

# **RANCHO MURIETA COMMUNITY SERVICES DISTRICT**

DISTRICT CODE

CHAPTER 15

## **THE SEWER CODE**

INSTALLATION, CONNECTION AND USE OF THE DISTRICT  
WATER SANITARY SEWER SYSTEM



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# DISTRICT CODE

## CHAPTER 15

### POLICIES REGULATING THE INSTALLATION, CONNECTION AND USE OF THE DISTRICT SANITARY SEWER SYSTEM

#### **SECTION 1.00 - General Provisions**

##### **1.01 Title**

This Chapter shall be known as the "Sanitary Code" or "Sewer Code" and may be cited as such.

##### **1.02 Scope of Service**

The provisions of this Chapter shall apply to sanitary sewer facilities and service in, upon or affecting the territory of the Rancho Murieta Community Services District, and the design, construction, alteration, use, and maintenance of public sanitary sewers, pumping equipment and facilities, treatment plants and facilities, connections and services, and all system appurtenances; the disposal of sewage and drainage of buildings; the issuance of permits and the collection of fees therefore; fees to pay for the costs of checking plans, inspecting construction, and making record plans of the facilities permitted hereunder; providing penalties for violation of any of the provisions hereof, and all other necessary or related matters.

#### **SECTION 2.00 Definitions**

##### **2.01 Applicant**

Applicant shall mean the owner, or the agent of the owner, of the property for which sanitary sewer service is being requested.

##### **2.02 Board**

Board shall mean the Board of Directors of Rancho Murieta Community Services District.

##### **2.03 Building**

Building shall mean any structure used for human habitation or a place of business, recreation or other purposes.

##### **2.04 Collection System**

Collection System shall mean all portions of the District sewer system, and related facilities, whether owned by the District and on publicly owned property, or owned by the customer and on privately owned property. (Amended by Ordinance 85-5)

##### **2.05 Contractor**

Contractor shall mean an individual, firm, corporation, partnership or association duly licensed by the State of California to perform the type of work to be done under the permit.

##### **2.06 Customer**

Customer shall mean the owner or agent of the owner of the property receiving sanitary sewer service.

**2.07 District**

District shall mean the Rancho Murieta Community Services District.

**2.08 General Manager**

General Manager shall mean the person appointed by the Board to the position of General Manager of the Rancho Murieta Community Services District.

**2.09 Lateral or Lateral Sewer**

Lateral or Lateral Sewer shall mean that portion of the collection system owned by the District, located in the street or public way, and running between the main line and the customer's property. (Amended by Ordinance 85-5.)

**2.10 Main Line**

Main Line shall mean that portion of the collection system owned by the District, located in the street or other public way and generally eight inches or more in diameter. (Amended by Ordinance 85-5)

**2.11 Permits**

Permits shall mean the District's written approval or authorization for a District customer to receive sewer service. (Amended by Ordinance 85-5)

**2.12 Person**

Person shall mean any human being, individual, firm, company, partnership, association, and/or private corporation. (Amended by Ordinance 85-5)

**2.13 Premises**

Premises shall mean a parcel of real estate, including any improvements thereon, which is determined by the District to be a single unit for purposes of receiving, using and paying for service. In making this determination, the District shall take into consideration such factors as whether the unit could reasonably be subdivided and whether the unit is being used for a single enterprise, apartment or dwelling.

**2.14 Private Sewer or Private Sewer Line**

Private Sewer or Private Sewer Line shall mean that portion of the collection system owned by the customer and running from the property line to the customer's individual premises receiving sewer service. (Amended by Ordinance 85-5)

**SECTION 3.00 – General Policies**

**3.01 General Policy of Operating System**

The District shall operate and maintain the sewer system in an efficient and economical manner and supply sewer service as fairly and equitably as possible. The charges to be made for service shall be set at rates necessary to enable the District to recover all costs of supplying sewer service including, but not limited to, the costs for the following:

- a. Collecting, pumping, treating, storing sewage, and reusing wastewater;
- b. Customer service;
- c. Administration;
- d. Overhead;
- e. Debt service;
- f. In lieu taxes;
- g. Replacement and maintenance of facilities, and
- h. All other necessary and appropriate expenses.

### **3.02 Responsibility for Sewer System**

- a. The customer served by the District's collection system shall be responsible for the installation, operation and maintenance, and costs thereof, of the private sewer line, and all other devices or safeguards required by this Chapter, which are located upon the property owned by the customer and which are outside the District's right-of-ways or easements. The District's responsibility for maintenance extends only to the sewer cleanout; the responsibility beyond the sewer cleanout is born by the customer. The installation of a District device upon private property or within a portion of the collection system not owned by the District shall not obligate the District to operate, maintain, or replace works or facilities not otherwise owned by the District. (Amended by Ordinance 85-5)
- b. District shall be responsible for operation and maintenance of that portion of the collection system, which is in the District's right-of-way, which has been dedicated to the District, or which is not located upon property of the customer served by the District's collection system. (Amended by Ordinance 85-5)
- c. The customer served by the District's collection system shall be responsible for and liable for all costs involved in the repair of all damage caused by the customer or agent thereof, to the collection system, wherever located, including but not limited to sewer obstructions. (Amended by Ordinance 85-5)

### **3.03 Unauthorized Use of District Sewer Service**

No person shall supply sewer service to any person or to any premises except with prior authorization by District permit or with prior approval in writing by the District. (Amended by Ordinance 85-5)

