A, item I.9.: "The deposit for conducting a meter test as provided in §5-2.5.5(a)(2) shall be as follows:

<u>Size of Meter</u>	<u>Amount of Deposit</u>
1" or smaller	\$ 25.00
larger than 1"	\$ 50.00"]

(3) This deposit will be returned if the meter is found to register more than two percent (2%) fast. The customer will be notified, not less than five days in advance, of the time and place of the test.

(4) A customer shall have the right to require the District to conduct the test in his or her presence, or in the presence of his or her representative.

(5) A written report giving the results of the test will be shown to the customer within ten (10) days after completion of the test.

(b) Adjustment of Bills for Meter Error:

(1) Fast Meters: When, upon test, a meter is found to be registering more than two percent (2%) fast, under conditions of normal operation, the District will refund to the customer the full amount of the overcharge based on corrected meter readings for the period, not exceeding six (6) months, that the meter was in use, unless the exact duration of fast meter registration can be determined.

(2) Slow Meters:

(A) When, upon test, a meter used for domestic or residential service is found to be registering more than twenty-five percent (25%) slow, the District may bill the customer for the amount of the undercharge based upon corrected meter readings for the period, not exceeding six (6) months, that the meter was in use.

(B) When, upon test, a meter used for other than domestic or residential service is found to be registering more than five percent (5%) slow, the District may bill the customer for the amount of the undercharge based upon correct meter readings for the period, not exceeding six (6) months, that the meter was in use.

(3) Non-registering and Unreadable Meters: The District may bill the customer for water consumed while the meter was not registering or not readable. The bill will be at the minimum monthly meter rate or will be computed upon an estimate of consumption based either upon the customer's prior use during the same season of the year or upon a reasonable comparison with the use of other customers receiving the same class of service during the same period and under similar circumstances and conditions.

The opinion and findings of the Manager shall be conclusive, subject to the right of review and alteration by the Board of Directors.

Article 5-2.6: Discontinuance of Service

5-2.6.1 Nonpayment of Bills:

(a) A customer's water service may be discontinued if a bill is not paid within thirty (30) days after presentation.

[Resolution No. 151 adopted December 8, 1994, provides that there shall be an additional grace period of 15 days so that service is not discontinued until 45 days after bills are mailed.]

(b) A customer's water service may be discontinued if water service furnished at a previous location is not paid for within thirty days after presentation of a bill.

[Resolution No. 151 adopted December 8, 1994, provides that there shall be an additional grace period of 15 days so that service is not discontinued until 45 days after bills are mailed.]

(c) If a customer receives water service at more than one location and the bill for service at any one location is not paid within thirty days after presentation, water service at all locations may be turned off. Domestic service, however, will not be turned off for nonpayment of bills for other classes of service.

(d) Termination of service for nonpayment of a delinquent account shall be as prescribed by Sections 16482, 16482.1 and 16483 of the Public Utility Code.

5-2.6.2 **Unsafe Apparatus:**

(a) The District may refuse to furnish water and may discontinue service to any premises where apparatus, appliances or equipment using water is dangerous, unsafe or not in conformity with any laws or ordinances. All customer installed booster pump installations shall be approved by the District. Where necessary to protect the District system or service, a suction tank may be required.

(b) The District does not assume liability for inspecting apparatus on the customer's property. The District does reserve the right of inspection, however, if there is reason to believe that unsafe apparatus is in use.

~~5-2.6.3 **Service Detrimental to Others:**~~

(a) The District may refuse to furnish water and may discontinue services to any premises where the demand is greatly in excess of past average or seasonal use, and where such excessive demands by one customer are or may be detrimental or injurious to the service furnished to other customers.

(b) The District may refuse to furnish water and may discontinue service to any premises where excessive demands by one customer will result in inadequate service to others.

5-2.6.4 **Fraud and Abuse:** The District shall have the right to refuse or to discontinue water service to any premises to protect itself against fraud or abuse.

For the failure of the customer to comply with all of this title and any Ordinance, Resolution, or order fixing rates and charges of this District, a penalty for which has not been specifically fixed, the customer's service shall be discontinued and the water shall not be supplied such customer until he or she has complied with the rule or regulation, or until he or she has satisfied

the District that in the future he or she will comply with all the rules and regulations established by this title and with all rates and charges of this District. In addition thereto, he or she shall pay the District a sum to be fixed by the District for renewal of his or her services. All determinations made by the Board of Directors shall be final and binding upon the customer.

5-2.6.5 Noncompliance: The District may, unless otherwise provided, discontinue water service to a customer for noncompliance with any of these regulations if the customer fails to comply with them within five (5) days after receiving written notice of the District's intention to discontinue service. If such noncompliance affects matters of health and safety, and conditions warrant, the District may discontinue water service immediately.

5-2.6.6 Failure To Comply With Requirements For Sewer Service: A customer's water service may be discontinued if the customer fails to pay for sewer charges or fails to comply with any and all requirements for sanitary sewer service as provided in Title 6 of this Code.²⁶

5-2.6.7 Customer's Request For Service Discontinuance: Upon application of the customer of record of the premises to have water shut off, the District will shut off the water during the District's regular working hours. At the same time, a reading of the meter will be taken and a closing bill rendered to date, together with a service closing charge as set by Resolution of the Board of Directors. The monthly service charge shall be made to the person who has applied for water to be furnished to a premises, whether water is used or not, unless and until the District is requested in writing to discontinue service therefrom.

[Resolution No. 145 adopted February 24, 1994, provided at Exhibit A, item I.10.: "The service closing charge will be equal to one hour of labor based on the maintenance foreman's wages (including benefit factor) if service is disconnected during the District's regular office hours. If water service shutoff is requested after regular office hours, the charge will be two (2) hours labor based on the maintenance foreman's wages (including benefit factor)."]

5-2.6.8 Restoration - Re-connection Charge: The District shall charge such sum or sums as it, from time to time, may set by Resolution of the Board of Directors for restoring water service which has been discontinued.

[Resolution No. 145 adopted February 24, 1994, provided at Exhibit A, item I.11.: "The restoration - re-connection charge shall be as follows:

a. Restoration Following Requested Water Service Shutoff: If service is restored within one hour, charge shall be included within the charges provided by §5-2.6.7. However, if water service is requested to be restored more than one hour after shutoff, the charge will be one hour labor, based on the maintenance foreman's wages (including benefit factor) if service is requested during the District's regular office hours. After the District's regular office hours, the charge will be two (2) hours labor, based upon the maintenance foreman's wages (including benefit factor). If water is off for more than 7 days, there will be an additional meter charge."]

²⁶ See Government Code §54346.

It shall be unlawful for any person other than authorized District personnel to turn on water after the same has been turned off, as herein provided.

Article 5-2.7: Monthly Water Rates and Charges

5-2.7.1 Charges for Water Service: The charges for services and water used within the District boundaries shall be fixed from time to time by Resolution.

[Resolution No. 161 adopted March 13, 1997, provided: "The charges for services and water used within the District boundaries shall be as follows:

a. For consumption up to 6,000 gallons:

<u>Meter Size</u>	<u>Charge</u>
5/8"	\$13.64
3/4"	14.30
1"	15.34
1-1/2"	18.42
2"	24.53

For consumption in excess of 6,000 gallons, the user shall be charged the "Minimum Monthly Charge" for applicable meter size plus \$.55 per 1,000 gallons for the quantity over 6,000 gallons, or portion thereof."]

5-2.7.2 Monthly Minimum Service Charge: The minimum monthly service charge for each residential or commercial service within the District shall be fixed by the Board of Directors from time to time and set forth in a Resolution of the Board of Directors.

[See comment to §5-2.7.1.]

5-2.7.3 Service Outside the Boundaries of the District: For water and service furnished to each premise outside the District boundaries, a monthly charge shall be in such amount as the Board of Directors shall, from time to time, in its sole discretion set by Resolution of said Board.

[Resolution No. 145 adopted February 24, 1994, provided at Exhibit A, item I.14.: "The charge for service outside District boundaries shall be determined on a case-by-case basis." See also §5-1.3.1 and footnote thereto.]

Article 5-2.8: Temporary Service

5-2.8.1 Time Limit: Temporary service connections shall be disconnected and terminated within six (6) months after installation, unless an extension of time is granted in writing by the District.

5-2.8.2 **Charge for Water Served:** Charges for water furnished through a temporary service connection³³ shall be as established from time to time by Resolution of the Board of Directors.

[Resolution No. 161 adopted March 13, 1997, provided: "\$27.50 minimum charge per 30-day period, payable in advance, plus \$1.10 per 1,000 gallons used. If such service is by means of a fire hydrant, the District shall determine which fire hydrant is to be used. The customer has the responsibility to inform the District in writing when service is no longer required. The customer will be billed for such temporary service until such notification requesting discontinuance has been received by the District."]

5-2.8.3 **Installation Charge and Deposits:** The applicant for temporary service will be required:

(a) To obtain a portable meter from the District at a rental as established by Resolution of the Board of Directors.

[Resolution No. 145 adopted February 24, 1994, provided at Exhibit A, item 1.13.b.: "The charge for a portable meter for temporary service . . . shall be: \$None."]

(b) To deposit with the District an amount equal to the value of any equipment loaned by the utility to such applicant for use on temporary service, such value to be set by the District Manager.

