

ORDINANCE NO. 9

AN ORDINANCE PROVIDING GENERAL REGULATIONS RELATIVE TO SEWER SERVICE FEES FOR SERVICES AND FACILITIES FURNISHED BY SEWAGE COLLECTION SYSTEM OF RIO LINDA COUNTY WATER DISTRICT; REQUIRING CONNECTIONS TO THE DISTRICT SEWER SYSTEM; SETTING FORTH AND PROVIDING FOR ESTABLISHMENT OF RULES, REGULATIONS AND FEES FOR SEWER SERVICE AND CONNECTIONS; PROVIDING FOR MEANS OF COLLECTION OF SUCH FEES AND FOR ENFORCEMENT MEASURES IN CASE OF NONPAYMENT OF SUCH FEES OR FOR CERTAIN VIOLATIONS; PROVIDING FOR APPEALS IN CERTAIN CIRCUMSTANCES; PROVIDING FOR DISPOSITION OF REVENUES HEREUNDER, AND USES TO WHICH SUCH REVENUES SHALL BE APPLIED; AND PROVIDING FOR EFFECTIVE DATE OF ORDINANCE AND OF FEES HEREUNDER.

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF RIO LINDA COUNTY WATER DISTRICT AS FOLLOWS:

Section 1. Definitions. The following terms when used in the Ordinance shall have the following respective meanings:

(a) "District" shall mean Rio Linda County Water District of Sacramento County, State of California.

(b) "Board" shall mean the Board of Directors of the District and the duly elected and qualified members thereof acting as such Board.

(c) "County Treasurer" shall mean the County Treasurer of Sacramento County, the legal depository for funds of the District, who has custody of all the moneys of the District.

(d) "Premise" shall mean any building used by human beings within the territorial limits of the District.

(e) "House Sewer" shall mean any sewer not a public sewer, as defined herein.

(f) "District Sewer System" shall mean the sewage collection system of the District, including all public sewers heretofore or hereafter constructed by the District.

(g) "Person" shall mean any person, firm, company, corporation, partnership, association, any 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. The singular in each case shall include the plural.

(h) "Public Sewer" shall mean any sewer which is part of the District sewer system.

(i) "Sewage" shall mean all water and water-carried wastes disposed of or disposable through plumbing outlets, including domestic sewage and industrial sewage.

(j) "Sewer service" shall mean the services and facilities for disposal of sewage furnished or available to premises by the District sewer system.

(k) "Street" shall mean any public highway, road, street, avenue, alley, way, sewer easement or sewer right of way in the District.

(l) "Occupant" shall mean any person actually occupying any premise, whether as owner or tenant or under contract or otherwise.

(m) "Owner" shall mean the person holding fee title to any premise as shown by the official records of the County Recorder of Sacramento County.

(n) "Manager" shall mean the person employed or retained and designated by the Board to manage the District's public utilities and to enforce compliance with ordinances of the District, including this Ordinance.

(o) "Family Unit" shall mean any one or more persons comprising a single family unit.

(p) "Apartment Building" shall mean any structure containing three (3) or more rooms or apartments, each of which rooms or apartments is rented or occupied by a separate family unit for lodging purposes, but shall not include auto courts, motels or hotels.

(q) "Light Commercial Establishment" shall mean any building or portion thereof used by a person, firm or corporation to carry on a business, profession, trade or occupation for gain or profit, and in which building or portion thereof only domestic sewage originates.

(r) "Heavy Commercial Establishment" shall mean any building or portion thereof used by a person, firm or corporation to carry on a business, profession, trade, occupation, or manufacturing process for gain or profit, and in which building or portion thereof industrial sewage or a combination of industrial sewage and domestic sewage originates.

(s) "Domestic Sewage" shall mean a combination of the liquid or water-carried human waste conducted away from residences, business buildings and institutions.

(t) "Industrial Sewage" shall mean the liquid or water-carried waste resulting from a manufacturing process employed in industrial establishments, including the washing, cleaning or drain water from such processes.

(u) "Unit" shall mean each room or group of rooms in an apartment building, auto court, motel, hotel, or trailer court which provides accommodations for a family unit.

