

TRIUNFO WATER & SANITATION DISTRICT
ORDINANCE NO. TWSD-200 (Adopted 11/27/23)
ESTABLISHING POLICIES AND PROCEDURES FOR
SEWER SERVICE
OWNED AND OPERATED BY TRIUNFO WATER & SANITATION DISTRICT

WHEREAS, the Triunfo Water & Sanitation District ("District") is duly organized and established under California Health and Safety Code Section 4700 et seq., known and cited as the "County Sanitation District Act" ("Act"); and

WHEREAS, Section 4741 of the Act authorizes the District to acquire, construct, and complete sewage collection, treatment and disposal works, and property or structures necessary or convenient for sewage collection, treatment, and disposal; and

WHEREAS, the District provides sewer services to certain users of such services ("Customers") and, in accordance with applicable law, charges those Customers certain fees designed to cover the District's operating and maintenance expenses associated with the District's provision of sewer service; and

WHEREAS, Health and Safety Code Section 4766 authorizes the District to adopt ordinances for the purpose of exercise and effect of any to its powers, or for the purposes for which it is formed, including, without limitation, an ordinance establishing policies and procedures for the District's sewer service; and

WHEREAS, the District Board of Directors desires to establish policies and procedures for the District's sewer service and to repeal all prior ordinances or portions of ordinances that may be in conflict with those newly established policies and procedures; and

WHEREAS, this Ordinance No. TWSD-200 ("Ordinance") was available for public inspection and review ten (10) days prior to a public hearing and notice of the public hearing was given in compliance with applicable law; and

WHEREAS, after hearing a staff presentation, considering the testimony received at the public hearing and discussion of the issues, the Board of Directors concludes that the policies and procedures should be adopted in the best interest of the District and those customers served by the District; and

WHEREAS, this action to adopt this Ordinance is a project subject to review under the California Environmental Quality Act ("CEQA") (Public Resource Code Section 21000 et seq.); and

WHEREAS, Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) and Section 15321 (Enforcement Actions by Regulatory Agencies) of the State CEQA Guidelines (Chapter 3 of Division 6 of Title 14 of the California Code of Regulations) provide Categorical Exemptions from CEQA. Section 15308 exempts actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Section 15321 categorically exempts actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered or adopted by the regulatory agency.

NOW, THEREFORE, the Board hereby ordains as follows:

SECTION 1. SHORT TITLE

This Ordinance shall be known as the TWSD Sewer Service Policy Ordinance.

SECTION 2. DEFINITIONS

The following words as used in this Ordinance shall have the meanings set forth below unless otherwise apparent in the context in which they are used:

- a. "Apartment" means a suite or set of rooms outfitted with housekeeping facilities and intended for occupancy as a dwelling unit.
- b. "Board of Directors" or "Board" means the TWSD Board of Directors.
- c. "Building" means any structure used for human habitation, business, recreation, or other uses requiring sanitary facilities.
- d. "Building sewer" means that portion of any sewer which begins at the plumbing or drainage outlet of a building or industrial facility and runs to the property line or a private sewage disposal system.
- e. "Commercial" means a site or building used for the exchange or buying and selling of material goods or services and shall also mean a hotel or motel.
- f. "Condominium" is an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building on such real property, such as an apartment, office, or store. A condominium may include, in addition, a separate interest in other portions of such real property. Such estate, with respect to the duration of its enjoyment, may be either (1) an estate of inheritance or perpetual estate, (2) an estate for life, or (3) an estate for years, such as a leasehold or a subleasehold.
- g. "Contractor" means any individual, firm, partnership, association, or corporation currently licensed by the State of California to perform the type of work required by permit.
- h. "District" or "TWSD" means the Triunfo Water & Sanitation District.
- i. "Domestic sewage" means the waterborne wastes derived from ordinary living processes, free from commercial, institutional or industrial wastes, and of such character as to permit satisfactory disposal, without special treatment, into the public sewer or by means of a private sewage disposal system.
- j. "Equivalent Residential Unit" or "ERU" shall mean a unit of measurement for the quantity and quality of sewage which is equivalent to domestic sewage originating in a single residential unit. One ERU is less than or equal to an average of 250 gallons per day per year of domestic sewage discharge. One ERU is also equal to 25 fixture units or less based on the number of fixture units as assigned to various plumbing fixtures in the Uniform Plumbing Code as published by the International Association of

Plumbing and Mechanical Officials (IAPMO). Should a conflict arise between the flow and fixture unit definitions, the most restrictive definition shall apply.