5-2.8.4 **Responsibility for Meters:** The customer shall use all possible care to prevent damage to the meter or to any other loaned or rented facilities of the utility which are involved in furnishing the temporary service from the time they are installed until they are removed, or until forty-eight (48) hours' notice in writing has been given to the District, that the contractor or other person is through with the meter or meters. If the meter or other facilities are damaged, the cost of making repairs or replacement shall be paid by the customer.

Article 5-2.9 Private Fire Protection

5-2.9.1 **Private Fire Protection Systems:** Privately owned fire protection systems are subject to the following conditions:

(a) If a distribution main of adequate size to serve a private fire protection system in addition to all other normal service does not exist in the street or alley adjacent to the premises to be served, then a service main from the nearest existing main of adequate capacity will be installed by the District at the cost of the applicant. Such cost shall not be subject to refund.

(b) Service hereunder is for private fire protection systems to which no connections for other than fire protection purposes are allowed and which are regularly inspected by the underwriters having jurisdiction, are installed according to specifications of

³³ See also §5-2.1.5(b).

the District, and are maintained to the satisfaction of the District. The District shall require the installation of a detector check valve with meter for protection against theft, leakage or waste of water, and such backflow protection as is deemed necessary. These devices will be installed at the cost of the applicant. Such cost shall not be subject to refund.

(c) The District will supply only such water at such pressure as may be available from time to time as a result of its normal operation of the system.

(d) Rates and fees for private fire protection systems are subject to periodical review and may be changed from time to time by Resolution of the Board of Directors.

[Resolution No. 145 adopted February 24, 1994, provided at Exhibit A, item 1.15.:

<u>RATES</u>	<u>Per Month</u>
<i>For each 1½" connection</i>	<i>\$ 3.75</i>
<i>For each 2" connection</i>	<i>5.00</i>
<i>For each 3" connection</i>	<i>7.50</i>
<i>For each 4" connection</i>	<i>10.00</i>
<i>For each 6" connection</i>	<i>15.00</i>
<i>For each 8" connection</i>	<i>20.00</i>
<i>For each 10" connection</i>	<i>25.00</i>

5-2.9.2 Temporary Service on a Fire Hydrant: If temporary service is supplied through a fire hydrant, a permit for the use of the hydrant shall be obtained from the District. It is specifically prohibited to operate the valve of any fire hydrant other than by the use of a spanner wrench designed for this purpose. The hydrant valve shall not be used for throttling or regulating the flow rate.

Article 5-2.10: Pools and Tanks

5-2.10.1 When an abnormally large quantity of water is desired for filling a swimming pool or other purposes, arrangements must be made with the District prior to taking such water.

Permission to take water in unusual quantities will be given only if it can be safely delivered through the District's facilities and if other consumers are not inconvenienced.

Article 5-2.11: Fire Hydrants

5-2.11.1 Use of and Damage to Fire Hydrants: No person or persons, other than those designated and authorized by the Fire District authority, or by the District, shall open any fire hydrant, attempt to draw water from it, or in any manner damage or tamper with it. Any violation of this regulation will be prosecuted according to law. Any person causing damage to a fire hydrant shall be responsible for its repair or replacement.

5-2.11.2 Moving of Fire Hydrants: When a fire hydrant has been installed in the location specified by the proper authority, the District has fulfilled its obligation. If a property owner or other party desires a change in the size, type or location of the hydrant, he shall bear all

costs of such changes, without refund. Any change in the location of a fire hydrant must be approved by the proper authority.

Article 5-2.12: Liens

5-2.12.1 Liens on Real Property for Delinquent Water Charges, Interest and Penalties: Pursuant to Section 16472.1 of the Public Utilities Code, delinquent water charges, interest, and penalties shall constitute a lien on the real property served to the extent that the property is owned by the person or entity receiving the service.

[Resolution No. 145 adopted February 24, 1994, provided at Exhibit A, item I.17.: "The District shall place a lien on any real property served for all delinquent fees, charges, and penalties more than 30 days past due. Such liens shall include not only the delinquent fees, charges, and penalties, but also any costs associated in connection with the imposition of such a lien, including but not limited to notary fees, recording fees, interest at the legal rate on judgments as provided by law, and legal fees."]

CHAPTER 5-3. CUSTOMER RESPONSIBILITIES

Article 5-3.1: Customer Responsibilities

5-3.1.1 Responsibility for Equipment: The customer shall, at his or her own risk and expense, furnish, install and keep in good and safe condition all equipment that may be required for receiving, controlling, applying and utilizing water, and the District shall not be responsible for any loss or damage caused by the improper installation of such water equipment, or the negligence, want or proper care or wrongful act of the customer or any of his or her tenants, agents, employees, contractors, licensees or permittee in installing, maintaining, using, operating or interfering with such equipment. The District shall not be responsible for damage to property caused by spigots, faucets, valves and other equipment that are open when water is turned on at the meter, either when the water is turned on originally or when turned on after a temporary shutdown.

5-3.1.2 Damage to District's Property: The customer shall be liable for any damage to a meter or other equipment or property owned by the District which is caused by an act of the customer or his or her tenants, agents, employees, contractors, licensees or permittee, including the breaking or destruction of locks by the customer or others on or near a meter, and any damage to a meter that may result from surges or from hot water or steam from a boiler or heater on the customer's premises. The District shall be reimbursed by the customer for any such damage promptly on presentation of a bill.

5-3.1.3 Control Valve: The customer shall install a suitable valve, at a location designated by the District Manager, the operation of which will control the entire water supply from the service. The operation by the customer of the curb stop in the meter box is not permitted.

5-3.1.4 Pressure Regulators: Where reduced or increased pressure is desired, the customer shall be responsible for installing and maintaining the necessary regulators, pumps and relief valves. In such cases, the equipment shall be installed on the customer's side of the meter and at his or her own risk and expense in such a manner as not to endanger the water system.

5-3.1.5 **Ground-Wire Attachments:** All individuals or business organizations are forbidden to attach any ground-wires to any plumbing which is or may be connected to a service connection or main belonging to the District. The District will hold the customer liable for any damage to its property or personnel occasioned by such ground-wire attachments.

5-3.1.6 **Water Waste:** Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the District may discontinue the service if such conditions are not corrected within five (5) days after giving the customer written notice.

The customer has sole control of the amount of water drawn from the District's mains through the meter and is responsible for maintenance and repairs of pipes and fixtures beyond the meter. No allowance will be made for loss of water due to faulty fixtures or broken or damaged water pipes beyond the meter; provided, however, that if and when it shall appear that such loss or leakage has occurred without negligence upon the part of the consumer, an allowance may be made by the District to the extent of such loss at the discretion of the Board.

5-3.1.7 **Access to Premises:** The District or its duly authorized agents shall at all reasonable times have the right to enter or leave the customer's premises for any purpose properly connected with the service of water to the customer.

Except as otherwise provided in this Title, any inspection or recommendations made by the District or its agents on plumbing or appliances or use of water on the customer's premises, either as the result of a complaint or otherwise, will be made or offered without charge.

Article 5-3.2: Cross Connections

5-3.2.1 **Health Regulations:** Regulations of the Plumas County Health Department, California State Department of Public Health and the Drinking Water Standards of the United States Public Health Service prohibit unprotected cross connections between the public water supply and any unapproved source of water.

5-3.2.2 **District Requirements:** To comply with the regulations of these health agencies, the District will require the installation of approved backflow protection devices by and at the expense of the customer before service will be granted under any of the following conditions:

(a) Where an unapproved fresh water supply is already available from a well, spring, reservoir or other source. If the customer agrees to abandon this other supply and agrees to remove all pumps and piping necessary for the utilization of this supply, the installation of backflow protective devices will not be required.

(b) Where salt water, or water otherwise polluted, is available for industrial or fire protection purposes.

(c) Where the premises are or may be engaged in industrial processes using or producing process waters or liquid industrial wastes, or where the premises are or may be engaged in handling sewage or any other dangerous substance.

(d) Where the circumstances are such that there is special danger of backflow of sewage or other contaminated liquids through plumbing fixtures or water-using or treating equipment, or storage tanks and reservoirs.

5-3.2.3 Plumbing Changes Required: In special circumstances, when the customer is engaged in the handling of especially dangerous or corrosive liquids or industrial process waters, the District may require the customer to eliminate certain plumbing or piping connections as an additional precaution and as a protection to the backflow preventative devices.

5-3.2.4 Relief Valve Required: As a protection to the customer's plumbing system, a suitable pressure relief valve must be installed and maintained by the customer, at his or her expense, when check valves or other protective devices are used. The relief valve shall be installed between the check valves and the water heater.

5-3.2.5 Backflow Protection on Additional Water Supply Lines: Whenever backflow protection has been found necessary on a water supply line entering a customer's premises, then any and all water supply lines from the District's mains entering such premises, buildings or structures shall be protected by an approved backflow device, regardless of the use of the additional water supply lines.

5-3.2.6 Protection Against Interstreet Main Flow: Two (2) or more services supplying water from different street mains to the same building structure or premises through which an interstreet main flow may occur, shall have a standard check valve on each water service to be located adjacent to and on the property side of the respective meters.

Such check valves shall not be considered adequate if backflow protection is deemed necessary to protect the District's mains from pollution or contamination, but the installation of an approved backflow prevention device at such meters shall take the place of, and satisfy the requirements for, standard check valves.

