

ORDINANCE NO. 2-80

AN ORDINANCE REGULATING THE DISCHARGE OF SEWAGE
AND INDUSTRIAL WASTES INTO THE PUBLIC SEWER
SYSTEM, REGULATING THE USE OF PUBLIC SEWERS,
AND PROVIDING PENALTIES FOR THE VIOLATION OF
THE PROVISIONS THEREOF

LAKE SHASTINA COMMUNITY SERVICES DISTRICT
SISKIYOU COUNTY, CALIFORNIA

BE IT ORDAINED by they Board of Directors of the Lake Shastina
Community Services District, Siskiyou County, California, as follows:

ARTICLE 1

PURPOSE

Section 101. Purpose. The purpose of this Ordinance is to provide for and regulate the disposal of sewage into the sanitary sewer system of the District in such manner and to such extent as is reasonably necessary to prevent waste discharges from adversely affecting the District's sewer system, the operation of District's treatment facilities or the quality of the effluent therefrom, and the quality of the receiving waters; to protect the District and its personnel, and preserve and protect the health, safety and comfort of the public; and to effect compliance with all applicable ordinances, rules, regulations and orders of the State of California, the United States of America, and any and all other political subdivisions, governmental agencies and mandatories thereof exercising jurisdiction over such matters.

ARTICLE 2

DEFINITIONS

Section 201. Board shall mean the Board of Directors of the Lake Shastina Community Services District, Siskiyou County, California.

Section 202. County shall mean the County of Siskiyou, State of California.

Section 203. District shall mean the Lake Shastina Community Services District, Siskiyou County, California.

Section 204. District Engineer shall mean the Engineer appointed by and acting for the Board and shall be a Registered Civil Engineer.

Section 205. Domestic Sanitary Sewage shall mean water carrier wastes from residences, hotels, motels, restaurants and commercial establishments, but excluding all ground water, surface water, storm water and industrial wastes.

Section 206. Industrial wastes shall mean the wastes of producing, manufacturing and processing operations of every kind and nature. It does not include domestic sanitary sewage as herein defined.

Section 207. Permit shall mean any written authorization required pursuant to this or any other ordinance, rule or regulation of District for the installation of any sewage works or the discharge of waters and wastes into the public sewer system of District.

Section 208. Person shall mean any human being, individual firm, company, partnership, association and private, public, and municipal corporations, the United States of America, the State of California, districts and all political subdivisions, governmental agencies and mandatories thereof.

Section 209. Additional Definitions. For the purpose of this Ordinance additional terms shall have the meaning indicated in Ordinance No. 1-80, The Sewer Regulation Ordinance of the Lake Shastina Community Services District, Siskiyou County, California, adopted

February 1, 1980, as now or hereafter amended.

ARTICLE 3

GENERAL PROVISIONS

Section 301. Short Title. This Ordinance shall be known as the INDUSTRIAL WASTE ORDINANCE OF THE LAKE SHASTINA COMMUNITY SERVICES DISTRICT, SISKIYOU COUNTY, CALIFORNIA.

Section 302. Posting. Upon adoption of this Ordinance it shall be entered in full in the minutes of the Board of Directors, shall be posted in three public places in the District within ten (10) days of said adoption, and shall take effect immediately upon the expiration of thirty (30) days of said adoption.

Section 303. Relief on Application. When any person, by reason of special circumstances, is of the opinion that any provision of this Ordinance is unjust or inequitable as applied to his premises, he may make written application to the Board, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his premises.

If such application be approved, the Board may, by resolution, suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the application and continuing during the period of the special circumstances, or any part thereof.

Section 304. Relief on Own Motion. The Board may, on its own motion, find that by reason of special circumstances any provision of this regulation and Ordinance should be suspended or modified as applied to a particular premise and may, by resolution order such suspension or modification for such premises during the period of such special circumstances, or any part thereof.

ARTICLE 4

USE OF PUBLIC SEWERS

Section 401. Discharge Permit Required. No person shall discharge or cause to be discharged any industrial waste into District's sanitary sewer system without having obtained an industrial waste discharge permit from District. Such permit shall be in addition to any other permit required by District's ordinances, rules, and regulations.