- k. "Industrial" means any site, structure, building or works which is, or which is designed to be, used for the manufacture, processing, or distribution of materials, equipment, supplies, food or commodities of any description; or which is used or designed to be used as a sanitarium, hospital, penal institution, or charitable institution; together with all appurtenances thereto and the surrounding premises under the same ownership or control.
- l. "Industrial waste" means any and all commercial, institutional or industrial waste substances, liquid or solid, except domestic sewage and including, but not limited to, radioactive wastes and explosives, noxious, toxic or corrosive gases or liquids when present in the sewerage system.
- m. "Institutional" means any educational institution supported by state or local taxes.
- n. "Lateral sewer" means the sewer line which begins at the foundation wall of a building and terminates at the main sewer.
- o. "Main sewer" means a public sewer which is designed to accommodate more than one lateral sewer.
- p. "Mobile Dwelling Unit" means a dwelling unit intended to be moved from site to site on wheels that are part of the unit and having dimensions longer than forty (40) feet and wider than eight and one-half (8.5) feet.
- q. "Multiple residential sewer connection" means a sewer to serve more than one single family residence.
- r. "Permit" means any written authorization required pursuant to this Ordinance or any other rules or regulations of the District for the installation or connection of any sewage works or source control permits.
- s. "Person" means any human being; individual corporation, public or private entity, governmental agency or institution or any other user of the sewer service provided by the District.
- t. "Private sewer" means a sewer serving an independent sewage disposal system not connected with a public sewer; for example, a septic tank system.
- u. "Public sewer" means a sewer lying within a public right of way or assessment under the jurisdiction of the District.
- v. "Sanitary sewer" means a sewer to which storm, surface, and ground waters are not intentionally admitted.
- w. "Sewage" means any combination of water-carried wastes from a residence, a business, or an institutional or industrial establishment.
- x. "Sewage works" mean all facilities for the collection, transportation, storage, pumping, treatment, reclamation, and disposal of sewage.

- y. "Sewer" means any pipe or conduit for the transportation of sewage.
- z. "Sewer Connection Fee" means a fee to obtain permission to connect to the District sewer, to have flow capacity rights, and to use the trunk sewer, sewage treatment facilities and appurtenances, provided that the District's prevailing service charges have been paid.
- aa. "Sewer Service Charge" means a charge which is assessed to each property or entity with the ability to discharge wastes to the District's wastewater system. This charge covers the costs of operating and maintaining the District's wastewater collection and treatment facilities, including administration costs, replacement of upgraded equipment or capital facilities, and capital improvements necessary to meet new regulatory requirements.
- bb. "Single residential sewer connection" means a sewer to serve a single family residence.
- cc. "Street" means any public highway, road, street, avenue, alley, way, public place, public easement, or right-of-way.

SECTION 3. GENERAL PROVISIONS

A. Application of Ordinance

This Ordinance is intended to provide for the use, maintenance, installation and construction of all sanitary sewer facilities hereinafter installed, altered, or repaired within the District. This Ordinance shall have no retroactive effect.

B. Unlawful Connection & Use

It is unlawful for any person to connect to, construct, install or provide, maintain and/or use any other means of sewage disposal from any building in said District, except by connection to a public sewer in the manner provided by this Ordinance. Where the cost of providing sewer service to any lot, parcel or building within the District would cause an undue hardship on the District, the District reserves the right to delay sewer service to said lot, parcel or building until such time as the District is financially able to provide such service.

C. Relief on Application

When any person, due to special circumstances, considers any provision of this Ordinance to be unjust or inequitable as applied to his premises, he may make a written application to the Board requesting a variance of the provision in this Ordinance. Such application shall state the special circumstances and the pertinent provision shall be cited. The Board may make a motion to grant a variance or modification to the provision complained of, said suspension or modification to be effective as to the date of the application, and to be continued during the period of such special circumstances.

D. Relief on Own Motion

The District, on its own motion, may find, due to special circumstances, that a provision of this Ordinance should be suspended or modified as applied to particular premises. It may make a motion to order suspension or modification to all or part of such premises during the period of such special circumstances.

E. District Inspector

The District may employ a qualified person or persons to inspect the installation, connection, maintenance and use of all, public and private sewers, and all facilities in connection with said District.

SECTION 4. PUBLIC SEWER USE

A. Waste Disposal

It shall be unlawful for any person to place, deposit, or permit the deposit in an unsanitary manner upon public or private property within the District, or in any area within the jurisdiction of the District, any human excrement or other objectionable waste. Chemical toilets on construction sites, however, may be used during the construction period.

B. Treatment of Waste

It shall be unlawful to discharge into any drainage conduit, stream or watercourse any sewage, industrial waste, or other polluted waters.

C. Unlawful Disposal

Except as provided herein, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, sewage pit or other facility intended for the disposal of sewage.

D. Occupancy Prohibited

No building, structure or other facility shall be occupied until the owner of the premises has complied with the provisions of this Ordinance.

E. Sewer Required

Any building or structure located on property which abuts any easement or right-of-way in which there is a present or planned public sewer of the District shall, at the expense of the owner of said building or structure, and in accordance with the provisions of this Ordinance, be connected to the public sewer, provided that said public sewer is within two hundred (200) feet of the property line of the building site or structure; and that said building or structure is not in excess of four hundred (400) feet from the District sewer. Said sewer connection shall be completed within sixty (60) days following receipt of official notification to proceed.