5-3.2.7 Inspection Backflow Prevention Assembly Testing and Maintenance:

(a) The owners of any premises on which, or on account of which, backflow prevention assemblies are installed, shall have the assemblies tested by a person who has demonstrated their competency in testing of these assemblies to the District. Backflow prevention assemblies must be tested at least annually and immediately after installation, relocation or repair. The District may require a more frequent testing schedule if it is determined to be necessary. No assembly shall be placed back in service unless it is functioning as required. A report in a form acceptable to the District shall be filed with the District each time an assembly is tested, relocated, or repaired. These assemblies shall be serviced, overhauled, or replaced whenever they are found to be defective and all costs of testing, repair, and maintenance shall be borne by the water user.

(b) The District will notify affected customers by mail when annual testing of an assembly is needed and also supply users with the necessary forms which must be filled out each time an assembly is tested or repaired.

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(c) Upon request the District will test a water user's backflow prevention assembly to fulfill the requirements of this title. The water user will be charged for the test. The District will not make any repairs to, or replace, any backflow prevention device. The owner must make his or her own arrangements to have such repairs or replacements made.

[Resolution No. 145 adopted February 24, 1994, provided at Exhibit A, item I.16.: "The charge for testing of a water user's backflow prevention assembly pursuant to §5-3.2.7(c) will be calculated at 1 hour labor, based on the maintenance foreman's wages (including benefits factor)."]

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backflow*

5-3.2.8 **Backflow Prevention Assembly Removal:**

(a) Approval must be obtained from the District before a backflow prevention assembly is removed, relocated or replaced.

(1) Removal: The use of an assembly may be discontinued and the assembly removed from service upon presentation of sufficient evidence to the District to verify that a hazard no longer exists or is not likely to be created in the future.

(2) Relocation: An assembly may be relocated, following confirmation by the District, that the relocation will continue to provide the required protection and satisfy installation requirements. A retest at customer expense will be required following the relocation of the assembly.

(3) Repair: An assembly may be removed for repair, provided the water use is either discontinued or the service connection is equipped with other backflow protection approved by the District. A retest will be required following the repair of the assembly.

(4) Replacement: An assembly may be removed and replaced, provided the water use is discontinued until the replacement assembly is installed. All replacement assemblies must be approved by the District and must be commensurate with the degree of hazard involved.

[Source: "Guidance Manual for Cross Connection Control Programs," California Department of Health Services, Public Supply Branch, September 1988, Appendix B, Section IV, C and D.]

5-3.2.9 **Discontinuance of Service for Defective Apparatus:** The service of water to any premises may be immediately discontinued by the District if any defect is found in the check valve installations or other protective devices, or if it is found that dangerous unprotected cross connections exist. Service will not be restored until such defects are corrected.

CHAPTER 5-4. INTERRUPTIONS

Article 5-4.1: Interruptions in Service

The District shall not be liable for damage resulting from an interruption in service. Temporary shutdowns may be resorted to by the District for improvements and repairs. Whenever possible, and as time permits, all customers affected will be notified prior to such shutdowns.

The District will not be liable for interruption, shortage or insufficiency of supply, or for any loss or damage occasioned thereby, if caused by accident, act of God, fire, strikes, riots, war or any other cause not within its control. The District, whenever it shall find it necessary or convenient for the purpose of making repairs or improvements to its system, shall have the right temporarily to suspend delivery of water and it shall not be liable for any loss or damage occasioned thereby. Repairs or improvements will be prosecuted as rapidly as is practicable and, so far as possible, at such times as will cause the least inconvenience to the customers.

TITLE 6: WASTEWATER**CHAPTER 6-1. GENERAL****Article 6-1.1: Title**

6-1.1.1 **Short Title:** This title shall be known and may be cited as the Chester Public Utility District Wastewater Rates and Regulations.

6-1.1.2 **Separability:** If any section, sub-section, sentence, clause or phrase of this title is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this title.

Article 6-1.2: Definitions

6-1.2.1 **Definition of Terms:** As used in this Title, the following terms shall have the following meanings:

(a) **B.O.D. (Biochemical Oxygen Demand):** The quantity of oxygen utilized in the bio-chemical oxidation of organic matter under standard laboratory procedure in 5 days at 20°C., expressed in parts per million by weight.

(b) **Building Sewer:** That portion of the drain piping located on the premises and extending from two feet outside the structure to the sewer lateral, which is constructed in accordance with the provisions of this Title and the Uniform Plumbing Code.

(c) **District:** Chester Public Utility District, Plumas County, California.

(d) **District Engineer:** The engineer designated by the District Board to represent the District regarding technical matters, or his or her duly authorized representative.

(e) **District Manager:** The duly authorized operations and administrative officer of the District.

(f) **District Sewerage System:** The system of conduits, pumps, treatment plants and structures used for the purpose of conveying to final points of disposal all wastes of any nature permitted by this chapter to enter said system. Specifically included as integral parts of the system are all conduits of any nature forming a part of the general network of conduits or connected directly or indirectly to said network; all pumps, treatment plants and structures of any kind used in connection with the collection, treatment and disposal of the wastes handled by the system; and all appurtenances to any of the above, either physically or functionally connected therewith belonging to the District or being constructed for future dedication to the District.

connections can be made. Connections shall be constructed in strict conformance with District specifications pertaining thereto.

6-2.1.2 Service Connections: The District may furnish and install a sewer lateral of such size and such location as applicant for sewer requests, provided that such requests are reasonable. The service shall be installed from the District's sewer main to the property line of the premises served which may abut on the street, on other thoroughfares, or on the District right-of-way or easement. Charges to the customer to establish, construct, or install such new service shall be as fixed by the Board of Directors by Resolution. In the event a sewer lateral would be unusually long or deep, have an excessive number of turns, or in the event that the location of the service connection relative to the existing sewer main would require an extension of the main, installation of lift stations, or result in other complications, the District may elect for the customer to perform the work subject to plan approval and construction inspection as provided in section 6-2.2.1.²⁸

[Resolution No. 147 adopted July 14, 1994, provides: "If the work to install the sewer lateral is performed by the District or under contract with the District, the charge shall be actual cost of material, labor, equipment, time, and incidental costs, plus ten percent (10%) for administrative expense. In all other cases, the work shall be performed by a duly licensed contractor and the District shall be paid an inspection fee equal to three percent (3%) of the approved engineer's cost estimate."]

Article 6-2.2: Construction and Alteration Requirement

6-2.2.1 Approval of Plans For District Sewerage Construction and Industrial Building Sewers: No person, other than employees of the District or persons contracting to do work for the District, shall construct or cause to be constructed, or alter or cause to be altered, any portion of the District sewerage system or any Industrial Building Sewer or other sewerage facility within the District where existing or proposed wastewater flows will discharge directly or indirectly to facilities of the District, without first obtaining approval of sewage construction plans from the District Manager.

The applicant shall submit to the District Manager for approval, construction plans and such specifications and other details as required to describe fully the proposed sewerage facility. In the discretion of the District Manager, the plans shall have been prepared under the supervision of and shall be signed by an engineer of suitable training registered in the State of California.

Plans for sewerage construction shall not be approved by the District Manager for any facility which will convey industrial wastewater unless the discharger has first obtained a District Permit for Industrial Wastewater Discharge.

Plans for sewerage construction shall be in accordance with District Standards and shall also meet all special design requirements established by the District Manager.

²⁸ See Ordinance No. 14 adopted June 9, 1994, effective July 14, 1994 and also Resolution No. 147 adopted July 14, 1994.

(g) **Industrial Building Sewer:** That portion of the drain piping located on the premises serving a commercial and/or industrial building, structure, or facility, and shall include all pipe, traps, separators, screens, holding tanks, or other facilities required by the District from the building, structure, or facility to the sewer lateral or trunk sewer.

(h) **Premises:** A continuous tract of land, building, or group of adjacent buildings under a single control with respect to use of water and responsibility for payment therefor. Subdivision of such use or responsibility shall constitute a division into separate premises as herein defined, except that where more than one dwelling or building for other use is being served through the same water service, in which case each of said dwellings shall constitute a separate premise and shall be subject to the same separate charges as if separate single family dwellings.

(i) **Sanitary Sewers:** Those sewers which are designated to carry all waste matter permitted by this chapter to enter the system, other than surface drainage water.

(j) **Sewage:** A combination of the liquid or water carried human waste conducted away from residences, business buildings, and institutions, which is known as domestic sewage, together with the liquid or water carried waste resulting from a manufacturing process employed in industrial establishments, including the washing, cleaning, or drain water from such process, which is known as industrial waste.

(k) **Sewer Lateral:** That portion of the District owned sewerage system extending from the trunk sewer to the property line of the premises served.

(l) **Storm Sewers:** Those sewers which are designed to carry surface drainage water, roof drainage, subsurface drainage, and such other waters as are not permitted or required to be disposed of through the sanitary sewer system in accordance with the provisions hereinafter set forth.

(m) **Suspended Solids:** Solids that either float on the surface of, or are in suspension in water, sewage or other liquids; and which are removable by laboratory filtering in accordance with standard laboratory procedure.

(n) **Uniform Plumbing Code:** The Uniform Plumbing Code 1988 edition published by IAPMO, copies of which are on deposit at the District office.

CHAPTER 6-2.: CONNECTIONS AND CONSTRUCTION REQUIREMENTS

Article 6-2.1: Connections Mandatory

6-2.1.1 **Connections Mandatory:** All buildings within the District's Zone A inhabited or used by human beings which are not more than two hundred (200) feet from the District sewer system or any extension hereafter made thereto, and in which any sewage is produced shall be connected with said District sewer system not less than ninety (90) days from the time when such

Inspection of all sewerage construction under this Section shall be made by personnel of the District in the manner described in Section 6-2.2.4.