Section 402. Drainage into Sanitary Sewers Prohibited. No leaders from roofs and no surface drains for rain water shall be connected to any sanitary sewer. No surface or storm water, seepage, cooling water or unpolluted industrial process waters shall be permitted to enter any sanitary sewer by an device or method whatsoever.

Unpolluted process waters shall mean any industrial process waters within the following limits of quality:

pH	7.0 minimum. 8.5 maximum
Dissolved Solids	1,000 milligrams per liter, maximum
Chemical Oxygen Demand (exclusive of chlorides)	20 milligrams per liter, maximum
Biochemical Oxygen Demand	5 milligrams per liter, maximum
Suspended Solids	5 milligrams per liter, maximum
Setteable Solids	0.1 milliliters per liter, per hour, maximum
Grease or Oil	None
Color or Odor	None
Toxic Concentration of Substances	None

No person shall knowingly continue to use any lateral sewer, building sewer or side sewer which has broken or in any way allows the infiltration of surface or ground waters into the District's sanitary sewer system for any period of time longer than reasonably necessary to repair the condition.

Section 403. Swimming Pools. The discharge of the contents of swimming pools and swimming pool equipment to the District's sanitary sewer system shall not be permitted unless and until a permit from the District is obtained therefor. Any permit so granted shall require that an approved separator be provided to preclude any possibility of a backflow of sewage into the swimming pool or piping system. Such permit may prescribe limits as to the size of pipe carrying discharge water, rate of flow, head, time and manner of discharge and all other conditions deemed necessary or appropriate by District to protect its facilities.

Section 404. Types of Wastes Prohibited. No person shall discharge or cause to be discharged any substances, materials, waters, or wastes if such discharge can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving waters, or can otherwise endanger health, safety, public property, or constitute a nuisance.

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

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

(b) Any ashes, cinders, sand, mud, straw, shavings, metal, paper dishes, cups, containers, glass, rags, feathers, tar, plastics, wood, or any other solid or viscous substances, either whole or ground by garbage grinders, capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage treatment plant.

(c) Any garbage that has not been properly shredded, where proper shredding is defined as having not more than 5 per cent by weight (determined on a dry basis) of all material discharged, less than 1/4 inch in its largest dimensions and no particle greater than 1/2 inch in its greatest direction.

(d) Any liquid or vapor having a temperature higher than 210°F.

(e) Any waters or wastes having a pH lower than 6.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures equipment and personnel of the District.

(f) Any waters or wastes, other than the waters or wastes from normal household uses, containing:

1. floating grease, oil or fat of animal or vegetable origin in excess of 25 milligrams per liter, or

2. floatable grease, oil or fat of mineral origin in excess of 10 milligrams per liter, or

3. dispersed grease, oil or fat in excess of 100 milligrams per liter.

(g) Any explosive, noxious, or malodorous substances which, by themselves or by interaction with other wastes, may create a public nuisance or hazard or make human entry into the sewers hazardous.

(h) Any water or wastes, other than the waters or wastes from normal household uses, having a 5-day biochemical oxygen demand, based on a 24-hour composite sample, greater than 300 milligrams per liter.

(i) Any waters or wastes, other than the waters or waste from normal household uses, having greater than 350 milligrams per liter of suspended solids or having greater than 1,500 milligrams per liter of total solids, based on a 24-hour composite sample.

(j) Any waters or wastes containing an unusually high chemical oxygen demand or creating chlorine requirements in such quantities as to exceed a level authorized by the Board for loadings on the sewage treatment plant.

(k) Any waters or wastes containing dyes or other substances which exert or cause excessive discoloration at the treatment plant or in the plant effluent.

(l) An unusual volume of flow or concentration of waste constituting a "slug" where "slug" is defined as any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24-hour concentration or flows during normal operation.

(m) Any waters or wastes containing dissolved sulfides in quantities or concentrations deemed by the District to create a problem.

(n) Any waters or wastes containing radioactivity or radioactive isotopes of such half life or concentration as may exceed limits set by the District in compliance with State or Federal regulations.