SECTION 5. PRIVATE SEWER DISPOSAL

Where a public sewer is unavailable under Section 4E (Sewer Required), the building sewer shall connect to a private sewage disposal system complying with the provisions of the Ventura County, or appropriate city, Building & Safety Department, as well as the appropriate Public Health Official or any rules & regulations of the District and shall not serve more than one parcel of land.

SECTION 6. SEWER SERVICE CHARGE

A. Sewer Service Charge

A sewer service charge shall be paid to the District in accordance with the District's fee ordinance or resolution. The District has determined that the most efficient method of collecting the sewer fees is to have the fees placed on the tax rolls. Nontaxable entities (i.e., schools, parks, fire departments) are not included in the tax rolls. These entities shall be billed annually.

B. Method of Collection

1. Initial Connection to the Public Sewer

When sewer connections have been installed and approved in accordance with the District Ordinances, the sewer service charges for the connections covered shall be as follows:

- a. If said connections are completed after the first Monday of May and prior to the first day of July of the current calendar year, the sewer service charges shall become owing, due and payable in advance for the remainder of the fiscal year in which said connections are completed and for the next succeeding fiscal year. Such sewer service charge for the remainder of the fiscal year in which connections are completed shall be computed by prorating the annual charge from the first day of the calendar month following the date of such completion to the end of the fiscal year.
- b. If said connections are completed on or after the first day of July of the current calendar year, the sewer service charge shall become owing, due and payable in advance for the remainder of the fiscal year in which said connections are completed. Such sewer service charge shall be computed by prorating the annual charge from the first day of the calendar month following the date of such completion to the end of the fiscal year.
- c. The previous sections (a) and (b) shall not apply to connections to serve nontaxable entities. The sewer service charges for these accounts shall be collected on an annual basis.
- d. If said connections are to serve "Outside-of-District" accounts or accounts on which the charges are based on unusual flow and/or waste characteristics, the previous sections (a) and (b) may be waived, at the option of the District. If these sections are waived, the sewer service charges shall be collected on an annual basis.
- e. Any unpaid portion of the said sewer service charges, except for accounts exempted from this method of collection, shall constitute a lien against the respective property on which is located the residence, building or facility for which said sewer service charge was imposed.

2. Sewer Connections Existing on the First Monday of May of the Calendar Year

- a. Pursuant to Section 5473 of the Health & Safety Code of the State of California, the sewer service charge for any sewer service connections existing on the first Monday of May of the calendar year for any lot, building or parcel of land shall

be collected on the tax roll in the same manner, by the same persons, and at the same time as, together with, and not separately from, the general taxes.

- b. Any unpaid sewer service charge shall become delinquent at the same time as all other taxes and shall constitute a lien against the respective property on which is located the residence, building or facility for which said sewer service charge was imposed.
- c. Sewer service charges for nontaxable entities are exempted from this method of collection. Charges for "Outside-of-District" accounts and for accounts on which the charges are based on unusual flow and/or waste characteristics may be exempted from this method of collection at the option of the District. Sewer service charges for any accounts exempted from this method of collection shall be collected on an annual basis.
- d. The method of collecting sewer service charges on the tax roll is an alternative to other methods of collection specified elsewhere in this Ordinance.

3. Sewer Connections on New Apartment Occupied Units

A new apartment unit's occupancy-factor shall be calculated for the first year, in accordance with prior district experience, on a scale from zero to full occupancy over a one year period, per the table below. As the factor is calculated and set, the precise charge for the time from first occupancy until the next June 30 shall be direct billed and subject to normal penalties for nonpayment. The balance of the initial one year occupancy period shall be calculated and placed on the next year's tax rolls, along with an amount equal to full occupancy, prorated for the balance of the tax year. After the initial one year period, apartment complexes will be calculated the same as single family residential properties, and shall be charged for full occupancy, even if there is less than full occupancy. There shall be no further credits for vacancies after the initial one year period.

Occupancy Factor for New Apartment

Month	1	2	3	4	5	6	7	8	9	10	11	12
Factor	8%	17%	25%	33%	42%	50%	58%	67%	75%	83%	92%	100%

C. Direct Billing Penalties for Nonpayment and Collection

All fees and charges made or assessed under the provisions of this Ordinance are due and payable 30 days from the mailing date of the billing document and shall become delinquent thereafter. Delinquent amounts shall be subject to a penalty.

1. Penalty Application

The penalties described herein shall be applied to accounts with direct billing only. The usual penalty applied by the Auditor-Controller/Tax Collector's office shall be applied to unpaid property tax bills, where the fees and charges have been placed on the tax rolls for collection. The extraordinary penalties described herein shall not be applied to unpaid property tax bills.

2. Penalty Initial Amount

For apartment complexes, commercial and industrial accounts with direct billing, there shall be a basic penalty charge equal to 10% of the unpaid balance. Single family residential accounts with direct billing will incur a basic penalty charge of 1.5%.