### **3.04 Sewer Required**

The owner of any existing building situated within the District and abutting on any street in which there is now located or may in the future be located a main line or lateral of the District, is hereby required at the owner's expense to connect the

building directly with the District's collection system in accordance with the provisions of this Chapter within ninety (90) days after date of official notice to do so, provided that the main line or lateral is within two hundred (200) feet of the nearest point of the property. (Amended by Ordinance 85-5)

**3.05 Access to and Inspection of the Collection System**

- a. The District shall have access at all reasonable times to the collection system, whether located on or off the customer's premises, for the purpose of inspecting, installing, maintaining, operating, removing, or taking other necessary actions relating to the collection system. (Amended by Ordinance 85-5)
- b. Whenever reasonably possible, the District shall obtain the customer's consent or give twenty-four hours advance notice of the District's intent to enter and inspect a customer's private sewer line. (Amended by Ordinance 85-5)
- c. No person shall be allowed to interfere or otherwise hinder the District's inspection, installation, maintenance, operation, removal, or other lawful or necessary District activity regarding the collection system. (Amended by Ordinance 85-5)
- d. No person shall place on any sewer easement any obstruction, such as wires, fences, trees, or buildings, which may impede or otherwise interfere with the collection system owned by the District. Upon the District's written request, such obstruction shall be immediately removed by the violator at no cost to the District or at the District's option, shall be removed by the District at the violator's expense. (Amended by Ordinance 85-5)

**3.06 Unsafe Apparatus or Damaging Conditions**

If an unsafe or hazardous condition is found to exist on the customer's premises, or if the customer's use of sewer service is found to be detrimental or damaging to the District or its customers, the District may discontinue sewer service without notice, provided that the District shall notify the customer immediately of the reasons for the discontinuance and the corrective action to be taken by the customer before service can be restored. (Amended by Ordinance 85-5)

**3.07 Fraudulent Use of Service**

When the District has discovered that a customer has obtained sewer service by fraudulent means, or has diverted the sewer service for unauthorized use; the service to that customer may be discontinued in the manner set forth in Section 10.00 herein. The District shall not be required to restore service until the customer has complied with all rules and requirements of the District and the District has been reimbursed for the full amount of the service rendered and the actual or estimated costs to the District incurred by reason of the fraudulent use. (Amended by Ordinance 85-5)

**3.08 Continuity of Service**



The District shall not be liable for any interruption, or insufficiency of sewer service at the customer's point of connection, or for any loss or damages occasioned thereby. (Amended by Ordinance 85-5)

**3.09 Contractors Hired by the District**

The District may waive portions of this Chapter for persons hired by the District to construct any part of the District's collection system. (Amended by Ordinance 85-5)

**3.10 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.

**SECTION 4.00 District Construction Requirements**

(Amended by Ordinance 85-5)

**4.01 Permit Required**

No person other than persons specifically excluded by this Code shall construct, extend, or connect to any portion of the District's collection system without first obtaining a sewer permit from the District, paying all applicable fees as set forth in this Chapter and complying with the District Code and other applicable requirements. (Amended by Ordinance 85-5)

**4.02 Time Limit on Permit**

To maintain the continuing validity of a permit, the permittee shall commence work under a permit within six months of the date of the District's issuance of the permit and, once work is initiated, shall not discontinue work under the permit for a period of one year or more, unless all work pursuant to the permit is completed. If the permittee fails to commence work under the permit within six months of the permit's issuance or if the permittee discontinues work for a period of one year or more, without completing the project, the permit shall be void and no further work shall be done under the permit until the District issues a new permit and the applicant pays all applicable fees. (Amended by Ordinance 85-5)

**4.03 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 sewer service when such service may necessitate the installation of sewer facilities or additions to the District collection system. (Amended by Ordinance 85-5)

**4.04 Plans**

(Amended by Ordinance 85-5)

- a. Each application for a permit shall be accompanied by three sets of complete plans and specifications for the installation of any portion of the collection system. The plans shall comply with the District Code and all other applicable rules and regulations.
- b. The plans shall be the exclusive property of the District.

- c. The District shall determine the adequacy of the proposed sewer facilities as to the size, type, and quality of materials and as to the location of facilities to serve the proposed development, including off-tract sewer lines 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.

#### **4.05 Time for Installing Sewer Lines**

Whenever practicable, the lateral shall be installed at the time of sewer main line is installed. (Amended by Ordinance 85-5)

#### **4.06 District Construction Standards**

All work performed on installing any portion of the collection 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. (Amended by Ordinance 85-5)

#### **4.07 Persons Authorized to Perform Work on District Collection System**

- a. Only validly licensed contractors are authorized to perform work on the District's collection 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. (Amended by Ordinance 85-5)
- b. At the District's option, main line extensions and sewer laterals, 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. (Amended by Ordinance 85-5)
- 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. (Amended by Ordinance 85-5)

#### **4.08 Separate Sewer Lines**

- a. Separate premises, whether owned by the same or different persons, shall not be supplied with sewer service through the same sewer lateral or private sewer line. (Amended by Ordinance 85-5)

- b. When premises, currently served by the District's collection system, are divided into two or more premises, the existing lateral and private sewer line shall be considered to belong to the premises into which the lateral and private sewer line more/most directly enters. The new premises shall require the installation of a separate lateral and private sewer line, at the customer's expense, and the payment of all other applicable fees and charges. (Amended by Ordinance 85-5)

