

6/29/88

ORDINANCE NO. 88-5

AN ORDINANCE OF THE
RANCHO MURIETA COMMUNITY SERVICES DISTRICT
ADOPTING CHAPTER 16 OF THE DISTRICT CODE
RELATING TO DRAINAGE AND TO ESTABLISH
POLICIES AND REGULATIONS FOR THE INSTALLATION
AND USE OF THE DISTRICT STORM DRAINAGE SYSTEM

SECTION ONE:

Chapter 16 is hereby added to the District Code and reads as follows:

Section 1.00 General Provisions

- 1.01 Title: This ordinance shall be known as the "Drainage Ordinance" and may be cited as such.
- 1.02 Scope of Service: To receive all storm runoff water and convey it to areas that will accept it in such a manner so as to minimize the loss of life and property and to minimize inconvenience to the public that may result from flooding within or around the District.
- 1.03 Requirements for Service: The provisions of this ordinance shall apply to drainage and service in, upon or affecting the territory of the Rancho Murieta Community Services District, and the design, construction, alteration, use, and maintenance of waterways, including drainage channels, ditches, pipes, manholes, lakes, and all system appurtenances; the issuance of permits and the collection of fees therefor; fees to pay for the cost of checking plans, inspecting construction, and making record plans of the drainage facilities permitted hereunder; providing penalties for violation of any of the provisions hereof and all other necessary or related matters.

Section 2.01 Definitions

For the purposes of this chapter, the following terms shall have the following meanings unless the context clearly indicates otherwise.

APPROVED
6/29/88
9/15/88
9/15/88

- 2.01 Applicant: Shall mean the owner, or the agent of the owner, of the property for which drainage service or other consideration is being requested.
- 2.02 Board: Shall mean the Board of Directors of the Rancho Murieta Community Services District.
- 2.03 District: Shall mean the Rancho Murieta Community Services District.
- 2.04 District Engineer: Shall mean the District Engineer of Rancho Murieta Community Services District, acting either directly or through properly authorized agents, such agents acting within the scope of the particular duties delegated to them.
- 2.05 District Drainage System: Shall mean any drainage system that is owned, operated and/or maintained by the District within a District right-of-way or easement, excluding surface drainage of private streets and roads.
- 2.06 Drainage System: Shall mean the system of waterways, ditches, channels, pipes, lakes, and appurtenances which collects and conveys storm runoff water to the point of discharge.
- 2.07 Flat Rate Service: Shall mean the provision of the drainage service either directly or indirectly from the property owner's property to the point of discharge at a fixed periodic charge.
- 2.08 Floodplain: The area adjoining a river, stream, or waterway which is subject to periodic inundation by floodwaters.
- 2.09 Floodway: The main channel of a waterway which is reasonably required to carry and discharge the storm flow.
- 2.10 Grading: Shall include the act or result of digging, excavating, transporting, spreading, depositing in an embankment or fill, compacting or settling, or shaping of surfaces and slopes in excavations and on embankments; backfilling of trenches, pits, ditches, and other excavations or natural depressions; and other operations performed by or controlled by human activity involving the physical movement of rock or soil.

- 2.11 Levee: Shall mean an elongated mound of dirt or earth paralleling and adjacent to the outer edges of a waterway.
- 2.12 Manager: Shall mean the General manager of the Rancho Murieta Community Services District.
- 2.13 Permits: Shall mean the District's written approval or authorization for an action. A permit may only be issued by the District upon completion of the appropriate District application form for the action sought, payment of all applicable fees and charges and compliance with all applicable ordinances, rules and regulations, as well as local, state and federal laws.
- 2.14 Private Drainage Lines: Shall mean those lines owned by the property owner that are for his own use and no District funds were used to construct or maintain them.
- 2.15 Private Drainage System: Shall mean any drainage system on private land(s), including homeowner association common areas and streets, golf courses, and driving ranges, that solely provides drainage service from the private land(s) to the point of connection or discharge into a District drainage system.
- 2.16 Rubbish: Shall mean any substance which is not readily soluble in water except naturally occurring grasses, weeds and riparian growth.
- 2.17 Structure: Shall mean anything constructed upon or attached permanently or temporarily to the land, or which has its foundation or means of support upon, under, or within the surface of the earth, including but not limited to any building, dam, wall, crib wall, bulkhead, pipe, conduit, pole, or fence.
- 2.18 Waterway: Shall mean a river, stream, creek, watercourse, or channel, having a defined bed and banks, and includes any conduit or pipe in which water does or may flow. A waterway includes any property in which the District owns a fee simple interest or easement therein for drainage purposes. Whenever a waterway consists of an ordinary channel, and in addition thereto, an overflow channel, the waterway shall be deemed to include all property lying between the banks of the overflow channel.