3. Penalty Ongoing Amount

Balances of all accounts plus any basic penalty charge which remains unpaid at the end of the next regular billing period shall incur additional penalty charges of one and one-half percent (1.5%) per month on the unpaid balance until paid. Continued nonpayment will result in the unpaid amounts, plus any collection costs to the district, being added to the tax rolls for collection during the next tax year.

SECTION 7. BUILDING SEWERS, LATERALS AND CONNECTIONS

A. Design and Construction Standard

All construction of sanitary sewer facilities within the District's service area will be subject to the design and construction standards in the latest version of the County of Ventura Public Works Agency Sewerage Manual and this Ordinance.

B. Separate Sewers

No two adjacent lots fronting on the same street shall be permitted to join in the use of the same lateral sewer, and every building or industrial facility shall be separately connected. However, one or more buildings located on property belonging to the same owner may be served with the same lateral sewer during the period of said ownership. The District shall render a single bill to the property owner, or applicant of record, which shall include the sewer service charge for the entire property. Upon subsequent subdivision and sale of the portion of a lot, that portion not directly connected with a public sewer shall be separately connected with the public sewer. It shall be unlawful for the owner to continue to use or to maintain such indirect connection.

C. Where To Connect

The connection of the building sewer to the public sewer shall be made at the lateral or tee branch, if such lateral or tee branch is available at the suitable location. Where no properly located tee branch is available, a neat hole may be cut into the public sewer and a tee saddle or a sewer wye saddle installed to receive the lateral sewer. In no case shall the pipe protrude beyond the inside diameter of the main sewer. The invert of the building or lateral sewer at the point of connection to the sewer main shall be at a higher elevation than the invert of the sewer main and shall be made in the presence of the Inspector. In addition, the material removed by the neat hole cutting shall be removed from the sewer. Any damage to the public sewer shall be repaired at the cost of the applicant and to the satisfaction of the Inspector.

D. Condominium Projects

In condominium projects, two or more units of the condominium may, at the option of the District, be permitted to join in the use of the same lateral sewer. The responsibility for maintenance of such lateral sewer shall be as defined in Section 12D (Owner's Responsibility).

SECTION 8. PUBLIC SEWER CONSTRUCTION

A. Application and Approval

The application for a Will Serve Letter for public sewer construction shall be accompanied by an electronic copy of complete plans, profiles and specifications, complying with all applicable regulations and ordinances, and signed by a Registered Civil Engineer showing all details of the proposed work based on an accurate survey of the ground. At completion of the project, the applicant shall submit approved "As Builts" to the District.

The application, together with the plans, profiles and specifications shall be examined by the District which shall approve them as filed or require them to be modified as necessary for proper installation.

If approved, the District may issue a Will Serve Letter predicated upon the payment of all connection fees and the furnishing of the agreements and bonds as required by the District. The Will Serve Letter shall prescribe terms and conditions as the District finds necessary.

B. Subdivisions

Prior to the Approval by the District of any final subdivision map, the requirements in Section 10 (Approval and Fees) of this Ordinance shall be fully complied with. Said map shall provide for dedication for public use of all streets, easements or rights-of-way in which public sewer lines are to be constructed. The developer shall construct the sewers in the subdivision or tract in accordance with District standards, and shall thereupon offer to dedicate said public sewers to the District. Developers, property owners, and/or other applicants for service may be required to oversize sewerage facilities to serve adjacent areas.

C. Incomplete Construction

If the map as provided for in Section 8B (Subdivisions) of this Ordinance is recorded, and the sewer construction of the tract is not completed within the time limit granted by Approval as defined below, the District may extend the time limit, or may complete the work and take appropriate action to enforce the provisions of the bond furnished by the subdivider.

D. Easements or Rights-of-Way

Where an easement is required for the extension of the public sewer or a connection thereof, an acceptable easement or right-of-way shall be procured by the applicant and shall be dedicated to the District. Such easement or right-of-way shall be legally sufficient in form, and approved by the District prior to the laying and maintenance of such extension or connection.

- 1. Sewer Location in Easements:** The sanitary sewer shall be located off the center line of the easement to preclude an authorized property line fence, etc., being built over the manholes. Unless specifically otherwise approved, the line shall be straight without horizontal bends or deflections.

Laterals should not be connected to a main line within an easement unless specifically approved. This is to avoid root intrusion into the main line via the lateral. Specifically, laterals should not be connected into the main line where such a tie-in would be between or adjacent to a structure.

2. **Avoid Easements:** Easement should be avoided where a reasonable alternate solution exists. Unless there are either physical limitations or extreme economic penalties, sewer lines should be installed within streets. When easements are required, there shall be careful considerations of how the line is to be maintained and/or replaced. Where easements are necessary and where side slope exists, then the plans shall clearly indicate appropriate contours within the easement.