#### **4.09 Customer Responsibility for Construction and Payment of Collection System**

The customer shall be responsible, at the customer's own expense, for installing his/her private sewer line according to District standards. The customer shall also be financially responsible for the installation of any other portion of the District's collection system, which is necessary to serve the customer's property. (Amended by Ordinance 85-5)

#### **4.10 Relocation of Sewer Lateral at Customer's Request**

Upon a customer's written request, the customer's sewer lateral may be relocated by the District, provided that the relocation, in the opinion of the General Manager, is not detrimental to the District's sewer system. The cost of the relocation shall be borne by the customer and shall be paid in advance to the District. The cost of the relocation shall include all applicable costs and fees for construction (if construction is performed by persons hired by the District), design, installation, inspections, administration, overhead, and any other necessary or related expenses. (Amended by Ordinance 85-5)

#### **4.11 Relocation of Sewer Lateral at District's Request**

Where a sewer lateral is relocated for the convenience or protection of the District, the relocation shall be at the expense of the District, provided such relocation is not made necessary by the customer. (Amended by Ordinance 85-5)

#### **4.12 Connection to District Collection System**

Connection of the sewer lateral into the main line shall be made in accordance with the District's standard specification and at the applicant's expense. The connection to the main line shall be made in the presence of a District inspector and under the inspector's supervision and direction. Any damage to the main line shall be repaired in conformance with District standard specifications at the applicant's sole cost. (Amended by Ordinance 85-5)

#### **4.13 Inspection of Construction**

- a. The District shall have the right to inspect all work on the collection system during and subsequent to its construction. When construction is completed; the work must be inspected and approved in writing by the Manager before the newly constructed facilities may be connected to the District's collection system. 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 lateral or main line 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. (Amended by Ordinance 85-5)

- b. The applicant shall give the District at least forty-eight (48) hours advance notice, Saturdays, Sundays and holidays excluded, of when it wished 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. (Amended by Ordinance 85-5)

#### **4.14 Final Approval of Construction**

When the District determines that all work done under the permit and the main line extension agreement, if any, has been constructed according to and meets the requirements of all applicable provisions of this Code, the agreement, and any other District rules and regulations, and subsequent to the payment of all fees, the Manager shall authorize the issuance of a certificate of final inspection and completion. (Amended by Ordinance 85-5)

#### **4.15 Easements**

- a. If an easement is required for the extension of the main line 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 ten feet sufficient to allow the laying and maintenance of such extension or connection. (Amended by Ordinance 85-5)
- b. Any applicant who installs or proposes to install sewer facilities shall furnish the District all necessary easements and right-of-ways for such facilities and the subsequent operation and maintenance thereof. (Amended by Ordinance 85-5)
- c. If the applicant cannot furnish the necessary easements and right-of-ways, the District may, at its sole option, acquire such easements and right-of-ways, subject to the applicant's payment to the District of all funds necessary to cover the District's cost of such acquisition. (Amended by Ordinance 85 - 5)
- d. Until the necessary easements and right-of-ways have been properly executed and recorded, the District shall not approve any plans for sewer facilities to be constructed by the person across the property of another person and the District shall not accept for public use any such sewer facilities and no person shall place such facilities into use. (Amended by Ordinance 85-5)

#### **4.16 Dedication Requirement**

An offer of dedication for the sewer facilities, excluding any private sewer lines shall be included in any application for a permit. The District shall not accept for dedication a portion of the sewer facilities, which are not constructed in conformance with requirements of the main line agreement, if any, and of the Code. Upon connection to the District's collection system, the newly constructed sewer lateral and main line shall become the District's property.

#### **4.17 As-Builts**

Two sets of blue-line prints and one set of reproducible drawings delineating as-built sewer mains, structures, ways, laterals, appurtenances, and all other

portions of the collection system shall be filed with the District prior to, and as a condition of, District acceptance of construction by an applicant. No certificate of final inspection shall be issued until such prints and drawings are filed with the District.

#### **4.18 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.

#### **4.19 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 sewer 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 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 sewer facilities constructed by the applicant for a period of one-year following the District's written acceptance of the work.

#### **4.20 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 sewer 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 systems.
- b. At its option, the District may elect to perform the removal, raising, lowering or other construction on the District's sewer system, which is necessitated, by the street construction on its sewer system, the person requiring the street construction shall pay the District a reasonable deposit in an amount not to exceed the estimated cost of the District's construction. 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 exceeds the deposit.
- c. The person performing the street construction shall be liable for any damage to the District's collection system resulting from the street construction or from the person's construction on the District's collection system.

## **SECTION 5.00 Main Line Extension**

(Amended by Ordinance 85-5)

### **5.01 Sewer Main Extension**

Any person requesting sewer service from the District, which necessitates an extension of the District's main sewer line, shall apply to the District for a main line 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 procedure concerning assessment districts to finance the construction of the main line extension, sewer laterals and related appurtenances.

### **5.03 Size of New Sewer Line**

The District may require the installation of a sewer line larger than that necessary to adequately serve the applicant's property. When the District requires the installation of a larger sewer line, the District shall:

- a. Pay the difference in cost, as determined by the District, between the size necessary to serve the applicant's construction and the larger sewer line; or
- b. Perform the installation itself, subsequent to the receipt from the applicant of a sum sufficient to cover the cost of installation, and other necessary expenses, of the sewer line required by the applicant; or
- c. Require the applicant to construct the larger line subject to reimbursement as hereinafter provided; or
- d. Require a combination of the foregoing.