Section 2. Monthly Sewer Service Fees. For the purpose of providing funds for payment at or before maturity of the principal of and interest on all sewer revenue bonds heretofore or hereafter issued by the District for the purpose of the acquisition, construction, improvement and financing of the District sewer system and for the purpose of defraying the cost of maintenance and operation of the District sewer system, there are hereby levied and assessed upon all premises having or required hereby to have any sewer connections with or discharging or required hereby to discharge sewage into or through the District sewer system, monthly sewer service fees for the sewer services furnished or available to such premises by the District sewer system, such fees to be payable in the following respective amounts:

<u>Type of Premise</u>	<u>Monthly Sewer Service Fee</u>
(a) For each single-family unit dwelling	\$4.00
(b) For each two-family unit dwelling	6.00
(c) For each apartment building	2.75 per unit
(d) For each light commercial establishment	4.00
(e) For each heavy commercial establishment	6.00
(f) For each service station	4.00
(g) For each auto court, motel or hotel	2.25 per unit
(h) For each trailer court	2.25 per unit
(i) For each church or house of worship or public assembly hall	4.00
(j) For each school	.03 per pupil per month according to average daily attendance

(k) For each structure or building outside the boundaries of the District served by the District sewer system or any part thereof, the monthly sewer service fee shall be one and one-half (1-1/2) the fee for a similar service within the District.

Section 3. Billing for and Payment of Monthly Sewer

Service Fees. Each sewer service fee shall become due and payable monthly on the last day of each month at the office of the District, Rio Linda, Sacramento County, California, and shall become delinquent on the 30th day thereafter. All bills for sewer service fees shall be combined with bills for water service (and any other utility service) rendered by the District in all cases where premises are connected to the District's water system or where any other utility service is rendered by the District to the premise; and in all such cases all fees, tolls, rates, rentals and other charges collectible by the District from any one person shall be billed upon the same bill and collected as one item; provided, that each bill shall show separately the respective amounts of the fees, tolls, rates, rentals and other charges for sewer service and water service (and any other utility service furnished by the District) and shall give the name and last known address of the person responsible for payment (as herein provided). No amount set forth on any bill for any service furnished by the District may be paid separately from any other amount. If a premise with sewer service is not connected with the District's water system or any other utility service furnished by the District, a separate bill will be rendered for sewer service only.

Section 4. Persons Responsible for Payment. All monthly sewer service fees shall be billed to the following persons:

(a) In the case of any person whose premise is connected with the District's water system, then to the person who requested such connection to the District water system or his successor in interest, or to any person requesting that such bill be charged to him;

(b) In the case of any person whose premise is not connected to the District's water system, and who is furnished any other utility service rendered by the District, then to the person who requested such service or to his successor in interest, or to any person requesting that such bill be charged to him; or

(c) In the case of any person whose premise is not connected to the District's water system and who is furnished no other utility service by the District, then to the person who requested the connection to the District sewer system or his successor in interest, or if no such request is made, then to the owner of record of such premise on the date on which such premise is required hereby to connect to the District's sewer system or his successor in interest, or to any person requesting that such bill be charged to him.

Section 5. Enforcement Measures in Case of Delinquency.

(a) The Manager is hereby charged with enforcement of all provisions of this Ordinance.

(b) In the event of a violation of any terms of this Ordinance, or any rule or regulation established pursuant to this Ordinance, the Manager shall notify in writing the person causing, allowing or committing such violation, specifying the violation and, if applicable, the time after which (upon the failure of such person to prevent or rectify the violation) the Manager will exercise his authority to disconnect the premise from the District's water system (and/or the District sewer system); provided that such time shall not be less than five (5) days after the deposit of such notice in the United States Post Office at Rio Linda, California,

addressed to the person to whom notice is given; provided, however, that in the event such violation results in a public hazard or menace, then the Manager may enter upon the premise without notice and do such things and expend such sums as may be necessary to abate such hazard or menace, and the reasonable value of the things done and the amounts expended in so doing shall be a charge upon the person so in violation.

(c) If any person billed hereunder for any sewer service fee shall fail to pay such sewer service fee prior to delinquency or if the owner or occupant of any premise shall violate any other provision of this Ordinance, any one or more of the actions authorized by this paragraph may, or where required hereby must, be taken by the District or the Board or authorized officers of the District to enforce such payment.