(o) Any waters or wastes containing odor producing substances in concentrations exceeding limits which are deemed by the District to create a problem.

(p) Any septic tank sludge or other digested sludge, except as may be permitted by special arrangement with the District for septic tanks located in the District.

(q) Any waters or wastes, other than the waters or wastes from normal household uses, containing algaecides, fungicides, antibiotics, insecticides, strong oxidizing agents, or strong reducing agents.

(r) Any waters or wastes containing mercury or mercury compounds.

(s) Any waters or wastes, other than the waters or wastes from normal household uses, containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant. The following is a partial list of toxic substances and their maximum concentration.

<u>Toxicant</u>	<u>Maximum Allowable Concentration</u>
Alcohols (excluding Ethel Alcohol, but including Denatured Alcohol)	100.0 mg./liter
Arsenic and Arsenicals	1.0 mg./liter
Barium	5.0 mg./liter
Beryllium	1.0 mg./liter
Boron	1.0 mg./liter
Bromine, Iodine, Chlorine (total)	5.0 mg./liter
Cadmium	0.1 mg./liter
Chlorides	500.0 mg./liter
Chlorinated Hydrocarbons, including, but not limited to pesticides, herbicides and algaecides	Trace
Chromium, Hexavalent	0.05 mg./liter
Cobalt	1.0 mg./liter
Copper	1.0 mg./liter
Copper (Soluble)	1.0 mg./liter
Cresols and Creosotes	2.0 mg./liter
Cyanides	1.0 mg./liter
Fluoride	1.5 mg./liter
Formaldehydes	5.0 mg./liter
Iron (Fe ⁺⁺)	5.0 mg./liter
Lead	0.5 mg./liter
Manganese	1.0 mg./liter
Nickel	1.0 mg./liter
Nitrites	5.0 mg./liter
Organic Solvents	1.0 mg./liter
Phenols and Their Derivatives	1.0 mg./liter
Selenium	2.0 mg./liter

Silver and Silver compounds
(as silver)

0.05 mg./liter

Zinc Counpounds (as Zinc)

5.0 mg./liter

The maximum allowable concentration of toxic, or potentially toxic, materials not listed above will be determined by the District on an individual basis.

The above limits assume reasonably continuous flows, therefore, if the Discharger causes intermittent loads to be discharged to the sewer system, it shall also apply that such discharges may not exceed these limits.

No industrial waste shall be permitted which would prevent the District from meeting the applicable toxicity requirements imposed upon it by the Regional, State, or Federal Water Quality Authorities.

(t) Any waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed by District, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the discharge requirements established by the State Water Resources Board or the Regional Water Quality Control Board.

Section 405. Conditions Requiring Special Approval. When the volume of waste discharge from any single industrial establishment is greater than 5 per cent of the average daily dry weather flow of the District, such discharge shall be subject to the review and approval of the District. The District may, if it approves such discharge, impose special conditions deemed appropriate by the District thereon, including separate or special concentration limits more stringent than those hereinabove set forth.

Section 406. Precaution Against Entry of Unauthorized Materials to District's System. Any physical connection to a public sewer or to a private sewer connected to a public sewer, of any source receiving any of the prohibited materials and substances from which any of such prohibited materials or substances could, in the opinion of the District Engineer, accidentally be discharged or spilled directly or indirectly into the District's sewer system is prohibited.

Should District's Engineer, in his sole discretion, determine that any such connection could result in such accidental discharge, spillage or runoff, the District may require that such discharger shall, at his sole cost and expense and at no cost or expense to District, provide adequate protection, approved by District, against such accidental discharge, spillage or runoff. In the event District's Engineer makes such determination, the District may set forth any and all requirements for such protection and the discharger shall meet such requirements, including, but not limited to, the following:

(a) Where necessary, or as directed by the District Engineer, retention basins, dikes, storage tanks, or other facilities designed to eliminate, neutralize, offset, or otherwise negate the effects of prohibited materials or wastes discharged in violation of this Ordinance shall be installed by the discharger.