An approval of plans for sewerage construction shall expire one year after date of approval unless construction has been initiated.

Charges to the customer for checking plans and inspecting sewerage construction shall be as fixed by the Board of Directors by Resolution.

6-2.2.2 Permit For Connection To a Sewer Lateral of the District: Any person desiring to connect a Building Sewer directly to a lateral of the District shall make written application to the District Manager on a District Sewer Connection Permit application form. The applicant shall complete the form and furnish such additional information as required by the District Manager to substantiate that the proposed work or use will comply with the provisions of this Ordinance.

A Sewer Connection Permit will not be issued for any sewer which will convey industrial wastewaters unless the discharger has first obtained a District Permit for Industrial Wastewater Discharge.

Sewers to be attached directly to a sewer lateral shall be constructed in a manner at the location specified by the District. Inspection of the Building Sewer or Industrial Building Sewer connected to a sewer lateral shall be made by personnel of the District in the manner described in Section 6-2.2.4.

A District Sewer Connection Permit shall expire one hundred twenty (120) days after issuance.

6-2.2.3 Backflow Prevention Devices in Sewer Laterals: A backflow prevention device, such as a check valve, shall be installed in each building sewer lateral where the finish floor elevation of the building (or basement having plumbing fixtures) is lower than one foot above the top elevation of the nearest manhole or rodhole upstream of the sewer lateral. Such backflow prevention device shall be installed by each respective property owner at his or her own cost and expense.

6-2.2.4 Inspection of Construction: All Building Sewers to be attached to a sewer lateral shall be inspected by personnel of the District during construction. At least forty-eight (48) hours prior to cutting into a District lateral, the District shall be notified.

Sewerage facilities which will not be directly connected to a District sewer will not be inspected routinely by the District during construction. Upon completion of construction and prior to removal of the downstream bulkhead and upon receiving forty-eight (48) hours notice, the District will inspect the work to determine if it has been constructed in a satisfactory manner in accordance with the Uniform Plumbing Code and to determine if all facilities are cleaned of construction debris that could be flushed into the District's sewers.

No wastewater shall be discharged into any sewerage facility tributary to a District's facility prior to obtaining inspection and approval of sewerage construction by the District.

The District Engineer, District Manager, or any other District employees bearing proper credentials, shall have the right to enter upon premises drained by any sewer lateral or connected with any public sewer at all reasonable hours to ascertain whether the provisions of the ordinances of the District relative to sewerage have been complied with. If said sewer, or its attachments, are in conflict with the provisions of any law or ordinance in regard hereto, the owner of said premises or his or her agent, shall be notified and said owner shall cause said sewer or its attachments to be so altered, repaired or reconstructed, as to make them conform to the requirements of the laws and ordinances within fifteen (15) days from the time of receipt of such notice. Notice shall be given either by personal service or by deposit in the U. S. Post Office, postage prepaid, and addressed to the Owner of Record on the last equalized assessment roll of the County Assessor of the County of Plumas, State of California.

6-2.2.5 Plan Approvals and Permits Not Transferable: Approval of plans for District Sewerage System construction or Industrial Building Sewer construction, and Sewer Connection Permits are not transferable from one person to another person, or from one location to another location.

CHAPTER 6-3.: DISCHARGE AND USE OF SEWERS

Article 6-3.1: Prohibited Discharges and Uses - General

6-3.1.1 Discharge of Rainwater or Uncontaminated Water Prohibited: No person shall discharge or cause to be discharged any rainwater, storm water, groundwater, street drainage, subsurface drainage, yard drainage, water from yard fountains, ponds, or lawn sprays or any other uncontaminated water into any sewerage facility which directly or indirectly discharges to facilities owned by the District.

6-3.1.2 Industrial Wastewater Discharges Prohibited: No industrial wastewater shall be discharged to a sewer lateral or to a sewer discharging directly or indirectly to a trunk sewer until a Permit for Industrial Wastewater Discharge has been issued by the District.

6-3.1.3 Improper Use of Connected Sewers: The District hereby reserves the right to inspect any existing lateral or collecting sewers that discharge wastewater directly or indirectly to trunk sewers. If it is found that such lateral or collecting sewers are improperly used or improperly maintained, thereby causing discharge of septic wastewater, excessive ground-water, debris or any other objectionable substance to the District's sewers, the District Manager will give notice of the unsatisfactory condition to the offending discharger and the Plumas County Health Department.

In cases of continued noncompliance with the District's directive, the District may disconnect the offending sewer from the District's sewerage system.

6-3.1.4 Excessive Sewer Maintenance Expense: No person shall discharge or cause to be discharged to any portion of the District Sewerage System, either directly or indirectly, any waste that creates a stoppage, plugging, breakage, any reduction in sewer capacity or any other damage to sewers or sewerage facilities of the District. Any excessive sewer or sewerage maintenance expenses or any other expenses attributable thereto will be charged to the offending discharger by the District.

Any refusal to pay excessive maintenance expenses duly authorized by the District Manager shall constitute a violation of this Ordinance.

Article 6-3.2: Industrial Discharge Requirements

6-3.2.1 Permit For Industrial Wastewater Discharge: No person shall discharge or cause to be discharged any industrial wastewater directly or indirectly to sewerage facilities owned by the District without first obtaining a District Permit for Industrial Wastewater Discharge.

The Permit for Industrial Wastewater Discharge may require pre-treatment of industrial wastewater before discharge, restriction of peak flow discharges, discharge of certain wastewater only to specified sewers of the District, relocation of point of discharge, prohibition of discharge of certain wastewater components, restriction of discharge to certain hours of the day, payment of additional charges to defray increased costs of the District created by the wastewater discharge and such other conditions as may be required to effectuate the purpose of this Ordinance.

No District Permit for Industrial Wastewater Discharge is transferable without the prior written consent of the District Manager.

No person shall discharge industrial wastewater in excess of the quantity or quality limitations set by the Permit for Industrial Wastewater Discharge. Any person desiring to discharge wastewater or use facilities which are not in conformance with the Industrial Wastewater Permit should apply to the District for an amended Permit.

6-3.2.2 Procedure For Obtaining A District Permit For Industrial Wastewater Discharge: Applicants for a Permit for Industrial Wastewater Discharge shall complete a District Application form available from the District office.

The District may require additional information on the characteristics of the wastewater discharge beyond that required on the application form.

Upon receipt of all required information, the application shall be processed and, upon approval, be signed by representatives of the District and one copy returned to the applicant. When properly signed, the application form shall constitute a valid Permit for Industrial Wastewater Discharge.

The application shall be approved if the applicant has complied with all applicable requirements of this Ordinance and furnished to the District all requested information and if the District Manager determines that there is adequate capacity in the District's facilities to convey, treat and dispose of the wastewater.

6-3.2.3 Change of Industrial Wastewater Permit Restrictions: The District may change the restrictions or conditions of a permit for Industrial Wastewater Discharge from time to time as circumstances may require. The District shall allow an industrial discharger a reasonable period of time to comply with any changes in the Industrial Wastewater Permit required by the District.

6-3.2.4 Suspension of Permit For Industrial Wastewater Discharge: The District Manager may suspend a Permit for Industrial Wastewater Discharge for a period of not to exceed forty-five (45) days when such suspension is necessary in order to stop a discharge which presents an imminent hazard to the public health, safety, or welfare; to the local environment; or to the District's sewerage system.

Any discharger notified of a suspension of his or her Industrial Waste-water Permit shall immediately cease and desist the discharge of all industrial wastewater to the sewerage system. In the event of a failure of the discharger to comply voluntarily with the suspension order, the District Manager shall take such steps as are reasonably necessary to insure compliance.

Any suspended discharger may file with the District Manager a request for Board hearing, in which event the Board of Directors of the District shall meet within fourteen (14) days of the receipt by the District Manager of such a request. The Board shall hold a hearing on the suspension and shall either conform or revoke the action of the District Manager. Reasonable notice of the hearing shall be given to the suspended discharger. At this hearing the suspended discharger may appear personally or through counsel, cross-examine witnesses, and present evidence in his or her own behalf.

In the event that the Board fails to meet within the time set forth above or fails to make a determination within a reasonable time after the close of the hearing, the order of suspension shall be stayed until a determination is made either confirming or revoking the action of the District Manager.

The District Manager shall reinstate the Industrial Waste-water Permit upon proof of satisfactory compliance with all discharger requirements of the District.

6-3.2.5 Revocation of Permit For Industrial Waste-Water Discharge: The Board of Directors of the District may revoke a Permit for Industrial Waste-water Discharge upon a finding that the discharger has violated any provision of this Ordinance. No revocation shall be ordered until a hearing on the question has been held by the Board of Directors. At this hearing, the discharger may appear personally or through counsel, cross-examine witnesses, and present evidence in his or her own behalf. Notice of the hearing shall be given to the discharger at least fifteen (15) days prior to the date of hearing.

Any discharger whose Industrial Waste-water Permit has been revoked shall immediately stop all discharge of any liquid carried wastes covered by the Permit to any public sewer that is tributary to a sewer or sewerage system of the District. The District Manager may disconnect or permanently block from such public sewer the industrial sewer connection of any discharger whose Permit has been revoked, if such action is necessary to insure compliance with the order of revocation.