(1) In each case where all or any part of any bill remains unpaid on the delinquent date thereof, a basic penalty of 10% of the amount of such bill shall be added to such bill. In addition an amount equal to one per cent (1%) per month of the amount of such bill and basic penalty shall be added to such bill for each month or fraction thereof during the time that all or any part of said bill shall remain unpaid after the delinquent date thereof.

(2) In each case where all or any part of any bill remains unpaid for 30 days after the delinquent date thereof, and in each case where a violation of any other provision of this Ordinance shall continue for a period of 60 days, the Manager shall disconnect the premise from the District's water system and all other utility services

(other than sewer service) furnished by the District and may discontinue said sewer service, all subject to the provisions of subparagraph (b) of this Section 5; and any premise so disconnected shall not be reconnected to the District's water system and/or the District sewer system until the owner of such premise shall have paid or caused to be paid (i) all delinquent fees and basic and monthly penalties, and (ii) such reasonable charge for reconnection which may be fixed from time to time by the Board by resolution duly adopted; or until the owner of such premise shall otherwise have complied with this Ordinance.

(3) In each case where a premise is disconnected from the District sewer system, the Board shall cause the District to take or to request any authorized public officer to take such steps as may be legally taken to abate such premise and to prohibit occupancy of such premise until it shall be reconnected to the District sewer system.

(4) In each case where all or any part of any bill for sewer service only remains unpaid for 30 days following the delinquent date thereof, the Board shall cause the District to initiate an action at law against the person billed for the amount of the delinquent bill, including all basic and monthly penalties, plus court costs, and shall cause the District to prosecute such action to final judgment against the defendant in such action.

Section 6. Effective Date of Sewer Service Fees.

Sewer service fees shall become effective immediately upon the beginning of operation of the District sewer system and thereafter such charges shall become effective against all premises not then

connected to the District sewer system immediately upon connection or within 90 days from the time that a connection to the District sewer system could be made as hereinafter provided in Section 7 hereof, whichever is the earlier.

If operation of the District sewer system shall commence during the first 20 days of a calendar month, or if any connection is made to the District sewer system during the first 20 days of a calendar month, a full monthly sewer service fee shall be charged. If operation of the District sewer system shall commence after the 20th day of a calendar month, or if any connection is made to the District sewer system after the 20th day of a calendar month, then no sewer service fee shall be charged for such portion of such calendar month.

Section 7. Duty to Connect with District Sewer System. No person owning any premise within the District on which any sewage is produced and which can be connected to a public sewer by installation of a house sewer of not more than 100 feet in length, shall use any means of sewage disposal other than through the District sewer system. Every person owning any premise so located on which any structure is located in which any sewage is produced shall be required to connect said premise to the District sewer system within 90 days from the date when a public sewer located within the distance specified above is completed and available for connection to said premise. The District hereby declares that further maintenance or use of cesspools or other local means of sewage disposal on any premise so located shall constitute a public nuisance and may invoke any legal means or the police power to abate same.

Section 8. Permits to Connect; Connection Fees.

If and to the extent required by the provisions of Ordinance No. 421 of the County of Sacramento passed on April 2, 1952, as now or hereafter amended, no person shall connect any premise or cause any premise to be connected with the District sewer system unless the owner or tenant of such premise shall first pay the fee to and obtain a permit for such connection from the County Engineer of the County of Sacramento, pursuant to said Ordinance. If and to the extent that permits are not required by said Ordinance, no person shall connect any premise or cause any premise to be connected with the District sewer system unless the owner or tenant of such premise shall first obtain a permit from the Manager.

Each person who applies for a permit as above provided shall file a statement or affidavit with the Manager for the guidance of the Manager and the Board in ascertaining the amount of the monthly sewer service fee payable by such owner under this Ordinance. Each such statement or affidavit shall contain such information as may be required by the Board. Failure by any owner or tenant or his legal representative to file such statement or affidavit containing such required information shall constitute a violation of this Ordinance. No statement or affidavit shall be conclusive as to the matters therein set forth, nor shall the filing of any statement or affidavit preclude the District from collecting from the person responsible for payment (as herein provided) by appropriate action such sum as is actually due and payable for monthly sewer service fees under the provisions of this Ordinance. Each such statement or affidavit, and each of the several items therein contained, shall be subject to verification by the Manager.

Section 9. Duties of Manager; Surety Bond.