In general, all manholes within easement shall be accessible by conventional maintenance vehicles traveling over paved roads or driveways, unless otherwise approved. Thus, manholes within private property are discouraged and subject to special approval, unless the above can be met. All manholes within easements will be extended 18 inches above the finished grade.

3. **Easement Location:** Where the easement follows common lot lines, the full easement width shall be on one lot or property in such a manner that access to manholes will not be obstructed by walls, trees or permanent improvements. Where this requirements cannot be met without interfering with existing buildings, the easement may straddle lot lines providing approval is received and the sewer facilities (mainline and appurtenances), is not located on the lot lines. Pipeline must be placed in the center of easement.
4. **Oversizing of Line:** If a sewer line within an easement is 15 feet deep, the District may require the oversizing (such as from 8" to 10") to facilitate future slip lining.
5. **Deeds:** Deeds for easements shall provide for restrictions of permanent construction within the easement to provide ingress and egress for maintenance.
6. **Easement Width:** The minimum width of sanitary sewer easement shall be equal to or greater than the width shown in the following table.

Minimum Easement Width (feet)

Sewer Size (in)	Trench Width (ft)	Depth to Sewer Invert (0-15 ft)	Depth to Sewer Invert (15-20 ft)	Depth to Sewer Invert (20-25 ft)	Depth to Sewer Invert (25-30 ft)	Depth to Sewer Invert (>30 ft)
6	2.3	12	-	-	-	-
8	2.3	12	15	20	25	-
10	2.3	12	15	20	25	-
12	2.5	15	15	20	25	-
15	2.9	15	20	20	25	30
18	3.0	20	20	20	25	30
21	3.5	20	20	20	25	30
24	3.8	20	20	20	25	30
27	4.2	20	20	25	30	35
30	4.5	20	20	25	30	35
33	4.8	20	20	25	30	35
36	5.0	20	20	25	30	35

7. **Dedication of Easements:** Easements shall be provided as follows:

The owners of land included within the subdivision shall offer to dedicate for public use the sanitary sewer easements so designated on the final map as provided for in

Section 8B (Subdivisions). The form of dedication shall be as follows: "We also grant to the Triunfo Water & Sanitation District all sanitary sewer easements delineated and designated on the map." The form accepting the sanitary sewer easements shall be provided on the map as follows:

"The Triunfo Water & Sanitation District hereby accepts for public use all sanitary sewer easements delineated and designated on the map, when said map is approved and recorded."

E. Authorized Contractors

Public sewer construction within the District shall be performed by authorized contractors, currently licensed by the State of California or by the District. All terms and conditions of the District Approval shall be binding on the contractor. The requirements of this section shall also apply to lateral sewers installed concurrently with public sewer construction.

F. Contract and Bonds – Public Sewage Works Construction

1. **Contract.** A written contract satisfactory to the District shall be submitted prior to Approval to construct any public sewer or connection thereof.
2. **Bonds.** A faithful performance bond and materials and labor bond or cash, each in the amount equivalent to the total estimated cost of the work, shall be furnished by the applicant to the District, prior to Approval for public sewer construction. Such bond shall be secured by a surety bond or sureties satisfactory to the District. The Faithful Performance Bond, or cash deposit, shall be conditioned upon the full performance of all the terms and conditions of the Approval. It shall guarantee correction of faulty workmanship and replacement of defective materials for a period of one (1) year after date of acceptance of the work by the District.
3. **Declaration of Restrictions.** If any dwelling unit requires a backflow prevention device, it will be necessary for the developer to record a "Declaration of Restrictions" absolving the District of any liability arising out of damage resulting from the failure of that backflow prevention device. A "Will Serve" letter will not be issued for a property requiring a backflow prevention device until this document has been recorded against the property.
4. **Developer's Agreement.** If a developer presents apartment unit development plans for District Approval which conform with existing city or county requirements for condominiums or townhouses and requests reduced apartment fee sewer connection rates, a "Developer's Agreement" must be signed regarding payment of additional sewer connection fees at the time of the conversion of apartment units to either condominiums or townhouses. Any conversion of existing apartment units to condominium or townhouse units will be subject to the increased connection fees if at the time connection fees were calculated any discounted connection fee was granted based on the fact the units were designed as apartments.

G. Field Acceptance

Field preliminary approval is made by the District Inspector. However, the one-year guarantee period for all work shall begin as of the District's approval. Any defective work discovered during this period shall be repaired or replaced. Major repairs or replacement, however, may affect exoneration of the bonds and acceptance by the District.

H. Public Relations

The contractor shall conduct its affairs in a manner which will lessen the disturbance to residents in the vicinity of the work. In this regard, standard work hours are currently 7:00 a.m. to 4:00 p.m. The job site shall be maintained in a condition which shall bring no discredit to the District, and all effected private improvements shall be restored to at least their original condition.