Before any further discharge of industrial wastewater may be made by the discharger, he must apply for a new District Permit for Industrial Waste-water Discharge, pay all charges that would be required upon initial application together with all delinquent fees, charges and penalties and such other sums as the discharger may owe to the District. Costs incurred by the District in revoking the Permit and disconnecting the industrial sewer connection shall be paid for by the discharger before issuance of a new Permit for Industrial Waste-water Discharge.

Article 6-3.3: Specific Discharge Prohibition

6-3.3.1 Prohibited Waste Discharges:

(a) In most cases, the concentration or amount of any particular constituent which will be judged to be excessive or unreasonable cannot be foreseen, but will depend on the result of technical determinations and the actions of regulatory agencies. The list of constituents which may be regulated provides specific limits only where they are not reasonably well established.

The other constituents in the list are presented with the objective of enumerating the types of wastes which will be regulated from time to time.

Except as provided in Section 6-3.3.2, no person shall discharge or cause to be discharged to a public sewer, which directly or indirectly connects to the District's sewerage systems, unless specifically authorized in writing by the District Manager, the following wastes:

(1) Any gasoline, benzene, naphtha, solvent, fuel oil or any liquid, solid or gas that would cause or tend to cause flammable or explosive conditions to result in the sewerage system.

(2) Any waste containing toxic or poisonous solids, liquids, or gases in such quantities, that, alone or in combination with other waste substances, may create a hazard for humans, animals, or the local environment, interfere detrimentally with wastewater treatment processes, cause a public nuisance, or cause any hazardous condition to occur in the sewerage system.

(3) Any waste having a pH lower than 6.0 or having any corrosive or detrimental characteristic that may cause injury to wastewater treatment or maintenance personnel or may cause damage to structures, equipment or other physical facilities of the sewerage system.

(4) Any solids or viscous substances of such size or in such quantity that they cause obstruction to flow in the sewer or be detrimental to proper wastewater treatment plant operations. These objectionable substances include, but are not limited to, asphalt, dead animals, offal, ashes, sand, mud, straw, industrial process shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, bones, hair and fleshing, entrails, paper dishes, paper cups, milk containers, or other similar paper products either whole or ground.

(5) Any rainwater, storm water, groundwater, street drainage, subsurface drainage, roof drainage, yard drainage, water from yard fountains, ponds or lawn sprays or any other uncontaminated water.

(6) Any water added for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limitations.

(7) Any non-biodegradable cutting oils, commonly called soluble oil, which form persistent water emulsions.

(8) Any concentration of non-biodegradable oil, petroleum oil or refined petroleum products.

(9) Any dispersed biodegradable oils and fats, such as lard, tallow or vegetable oil in excessive concentrations that would tend to cause adverse effects on the sewerage system.

(10) Any waste with an excessively high concentration of cyanide.

(11) Any unreasonably large amounts of undissolved or dissolved solids.

(12) Any wastes with excessively high BOD, COD or decomposable organic content.

(13) Any strongly odorous waste or wastes tending to create odors.

(14) Any wastes containing over 0.1 milligram/liter of dissolved sulfides.

(15) Any wastes with a pH high enough to cause alkaline incrustations on sewer walls.

(16) Any substance promoting or causing the promotion of toxic gases.

(17) Any waste having a temperature of 120°F or higher.

(18) Any wastes requiring an excessive quantity of chlorine or other chemical compound used for disinfection purposes.

(19) Any excessive amounts of chlorinated hydrocarbon or organic phosphorus type compounds.

(20) Any excessive amounts of deionized water, steam condensate or distilled water.

(21) Any waste containing substances that may precipitate, solidify or become viscous at temperatures between 50°F and 100°F.

(22) Any waste producing excessive discoloration of wastewater or treatment plant effluent.

(23) Any wastes containing excessive quantities of iron, boron, chromium, phenols, plastic resins, copper, nickel, zinc, lead, mercury, cadmium, selenium, arsenic, or any other objectionable materials toxic to humans, animals, the local environment, or to biologic or other wastewater treatment processes.

(24) Any blow-down or bleed water from cooling towers or other evaporative coolers exceeding one-third of the makeup water.

(25) Any single pass cooling water.

(26) Any excessive quantities of radioactive material wastes.

(27) Recognizable portions of the human anatomy.

(28) Septage, septic tank effluent, or vault toilet wastes.

(b) No person shall discharge or cause to be discharged to any public sewer which directly or indirectly connects to the District's sewerage system any wastes, which in the opinion of the District Manager such wastes may have an adverse or harmful effect on sewers, maintenance personnel, wastewater treatment, plant personnel or equipment, public or private property, or may otherwise endanger the public, the local environment, or create a public nuisance. The District Manager, in determining the acceptability of specific wastes, shall consider the nature of the waste and the adequacy and nature of the collection, treatment and disposal system available to accept the waste.

The District Manager shall from time to time prepare a list of the maximum permissible quantities or concentrations of certain constituents in industrial wastewater flows and otherwise issue detailed directions for meeting the requirements of this section.

6-3.3.2 **Hospital Wastes:** Hospitals, clinics, offices of medical doctors, and convalescent homes:

(a) **May discharge**, through a District approved grinder installation with inlet size and design features suitable for its intended use and so constructed that all particles pass through a maximum 3/8-inch opening, wastes of the following categories:

(1) Wet organic kitchen wastes from food preparation and disposal but excluding all paper and plastic items.

(2) Disposable hypodermic needles, syringes, and associated articles following their use.

(3) Infectious wastes, defined as:

(A) Laboratory and surgical operating room wastes except as excluded in 6-3.3.2(b)(2) below.

(B) Wastes from outpatient areas and emergency rooms similar to those included in 6-3.3.2(a)(3)(A) above.

(C) Equipment, instruments, utensils, and other materials of a disposable nature that may harbor or transmit pathogenic organisms and that are used in the rooms of patients having a suspected or diagnosed communicable disease which by the nature of the disease is required to be isolated by Public Health Agencies.

(b) **Shall not discharge** to the sewer by any means:

(1) Solid wastes, except those permitted in (a) above.

(2) Recognizable portions of the human anatomy.

(3) Wastes excluded by other provisions of this Ordinance except as specifically permitted in 6-3.3.2(a) above.

Nothing in this section shall be construed to limit the authority of the Health Officer of Plumas County to define wastes as being infectious and, with the concurrence of the District Manager, to require that they be discharged to the sewer.

CHAPTER 6-4. RATES AND CHARGES

Article 6-4.1 Connection Charges, Monthly Charges and Rates

6-4.1.1 Pursuant to the provisions of Article 2, Chapter 6, Part 1, Division 2 of Title 5 the Government Code (beginning at §54300) of the State of California:

(a) **Sewer Capacity:** The District shall, upon receipt of an application for connection to the District Sewerage System, require a deposit of a capacity fee to pay for

available capacity in the District's collection and treatment facilities as provided in Article 3-3.1 of Title 3 of this District Code. Such fee shall be refunded if the application is not approved; however, the District may, at the time of application, require payment of fees for engineering, inspection or related costs and services, which shall not be refundable.

[Resolution No. 148 adopted November 10, 1994, provides, Each residential equivalent shall be charged \$500 as further adjusted below:

1. Residential: Each single family dwelling shall be charged one residential equivalent. Multi-residential connections such as duplexes, tri-plexes, four-plexes, condominiums, townhouses, apartment buildings, modular and stationary mobile homes shall be charged one residential equivalent per dwelling unit without regard to number of bedrooms or fixtures.

2. Commercial and Institutional: Each commercial and institutional connection shall be charged one residential equivalent plus an additional \$75.00 per incremental unit as follows:

<u>Type</u>	<u>Incremental Units</u>
Restaurant	8 seats = 1 unit
Taverns	16 seats = 1 unit
Theaters	80 seats = 1 unit
Laundries	1 washing machine = 1 unit
Stores, Offices, General	1000 sq. ft. = 1 unit
Rooming House	1 dwelling unit = .3 unit
Recreational Vehicle and other Trailer Parks	1 space = .6 unit
Hotel/Motel/Bed & Breakfast	1 dwelling unit = .6 unit
Motor Lodge and Auto Court	1 dwelling unit = .6 unit
Schools, Day Care, Nursery	Based on design maximums at 16 students avg. daily att. = 1 unit
Lodges, Meeting Halls, and similar Structures	1000 sq. ft. = 1 unit
Hospital, Nursing Homes, Convalescent Care, Boarding Schools	6 beds = 1 unit

Note: Incremental unit charges shall be prorated.

Other: All other facilities and industrial shall be determined on a case-by-case basis giving consideration to quantity and quality of the anticipated flow.]

(b) **Monthly User Fees:**

(1) The District, from time to time, shall set monthly user fees for services to or available to premises connected to the District Sewerage System.

[Resolution No. 161 adopted March 13, 1997 provided: "The monthly user fee for customers of the District's sewage collection and treatment system shall be as follows:

FLAT RATE: \$13.64/month.

The flat rate shall apply to all residential users and all others whose water consumption is less than 11,600 gallons per month. The flat rate is considered the minimum rate for all users. The flat rate shall apply to single family dwellings and to all other residential dwellings as follows:

1. *Single family dwelling - one flat rate charge for each such residence.*

2. *Other residential dwellings - one flat rate per metered unit. Where units are not metered individually the commercial rate shall apply.*

COMMERCIAL RATE: All commercial or industrial users shall pay the greater of \$13.64 per month or \$1.16/per 1,000 gallons of water used per month at the commercial establishment. Commercial establishment includes all uses that are not exclusively and solely residential. The commercial rate may from time to time be applied to other users as the Board shall consider necessary."