(a) It shall be the duty of the Manager to supervise all house sewers and all connections to the District sewer system and to establish and administer such reasonable rules and regulations applicable to the use of and operation of the District sewer system as may be deemed advisable or necessary; provided, that such rules and regulations so established shall not be in conflict with any provision of this Ordinance and shall be at all times subject to appeal to the Board, whose decision shall be final, and also shall not be in conflict with, but shall be subject to, the provisions of said Ordinance No. 421 of the County of Sacramento, as now or hereafter amended, to the extent that said Ordinance is by law applicable to the District.

(b) It shall be the duty of the Manager to collect all sewer service fees. The Manager shall keep an accurate accounting and records showing the source, amount and disposition of all funds received from sewer service fees. The District shall cause to be issued and shall maintain in good standing a surety bond conditioned upon the full and prompt deposit by the Manager of all sewer service fees as provided in Section 11 hereof.

Section 10. Sewer Extensions.

(a) Whenever one or more owners of premises not then served by the District sewer system and which are not required to connect thereto by Section 7 hereof desire that a sewer be made available to such premises, they shall make written application to the Board for extension of the District sewer system to such premises, setting forth the exact location

of the premises by Lot and Block numbers and the nature of the improvement contemplated which will require sewer service. The Board shall consider each such application and take appropriate action as described in this section.

(b) If the Board finds that the conditions enumerated in this paragraph (b) exist, it shall immediately order the construction of the sewer and take such steps as are necessary to accomplish the construction. Such action shall be taken, however, only if the Board finds that each and every one of the following conditions prevail:

(1) That the sewer proposed will be part of the District sewer system.

(2) That there is sufficient money in the District's sewer construction fund to accomplish the construction.

(3) That sewer service fees hereunder from the proposed sewer will begin to be paid within such reasonable time and will be in such amounts as, in the opinion of the Board, will warrant the construction.

(4) That the applicant, or applicants, for the construction have made application for a permit to connect to the proposed sewer and have paid the permit fees as provided in Section 8 hereof.

(c) If the Board finds that all of the conditions enumerated in the foregoing paragraph (b) do not exist, but if it appears that the proposed sewer will be part of the District sewer system and if the owners or occupants of the premises to be served by the proposed sewer will pay the total cost of construction thereof and obtain the permit and pay the fees as provided in Section 8 hereof, the Board shall give its consent to such construction.

Section 11. Disposition of Revenues and Uses to Which Revenues Shall be Applied. All revenues received by the Manager or the District under this Ordinance, including all sewer service fees, and all basic and monthly penalties, shall be deposited by the Manager or the District within five (5) days of receipt thereof with the County Treasurer, and said sums, together with any interest earned thereon, shall be deposited by the County Treasurer in the manner and for the purposes provided in or pursuant to that certain resolution adopted by the Board entitled:

"RESOLUTION PROVIDING FOR THE ISSUANCE OF \$363,000 PRINCIPAL AMOUNT OF "RIO LINDA COUNTY WATER DISTRICT 1955 SEWER REVENUE BONDS"; PRESCRIBING THE RATE OF INTEREST, MATURITIES, TERMS, CONDITIONS, DATE AND FORM OF SAID BONDS; AUTHORIZING THE EXECUTION OF SAID BONDS; AND PROVIDING FOR THE SECURITY THEREOF."

Section 12. Appeals. Any person who shall have a right to appeal as provided in any section of this Ordinance or who shall be dissatisfied with any determination hereinafter made hereunder by the Manager may, at any time within thirty(30) days after such determination, appeal to the Board by giving written notice to the Manager, setting forth the determination with which such person is dissatisfied. The Board may, at any time, upon its own motion appeal from any determination made by the Manager hereunder. In the event of any such appeal, the Manager shall transmit to the Board a report upon the matter appealed. The Board shall cause notice to be given, at least ten (10) days prior to the time fixed for such hearing, to all persons affected by such appeal, of the time and place fixed by the Board for hearing such appeal. The Board shall direct the Manager or the Secretary of the Board to mail a

written notice, postage prepaid, to all such persons whose addresses are known to the Board. Pending decisions upon any appeal relative to the amount of any charges hereunder, the person making such appeal shall pay such charge. After the appeal is heard, the Board shall order refunded to the person making such appeal such amount, if any, as the Board shall determine should be refunded.

Section 13. Severability. If any provision of this Ordinance, or the application thereof to any person or circumstances, is held invalid, no other provision of this ordinance shall be affected thereby.