(b) Dischargers shall immediately notify the District when discharges of wastes occur in violation of this Ordinance so that countermeasures may be taken by District to minimize damage to the sewer system, treatment plant, treatment processes, and the receiving waters. Such discharger shall be liable to District for any and all costs incurred by it as a result of such discharge and such notification will not relieve dischargers of liability to District for any expense, loss or damage to the sewer system, treatment plant, or treatment process, or for any fines imposed on the District on account thereof under Section 13350 of the California Water Code or for violation of Section 5650 of the California Fish and Game Code.

(c) In the event of any discharge in violation of this Ordinance, discharger shall furnish to the District, within 15 days of the date of any such occurrence, a detailed written statement describing the cause of the discharge and the measures being taken to prevent future occurrence.

(d) Sewer connections with the discharger's plumbing or side sewers shall be appropriately labeled to warn operating personnel against discharge of any substance in violation of this Ordinance.

Section 407. Interceptors Required. Grease, oil or sand interceptors shall be provided when, in the opinion of the District Engineer, they are necessary for the proper introduction of ingredients into the public sewer system of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients. All interceptors shall be of the type and capacity approved by the District Engineer, and shall be located so as to be readily accessible for cleaning and inspection.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature, of substantial construction, water-tight, equipped with easily removable covers, and shall be effectively trapped and vented.

Where required by District, all grease, oil and sand interceptors shall be installed and efficiently maintained at all times by the discharger at his sole cost and expense and at no cost or expense to District.

Section 408. Authority to Require Preliminary Treatment. Whenever, in the opinion of the District Engineer it is necessary to require and provide for preliminary treatment of industrial waste in

order to meet the requirements of the District, the discharger shall, at his sole cost and expense and at no cost or expense to the District, provide such preliminary treatment facilities as may be determined by the District Engineer to be necessary therefor.

Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval of the District Engineer, and no construction of such facilities shall commence until said approvals are obtained in writing.

Whenever preliminary treatment facilities are required pursuant hereto, they shall be efficiently maintained at all times by the discharger at his sole cost and expense and at no cost or expense to District.

Section 409. Control Manhole. At any time deemed necessary by District, the owner of any property discharging industrial sewage shall install a suitable control manhole, and/or sampling station in the side sewer located on private property to facilitate observation, sampling, and measurement of the wastes. Such manhole, or sampling station, shall be located and constructed in accordance with plans approved by the District Engineer, shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Section 410. Measurements, Sampling and Testing. All measurements, tests and analyses of characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, Inc., as now or hereafter modified, and shall be performed upon suitable samples taken at the control manhole or sampling station. In the event that no control manhole or sampling station as been required, the sampling point shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be made by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property.

Section 411. Exception by Special Agreement. No statement contained in this Article 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 therefor by the industrial concern and subject to such terms and conditions as may be required by District.

Section 412. Permit Procedure - Industrial Wastes. Every person discharging industrial wastes into the sewer system of the District at the time of the effective date of this Ordinance shall submit an application for the discharge of industrial sewage to the District within three months after the effective date hereof and shall not thereafter discharge industrial sewage into the District's sewer system after one year from the effective date hereof without a permit therefor.

All applicants for an industrial waste permit to discharge anything except domestic sewage into the District's sewer system shall file with the District an industrial waste questionnaire as a prerequisite to the consideration by District of the issuance of such a permit. Applicant shall furnish to District any and all information required by District, including, but not limited, to the following:

(a) Details of production, number of employees, water consumption and usage, waste disposal facilities and other pertinent data to enable the District to properly determine the nature of the waste to be discharged:

(b) Plans of the properties showing accurately all sewers, drains and sewer connections to be made; and

(c) When required by the District, a detailed report on the expected waste characteristics covering laboratory determinations of the physical, chemical and hydraulic characteristics, including a projection of future waste characteristics. The report shall be prepared at the applicant's expense by a licensed Civil Engineer or Chemical Engineer.