### **5.04 Reimbursement for Extensions**

When an applicant enters into a main line extension agreement with the District, which requires the installation of a main line larger than that necessary to adequately serve the applicant's property, the agreement shall provide for a reimbursement to the applicant as follows: (Amended by Ordinance 89-2)

- a. Within the limits specified herein, when the main line extension has been installed at the applicant's sole expense, the applicant shall be eligible for reimbursement of applicant's cost based upon the applicant's and other customer's pro rata use, as determined by the District, of the extension. (Amended by Ordinance 89-2)
- b. The District shall levy on any customer connecting into the extension financed by applicant a fee determined by the District and based on the connecting customer's pro rata use of the extension and the actual cost of the extension. (Amended by Ordinance 89-2)
- c. Within 90 days of the District's receipt of any money pursuant to Section 5.04(b), the District shall pay such money to the applicant. (Amended by Ordinance 89-2)

### **5.05 Pre-existing Sewer Line Extension Agreement**

Notwithstanding any section of this Chapter, all main line extension agreements in existence on or before January 2, 1985, shall be governed by the rules under which the preexisting main line extension agreements were made at the time of execution of that particular agreement.

## **SECTION 6.00 Permits and Fees**

(Section Amended by Ordinance 85-5)

### **6.01 Sewer Service When Service Connection is Adequate**

Where an existing and adequate sewer lateral is properly connected to the District's collection system and the lateral is or has been legally servicing the premises for District shall be entitled to such service after the applicant submits an appropriate application to the District and complies with all other District regulations including, but not limited to, the payment of any charges or bills the applicant owes to the District.

### **6.02 Sewer Service When Service Connection is Inadequate**

Where the installation or enlargement of the collection system and/or sewer lateral is necessary prior to the District's supplying sewer service to an applicant, the applicant shall submit an application for a permit to the District. If the District has sufficient sewer system capacity to supply service and the applicant complies with all other District rules and regulations, the District shall accept the application. The District shall provide sewer service subsequent to the applicant's construction, or payment for the construction, of the necessary portions of the collection system; the applicant's payment of all fees to the District; the applicant's compliance with all District rules and regulations; and the applicant's payment in full of all charges, if any, owed to the District.

### **6.03 Application for Permit**

Any person legally entitled to apply for and receive a permit shall make such application on forms provided by the District for that purpose. Such person shall give a description of the character of the work proposed to be done and the location, ownership, occupancy, and use of the premises in connection therewith. The General Manager may require plans, specifications or drawings and such other information as the Manager may deem necessary.

### **6.04 Compliance with Permit**

After 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 collection facilities or other sewerage works, the grade, materials, or other details from those described in the plans on which the permit is based or as shown on the plans and specification for which the permit was issued, except with prior written permission of the General Manager.

### **6.05 Agreement**

The applicant's signature on an application for any permit shall constitute an agreement to comply with all the provisions, terms and requirements of this and other Code and other rules and regulations of the District and with the plans and

specifications the applicant has filed with its application, if any, together with such correction or modifications as may be made or permitted by the District, if any. This agreement shall be binding upon the applicant and the applicant's successors and may be altered only by the District upon written request for alteration from the applicant.

**SECTION 7.00 Rates and Charges, and Collection Procedures**

(Section Amended by Ordinance 85-5)

**7.01 Installation Fees**

- a. When the District installs a lateral, the District shall collect a deposit from an applicant prior to the installation of the lateral. Installing the lateral shall be on the basis of actual cost. If the actual cost of the installation is less than the deposit, the District shall refund the difference within sixty (60) days of completing the installation. If the actual cost of the installation is greater than the deposit, the applicant shall pay for the difference within thirty (30) days of receiving a bill therefore and prior to receiving sewer service.
- b. The amount of the fee shall be determined by the District General Manager based on an estimate of the cost of installing the lateral on a time and material basis, plus an additional administrative charge as determined by General Manager.

**7.02 Community Facilities Fees**

The District shall collect from all applicants for sewer service a community facilities fee to insure the continued availability of facilities for sewer service through periodic system expansion and replacement. The community facilities fee shall be paid as specified in the Community Facilities Fee Code. (Amended by Ordinance 87-3)

**7.03 Rates and Charges for Service**

The monthly service charge for each premise receiving sewer service from the District shall be: (Amended by Ordinance 2016-03)

a.	Residential or other premises, each unit	
	Base rate	\$39.34 per month
	Reserve contribution	<u>\$ 6.31 per month</u>
	Total monthly service charge	\$45.65 per month

	Murieta Village, per unit	
	Base rate	\$39.34 per month
	Reserve contribution	<u>\$ 6.31 per month</u>
	Total monthly service charge	\$45.65 per month

Non Residential  
 Monthly service charge for non-residential sewer service shall be calculated on an EDU basis for each customer multiplied by the residential monthly service charge.



*(Minimum non-residential charge shall not be less than the charge for a residential unit.)*

- b. For non-residential water metered accounts, the water consumption for the month of February shall be used to set the monthly sewer charge.
- c. For non-residential seasonal occupancy or uses of water metered accounts, the District will use a 12 month average of water usage to determine the monthly sewer charge.

#### **7.04 Inspection Fee**

- a. A fee based upon costs, labor, and parts shall be paid to the District for issuing a permit and inspecting each main line or lateral installation. The amount of this fee shall be determined from time to time by the Manager and/or Board of Directors of the District. (Amended by Ordinance 90-1)
- b. Inspection charges shall be paid prior to connection to the District's collection system.