- 2.19 100 Year Flood: Shall mean a flood having a one percent statistical chance of being equaled or exceeded in any given year.

Section 3.00 General Policy

- 3.01 General Policy of Operating System: The District shall operate and maintain the drainage system in an efficient and economical manner and supply a drainage service of acceptable quality as fairly and equitably as possible. The charges to be made for this service shall be set at rates necessary to enable the District to recover all costs of supplying drainage service to the complete area of the District including, but not limited to, the costs for the following:

- (A) Power costs
- (B) Customer service
- (C) Administration
- (D) Operation and maintenance
- (E) Overhead
- (F) Debt service
- (G) Charges and assessments in-lieu of taxes
- (H) Engineering and legal expenses
- (I) All other necessary and appropriate expenses

- 3.02 District's Responsibility for System: The District shall be responsible for the operation and maintenance of the District drainage system which shall include but not be limited to:

- (A) Culverts
- (B) Man made channels
- (C) Pipes
- (D) Catch basins below the grate on private streets
- (E) Manholes
- (F) Channels
- (G) Pump Stations
- (H) Floodways of waterways
- (I) All other appropriate facilities

- 3.03 Access to District Owned Property: The District shall have access to all District drainage facilities at any reasonable hour of the day or night to perform any duties that may be required to prevent damage or flooding.

- 3.04 Prohibited Obstructions: Without District

approval no person shall cause any type of obstruction affecting any part of the drainage facilities. Any structure placed in, over, around, through, or under any drainage pipe, channel, ditch or lake must have the Rancho Murieta Community Services District's approval before any construction is allowed to begin. Upon written request by the Manager any such obstruction will immediately be removed by the violator at no expense to the District or it will be removed by the District at the violator's expense and shall not be replaced.

3.05 Delegation of Authority: The General Manager shall have the authority to delegate the performance of any of the Manager's responsibilities to any District employee or independent contractor.

3.06 Street Work:

(a) When a person who opens, grades, excavates, fills or does other street construction, deems it necessary to expose, remove, raise, lower or otherwise affect any portion of the drainage system owned by the District, the person performing such street construction shall give at least seven (7) days advance notice in writing to the District of the person's intention to perform such construction and immediate notice upon exposure or contact with such system.

(b) At its option, the District may elect to perform the removal, raising, lowering or other construction on the District's drainage system which is necessitated by the street construction. Prior to the District performing the construction on its drainage system, the person requiring the street construction shall pay the District a reasonable deposit, as determined by the District, in an amount not to exceed the estimated cost of the District's construction. The costs shall include an administrative fee which shall be ten per cent (10%) of the actual construction costs, up to a maximum of One Hundred Dollars (\$100). When the District completes its construction, the District shall refund that portion, if any, of the deposit which exceeds the actual costs of construction and the person requiring the construction shall pay the amount, if any, by which the actual costs of construction exceed the deposit.

(c) The person performing the street construction shall be liable for any damage to the District drainage system resulting from the street construction or from the person's construction on the District drainage system.