An industrial waste permit must be renewed annually on or before January 1 of each calendar year and the applicant must file at the same time a questionnaire with the District. The applicant, at the time of submission of the questionnaire together with such information as may be required by District, shall deposit to the District the sum of One Hundred Dollars (\$100.00) to reimburse District for the costs to be incurred by it for the review of the questionnaire and supporting data and to pay for the issuance of the permit. Unused portion of the deposit shall be refunded.

Section 413. Requirements. Upon review of the permit application and as a condition precedent to the issuance of a permit, District may specify requirements which the applicant must meet, including, but not limited to, the following:

(a) A limitation on the volume of sewage and the rate of flow permitted from the premises;

(b) The installation and maintenance by the discharger, at his own expense, of facilities or equipment for intermittent or continuous measurement of the quantity or quality of sewage, industrial waste, or other wastes discharged into the District's sewer system from such premises;

(c) The installation and maintenance by the discharger, at his own expense, of detention tanks or other facilities or equipment for reducing the maximum rates of discharge of sewage or industrial waste to such a percentage of the 24-hour rate as may be required by the District;

(d) The installation and maintenance by the discharger, at his own expense, of such preliminary treatment facilities as may be necessary to meet the quality limits set forth in this Ordinance or as may be required by the District or any other governmental jurisdiction or agency;

(e) The installation and maintenance by the discharger, at his own expense, of a suitable control manhole, and/or an approved sample station.

(f) The installation and maintenance by the discharger, at his own expense, of grease, oil, and sand interceptors or traps.

(g) The submission to and approval by the District of the plans for any of the above facilities or equipment required to be installed and maintained by the discharger; provided, however, that said approval by the District does not relieve the applicant of demonstrating the successful performance of said facilities or complying with the terms of this Ordinance;

(h) Such other terms and conditions may also provide that, subsequent to the commencement of operation of any preliminary treatment facilities, periodic reports shall be made by the discharger, at his expense, to the District setting forth adequate data upon which the acceptability of the sewage, industrial waste, or other waste, after treatment, may be determined.

Section 414. Refusal of a Permit. District may refuse to issue any such permit if:

(a) The applicant has not fully answered the Application for the Permit or furnished information required by District in connection therewith; or

(b) The application for such permit contains false statements or misrepresentations; or

(c) The applicant's existing or proposed discharge does not conform to the provisions of the Ordinance; or

(d) The granting of a permit would result in the establishment of a use or occupancy of land in violation of the zoning ordinances of any city or county exercising jurisdiction over the land for which a permit is sought; or

(e) The granting of a permit or occupancy or use pursuant thereto would result in the creation or maintenance of a public nuisance.

Section 415. Grounds for Suspension or Revocation of a Permit. Any permit issued hereunder may be suspended or revoked at any time for:

(a) Any of the grounds upon which a permit may be denied; or

(b) The violation of any condition or provision of the Permit;
or

(c) The violation of any provision of this Ordinance or of any other ordinance, rule, or regulation of the District.

Section 416. Effect of Suspension or Revocation of a Permit.

Upon the suspension or revocation of a permit, the District shall terminate service and shall disconnect sanitary and/or waste disposal facilities in accordance with the provisions of this Ordinance; provided, however, that the District may continue service and may continue sanitary and/or waste disposal connection facilities upon the removal of the grounds for suspension or revocation and/or upon such other terms and conditions as shall be authorized by this Ordinance and imposed by the District.

Section 417. Procedure for Suspension or Revocation of a Permit: Notice and Hearing. Prior to the suspension or revocation of a permit as herein provided, the Board of Directors of the District shall notify, in writing, the owner and tenant, if any, of the property affected and for which the permit was issued. Said notice shall advise that said Board will consider the suspension or revocation of the permit, shall state the date of proposed suspension or revocation, and the reason therefor, and the time, date and place that the Board shall hold a hearing upon said proposed suspension or revocation, which said hearing shall be held not less than ten (10) days subsequent to the mailing of said notice as hereinafter provided.

Said Notice shall be mailed to the owner at his address as shown on the records of the District, and a copy shall be delivered to the tenant or posted conspicuously on the property affected.