#### **7.05 Collection of Charges for Sewer and Other Services**

The rates and charges imposed by this Chapter may be collected together with charges for any other service provided 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.

#### **7.06 Billing**

All sewer service accounts shall be billed monthly.

#### **7.07 Persons Billed**

- a. The District shall bill the property owner directly for all sewer services provided to the owner's premises. (Amended Ordinance 90-6)
- b. The property owner shall be liable for payment of all District charges. (Amended Ordinance 90-6)

#### **7.08 Due Date**

All bills are due and payable on the date they are issued by the District.

#### **7.09 Delinquency**

A bill for service is delinquent if not paid and received at the Rancho Murieta Community Services District office by the 25<sup>th</sup> day of the month following the month in which the bill was mailed. (Amended by Ordinance 98-3)

#### **7.10 Delinquency 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.
- b. After levying the basic penalty provided in Section 7.10(a), the District shall thereafter levy an additional penalty of one-half percent (1/2%) per month to all delinquent charges and basic penalties remaining

unpaid, until and unless the Board requests the County Auditor to include the amount of all delinquent rates and charges, and penalties, on the bills for taxes levied against the appropriate premises as set forth herein.

**7.11 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.

**7.12 Liens**

Unpaid sewer service charges imposed by this Chapter, when recorded, shall constitute a lien upon the parcel of real property to which the sewer service was supplied. The District shall include a statement on its bill to the effect that any sewer service charge and penalty thereon remaining unpaid shall, when recorded, constitute a lien on the parcel to which the sewer service was supplied. The District may from time to time compile lists of such delinquent charges and penalties and record them with the County Recorder as liens.

**7.13 Collection of Delinquent Charges and Penalties with Taxes**

All rates, charges, and penalties, 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.

**7.14 Adjustment of Bills**

The General Manager 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 Manager's determination to the Board of Directors within fifteen (15) days of the date of the Manager's decision. The decision of the Board of Directors thereon shall be final and binding on all parties.

**7.15 Sewer Standby or Availability Charge**

The District may fix, on or before the first day of July in each calendar year and may annually collect a sewer standby or availability charge not to exceed ten dollars (\$10.00) per year for each acre of land, or ten dollars (\$ 10. 00) per year for each parcel of land of less than an acre within the District to which sewer service is made available for any purpose, whether the sewer service is actually used or not. The District may establish schedules varying the charges depending upon factors such as the use to which the land is put, the cost of transporting sewage from the land, and the amount of sewage discharge from the land. (Amended by Ordinance 96- 1)

**SECTION 8.00 Prohibited Use of Collection System**

(Section Amended by Ordinance 85-5)

**8.01 Drainage into Sanitary Sewers Prohibited**

No leaders from roofs, surface drains for rain water or storm sewers shall be connected to any sanitary sewer. No surface, storm water, artisan well flows, cooling water or unpolluted industrial process waters shall be permitted to enter any sanitary sewer by any device or method whatsoever.

### **8.02 Wastes Prohibited in Public Sewer**

No person shall discharge or cause to be discharged any of the following wastes to any part of the collection 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 injure or interfere with any sewage treatment process, 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.
- d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the collection system, such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, disposable diapers, feathers, tar, plastics, wood, un-ground garbage, paper dishes, cups, containers, etc. either whole or ground by garbage grinders.

### **8.03 Types of Waste Which May be Prohibited**

No person shall discharge or cause to be discharged the following described substances, materials, or wastes if it appears likely in the opinion of the General Manager that such wastes may harm the collection system, sewage treatment process or equipment, or can endanger personnel or property or create a public nuisance. In forming an opinion as the acceptability of these wastes, the General Manager shall give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers to which they discharge, sewer material, treatment process, treatment plant capacity and other pertinent factors. The substances so subject to prohibition include, but are not limited to:

- a. Any liquid or vapor having a temperature higher than 150F.
- b. Any water or waste, which may contain more than 100 milligrams per liter of fat, oil, or grease.
- c. Any garbage that has not been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the collection system, with no particle greater than one-half inch in any dimension.

- d. Any waters or wastes having a pH higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structure, equipment and personnel of the District.
- e. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials in the sewage works.
- f. Any septic tank sludge or other digested sludge.
- g. Any wastes containing phenols or other taste or odor producing substances, in concentrations exceeding limits, which may be established by the Board.
- h. Any radioactive waste or isotopes of such half-life or concentration as may exceed limits set by the Board in compliance with State or Federal regulations.
- i. Materials, which exert or cause:
  - 1. Unusual concentrations of inert suspended solid.
  - 2. Excessive discoloration.
  - 3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment plant.
  - 4. Unusual volume of flow or slugs. As used herein, slug shall mean any discharge of water, sewage or waste, which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes or more than five (5) times the average twenty-four (24) hours concentration or flow during normal operation.
- j. Wastes containing substances, which are not amenable to treatment by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of the Regional Water Quality Control Board, Central Valley Region.

#### **8.04 Acceptance of Deleterious Wastes**

If any wastes containing the characteristics listed in Section 8.03, which in the judgment of the General Manager, may have a deleterious effect upon the sewerage works, process, equipment, or receiving water, is to be discharged to the collection system, the General Manager may do one or more of the following:

- a. Require pretreatment to an acceptable condition prior to discharging to the collection system.
- b. Require control over the quantities and rates of discharge.

- c. Require payment, in an amount established by the Board to cover the added cost of handling and treating the wastes.