(2) The District may require deposits or pre-payments of charges in an amount not exceeding one year's charges either from persons receiving service and using the facilities of the District or from the owners of property in which or in connection with which said services and facilities are to be used³⁵.

[Resolution No. 145 adopted February 24, 1994, provided at Exhibit A, item II.3.: "The charge shall be as follows:

a. New Customer: The deposit required to establish credit in the case of new customers shall be twice the estimated average of their periodic bill, but not less than \$30.00.

b. Re-establishment of Credit: The deposit required to re-establish credit after discontinued service shall be twice the average of their periodic bill, but not less than \$40.00.]

(3) **Penalty:** The District may provide a penalty for non-payment of charges within the time and in the manner prescribed by it.

[Resolution No. 145 adopted February 24, 1994, provided at Exhibit A, item II.4.: There shall also be a return check charge of \$10.00." Resolution No. 151 adopted December 8, 1994, provides for a late charge of \$0.00.]

(c) **Fees, deposits, and penalties authorized by this Section shall be established by resolution of the District Board of Directors.**³⁶

6-4.1.2 Owner to be Customer of Record: Beginning March 1, 1994, only an owner of the land and premises to which water service is to be provided shall be entitled to apply for sewer services to the premises. Applications by tenants or persons other than an owner will not be permitted, except as required by section 16481 of the Public Utility Code or by other law. Customers of record as of March 1, 1994, who are not owners of the premises shall not be affected by the provisions of this section.

6-4.1.3 Application for Service: Each applicant for sewer service will be required to sign a form provided by the District setting forth:

³⁵ See also §6-4.1.9 on deposits.

³⁶ See Resolution No. 145, adopted February 24, 1994, at Exhibit A, items II.2, 3, and 4.

- (a) The date and place of application.
- (b) The location of premises to be served.
- (c) The date on which the applicant will be ready for service.
- (d) Whether the premises have ever before been served by the District.
- (e) The purpose for which the service is to be used.
- (f) The size of service.
- (g) The address to which bills are to be mailed or delivered.
- (h) Whether the applicant is an owner or tenant of, or agent for, the premises.
- (i) Documentation of ownership of the premises such as real property tax bill, recorded deed, or other recorded document of title.
- (j) An agreement to abide by all regulations of the District.
- (k) Whether other sewage sources or sewage treatment or disposal facilities exist on premises.
- (l) Such other data as the Board of Directors in their sole discretion shall from time to time deem necessary, and which from time to time shall be, by Resolution, passed by the Board of Directors.

The application is merely a written request for service and does not bind the applicant to take service for any period of time longer than the one upon which the rates and minimum charges of the rate schedule are based; neither does it bind the District to give service, except under reasonable conditions. Where extension of District mains is required to provide service, the applicant will be required to pay the cost of such extension subject to the provisions of Title 3 herein.

6-4.1.4 Individual Liability for Joint Service: Two or more parties who join to make application for service shall be jointly and individually liable and shall be sent a single periodic bill.

6-4.1.5 Changes in Customer's Equipment: Customers making any material change in the size, character or extent of the equipment or operations utilizing sewer service, or whose change in operations results in a large increase in the use of sewer shall immediately give the District written notice of the nature of the change, and, if necessary, amend their application. Said application shall also be amended upon request made by the District Manager; and in the event of disagreement as to the facts for such amendment, a hearing shall be had before the Board of Directors and their decision shall be final and binding upon the customer.

6-4.1.6 **Special Contracts:** Contracts, other than applications, may be required prior to service, under the following conditions:

- (a) When construction of special extension facilities is necessary.
- (b) For temporary service.
- (c) For standby service
- (d) For connections with other qualified utilities.
- (e) For sewer laterals and building sewers large than 6-inch.

6-4.1.7 **Special Information:**

(a) **Contracts:** Each contract for sewer service shall at all times be subject to such changes or modifications by the Board of Directors of the District as it may, from time to time, in its discretion, direct by Resolution³¹.

(b) **Customer's Bills:** In the event a bill is not paid within thirty days after presentation, service may be discontinued. Service shall be terminated in the manner prescribed by Sections 16482 through 16483 of the Public Utility Code. A cash deposit and a re-connection fee will be required to re-establish service, in an amount as from time to time is set by Resolution³² of the Board of Directors.

(c) **Deposit Receipts:** All deposits will be applied to unpaid balances if service has been discontinued by the District by reason of unpaid bills, and a new deposit must be made in such amount as shall from time to time be set by the Board of Directors before service may be resumed. Any remaining surplus shall be refunded to the person making the deposit.

Deposits shall in no event bear interest.

Each receipt for a cash deposit to establish or re-establish credit for service will contain the following statements:

"This deposit will be applied to unpaid balances if service has been discontinued by the District because of non-payment of bill and the full amount shall be re-established before service will be resumed."

³¹ No Resolution adopted.

³² No Resolution adopted.

"This deposit, less the amount of any unpaid sewer service bills, will be refunded, without interest, on discontinuance of service."

6-4.1.8 Credit Establishment:

(a) Establishment of Credit: Each applicant, before receiving service, will be required to establish the customer's credit by either of the following methods:

(1) A deposit in such amount as shall from time to time be set by Resolution of the Board of Directors.³³

(2) Use of service for more than a year, during the last twelve months of which the customer paid all sewer service bills promptly.

(b) Re-Establishment of Credit: To re-establish credit, a customer will be required to pay all back bills up to the time service was discontinued. The customer will be required to pay a re-connection charge³⁴ and make a cash deposit³⁵ as described in the regulation on deposits.

6-4.1.9 Deposits:

(a) Establishment of Credit: For service. The amount required to establish credit for service shall equal twice the estimated average of the periodic bill, but shall not be less than thirty dollars (\$30.00).

(b) Re-establishment of Credit: To re-establish credit, customers must deposit an amount equal to twice the estimated average of their periodic bill, but not less than forty dollars (\$40.00).

(c) Unpaid Accounts: Deposits prescribed herein may be applied to unpaid bills for sewer service when such service has been discontinued. The District will require the customer to pay all outstanding bills and redeposit the specified amount before restoring water and/or sewer service.

(d) Refund or Disposition of Deposits: The deposit, less the amount of any unpaid sewer service bills, will be refunded, without interest, on discontinuance of service. Credit will be established by the customer maintaining his or her account in good standing for twelve (12) continuous months, at which time the deposit shall be returned.

³³ See §6-4.1.1(b)(2) and Resolution 145, adopted February 21, 1994, effective March 1, 1994, at Exhibit A, item II.3.

³⁴ No Resolution adopted. See also §6-4.4.7.

³⁵ See §6-4.1.1(b)(2) and Resolution No. 145 adopted February 24, 1994, effective March 1, 1994, at Exhibit A, item II.3.

- (e) Deposits shall not be required from Federal, State or County or Municipal service.

Article 6-4.2: Notices

6-4.2.1 **Notices to Customers:** Notices from the District to a customer will normally be given in writing, and either delivered or mailed to the customer at the customer's last known address. Where conditions warrant and in emergencies, the District may resort to notification either by telephone or by messenger.

6-4.2.2 **Notices from Customers:** Except as otherwise provided, notice from the customer to the District may be given by the customer or the customer's authorized representative in writing. The place for giving notice to the District shall be as follows:

- (a) At the District's operating offices, or
- (b) To an agent duly authorized to receive notices or complaints.

Article 6-4.3: Bills and Payment

6-4.3.1 Rendering of Bills:

- (a) Bills for sewer service will be rendered monthly.
- (b) Opening and Closing Bills and Monthly Bills. Opening Bills rendered for periods smaller or greater than one month will be prorated. If the closing period of sewer service is less than one month, the bill will not be less than the monthly minimum charge.

6-4.3.2 Payment of Bills:

- (a) Periodic bills are due and payable on presentation. Payment may be made at the District's office or to an authorized collector.
- (b) Closing bills, if service is to be discontinued, are due and payable on presentation. Collection will be made at the time of presentation.
- (c) Thirty (30) days will be allowed after bills are mailed before service is discontinued for non-payment.

[Resolution No. 151 adopted December 8, 1994, provides that there shall be an additional grace period of 15 days so that service is not discontinued until 45 days after bills are mailed.]

(d) A late charge in an amount set from time to time by Resolution³⁶ of the Board shall be imposed if the bill is not paid within twenty-five (25) days after presentation.

(e) Returned, unpaid checks will be subject to a charge as set by Resolution of the Board.³⁷

(f) When bills are delinquent, the District may demand that the full amount of both delinquent and current bills be paid in full, together with any late charge.

6-4.3.3 Billing of Separate Connections Not Combined: Each connection to the District Sewerage System from customer's premises will be considered separately and the charges for two or more connections will not be combined.

6-4.3.4 Disputed Bills: Should the customer dispute the correctness of a bill for District sewer service, said customer shall deposit the amount of the disputed bill with the District Manager within fifteen (15) days after the receipt of the bill. The District Manager shall then forthwith make a factual investigation and shall submit his or her findings to the person making the deposit and to the Board of Directors. The Board of Directors shall then hear the matter and the determination of the Board shall be final and binding upon the customer.

Service will not be discontinued pending the outcome of the Manager's investigation provided that subsequent bills are paid or deposited with the District.