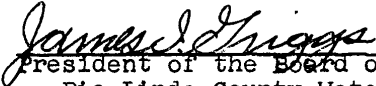
Section 14. Effective Date of Ordinance. This ordinance shall take effect 30 days after its final passage and before the expiration of said 30 days shall be published, with the names of the members of the Board voting for and against the same, at least twice in the "Rio Linda Record", a weekly newspaper of general circulation printed and published in the District, and shall be posted for at least one week at the main entrance to the office of the Board.

PASSED AND ADOPTED this 11th day of May, 1955, by
the following vote:

AYES: JAMES I. GRIGGS, WILLIAM C. EIA, PAUL M. NORBRYHN,
WILLIAM D. ELLSWORTH and CARL BROTHERS.

NOES: NONE

ABSENT: NONE



President of the Board of Directors of
Rio Linda County Water District

Countersigned:



Secretary of the Board of Directors of
Rio Linda County Water District

SECRETARY'S CERTIFICATE

I, HARRY H. WAGNER, Secretary of the Board of Directors of Rio Linda County Water District, do hereby certify that the foregoing ordinance is a full, true and correct copy of an ordinance introduced and read and thereafter duly passed and adopted by the vote of at least a majority of all of the members of the Board of Directors of said District at a regular meeting of said Board of Directors duly and regularly held at the regular meeting place thereof on the 11th day of May, 1955, of which meeting all of the members of said Board had due notice, as follows:

AYES: JAMES I. GRIGGS, WILLIAM C. EIA, PAUL M. NORBRYHN,
WILLIAM D. ELLSWORTH and CARL BROTHERS

NOES: NONE

ABSENT: NONE

That I have carefully compared the same with the original minutes of said meeting on file and of record in my office and that said ordinance is duly entered of record in Book 1 of Minutes of said Board of Directors at pages 176 to 177, and in Ordinance Book No. ---- of said Board of Directors and said ordinance is a full, true and correct copy of the original ordinance adopted at said meeting and entered in said minutes and Ordinance Book. That said ordinance has not been amended, modified or rescinded since the date of its passage and the same is now in full force and effect.

WITNESS my hand and the seal of Rio Linda County Water District this 11 day of May, 1955.

Harry H. Wagner
Secretary of the Board of Directors
of Rio Linda County Water District.

W. H. ORRICK
T. W. DAHLQUIST
GEORGE HERRINGTON
ERIC SUTCLIFFE
NATHAN D. ROWLEY
WILLIAM H. ORRICK, JR.
ORVILLE A. ROHLF
WARREN A. PALMER
WALTER G. OLSON
CHRISTOPHER M. JENKS

ORRICK, DAHLQUIST, HERRINGTON & SUTCLIFFE
COUNSELORS AND ATTORNEYS AT LAW
405 MONTGOMERY STREET
SAN FRANCISCO 4

CABLE ADDRESS "ORRICK"
[GOODFELLOW, ELLS, MOORE & ORRICK]

June 24, 1955

Mr. Harry H. Wagner, Secretary
Rio Linda County Water District
P. O. Box 401
Rio Linda, Sacramento County
California

Re: Rio Linda County Water District 1955 Sewage
Treatment Plant Bonds

Dear Mr. Wagner:

In connection with the above general obligation bonds it is necessary for the county to levy each year a tax sufficient to pay the bond interest and principal. While the district is required to request the county annually to levy the required tax, it is safer if the district has on file with the county a resolution covering the bond tax required for each year during the life of the issue, so that the county may automatically levy the required taxes each year in which the funds from the district revenues are not on hand sufficient to pay the bond principal and interest coming due in that year.

I have accordingly prepared and enclose original and six copies of a resolution providing for the levy of the required taxes. I shall appreciate your having your Board of Directors adopt this resolution at its June 29 meeting. Two certified copies of the resolution should immediately be returned to me. Additional certified copies should be filed immediately with the County Treasurer, County Auditor, County Assessor and County Clerk.

I am sending a copy of this letter and a copy of the enclosed resolution to Mr. Tobey and Mr. Bartle.

Very truly yours,

Nathan D. Rowley

Enclosures

Received Resolution #40-55. *Howell*
✓ ✓ ✓ *Assessor*
of Rio, County Clerk