Upon the conclusion of the hearing, the Board shall adopt an Ordinance determining whether grounds exist for suspension or revocation of said permit. If such grounds are found to exist, the permit shall forthwith be suspended or revoked and service shall forthwith be terminated and sanitary and/or waste disposal facilities forthwith disconnected. A copy of said Ordinance shall be mailed to the owner at the address as shown on the records of the District, and a copy shall be delivered to the tenant or posted conspicuously on the property; provided, however, that the service of said copy of said Ordinance shall not be a condition precedent to the suspension or revocation of said permit or to the termination of service and disconnection of sanitary and waste disposal facilities.

Section 418. Procedure for Requesting Restoration of Permit and Service: Imposition of Conditions. Any person whose permit has been suspended or revoked or for whom service has been terminated and disconnected hereunder, may petition the Board for reinstatement of the permit and of service. Said petition shall be verified under the oath, or declaration under penalty of perjury, of the person petitioning and shall be filed with the District. Said petition shall contain a detailed statement of the corrective measures taken by the petitioner or others, to remove the grounds for suspension or revocation of the permit and of the corrective measures taken or devices installed to

prevent a repetition of the offense. Said petition shall contain the name and address of the petitioner for purposes of receiving notice of the hearing on said petition.

Upon the filing of said petition, the Board shall set a hearing thereon, which said hearing shall be held within 35 days of the date of filing said petition. Notice of the time, date and place of hearing shall be given to the petitioner, not less than 10 days before the time set for hearing, in writing mailed to said petitioner at the address shown in said petition; provided, however, that said petitioner may waive said notice in writing.

Upon the conclusion of said hearing, the Board, in its discretion, may reinstate the permit, service and connection if it finds, by resolution, that the grounds for suspension or revocation have been corrected.

The Board may, as a condition of the reinstatement of the permit, service and connection:

(a) Require the petitioner to provide reasonable safeguards and security, satisfactory to District, to avoid a repetition of the offense for which the permit was suspended or revoked and service terminated and disconnected;

(b) Impose reasonable charges, as fixed by the District, to compensate the District for any expenses incurred by it in connection with the suspension or revocation, termination and disconnection and in connection with the reinstatement of the permit and restoration of service and connection.

(c) Impose reasonable charges, as fixed by the District, to compensate the District for any damage to its facilities or any overload to its facilities which said petitioner should equitably be required to pay or which said petitioner would have been required to pay under the provisions of this Ordinance;

(d) Establish such other reasonable conditions or regulations as shall, in the opinion of the District, be necessary to protect the public health, safety, and property of the District, and to prevent a nuisance; and

(e) Establish such reasonable condition or regulations as shall be necessary to comply with the requirements of the State of California Regional Water Quality Control Board or State of California Water Resources Control Board or of this District.

Section 419. Rules and Regulations. The Board may adopt reasonable rules and regulations or impose reasonable conditions, in addition to those herein specifically authorized, upon any permit issued for the purpose of implementing this Ordinance. A copy of said rules and regulations shall be maintained in the District Office, and shall be available for inspection, upon request, of any member of the

public. Copies of said rules and regulations shall be reproduced for sale, after adoption by the Board, to members of the public at a reasonable charge.

In case of conflict between this Ordinance and any other ordinance, rule or regulation of the District, the more stringent shall apply.

Section 420. Appeals. If any person is dissatisfied with any provision of this Ordinance or believes that any provision of this Ordinance, as applied to his particular property, would pose a unique or undue hardship which would prevent the reasonable use of his property, or if any property owner, lender or applicant, is dissatisfied with the determination of any district employee, agent, engineer, or other party responsible to the District hereunder, or if the District Engineer and the engineer of the discharger do not agree as to what protective steps, or tests, or other procedures are appropriate in the particular circumstance, the matter shall be referred to the Board for determination.

If the matter so referred involves a dispute as to engineering principles or practice, or a dispute between the engineers, the Board may select a third engineer, who shall be either a registered Civil Engineer or a registered Chemical Engineer not connected with either the District Engineer or the discharger's engineer, which third engineer shall report to the Board his findings in connection therewith and shall make special recommendations, as well as evaluate the alternatives and degree of risk of each alternative. Any and all costs incurred by District in connection with the selection of such third engineer shall be paid by discharger to District. The estimated cost thereof shall be deposited, in advance, by discharger with District.