I. Closed Circuit Television Inspection

In general, unless waived, the District will perform closed circuit television (CCTV) inspection of the installed sewer lines to determine acceptability. Such testing will not replace other standard tests such as air testing. The CCTV inspection will be performed initially at no additional cost to the developer after the line has been air tested and cleaned, but before field acceptance. If defects are noted through this or other testing, then the costs of subsequent CCTV inspection will be charged to the developer in accordance with TWSD-250. The developer is responsible for cleaning all lines of debris before inspection. If this is not done, the developer will be charged for the additional District expenses.

J. Protection from Damage

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which constitutes a part of the District sewerage works. Any person in violation of this provision shall be subject to the penalties provided by law.

K. Authority of Inspectors

The General Manager, officers, inspectors, or any other duly authorized employee or agent of the District, shall wear or carry an official badge of office, or other evidence, which establishes his position as such. Upon the exhibition of proper credentials and identification, he shall be permitted to enter into residential, commercial, institutional and industrial facilities for the purposes of inspection, observation, measurement, sampling, testing, or otherwise performing the necessary duties pursuant to the enforcement of the provisions of this or any other Ordinance or Rules & Regulations of the District.

L. Original Connection on Commencement of Operation of Sewage System

Notwithstanding any statement to the contrary herein, the owner of any building situated within the District, and under the terms of this Ordinance is required to connect such building to the proper public sewer, shall have sixty (60) days after such date as the Board shall proclaim that the District is ready to receive sewage into the District sewage system, to connect such building directly with the proper public sewer. Costs of such connection are to be at the expense of the owner.

SECTION 9. TYPES OF WASTES PROHIBITED

No person shall knowingly discharge or deposit or allow the discharge or deposit into District sewers, solids or fluids which create nuisances, such as odors; are a menace to public health; or are detrimental to the functioning of said sewers or to the treatment processes and/or disposal facilities of the District. Ordinance TWSD-202 sets limitations on certain wastes and discharges

into the District sewers and provide for a system of industrial permits, wastewater monitoring and self-reporting.

SECTION 10. APPROVALS AND FEES

A. Approval Required

No unauthorized person shall uncover, connect with, or open into, use, alter, or disturb any public sewer or appurtenance, or perform work on any drainage system without first obtaining written approval ("Approval") from the District. Such Approval shall be posted at the work site and shall be shown upon demand of any District authorized representative.

The Will Serve letter is the permit issued to the individual homeowner or the developer that allows them to connect to the District sewer system. No person shall connect any private property in the District to any District sewer or other facility of the District's sewerage system without first obtaining a Will Serve letter from the District. No construction shall occur before a Will Serve letter is issued for sewer connections or improvements.

B. Application for Approval

Any person legally entitled to apply for and receive an Approval may make application to the District. The location, ownership, occupancy and use of the premises, and a description of the proposed nature of the work to be performed shall be provided by the applicant. Specifications, plans, drawings and other information shall be supplied to the District as deemed necessary.

An application fee shall be paid to the District for the administrative costs associated with making a determination and processing the paperwork required for providing clearance to the County of Ventura and the City of Thousand Oaks for tenant improvement and sewer connection projects ("Application Fee"). This fee shall be per the District's fee ordinance or resolution, except for those applications requiring minimal processing as determined by the District (i.e., administrative staff review only), which shall incur no charge.

C. Compliance

Approval of the application is evidenced by the issuance of the Approval. Thereafter, no change shall be made in the location of the sewer, the grade, materials or other details described in the application or as shown on the approved plans and specifications, unless prior written permission is obtained from the District, or other authorized representatives. Until the connections covered by the issued Approval have been installed and approved in accordance with District Ordinances and Rules & Regulations, no residence, building or facility to be served by said connections shall be allowed to discharge sewage to the public sewer.

D. Agreement

The signature of the applicant on the application shall constitute an agreement to comply with all provisions, terms and requirements of this Ordinance. The signature shall constitute an agreement to comply with the approved plans and specifications and any further corrections or modifications as may be required by the District. Such agreements shall be binding upon the applicant and may be modified by the District after the receipt and consideration of a written request for modification submitted by the applicant.

E. Annexation Fees

The owner or owners of lands within areas to be annexed to the District shall, upon annexation to the District, pay a reasonable fee which will be determined by the Board upon application by the owner or owners. Upon annexation, this Ordinance and all Rules & Regulations of the District shall apply and be complied with in the manner provided.

F. Sewer Connection Fee

Sewer connection fees shall be paid in full prior to final approval of any Subdivision, Planned Development, Special Use Permit, Building Permit, and/or prior to the commencement of any work necessary to furnish sewer service to any residence, building or parcel.

However, in a case where an individual owns a parcel of land larger than ten acres in size, but desires sewer service for only a small portion thereof, and if the District is financially able to do so, it may, at its sole option, collect sewer connection fees for only that portion of the parcel that is to be developed as shown on Subdivision, Planned Development, or Special Use Permit improvement plans. At such time as further development of the parcel occurs, the then applicable sewer connection fees shall be paid for the remainder.