**8.05 Pretreatment or Equalization of Flow**

If the General Manager recommends pretreatment or equalization of flow, the design and installation of the plants and equipment shall be subject to the review and approval of the District and no construction of such facilities shall commence until District approval is obtained in writing.

**8.06 Maintenance of Pretreatment Facilities**

Where pretreatment facilities are provided for any waters or wastes, unless otherwise provided, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense and to the satisfaction of the District.

**8.07 Interceptors Required**

(This Section Amended by Ordinance 92-2)

- a. 1. Grease, oil and sand interceptors shall be required, installed and maintained at the customer's expense when in the opinion of the General Manager, they are necessary for the proper handling of liquid wastes, grease, or any objection able waste, sand and other harmful ingredients; except that such interceptors shall not be required for buildings used exclusively for residential purposes. All interceptors shall be of a type and capacity approved by the Manager and shall be so located as to be readily and easily accessible for cleaning and inspection.
- 2. Monthly Fees: For those existing food preparation and cooking facilities where the costs of installation of a grease interceptor would be prohibitive, a charge to cover the costs for the District to handle grease from these facilities.

Fees will be charged with the regular billing cycle as follows:

Rancho Murieta Country Club	4.03
Rancho Murieta Lodge	.86
Rancho Murieta Country Store	2.30
Rancho Murieta Plaza	2.59
Rancho Murieta Village Clubhouse	1.73
Rancho Murieta Training Center	3.16

- b. 1. Notwithstanding Section 8.07(a), every restaurant, the Training Center, and every other District customer, excluding residential customers, whose premises are used for food preparation and cooking, shall have a sand, oil and grease interceptor installed in the manner and time specified herein.
- 2. A District customer, who is required to have an installed sand, oil and grease interceptor pursuant to Section 8.07(b) and who obtains a sewer permit from the District on or after this Ordinance's effective date, shall have an installed and operational

interceptor approved by the District prior to connecting with the District's water or sewer system.

3. A District customer, who is required to have a sand, oil and grease interceptor pursuant to Section 8.07(b) and who had a sewer permit prior to this Ordinance's effective date, shall have an installed operational interceptor approved by the District within one hundred twenty (120) days of this Ordinance's effective date.
- c. All sand, oil and grease interceptors shall be designed and constructed according to the following specifications:
1. Interceptors shall conform to the requirements of the Uniform Plumbing Code and this Ordinance.
  2. Interceptors shall be designed and constructed in accordance with District's standards and shall be approved by the District Engineer prior to connection with the District's sewer system.
  3. Interceptors shall be designed in accordance with the following criteria:
    - a. Size: Interceptor detention time shall be the greater of (1) total number of fixture units x 7.5 gpm/fixture unit; (2) dishwasher rated flow rate (gpm x 30 minutes).

Interceptors shall be at least 4'0" high and have a minimum freeboard of 12-inches below the soffit of the roof. Interior dimensions of the first compartment of an interceptor shall be a minimum of 2'6" wide and 4'0" long. Interior dimensions of the last compartment shall be 4'-0" long by a minimum of 2'6" wide. Compartment walls shall be the same height as the design water surface of the interceptor.
    - b. Type: Exterior type interceptors shall be required. "Under the sink" models are not acceptable. All fixture drains, except floor drains from the kitchen area, shall be connected to the interceptor. All restrooms shall be plumbed separately and connected to the building sewer downstream of the interceptor.
    - c. Location: Interceptors shall be located outside of the structure and as close as possible to the source of sand, oil or grease. Interceptors shall be located to facilitate the ease of maintenance and inspection. Interceptors placed in areas subject to vehicular traffic shall be designed for H<sub>2</sub>O loadings. Interceptors shall be located near a hose bib. The final location shall be approved by the District prior to installation.

- d. Construction: Interceptors shall be constructed with reinforced concrete and shall contain at least two compartments. Each compartment shall have a 24-inch diameter gasketed airtight standard manhole frame and cover. Each manhole shall have a pre-cast concentric cone and pre-cast 30-inch diameter extension rings. Interceptors shall have a minimum cover of 24-inches below finish Grade. Manholes shall be located directly above inlet piping and interior compartment walls. Scum boards shall extend from the top of compartment walls to the base of the manhole extension rings. All interceptor piping and fittings shall be of ductile iron material. Piping and fittings shall be the same diameter as the building sewer line (4-inch diameter minimum). A two-way cleanout shall be provided on the interceptor outlet pipe. The outlet shall be at least 4-inches below the inlet elevation.
- e. The use of pre-approved precast interceptors or automatic mechanical grease removal systems may be allowed with the prior written approval of the District Engineer.
- d. No interceptor shall be approved by the District unless its design either conforms to the specifications herein or is, prior to installation, approved in writing by the District Manager or District Engineer.
- e. Failure to install and adequately maintain sand, oil and grease interceptor in the time and manner specified in this Section shall be grounds for termination of District water and/or sewer service according to applicable law.
- f. All customers with installed interceptors shall provide the District with an annual report of monthly interceptor and cleaning activity.
- g. The District has the right to periodically test and inspect any interceptor.
- h. All customers with installed interceptors shall add District-furnished bacteria to the interceptor as may be required by the District.
- i. Any person who improperly disposes sand, oil, grease or other objectionable waste into the District sewer system shall be liable for the cost of any damage caused thereby to the District system, including the costs of cleaning out the deposited material.

## **8.08 Maintenance of Interceptors**

Unless otherwise provided, all grease, oil and sand interceptors shall be maintained by the owner, at the owner's expense, in continuously efficient operation at all times.