3.07 Standards: All procedures, design, work, materials, capacities, facilities and other improvements shall be based on the applicable provision of the latest revisions of State and Local regulations and generally accepted standards of drainage practice insofar as deemed appropriate by the District considering the conditions and where not in conflict with District standards. Such regulations and standards are included in but not necessarily limited to the following references:

Sacramento County Drainage Improvement and Construction Standards
Uniform Plumbing Code
Uniform Building Code

3.08 District Ownership and Control. The portion of the drainage system which is located in the public right of way or in easements, shall be under the exclusive control of the District and owned, managed, and/or operated under the direction of the General Manager. *amended 9/15/88 886*

3.09 Private Drainage Systems. The owner shall be responsible for the proper operation and maintenance of the owner's private drainage facilities and for any damages to the District's drainage system or loss of property resulting from such operation and maintenance.

3.10 Inspection of Privately-Owned Drainage System. An owner's private drainage system shall be open for inspection at all reasonable times to a representative of the District. However, except in cases of emergency, before a District representative enters an owner's premises for the purpose of inspecting non-District owned facilities, the District shall obtain the owner's or occupant's consent or the District shall give 24 hour advance notice, in writing, to the owner or occupant of the District's intention to enter and inspect the private drainage system.

3.11 Interference with District Employees. Except as

provided in Section 3.10 hereof, it shall be unlawful for any persons to interfere, seek or cause to interfere with the inspection, installation, removal, maintenance, or other lawful activity by the General Manager or the General Manager's authorized representative, of any part of the drainage system owned by the District.

- 3.12 Contractors Hired by the District. Portions of this Chapter may be waived for persons hired by the District to construct any part of the District's drainage system.
- 3.13 Pre-existing Conditions. Non-conforming physical conditions existing as of the effective date of this Ordinance which have the potential of creating a public hazard and/or nuisance shall be deemed to be a violation of this Ordinance. The owner shall be allowed a grace period of three (3) months from the effective date of this ordinance within which to correct the violation or to obtain a District permit to allow the non-conforming violation to remain. If a permit is not issued or the non-conforming violation is not corrected within the grace period, the District may correct the violation at the owner's sole cost.

Section 4.00 Connection to and Construction of Drainage Facilities

add 3.11
9-15-88
87-6

- 4.01 In General: Nothing in this Chapter shall be construed as preventing or limiting the right of the District to require or undertake the preparation of engineering, economic, environmental or financing evaluations from any person requesting drainage service from the District, which service necessitates the installation of drainage facilities, and thereafter to require the construction of such facilities as a condition of service, all without cost to the District.
- 4.02 Financial Responsibility for Installation of Drainage Facilities: An applicant who installs or causes to be installed any part of the District drainage facilities shall be financially liable for the costs of the installation and all incidents thereof.
- 4.03 Relocation of Drainage Facilities at Owner's Request: Upon an owner's written request,

drainage facilities may be relocated by the District, provided that the relocation, in the opinion of the General Manager, is not detrimental to the District's drainage system. The cost of the relocation shall be borne by the owner and shall be payable in advance to the District. The cost of the relocation shall include the applicable costs and fees for all construction (if the construction is performed by persons hired by the District), design, installation, inspection, administration, overhead, and any other necessary, related expenses.

4.04 District's Studies. The District shall have the right to require or undertake the preparation of engineering, economic, environmental, or financial evaluations, at the applicant's sole cost, of any request for District drainage service when such service may necessitate the installation of drainage facilities or additions to the District drainage system.

4.05 Plans:

(a) Each application for a permit for which installation of drainage facilities is necessary shall be accompanied by four sets of plans and specifications for the installation.

(b) The submitted plans and specifications shall remain the exclusive property of the District.

(c) The Manager shall determine the adequacy of the proposed drainage facilities as to size, type and quality of materials and as to the location of facilities to serve the proposed development including off-tract pipelines and other appurtenances. The District shall have the authority to require the applicant to submit revised plans consistent with District standards.

(d) When the District is satisfied that the work proposed by the plans is proper and the plans are sufficient, it shall authorize the issuance of a permit subsequent to the applicant's payment of all applicable fees, charges, and deposits. The Manager shall certify in writing that the plans and specifications submitted conform to District standards.

4.06 Easements and Rights-of-way: (a) Any applicant who installs or proposes to install District

drainage facilities shall furnish the District all necessary easements and rights-of-way for such facilities and the subsequent operation and maintenance thereof.