Prior to making such determination, the Board may hold a hearing at which each party and each Board member shall have the right to examine witnesses and the right to present additional evidence. A Court Reporter may be present, if requested by either party, at the expense of the requesting party. The findings of the Board shall be conclusively presumed to be supported by adequate evidence and shall be final and conclusive. The hearing procedure may be informal, but shall be conducted in a fair and reasonable manner.

In the event that any such hearing is conducted, the hearing shall be held during normal Board meeting times and may be continued from time to time until concluded. Within 30 days of the conclusion of the hearing, the Board shall make its determination of the appeal.

The appellant may, if dissatisfied with the Board's determination, within 90 days thereafter, apply to the Board for a rehearing. No suit shall be filed against the District or its officers, employees, engineer, or attorney, either under this Ordinance or to contest the validity of this Ordinance, unless and until such application for rehearing has either been denied, or a rehearing granted and determined. If any lawsuit is brought by the District to abate any violation of this Ordinance, or against any owner or lender who violates any provision of this Ordinance, and the District

prevails, such party shall pay reasonable attorneys fees and cost of suit if the court determines that such party knowingly violated this Ordinance or knowingly caused or refused to abate a nuisance condition.

If any party who seeks or obtains a permit under this Ordinance thereafter files suit under this Ordinance, or to have this Ordinance declared void, and such party does not prevail, such party shall pay reasonable attorney's fees and cost of suit unless the Court determines that such party acted reasonably and in good faith and has exhausted his administrative remedies.

ARTICLE 5

ENFORCEMENT

Section 501. Violation. Any person found to be violating any provision of this or any other ordinance, rule or regulation of the District, shall be served with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Except as herein otherwise provided, said time limit shall be not less than two nor more than seven working days. The offender shall, within the period of time stated in such notice, permanently cease all violations. All persons shall be held strictly responsible for any and all acts of agents or employees done under the provisions of this or any other ordinance, rule or regulation of the District. Upon being notified of any defect arising in any sewer or of any violation of this Ordinance, the person or persons having charge of said work shall immediately correct the same.

Section 502. Public Nuisance. Continued operation of any industrial facility in violation of the provisions of this or any other ordinance, 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 of the operations of the industrial facility during the period of such violation.

Section 503. Disconnection. As an additional method of enforcing the provisions of this or any other ordinance, rule or regulation of the District, the District shall have the power to disconnect the user or sewer system from the sewer mains of the District. Upon disconnection the District shall estimate the cost of disconnection from and reconnection to the system and such user shall deposit the cost, as estimated, of disconnection and reconnection before such user is reconnected to the system. The District shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection, and the user shall pay any costs in excess of the deposit.

Section 504. Public Nuisance, Abatement. During the period of such disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the District shall cause proceedings to be brought for the abatement for the occupancy of said premises by human beings during the period of such disconnection. In such event, and as a condition of reconnection, there is to be paid to the District a reasonable attorney's fee and cost of suit arising in said action.

Section 505. 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.

Section 506. Misdemeanor. Section 61621.5 of the Government Code of the State of California provides that the violation of an ordinance, rule or regulation of a district by any person is a misdemeanor. Each and every connection or occupancy in violation of the ordinances, rules and regulations of the District shall be deemed a separate violation and each and every day or part of a day a violation of the ordinance, rule or regulation continues shall be deemed a separate offense hereunder and shall be punishable as such.

Section 507. Civil liability. Section 54740 of the Government Code of the State of California provides that any person who intentionally or negligently violates any requirement adopted or ordered by District pursuant to paragraphs (a) or (b) of subdivision (1) of Section 54739 of said Code may be civilly liable in a sum of not to exceed Six Thousand Dollars (\$6,000.00) for each day in which such violation occurs and further provides that District may petition the Superior Court to impose, assess and recover such sums.