#### **8.09 Control Manholes**

When required by the General Manager, the owner of any property served by the District and carrying industrial wastes shall install suitable control manhole in the private sewer line to facilitate observation, sampling and measurement of wastes. Such manholes, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the General Manager. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

#### **8.10 Measurements and Tests**

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods of the Examination of Water and Wastewater", and shall be determined at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the main line to the point at which the lateral is connected.

#### **8.11 Swimming Pools**

It shall be unlawful for any person to discharge the contents of a swimming pool into a collection system without notification to said District, twenty-four (24) hours in advance.

#### **8.12 Special Agreements**

No statement contained in this Chapter shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment thereof by the industrial concern and subject to such terms and conditions as may be required by the District.

#### **8.13 In General**

All applications for connections to the District collection system from industries of any sort shall be submitted to the Board for consideration and approval before the permission is granted for said connection and use. The Board shall have the power to regulate both the quantity and quality of any industrial waste, and monthly sewerage use charges.

The applicant shall install approved type screens to remove all solids retained on the mesh screen required by the State Board of Health.

The applicant shall install an approved flume and automatic recording device, all at the applicant's expense, when required by the District.

The District shall have the right at all times to the operation of the screening mechanism, the operation of the recording mechanism and to make a record of the readings. (Amended by Ordinance 92-3)



## 8.14 Prohibited Uses

- a. Spray Irrigation Prohibited Uses: At no time shall reclaimed wastewater be used for spray irrigation under the following circumstances:
  1. If spray can reach the confines of a residential property.
  2. If spray can reach an area where there is an unprotected drinking faucet.
  3. If spray or visible mist can reach an outdoor food establishment.
  4. Without properly posted notification and signage indicating reclaimed wastewater is being used for irrigation purposes.
  
- b. Other Prohibited Uses: At no time shall reclaimed wastewater be used or discharged under the following circumstances:
  1. If direct discharge of reclaimed wastewater will enter surface waters or surface water drainage courses.
  2. If discharge of reclaimed wastewater causes a by-pass or overflow situation.
  3. For purposes other than irrigation.
  
- c. Prohibited Connection or Contact with Domestic Water: Domestic water is defined as water for human consumption or recreation use. The following requirements are intended to prohibit reclaimed wastewater and domestic water interaction:
  1. No connection between the potable water supply and piping containing reclaimed wastewater shall be allowed.
  2. A backflow prevention assembly shall be required on all domestic water service connections in reclaimed wastewater use areas.
  3. Ten (10) foot horizontal and one foot vertical separation between pipelines transporting reclaimed wastewater and domestic water shall be maintained at all times. Domestic water shall be above reclaimed wastewater wherever possible.
  4. Permanent labeling of reclaimed wastewater piping, valves, water controllers, etc. shall be required.
  5. Supplementing of reclaimed wastewater from any other water sources shall not be allowed except through an air gap or reduced pressure principle device.

6. Irrigation or impoundment of reclaimed wastewater within 500 feet of a domestic well or 100 feet of an irrigation well shall not be allowed.
  7. Hose bib connections shall not be allowed on irrigation systems using reclaimed wastewater.
  8. Restrictive and secured water valves, outlets, quick couplers, and sprinkler heads that permit operation by authorized personnel only shall be required.
- d. Notification and Signage for Reclaimed Wastewater Uses: Adequate signs shall be posted indicating pictorially, for English illiterates, and in writing that reclaimed wastewater is being used and it is not safe for human consumption. Signs should be posted at reasonable locations and intervals. The word "WARNING" should be on the top line of the sign and be readable at a distance of at least 50 feet. The sign should also indicate that all human contact as well as domestic animal contact is prohibited.

The signs should be approximately 8 inches wide by 10 inches high. The signs shall be permanent and shall be constructed of suitable materials. The lettering on all signs shall be permanent and readable. Wherever possible, the signs should be installed approximately at "eye-level" (5 to 5.5 feet above the ground). Signs shall be supported by any method of support as long as it is adequately sturdy and secure.

Signage should be posted in the following locations:

1. Any area being irrigated by reclaimed wastewater (golf courses, cemeteries, parks, etc.)
2. Trucks that might carry reclaimed wastewater.
3. Around the perimeter and above the shoreline of any impoundment of reclaimed wastewater at intervals not to exceed 200 feet.

Golf course score cards shall be clearly imprinted with a message that states that the golf course is irrigated with reclaimed wastewater and that reclaimed wastewater is not suitable for human consumption.

Additional signage and notification, in addition to the requirements outlined above, shall be provided by the user of reclaimed wastewater if the District General manager deems that the public's health and safety are not adequately protected by the above outlined requirements.

- e. Prohibited Uses of Impoundments: At no time will the following activities be allowed on or in a reclaimed wastewater impoundment:

1. Any activity that encroaches upon the one foot minimum freeboard of the impoundment.
  2. Swimming, wading, or any body contact, human or domestic animals.
  3. Fishing for consumption purposes (fishing on a "catch and release" basis is allowed).
  4. Hunting.
- f. Responsibility: It is the responsibility of the user of reclaimed wastewater to comply with the requirements of this Section. The user of reclaimed wastewater shall prepare and submit a Reclaimed Wastewater Compliance Plan (the "Plan") to the District for approval by the District General Manager prior to the District providing reclaimed wastewater service. The Plan shall include, at a minimum, a signage and notification plan as well as proposed measures to comply with the District's current "Waste Discharge Requirement" as issued by the California Central Valley Regional Water Quality Control Board.