Said sewer connection fee shall be in accordance with the rate effective on the date of the most recent final Approval and/or the commencement of the necessary work, whichever is later.

Sewer connection fees paid shall be considered paid in full for 18 months following the date of payment. Following the expiration of the 18 month period, the entire amount of the current sewer connection fee (and all other fees associated with the project) shall be paid in full, with credit being given for any amount previously paid.

G. Amount of Sewer Connection Fee

The following names are established for the purpose of identifying service areas for use in establishing and collecting connection charges:

1. "Bell Canyon Original Assessment" shall mean all areas within the general area known as Bell Canyon and also identified in the Engineer's Report for Bell Canyon Sewer Assessment District No. 85-1 as benefiting unimproved lots.
2. "Joint Venture" shall mean all areas within the District which do not qualify under subsection (1) above.

The fee for connecting each ERU to the facilities of the District shall be per the District's fee ordinance or resolution.

H. Sewer Plan Check Fee

When sewer plans are first submitted, a fee shall be paid to the District for all public sewer construction plan checking. Plan check fees shall be per the District's fee ordinance or resolution.

I. Sewer Construction Inspection Fee

A fee shall be paid to the District for all public sewer construction inspection. Sewer construction inspection fees shall be per the District's fee ordinance or resolution.

Overtime inspection is defined as an inspection occurring outside regular business hours (i.e., public holidays observed by District, weekends, and workdays before 8:00 am or after 4:00 pm). The overtime inspection rate will be per the District's fee ordinance or resolution.

J. Industrial Waste Permit Fee

A fee shall be paid to the District for the issuance of an Industrial Waste Permit. All persons requiring an industrial waste discharge permit shall pay to the District an annual permit fee per the District's fee ordinance or resolution. The General Manager or designated representative shall be empowered to set forth in the Industrial Waste Permit, any additional testing, sampling, analysis, flow measures, or other activities as determined at the discretion of the District. Should the District or its agents perform required industrial wastewater sampling, analysis, review, flow measurements or other activities for an industrial user in excess of the conditions presented at the time of permit issuance or if such activity is necessary to ensure compliance with the conditions of the permit, said user shall be held responsible for all accrued costs.

K. Project Completion Deposit

A deposit shall be paid to the District for either sewer connection projects or tenant improvement projects that require a final audit or inspection by District staff ("PC Deposit"). The PC Deposit shall be per the District's fee ordinance or resolution. The deposit shall be refunded upon final completion, final inspection, and/or final audit of the project, less any additional unanticipated costs (i.e., additional plan review and/or inspections, pro-rated service fees, etc.) incurred during the project.

L. Sewer Availability Fee

A fee shall be paid to the District for issuance of a letter verifying that the District has capacity to serve the requested residential property address ("Sewer Availability Fee"). This letter is not intended to be an Approval for a sewer connection process. An Approval will be issued after fees (i.e., connection, extension, etc.) and other District requirements have been met. The Sewer Availability Fee shall be per the District's fee ordinance or resolution. If an Approval process for the property is initiated within 18 months following issuance of the Sewer Availability letter, the Sewer Availability fee will be credited against the fees required for the Approval process.

M. Initial Deposit

A deposit shall be paid at the time of application for either sewer connection projects or tenant improvement projects that require a final audit or inspection by District staff ("Initial Deposit"). The Initial Deposit shall include the Application Fee, PC Deposit, Sewer Plan Check Fee, Sewer Construction Inspection Fee, Sewer Connection Fee (if applicable), Sewer Extension Fee (if applicable), and miscellaneous fees (if applicable) related to the project. If it is determined that the Initial Deposit is insufficient to recover actual costs, District staff will scope the work remaining on the project and calculate an additional subsequent deposit. At the completion of the project (after District's final audit), or if the application is withdrawn or not approved, the difference between the deposited amount and the actual costs shall be refunded to the applicant within 180 days.

N. Accessory Dwelling Units (ADUs)

ADU legislation (effective January 1, 2018 for special districts), allows the District to charge a connection or capacity fee for new ADU construction. However the fees must be proportional (based upon either its size or number of plumbing fixtures) relative to the primary single family

resident on the property. For ADUs constructed within the existing space of a single family residence or accessory structure (i.e., adds no new square footage), no new connection or capacity fees will be imposed.

Per the ADU legislation, ADUs constructed within the District service area will be charged both connection and user fees that are proportional to the fixture counts relative to the primary resident. For ADUs constructed within the existing space of the primary resident or accessory structure (i.e., garage, workshop, etc.), no new connection or capacity fees will be charged.

O. Commercial Tenant Improvement

Customers making any change in operation on their premises requiring increases or decreases in the sewage flow through the District's facilities, shall immediately give the District written notice of the nature of the change. The change in sewage flow shall be subject to increased or decreased sewer service charges.