Article 6-4.4: Discontinuance of Service

6-4.4.1 Nonpayment of Bills:

(a) A customer's water and sewer service may be discontinued if a bill for sewer service is not paid within thirty (30) days after presentation.

[Resolution No. 151 adopted December 8, 1994, provides that there shall be an additional grace period of 15 days so that service is not discontinued until 45 days after bills are mailed.]

(b) A customer's sewer and water service may be discontinued if sewer service furnished at a previous location is not paid for within thirty (30) days after presentation of a bill.

(c) If a customer receives sewer service at more than one location and the bill for service at any one location is not paid within thirty (30) days after presentation, sewer and water service at all locations may be turned off. Domestic service, however, will not be turned off for nonpayment of bills for other classes of service.

³⁶ See §6-4.1.1(b)(3) and Resolution No. 151, adopted December 8, 1994.

³⁷ See §6-4.1.1(b)(3) and Resolution No. 151, adopted December 8, 1994.

(d) Termination of service for nonpayment of a delinquent account shall be as prescribed by Sections 16482, 16482.1 and 16483 of the Public Utility Code.

6-4.4.2 Lien for Delinquent Charges and Penalties: Delinquent charges for sewer service and other charges provided by this Title and any penalties thereon shall constitute a lien upon the real property served (except as to publicly owned property) as provided in Section 54354 of the Government Code. Such lien shall be imposed and enforced as provided in Sections 54354 through 54358, inclusive, of the Government Code.

[Resolution No. 145 adopted February 24, 1994, provided at Exhibit A, item II.5.: "The District shall place a lien on any real property served for all delinquent fees, charges, and penalties more than 30 days past due. Such liens shall include not only the delinquent fees, charges, and penalties, but also any costs associated in connection with the imposition of such a lien, including but not limited to notary fees, recording fees, interest at the legal rate on judgments as provided by law, and legal fees."]

6-4.4.3 Use Detrimental to Others:

(a) The District may refuse to furnish water and may discontinue water and sewer services to any premises where the discharge to the District Sewerage System is greatly in excess of past average or seasonal use, and where such excessive demands by one customer are or may be detrimental or injurious to the service furnished to other customers.

(b) The District may refuse to furnish water and may discontinue water and sewer service to any premises where excessive demands by one customer will result in inadequate service to others.

6-4.4.4 Fraud and Abuse: The District shall have the right to refuse or to discontinue water and sewer service to any premises to protect itself against fraud or abuse.

For the failure of the customer to comply with all of this title and any Ordinance, Resolution, or order fixing rates and charges of this District, a penalty for which has not been specifically fixed, the customer's sewer and water service shall be discontinued and sewer and water service shall not be supplied such customer until he or she shall have complied with the rule or regulation, until he or she shall have satisfied the District that in the future he or she will comply with all the rules and regulations established by this title and with all rates and charges of this District. In addition thereto, he or she shall pay the District a sum to be fixed by the District for renewal of his or her services. All determinations made by the Board of Directors shall be final and binding upon the customer.

6-4.4.5 Noncompliance: The District may, unless otherwise provided, discontinue sewer and water service to a customer for noncompliance with any of these regulations, if the customer fails to comply with them within five (5) days after receiving written notice of the District's intention to discontinue service. If such noncompliance affects matters of health and safety, and conditions warrant, the District may discontinue sewer and water service immediately.

6-4.4.6 **Customer's Request For Service Discontinuance:** The customer may not request the discontinuance of sewer service. The monthly service charge shall be made to the person who has applied for sewer service to be furnished to a premises, whether the sewer is used or not.

6-4.4.7 **Restoration - Re-connection Charge:** The District shall charge such sum or sums as it from time to time may set by Resolution³⁸ of the Board of Directors for restoring sewer service which has been discontinued.

It shall be unlawful for any person other than authorized District personnel to restore water and sewer service after the same shall have been discontinued as herein provided.

CHAPTER 6-5. LIENS

Article 6-5.1 Liens for Delinquent Charges and Penalties

6-5.1.1 Pursuant to provisions of Article 2, Chapter 6, Part I, Division 2 of the Government Code of the State of California.

The District may place a lien upon the real property served for all delinquent fees or charges and all penalties, but only after adoption of any fees or charges at a properly noticed Public Hearing.

Such remedy, if adopted, shall be considered cumulative and may be pursued alternately to any other available remedy or may be used consecutively if the District so decides.

[See §6-4.4.3 and Resolution 145]

CHAPTER 6-6. DAMAGE

Article 6-6.1 Malicious Damage to District's Facilities

6-6.1.1 Any unauthorized entering, breaking, damaging, destroying, uncovering, defacing, or tampering with any structure, equipment or appurtenance which is a part of the District's Sewerage Systems shall be a violation of this Ordinance.

³⁸ No Resolution adopted.

TITLE 7: [RESERVED]

TITLE 8: SOLID WASTE REGULATIONS**CHAPTER 8-1. GENERAL****Article 8-1.1: Title**

8-1.1.1 Short Title: This title shall be known and may be cited as Chester Public Utility District Code Solid Waste Regulations.

8-1.1.2 Severability: If any section, sub-section, sentence, clause or phrase of this title is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this title.

Article 8-1.2: Definitions

8-1.2.1 Authorized recycling agent means a person that contracts with the District Board to collect recyclable waste material.³⁹

8-1.2.2 District shall mean the Chester Public Utility District, County of Plumas, California.

8-1.2.3 District Board shall mean the District Board of Directors of Chester Public Utility District.

8-1.2.4 Franchisee shall mean the person or firm to whom the District has granted the right to collect the refuse within the District boundaries.

8-1.2.5 Garbage is all putrescible waste and animal or vegetable waste or residue produced or accumulated from the preparation, processing, handling or consumption of food stuffs.

8-1.2.6 Recycling means the process of sorting, cleansing, treating, and reconstituting waste or other discarded materials for the purpose of using the altered form.⁴⁰

8-1.2.7 Recyclables means materials which have been segregated from waste for the purpose of recycling.

8-1.2.8 Refuse is both garbage and rubbish as defined in this article, which is discarded by the owner as worthless. Refuse does not include anything which is segregated by the owner and intended for recycling.

³⁹See Public Resources Code §40105.

⁴⁰ See Public Resources Code §40180, 40190.

8-1.2.9 **Rubbish** is non-putrescible waste, discarded or abandoned material, including but not limited to, paper, cardboard, rugs, rags, clothing, straw, wood, crockery, glass, rubber, metal, plastic, and construction debris.

8-1.2.10 **Solid waste** is all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes⁴¹. Solid waste does not include hazardous waste, as defined in Public Resources Code §40141, medical waste regulated pursuant to the Medical Waste Management Act (Health and Safety Code §§25015 et. seq.), or recyclables.

CHAPTER 8-2.: SOLID WASTE⁴²

Article 8-2.1: Containers

8-2.1.1 **Garbage Containers:** Without expense to District, every tenant, lessee or occupant of any private dwelling house and every keeper of a hotel, restaurant, eating house, boarding house, or other building where meals are furnished, flat or apartment house and every other person having garbage shall provide and at all times, keep within said building or on the lot on which said building is situated, suitable and sufficient water-tight cans or receptacles with suitable and sufficient bales or handles and with tightly fitted covers, for receiving and holding, without leakage or escape of odors, all the garbage which would ordinarily accumulate on said premises in one (1) week's time; and such cans or receptacles shall be so placed as to be readily accessible to the collectors for removing and emptying the contents therefrom and shall be so placed that they will not become a public nuisance or in any degree be offensive. Such garbage cans or receptacles must be emptied by the collectors once each week. Cans or receptacles for garbage from each private dwelling house, from each flat, from each apartment house and from all other places shall have a capacity of not less than ten (10) gallons or more than thirty (30) gallons, unless such containers are approved by the collection franchisee and the District and are capable of being emptied by mechanical means with equipment of the franchisee.

8-2.1.2 **Refuse Containers:** Without expense to District, every tenant, lessee and occupant of every private dwelling house, boarding house, furnished flat, apartment house or other building where waste accumulates shall provide and at all times, keep in such premises, suitable boxes, barrels or other proper receptacles sufficient to hold all the waste which would ordinarily accumulate on such premises in one week's time; and all waste accumulating on such premises shall be placed in such boxes, barrels or other receptacles. Such boxes, barrels or receptacles shall be so placed as to be readily accessible to the collectors for the removal of the contents therefrom. None of such boxes, barrels or receptacles shall have a capacity exceeding Thirty (30) gallons, unless such

⁴¹ See Public Resources Code §40191.

⁴² Source: Chester Sanitary District Ordinance No. 108.

containers are approved by the collection franchisee and are capable of being emptied by mechanical means with equipment of the franchisee.

8-2.1.3 Storage of Solid Waste: No can or receptacle for receiving garbage or waste shall be placed on or in any public street, alley, sidewalk, footpath or any other public place except in accordance with the rules and regulations established under this regulation for the collection of the contents of the same. It shall be unlawful to keep, place or deposit garbage on any private grounds or premises except in cans or receptacles as designated in this regulation. It shall be unlawful for any person in District to throw or deposit any garbage or waste, or to cause the same to be thrown or deposited upon any street, alley, gutter, park, or other public place or to throw or deposit the same in or upon any vacant lot or back yard or to store or keep the same otherwise than in cans or receptacles as required by Sections 8-2.1.1 and 8-2.1.2 hereof; and it shall be unlawful to have, store, deposit or keep garbage where rats or other rodents can have access thereto or feed thereon. Each day's violation of this section shall be treated and considered and the same shall be a separate and distinct offense.