The user of reclaimed wastewater shall, on or before January 31 of each year, prepare and submit an Annual Inspection Report (the "Report") for the preceding calendar year to the District for approval by the District General Manager. The Report shall include adequate documentation for the District to determine compliance with the user's Reclaimed Wastewater.

- g. Compliance Plan: The Report shall address, at a minimum, the use of reclaimed wastewater, and the inspection of signage and notification for location, condition and readability. It shall also include a statement concerning any material changes in the use of reclaimed wastewater or in the physical facilities used for reclaimed wastewater disposal, which would create additional threats to the health and safety of the general public.
- h. Enforcement: Enforcement of the requirements of this Section will be performed by the District General Manager in accordance with the provisions of Section 11.00 of this Chapter.
- i. 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 user 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 approval to allow the non-conforming violation to remain. If approval is not granted or the non-conforming violation is not corrected within the grace period, the District may correct the violation at the user's sole cost.

- j. Variance: Notwithstanding Section 8.14(H) of this Ordinance, the District General Manager shall have the authority to extend the grace periods set forth in Section 8.14(H) and/or to authorize nonconforming violation to remain. The General Manager shall also have the authority to allow a variance from the prescribed standards as set forth in this Section on a case by case basis when in the General Manager's judgment the variance will not detract from the effectiveness of the warning or other protective measures required by this Section. A District customer has the right to appeal the General Manager's granting or denial of such a variance to the Board of Directors.

#### **8.15 Recording Device**

The applicant shall install an approved flume and automatic recording device, all at the company's expense, when required by the District.

#### **8.16 Screening/Recording Mechanism**

The District shall have the right at all times to check the operation of the screening mechanism, the operation of the recording mechanism and to make a record of the readings.

### **SECTION 9.00 Special Types of Sewer Service**

(Amended by Ordinance 85-5)

#### **9.01 Sewer Service Outside District**

- a. The District may provide or allow sewer service to property outside its boundaries when the Board finds that such service shall not adversely affect the sewer service within the District and that a surplus of sewer collection and treatment capacity exists.
- b. In the event that, because of increased usage or other causes, service outside the District becomes adverse to the District's interest or the interest of District customers located within the District or surplus sewer and/or treatment capacity is no longer available for such outside use, the District may discontinue or disconnect the service outside the District 120 days after the District gives written notice to the person or premises receiving the sewer service that such outside service is to be terminated.
- c. Except as set forth in this Section, the rules and regulations of the District shall apply to all customers outside the District.
- d. Rates and charges to all customers outside the District shall be one hundred fifty percent (150%) of the applicable rate and charges for customers within the District, as set forth in Section 7.00. No Capital Improvement Connection Fee (CICF) shall be charged for sewer service outside the District.

- e. Prior to receiving service, a customer outside the District shall deposit an amount equal to three months of the District's applicable rates for sewer service.
- f. The supply of sewer service to persons or premises outside the District shall not create a vested right with the person or premise outside the District to continue to receive sewer service from the District nor any credit or refund for improvements made to receive such sewer service.

## **SECTION 10.00 Enforcement Disconnection and Restoration of Service**

(Amended by Ordinance 85-5)

### **10.01 Enforcement**

The General Manager shall enforce the provisions of this Chapter and, for such purpose, shall have the powers of the peace officer, if deputized or if authorized by law. Such power shall not be regarded as limitations on or otherwise affecting the powers and duties of the County Health Officer.

### **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 within five (5) days after receipt of such notice, and the General Manager shall have the authority to disconnect the property served from the District Sewer System, in the manner set forth herein.

### **10.03 Public Nuisance**

Continued habitation of any building or continued operation of any commercial or industrial facility in violation of the provisions of this or any other Chapter, rule or regulation of the District is hereby declared to be a public nuisance. The District may cause proceedings to be brought for the abatement for the occupancy of the residence, building, industrial, or commercial facility during the period of such violation.

### **10.04 Disconnection**

As an alternative method of enforcing the provisions of this or any other Chapter, rule or regulation of the District, the General Manager shall have the authority to disconnect the customer from the District's collection system, without liability to the District in the following manner:

- a. At least ten (10) days before the proposed disconnection of any service, a customer shall be provided with written notice of the procedure for and the availability of an opportunity to discuss the reasons for the proposed disconnection of service.
- b. After notice has been given as specified in subparagraph (a) and prior to disconnection of service, a customer shall have the opportunity to discuss the reason for the disconnection with- an employee designated by the District who shall be empowered to review disputed bills, rectify errors, and settle controversies pertaining to disconnection of service.

- c. No service shall be disconnected by reason of delinquency in payment of bills on any Saturday, Sunday, legal holiday, or any time during which the District's office is not open to the public.

**10.05 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.

**10.06 Public Nuisance and Abatement**

During the period of any disconnection, the habitation of such disconnected premises by human beings shall constitute a public nuisance, which shall authorize the District to bring proceedings for the abatement of the occupancy of the premises during the period of the disconnection. In such event, and as a condition of restoring service, the District shall be paid reasonable attorney's fees and costs of suit arising from such action, plus any other necessary charges for or incurred in the restoration of service.

**10.07 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 disconnection and restoring the service, plus a twenty five-dollar (\$25) restoration fee.

**10.08 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.

**10.09 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.

**10.10 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.

**10.11 Misdemeanor**

A violation of any provision of this 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 as separate offense hereunder and shall be punishable as such.