P. Disposition of Fees

All fees collected or received by the District shall be deposited promptly with the proper authority as provided by the District to receive such funds.

Q. All Costs Paid by Owner

All costs and expenses incident to or arising out of the installation and connection of any sewer or other work for which an Approval is required, shall be at the expense of the owner.

R. Owner to Indemnify District

The owner of any property shall indemnify the District from loss or damage directly or indirectly caused by the installation and connection of any sewer or other work for which an Approval is required.

S. Outside Sewers

Permission to connect any lot or parcel of land outside the District to any public sewer under the jurisdiction of the District shall only be granted by Approval. The applicant shall enter into a written contract satisfactory to the District whereby he shall bind himself, his heirs, successors, and assigns to abide by all Ordinances and Rules & Regulations regarding the use of such sewer, the connection, and the draining therewith. The applicant shall pay all fees and a monthly service charge set by the District for the use of such sewer. The granting of permission for sewer service for property outside the District shall be optional with the Board. Where special conditions exist relating to property located outside the District, a special contract as approved by the District shall be consummated between the applicant and the District.

T. Liability

The applicant shall be solely liable for any defects or failure during performance of the work or any failure which may develop therein. The District, its officers, agents and employees, shall not be answerable for any liability, death or injury to persons, or property damage due to, or arising out of, the performance of the work by the applicant. The applicant shall answer for and save the District, its officers, agents and employees from all liabilities imposed by law, including all costs, expenses, fees and interest incurred in seeking to enforce this provision.

U. Owner's Responsibility

The owner shall be responsible for installing, maintaining, and replacement of the lateral sewer from the building connection to the public sewer main, including the wye connection. It is further understood that the owner shall be responsible for the installment, maintenance and operation of backflow preventers and clean-outs.

V. Private-Party Wastewater Leaks/Spills

The owner shall be responsible for any private-property wastewater leaks/spills that are not fully contained on site and appropriately managed in a manner to protect public health and safety, or encroach into the public right-of-way. Failure to do so will result in District intervention at owner's expense with charges per the District's fee ordinance or resolution. At the request of an owner, the District may respond to assist with a leak/spill and the owner billed accordingly.

SECTION 11. ENFORCEMENT

A. Time Limit – Approvals

If the work granted by District Approval is not commenced within 18 months from date of issuance, or is discontinued for a period of ninety (90) days after partial completion, the Approval shall be void. No further work shall be undertaken until a new Approval has been secured by proper application. The work shall be completed within the calendar days for completion as specified by the new Approval.

B. Violation

Any person found to be in violation of any provision of this or other Ordinance of the District, shall be served with written notice by the General Manager or other authorized representative. Such written notice shall state the nature of the violation and provide reasonable time limit for correction thereof. Said time limit shall not be less than two (2) nor more than seven (7) working days. Within the time period stated in the notice, all violations shall permanently cease. All persons shall be strictly liable for the acts of their agents and employees performed under the provisions of this or any other Ordinance or Rules & Regulations of the District. Upon notification by the District of any defect arising in any sewer, or notification of any violation of this Ordinance, corrections shall immediately be effected by the person or persons in charge of said work.

C. Public Nuisance

Continued habitation of any building, or continued operation of any industrial facility in violation of the provisions of this or any other Ordinance or Rules & Regulations, is hereby declared a public nuisance. Proceedings may be brought by the District to abate such nuisance during the period of violation.

D. Means of Enforcement

The District declares the foregoing procedures are established as a means of enforcing the provisions of this and any other Ordinance or Rules & Regulations of the District, and not as a penalty.

E. Misdemeanor

The violation of any Ordinance or Rules & Regulations of the District by any person shall be punishable in accordance with the laws of the State of California.

F. Liability for Violation

The violation of any provision of this Ordinance, or Rules & Regulations of the District, by any person shall cause him to be liable to the District for any expense, loss or damage caused the District by reason of the violation.

SECTION 12. SEVERABILITY

This Ordinance, except for those portions that are found to be invalid, would remain in full force and effect and continue to be valid. The Board of Directors hereby declares it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or the application thereof to any person or circumstance be held invalid.

SECTION 13. REPEAL OF PRIOR INCONSISTENT ORDINANCES

Any prior ordinances or portions of ordinances previously adopted by the District Board of Directors that are in conflict with this Ordinance, are repealed as of the Effective Date of this Ordinance. This includes TWSD-200 (adopted 12/16/19).

SECTION 14. EFFECTIVE DATE

This Ordinance shall become effective December 1, 2023.

PASSED, APPROVED AND ADOPTED this 27th day of November 2023 by the following vote:

AYES: Shapiro, Tjulander, Wall, Orkney, Nye

NOES: None


ABSENT: None

TRIUNFO WATER & SANITATION DISTRICT



Jane Nye, Chair

ATTESTED:



Fidela Garcia, Clerk of the Board

APPROVED AS TO FORM:



Dennis McNulty, General Counsel