(b) If the applicant cannot furnish the necessary easements and rights-of-way, the District may, at its sole option, acquire such easements and rights-of-way, subsequent to the applicant's payment to the District of all funds necessary to cover the District's cost of such acquisition.

(c) Until the necessary easements and rights-of-way have been properly executed and recorded, the District shall not approve any plans for drainage facilities to be constructed across the property of another. The District shall not accept for District use any such drainage facilities and no person shall place into use any such facilities.

(d) If an easement is required for the extension of the drainage system or the making of connections, the applicant shall procure at its expense and have accepted by the Board a proper easement or grant of right-of-way having a minimum width of fifteen feet, sufficient to allow the laying and maintenance of such extension or connection.

4.07 Performance Bond: The applicant shall post a surety bond, cash, or other security satisfactory to the District to guarantee the faithful performance of any agreement for the applicant's construction of the drainage facilities. The surety bond, cash or security shall be in the sum of one hundred percent (100%) of the estimated cost of the work, or in such other reasonable sum as may be fixed by the District. The surety bond, cash or security shall, in addition to guaranteeing the faithful performance of the work, guarantee the maintenance of the portion of the drainage facilities constructed by the applicant for a period of one year following the District's written acceptance of the work.

4.08 Liability: The District and its officers, agents and employees shall not be liable for any injury or death of any person or damage to any property arising, during, or stemming from the performance of any work by an applicant. The applicant shall be answerable for, indemnify and hold harmless, the District and its officers, agents and

employees, including all costs, expenses, attorney's fees and other fees and interest incurred in defending the same or in seeking to enforce this provision. The applicant shall be solely liable for any defects in the performance of the applicant's work or for any failure, damage, injury, claim or loss which may develop therefrom.

- 4.09 Dedication Requirements: An offer of dedication of the drainage facilities, excluding any private drainage lines, shall be included in any application for a permit. The District shall not accept for dedication any portion of the drainage facilities which are not constructed in conformity with the requirements of the drainage facility agreement, if any, and of this Chapter.
- 4.10 As-Built Plans: Two sets of blue-line prints and one set of reproducible drawings delineating as-built drainage lines and appurtenances shall be filed with the District prior to, and as a condition of, the District's approval and acceptance of construction by an applicant. No certificate of final inspection shall be issued until such prints and drawings are filed.
- 4.11 Inspection:
- (a) The District shall have the right to inspect all work during and subsequent to its construction. When the construction is completed, the work must be inspected and approved by the District before newly constructed drainage facilities may be connected to the District's drainage system.
- (b) No construction shall be covered at any time unless it has been inspected and approved by the District. No facilities shall be connected to the District's drainage system unless the District has performed tests indicating the new construction is satisfactory and the facilities have been cleaned of all debris accumulated from construction operations.
- (c) The applicant shall give the District at least forty-eight hours advance notice, Saturdays, Sundays, and holidays excluded, of when it wishes the District to perform an inspection. If work is inspected and deemed inadequate, the District shall so notify the applicant in writing and

identify the deficiencies in the project.

- 4.12 Certificate of Final Inspection and Completion: When the District determines that all work done under the permit and drainage facility extension agreement, if any, has been constructed according to, and meets the requirements of all applicable provisions of this Chapter, the agreement and other District rules and regulations, and when all fees have been paid, the Manager, subject to any procedure which may be adopted by the Board, shall authorize the issuance of a Certificate of Final Inspection and Completion.
- 4.13 Ownership Upon Dedication: When the Certificate of Final Inspection and Completion is issued, the District shall accept the Offer of Dedication and authorize the connection of the new drainage facilities. Upon connection to the District's drainage system, the new drainage facilities, excluding private drainage lines, shall become the exclusive property of the District.
- 4.14 Installation of Private Drainage System. The owner shall, at the owner's own expense, install according to District standards, the owner's private drainage system. The private drainage system shall remain the sole property of the owner.
- 4.15 District Construction Standards. All work performed on installing any portion of the drainage system and all acts, including design and construction relating thereto, shall comply with the District standard specifications. Copies of the standards are on file with the District office.
- 4.16 Persons Authorized to Perform Work on District Drainage System.
- (a) Only validly licensed contractors are authorized to perform work on the District's drainage system, including connections thereto. All terms and conditions of the permit issued by the District to the applicant shall be binding on the applicant's contractor.
- (b) At the District's option, system extensions and connections thereto shall be performed either by the District or persons hired thereby or under the supervision of District employees by licensed

contractors retained by the applicant.