Article 8-2.2: Collection of Solid Waste

8-2.2.1 Collection of Garbage: Any person, firm or corporation producing in excess of thirty (30) gallons of wet garbage a week shall place all such wet garbage in a suitable container apart from his or her dry garbage so that such wet garbage may be conveniently collected under such restrictions as the District Board may from time to time impose upon such person, firm, or corporation producing in excess of thirty (30) gallons of wet garbage weekly. It shall be unlawful for any such person, firm or corporation to sell or dispose of such garbage except to deliver it for removal and disposal to the garbage collectors authorized by the District. For the purpose of this regulation and ordinance, "wet garbage" includes and means, kitchen and table refuse, offal, swill and every accumulation of animal, vegetable and other matter that attend the preparation, consumption, decay or dealing in or storage of meats, fish, fowls, birds, fruits or vegetables.

8-2.2.2 Collection by Authorized Collectors Only: On and after the 15th day of March, 1961, the District Board will provide a garbage collection service in District. On and after said 15th of March, 1961, it shall be unlawful for any person, other than collectors authorized by District by and through its own District Board, to collect any garbage or waste in District; and, on and after said date, it shall be unlawful for any person, firm or corporation to deliver or allow to be delivered to any person, other than such collectors authorized by the District, any garbage or waste removed or to be removed from any premises within the District.⁴³

8-2.2.3 Unauthorized Disposal of Solid Waste: It shall be unlawful for any person to bury garbage at any place in District or to dispose of garbage otherwise than by placing the same in the cans or receptacles specified in Section 8-2.1.1 hereof.

Article 8-2.3: Rates and Charges

⁴³ See Public Resources Code §40002, 40058, and 40059.

8-2.3.1 Establishment and Payment of Rates for Collection:⁵⁰

(a) Every person from whom garbage or waste is collected under the provisions of this regulation shall pay to the District (or its authorized franchisee for collection of such garbage or solid waste) fees and charges for said services as set from time to time by resolution of the Board of Directors of the District Board.

[Resolution No. 160 adopted March 13, 1997, effective February 13, 1997, provided: "The fees and charges for the collection of solid waste within the District shall be as follows:

a. Residential Can Rate: The monthly fee shall be \$12.92 for the collection of one (1) thirty-two (32) gallon container or less once each week for residential and commercial pick-ups; and an additional \$2.82 for the collection of each additional thirty-two (32) gallon container or part thereof once each week;

b. Residential Extra Service: In cases where the residential customer has placed refuse for collection in excess of the service he or she is signed up for, the fee shall be \$2.82 for each extra thirty-two (32) gallon container or item picked up.

c. Residential Billing: Each new residential collection account shall be charged a \$5.74 start-up fee to cover the administrative costs of arranging for new and/or seasonal service. The residential base rate may be billed to the customer three months in advance of the service to be performed, provided that no account shall be considered delinquent by the franchisee if payment for a month's service is received by the fifteenth day of that month.

d. Commercial Bins: The monthly fees for the collection of garbage or waste from bins shall be as set forth in the following table:

<u>BIN SIZE</u>	<u>PICK-UPS PER WEEK</u>	<u>RATE PER MONTH</u>	<u>RATE PER CUBIC YARD</u>
1 cy	x 1	\$ 55.48	12.81
	x 2	\$ 110.96	12.81
	x 3	\$ 166.44	12.81
	x 4	\$ 221.92	12.81
	x 5	\$ 277.40	12.81
1-1/2 cy	x 1	\$ 83.22	12.81
	x 2	\$ 166.44	12.81
	x 3	\$ 249.66	12.81
	x 4	\$ 332.88	12.81
	x 5	\$ 416.10	12.81
2 cy	x 1	\$ 110.96	12.81
	x 2	\$ 221.92	12.81
	x 3	\$ 332.88	12.81
	x 4	\$ 443.84	12.81
	x 5	\$ 554.79	12.81
4 cy	x 1	\$ 221.92	12.81
	x 2	\$ 443.84	12.81
	x 3	\$ 665.75	12.81
	x 4	\$ 887.67	12.81
	x 5	\$ 1,109.59	12.81
8 cy	x 1	\$ 443.84	12.81
	x 2	\$ 887.67	12.81
	x 3	\$ 1,336.41	12.81

⁵⁰ Original Source: Chester Sanitary District Ordinance No. 115.

Bins shall be furnished by the franchisee to the customer as needed without cost to the customer.

e. *Commercial Extra Service: The fee for extra service to commercial customers for the collection of garbage or waste within the CHESTER PUBLIC UTILITY DISTRICT shall be as follows:*

(1) *In cases where the customer has placed the refuse for collection in cans or containers other than commercial bins provided by the collector, the fee shall be \$2.82 for each thirty-two (32) gallon container or article picked up.*

(2) *In cases where the customer has placed the refuse for collection in a commercial bin provided by the collector, the fee shall be \$14.93 per cubic yard picked up.*

"Extra service" means service provided by the collector other than that provided as part of regular subscribed monthly service."

f. **Bin Delivery Charge:** Users of bins supplied by the Franchisee may be charged \$37 for the delivery of such bin. There shall be no charge for the removal of such bin or the repair or replacement of an existing bin.

(b) The fees and charges specified in the resolution in effect at any particular point in time shall in all cases be payable and paid in advance. It is a violation of this regulation for any person to fail or refuse to pay any fee or charge as above specified when the same becomes due. In addition, the District or its franchisee may refuse to collect any garbage or waste until the proper fee or charge therefor is paid.

CHAPTER 8-3. RECYCLING

Article 8-3.1: Authorized Recycling Agent

8-3.1.1 Designation of Authorized Recycling Agent(s): The Board of Directors of the District may by resolution designate or contract with an authorized recycling agent(s) for the purposes of collecting recyclables within the District boundaries on such terms and conditions as the Board of Directors deems appropriate.⁵¹

8-3.1.2 Right of Individual to Dispose of Recyclables: As provided in Public Resource Code §41952, nothing in this article limits the right of any person to donate, sell, or otherwise dispose of his or her recyclable materials.

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⁵¹ See Public Resources Code §41950-41955.

d. *Commercial Can Rate Per Month*

1 can	\$ 15.65
2 cans	19.25
3 cans	22.80
4 cans	26.40

e. *Extra Service: The fee for extra service for the collection of garbage or waste within the Chester Public Utility District shall be as follows:*

(1) *In cases where the customer has placed the refuse for collection in cans or containers other than commercial bins provided by the collector, the fee shall be \$2.90 for each thirty-two (32) gallon container or article picked up."*

(2) *In cases where the customer has placed the refuse for collection in a commercial bin provided by the collector, the fee shall be \$13.75 per cubic yard picked up.*

"Extra service" means service provided by the collector other than that provided as part of regular subscribed monthly service."

(b) The fees and charges specified in the resolution in effect at any particular point in time shall in all cases be payable and paid in advance. It is a violation of this regulation for any person to fail or refuse to pay any fee or charge as above specified when the same becomes due. In addition, the District or its franchisee may refuse to collect any garbage or waste until the proper fee or charge therefor is paid.

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TITLE 9: RECREATION DEPARTMENT**CHAPTER 9-1. GENERAL****Article 9-1.1: Title**

9-1.1.1 **Short Title:** This title shall be known and may be cited as Chester Public Utility District Code Recreation Department Rules and Regulations.

9-1.1.2 **Severability:** If any section, sub-section, sentence, clause or phrase of this title is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this title.

Article 9-1.2: Definitions

9-1.2.1 **Definition of Terms:** As used in this title, the following terms shall have the following meanings:

(a) **Board of Directors or Board:** The Board of Directors of the Chester Public Utility District.

(b) **District:** Chester Public Utility District, County of Plumas, California.

(c) **Manager:** The Manager of the District appointed by the Board.

(d) **Participant:** Persons who make use of recreation facilities and programs provided by the District.

(e) **Recreation:** Any activity, voluntarily engaged in, which contributes to the education, entertainment, or physical, mental, cultural or moral development of the individual or group attending, observing, or participating therein, and includes any activity in the fields of music, drama, art, handicraft, science, literature, nature study, nature contacting, aquatic sports, and athletics, or any of them, and any informal play incorporating any such activity.

(f) **Recreation Superintendent:** The administrator of the Chester Public Utility District Recreation Department appointed by the Board.

Article 9-1.3: Organization

9-1.3.1 **Establishment of Recreation Department:** The Recreation Department of the Chester Public Utility District is hereby established to provide recreation opportunities for both residents and non-residents of the Chester Public Utility District.

9-1.3.2 **Recreation Superintendent:** The Recreation Department of the Chester Public Utility District shall be administered by a Recreation Superintendent, who shall organize, develop, and supervise the implementation of a variety of recreation programs. The Recreation Superintendent shall be selected and appointed by the Board of Directors of the Chester Public Utility District, and shall be under the general direction of the District Manager. The authority, responsibility, and compensation of the Recreation Superintendent shall be as from time to time fixed and defined by the Board.

9-1.3.3 **Fees and Charges:** The fees and charges to participants in recreation programs provided by the District shall be as from time to time determined and fixed by the Board by resolution or motion.⁴⁶

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⁴⁶ Source: CPUD Ordinance No. 15 adopted April 16, 1996, effective May 16, 1996.