Paragraphs (a) and (b) of subdivision (1) of said Section 54739 provides that the District may require the pretreatment of any industrial waste which would otherwise be detrimental to the treatment works or its proper and efficient operation and maintenance or the prevention of the entry of such waste into the collection system and treatment works.

Section 508. Powers and Authorities of Inspectors. Any duly authorized employee of the District shall carry evidence establishing their position as an authorized representative of the District and upon exhibiting the proper credentials and identification, any such employee shall be permitted to enter in and upon any and all buildings, industrial facilities and properties for the purposes of inspection, re-inspection, observation, measurement, sampling, testing or otherwise performing such duties as may be necessary in the enforcement of the provisions of the ordinance, rules and regulations of the District.

In furtherance thereof, the District may, at any time, require forty-eight (48) hours advance notice of any intermittent discharge by any person into District's system.

Section 509. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance or the application thereof to any person or circumstances is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or the application of such provision to other persons or circumstances. The Board hereby declares that it would have passed this Ordinance irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared to be unconstitutional.

Sec. 510. Repeal of Inconsistent Ordinances. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

Tom Carter

President of the Lake Shastina
Community Services District

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ATTEST:

Linda Graw Smith

Secretary of the Lake Shastina
Community Services District

(SEAL)

* * * * *

I hereby certify that the foregoing is a full, true and correct copy of a resolution duly passed and adopted by the Board of Directors of the Lake Shastina Community Services District, Siskiyou County, California, at a meeting thereof duly held on the 1st day of February, 1980, by the following vote:

AYES, and in favor thereof, Directors: Applegate, Carter,
Erickson, Miralles and Storey.

NOES, Directors: None

ABSENT, Directors: None

Linda Ann Smith
Secretary

APPROVED:

Tom Carter
President

Director Erickson moved the Board adopt this Ordinance and number it 1-80.

Director Applegate seconded the motion.

AYES, and therefore, in favor of, Directors Applegate, Carter, Erickson, Miralles and Storey.

Secretary instructed to post Ordinance # 1-80 according to Counsel's advice.

President Carter referred to the Ordinance entitled: "An Ordinance Regulating the Discharge of Sewage and Industrial Wastes Into the Public Sewer System, Regulating the Use of Public Sewers, and Providing Penalties for the Violation of the Provisions Thereof," a copy of which is on file in the District office.

Director Erickson moved the Board adopt this Ordinance and number it 2-80.

Director Applegate seconded the motion.

AYES, and therefore in favor of, Directors Applegate, Carter, Erickson, Miralles and Storey.

Secretary instructed to post Ordinance # 2-80 according to Counsel's advice.

NEW BUSINESS:

1. Adoption of Resolution #1-80 Changing Meeting Day

Director Applegate made the motion to adopt "Resolution 1-80 Amending Resolution # 1-79 Changing the Meeting Day" from the first Friday to the first Tuesday of each month.

Director Erickson seconded.

AYES, and therefore in favor of, Directors Applegate, Carter, Erickson, Miralles and Storey.

Jan 4

CERTIFICATE OF POSTING

ORDINANCE NO. 2-80

LAKE SHASTINA COMMUNITY SERVICES DISTRICT

LINDA SMITH, under penalty of perjury, certifies as follows:

That she is, and during all times herein mentioned was, the duly appointed and qualified Secretary of the Lake Shastina Community Services District, Siskiyou County, California;

That on the 4th day of February, 1980, she caused to be posted full, true and correct copies of Ordinance No. 2-80, An Ordinance Regulating the Discharge of Sewage and Industrial Wastes Into the Public Sewer System, Regulating the Use of Public Sewers, and Providing Penalties for the Violation of the Provisions Thereof, a copy of which is attached hereto and incorporated herein by reference, in three public places in the District, as follows:

1. Offices, lower-level, Whispering Winds Lodge
2. Bulletin Board at mailboxes, Lake Shore Drive
3. Juniper Inn, Country Club Restaurant

and that said Ordinance was posted within ten days after adoption thereof.

Executed on the 4th day of February, 1980.

Linda Jane Smith
Secretary of the Lake Shastina
Community Services District