(c) When the District determines that any installation or connection shall be performed by the District, the applicant shall pay in advance an amount of funds as determined by the District to be equal to the approximate District cost of construction and other necessary expenses. Upon completion of construction, the District shall refund the excess, if any, of the funds paid by the applicant or, if applicable, the applicant shall pay the amount, if any, by which the actual cost exceeded the applicant's deposit.

- 4.17 Connection to District Drainage System. Connection into the drainage system shall be made in accordance with the District's standard drawings and specifications and at the applicant's expense. The connection to the drainage system shall be made in the presence of a District inspector and under the inspector's supervision and direction. Any damage to the drainage system shall be repaired in conformance with District standard specifications at the applicant's sole cost.

Section 5.00 Drainage Facility Extensions:

- 5.01 Drainage Facility Extension: Any person requesting drainage service from the District which necessitates an extension of the District's drainage system shall apply to the District for a drainage facility extension agreement on the forms prescribed by the District.
- 5.02 Formation of an Assessment District. At the District's sole option, the District may utilize any statutory or other procedures concerning assessment districts to finance construction of the drainage facility extension and related appurtenances.

Section 6.00 Permits and Fees:

- 6.01 Permit Required: No persons other than those specifically permitted by this Chapter, shall uncover or cause to be uncovered, construct or cause to be constructed, use or cause to be used, alter or cause to be altered, or connect to or cause to be connected to, any District drainage facility or other portion of the drainage system owned by the District without first obtaining a

permit from the District, paying the applicable fees, and complying with all other applicable provisions of this Chapter.

- 6.02 Application for Permit: Any person legally entitled to apply for and receive a permit shall make application for a permit on forms provided by the District for that purpose. Any applicant shall describe the proposed construction and location, ownership, occupancy, and use of the premises in connection therewith. The Manager may require, in addition to the information specified, any additional information from the applicant which will enable the Manager to determine that the proposed connection complies with the provisions of this Chapter.
- 6.03 Payment of Fees and Charges: No permit shall be issued until all fees and charges as established by the Board in connection therewith are paid to the District.
- 6.04 Applicant's Agreement to Comply with Code: The applicant's signature on an application for a permit or the applicant's acceptance of any permit shall constitute an agreement by the applicant to comply with all the provisions, terms and requirements of the District's Drainage Code, with all other rules and regulations of the District, and with the plans and specifications the applicant has filed, together with such corrections or modifications, if any, as may be permitted or required by the District in writing. This agreement shall be binding upon the applicant and the applicant's successors in interest, and may be altered only by the District in writing upon the applicant's written request.
- 6.05 Time Limits on Permits: If work under a permit is not commenced within six (6) months from the date of issuance of the permit or if, after commencing, the work be discontinued for a period of one (1) year, the permit shall become void and no further work shall be undertaken until a new permit shall have been secured and a new fee paid therefor at applicable rates then in effect.
- 6.06 Permit Consistency. The District shall not grant a permit if the permit will authorize work or activity which is inconsistent with the Storm Drainage and Flood Control Master Plan which has been adopted by the District.

- 6.07 Compliance with Permit. After the District's approval of the application, as evidenced by the District's issuance of a permit, the applicant shall make no change in the location of the drainage facilities, the grade, materials, or other details from those described in the plans on which the permit is based or as shown in the plans and specifications for which the permit was issued, except with the prior written permission of the General Manager.
- 6.08 Unauthorized Usage of Permit.
- (a) Upon prior written approval of the District, a person to whom a permit has been issued may transfer a permit to another person solely for the same use and premises for which the permit was issued, subject to all terms and conditions under which the permit was issued. The transferee shall meet all requirements of the District relating to the transfer.
- (b) Usage of a permit for a premises other than the premises for which the permit was issued shall be an unauthorized usage and shall render the permit void and invalid.
- (c) A person engaging in an unauthorized usage of the permit shall apply to the District for an appropriate permit. If the District issues the permit, the applicant shall pay the appropriate current fees and charges.
- 6.09 Persons Excluded from this Section. The provisions of this Section 6.00 may be waived by the District for contractors constructing drainage facilities or improvements under contract with the District, or under contract awarded by the District under proceedings pursuant to any of the special procedure statutes of the State providing for the construction of drainage facilities and the assessing of the expenses thereof against the lands benefitted thereby.
- 6.10 Plan Checking. No permit shall be issued until the District has checked and approved the plans in accordance with the applicable provisions of this Chapter.
- 6.11 Additional Permits. The District's issuance of a permit does not relieve the applicant from the

responsibility to obtain all other local, state, or federal approvals or permits, including encroachment permits and rights of entries from private entities, prior to initiating the work. The applicant shall have sole responsibility for determining the necessity for compliance with the regulations of all other regulatory agencies.

Section 7.00 Rates and Charges:

- 7.01 Drainage charges for operation and maintenance of the District's system shall be as follows:
- (a) Improved single family lots, with or without a dwelling unit, \$3.00 per month billed bi-monthly.
 - (b) Murieta Village lots, condominiums, townhouses, or lodge units, \$2.00 per month billed bi-monthly.
 - (c) Developed commercial and industrial property, \$10.00 per acre per month billed monthly.
 - (d) Undeveloped residential, commercial, or industrial property, \$5.00 per acre per year billed annually on July 1st of each year.
 - (e) The airport and equestrian center at \$15.00 per acre per year billed annually on July 1st of each year.
 - (f) All other property developed or undeveloped, irrigated or native, that is not covered in one of the above classifications, except homeowner associations' common areas, golf courses, driving ranges, and agricultural lands, shall be billed at a rate not less than \$15.00 per acre per year, billed annually on July 1st of each year.

These rates will be reviewed periodically to determine their capability to meet costs. The Board will review the rates periodically and adjust them to conform to requirements placed on the District.

Section 8.00 Prohibited Use of Drainage System.

- 8.01 Protection of Waterways. Every person, firm, corporation, or public agency through whose property a waterway exists, shall keep the same free from rubbish and temporary or permanent

obstacles which will prevent, change, or retard the flow of the water, unless a permit to alter such waterway has been obtained pursuant to the terms of this Ordinance.

8.02 Wastes Prohibited into Drainage System. No person shall discharge or cause to be discharged any of the following wastes to any part of the drainage system:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive solid, liquid or gas.

(b) Any waste containing toxic or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to constitute a hazard to humans, or create a public nuisance.

(c) Any waste having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the District or creating a hazard or public nuisance.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in the drainage system, or other interference with the proper operation of the drainage system, such as, but not limited to, rubbish, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, disposable diapers, feathers, tar, plastics, wood, unground garbage, paper dishes, cups, containers, etc.

8.03 Prohibition Against Certain Acts Without a Permit. It shall be unlawful for any person, firm, corporation, or public agency to do, or cause to be done, any of the following, without having first secured a permit from the District:

(a) Construct, place or maintain any structure, obstruction or fill which will retard or obstruct the flow of water within a waterway, upon a levee, or upon or between the banks of a waterway; or construct, place, or maintain any structure, obstruction or fill over, upon or within any property in which the District owns an easement or fee simple interest.

(b) Excavate upon a levee or a waterway.

- (c) Deposit rubbish upon a levee or a waterway.
- (d) Construct or place any outlet for discharging drainage waters to or within a waterway.
- (e) Plant or install any object or plant any form of flora (other than grasses or annual crops) within a waterway.
- (f) To trespass in any manner, whatsoever, including the driving of vehicles, on any property in which the District owns a fee simple interest or easement therein for drainage purposes.
- (g) To construct or place any building, structure, or other improvement, or place any trailer, mobile home, or similar vehicle, on any land subject to flooding.
- (h) Construct within the 100 year Floodplain any encroachment, fill, new construction, substantial improvements or other development which increases the 100 year flood elevation.

8.04

Grading and Soil Erosion. No person shall cause or allow to be caused grading and soil erosion within the District which results in the creation of an unlawful encroachment on other property, a public nuisance or hazard to vehicular traffic or to the safe operation of the drainage system. Excavation, grading, or the placement of fill material on or within any property so that dirt or debris may be washed, eroded, or moved from the property by natural or artificial means shall be prohibited.

Any grading or soil erosion activities that obstructs, impedes, or interferes with the natural flow of storm, flood, or surface waters, whether unconfined upon the surface of the land within land depressions or natural drainage ways, within unimproved channels or watercourses or within improved ditches, channels or conduits, shall be prohibited.

Grading activities within the District shall incorporate District approved temporary and permanent erosion control measures to minimize the potential for soil erosion that can result in encroachments, nuisances, and hazards.

The owner of the land on which the grading and

soil erosion activities originate that result in an encroachment, nuisance, or hazard shall be responsible to abate the encroachment, nuisance, or hazard upon receipt of notice in writing from the District within the period specified in the notice. If the owner fails to abate the encroachment, nuisance, or hazard within the specified period, the District will undertake the abatement at the sole cost of the owner.

- 8.05 Surface Drainage: No person shall obstruct, impede or retard the flow of water across the surface of the land in such a way as to create a nuisance or hazard on any public or private lands.

Section 9.00 Collection of Rates and Enforcement Provisions

- 9.01 Collection of Charges for Drainage and Other Services: The periodic charges imposed by this Chapter may be collected together with charges for any other utility service supplied by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the services for which the bill is rendered in the manner herein provided.
- 9.02 Billing: All drainage service accounts may be billed periodically at bi-monthly (approximately sixty days) intervals except for mid-cycle starts.
- 9.03 Persons Billed: The District shall bill the property owner directly for all drainage services provided to the owner's premises.
- 9.04 Due Date: Bills for drainage service are due and payable when mailed.
- 9.05 Delinquency: Bills for service are delinquent if the bills remain unpaid in part or in whole for thirty (30) or more days after the bill is due.
- 9.06 Delinquencies - Basic Penalty: (a) A one-time basic penalty of ten percent (10%) of the rate for one month shall be added to each delinquent bill for the first month the bill is delinquent, provided that, if the penalty is less than \$20.00, a one-time charge be added so that the total minimum billing for the penalty and charge shall not exceed \$20.00.

(b) After assessing the basic penalty provided in Section 9.06(a), thereafter an additional penalty

of one half (0.5) percent per month shall be added to all delinquent charges and basic penalties remaining unpaid, until and unless the Board requests the County Auditor to include the amount of all delinquencies on the bills for taxes levied against the appropriate premises as set forth in Section 9.09.

- 9.07 Payment of Part of Delinquency: Monies paid where any portion of an account is delinquent shall first be credited to the delinquent portion of the bill and then to the current billing.
- 9.08 Liens: Unpaid drainage service charges imposed by this Chapter, when recorded as a lien with Sacramento County, shall constitute a lien upon the parcel of real property to which the drainage service was supplied. The District shall include a statement on its bills to the effect that any drainage service charges and penalties thereon remaining unpaid shall, when recorded, constitute a lien on the parcel to which the drainage service was supplied. The District may from time to time compile lists of such delinquent charges and record them with the County Recorder as liens, provided that the District shall first have given notice to the customer.
- 9.09 Collection of Delinquent Charges with Taxes: All rates, charges, penalties and interest which remain delinquent may be collected in the same manner as the general taxes for the District for the forthcoming year, provided that the District shall first have given the customer notice and an opportunity to be heard as provided by law. After delinquent amounts have been turned over to the County Auditor for collection, no payment shall be received by the District on the delinquent amounts except as collected by the County Tax Collector.
- 9.10 Adjustment of Bills: The District may adjust or grant rebates from the rates or fees provided in this Chapter in the event of a dispute relating to a charge to a customer; provided, however, that all parties affected shall have a right to appeal the District's determination to the Board within fifteen (15) days after receipt of the Manager's written decision. The decision of the Board thereon shall be final and binding on all parties. *revised 7/5/88 886*

Section 10.00 Enforcement, Disconnection and Restoration of Service

- 10.01 Enforcement: The General Manager shall enforce the provisions of this Chapter and, for such purpose, shall have the powers of a peace officer, if deputized or if authorized by law.
- 10.02 Violation of Chapter: In the event of a violation of any laws, ordinances, rules or regulations of the State of California, the County of Sacramento or the District, respecting the subject matter contained herein, the District shall notify in writing the person or persons causing, allowing, or committing such violation and the General Manager shall have the authority to disconnect any District service from the property served by District facilities, in the manner set forth herein.
- 10.03 Settling Disputes. The General Manager is hereby authorized to review disputes pertaining to any matters for which service may be disconnected and to adjust errors and settle disputes pertaining to such matters.
- 10.04 Restoration of Service. When service under this Chapter has been disconnected for any reason, the service shall not be restored until all unpaid sums are paid in full, plus all District expenses for disconnecting and restoring the service, plus a Twenty-five Dollar (\$25) restoration fee.
- 10.05 Recovery of Costs. In the event that the District is required to bring legal action to enforce any provision of this Chapter, including but not limited to the collection of delinquent fees and charges, the District shall be entitled to recover its reasonable attorney's fees, interest, and other costs of suit.
- 10.06 Means of Enforcement Only. The District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations, and not as a penalty.
- 10.07 Cumulative Remedies. All remedies set forth herein for the collection and enforcement of rates, charges, and penalties are cumulative and may be pursued alternatively, concurrently, or consecutively.
- 10.08 Misdemeanor. A violation of any provision of this

add
1009
9-15-87
88-6

Chapter is a misdemeanor, punishable by a fine not to exceed Five Hundred Dollars (\$500) or by imprisonment in the County Jail not to exceed six (6) months, or both. Each and every day, or part of a day that a violation of the Chapter continues, shall be deemed a separate offense hereunder and shall be punishable as such.

Section 11.00 Severability

11.01 Severability: The Board hereby declares that it would have passed this ordinance and thereby adopted this Chapter, or any section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared to be unconstitutional.

If any section, subsection, sentence, clause or phrase of the ordinance or the application thereof to any person or circumstance is for any reason held unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Chapter or the application of such provisions to other persons or circumstances.

SECTION TWO: To the extent the terms and provisions of this ordinance may be inconsistent or in conflict with the terms and provisions of any prior District ordinances, resolutions, rules, or regulations, the terms of this ordinance shall prevail with respect to the subject matters hereof and such inconsistent or conflicting terms and provisions of prior ordinances, resolutions, rules, and regulations are hereby repealed.

SECTION THREE: The establishment, modification, structuring, restructuring and approval of the fees, rates and charges heretofore set forth in Section One hereof, are for the purposes of continuing to provide funds to meet the District's costs of operation and maintenance, supply and equipment, financial reserve, debt service and capital replacement needs, and are necessary to maintain and improve service within the District's existing service boundaries.


SECTION FOUR: This ordinance shall take effect August 1, 1988 and shall be published not less than once in a newspaper of general circulation published within the District within ten days of adoption.

PASSED AND ADOPTED by the Board of Directors of the Rancho Murieta Community Services District, Sacramento County, California at a meeting duly held on June 29, 1988 by the following vote on roll call:

AYES: Directors Brandt, Dudley, Wegner


NOES: Directors Simpson, Devlin

ABSENT:



President, Board of Directors
Rancho Murieta Community
Services District

ATTEST:



Secretary, Board of Directors
Rancho Murieta Community Services District