

ORDINANCE NO. 2317
COUNTY SERVICE AREA NO. 18
COUNTY OF SAN LUIS OBISPO
STATE OF CALIFORNIA

ORDINANCE NO. 2317

AN ORDINANCE ESTABLISHING THE COUNTY SERVICE AREA NO. 18
SEWER USE ORDINANCE AND DISTRICT
RULES AND REGULATIONS

The Board of Supervisors of the County of San Luis Obispo, on behalf of County Service Area No. 18, do ordain as follows:

SECTION 1. That there is hereby established a County Service Area No. 18 Ordinance, pursuant to the authority of California Health and Safety Code Sections 4766 and 5470 through 5474.10, to read as follows:

ARTICLE 1. GENERAL PROVISIONS

1.1 The provisions of this Ordinance shall apply to any building or lot, as defined herein, connected to or eligible for connection to the public sewer for and within County Service Area No. 18 (CSA No. 18), or to which said public sewer is available.

1.2 A violation of any provision of this Ordinance is a misdemeanor punishable by fine not to exceed Three Hundred Dollars (\$300.00), imprisonment not to exceed six (6) months, or both.

ARTICLE 2. DEFINITIONS

2.1 Apartment: A single family residence as defined herein, which is part of or located in a multiple family dwelling as defined herein.

2.2 Board of Supervisors: The Board of Supervisors of the County of San Luis Obispo.

2.3 Building: Any structure within District, used for human habitation, or as a place of business, recreation, and/or any other

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wastewater generating activity and containing any fixture(s) as defined herein.

2.4 Building Sewer: That portion of a sewer beginning two (2) feet from any building and extending to and including its connection to a public sewer.

2.5 Cleanout: A branch fitting installed in a sewer for the purpose of providing access for cleaning.

2.6 Country Club: The San Luis Obispo Golf and Country Club, Inc.

2.7 County: The County of San Luis Obispo.

2.8 County Engineer: The County Engineer of the County of San Luis Obispo.

2.9 District: San Luis Obispo County Service Area No. 18.

2.10 Fixture: Any sink, tub, shower, toilet, grease, oil or sand interceptor, garbage grinder, dish or clothes washer, or any other wastewater collecting, generating, treating or conveying device, discharging to the public sewer.

2.11 Garbage: Solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of agricultural products.

2.12 Garbage Grinder: A unit designed and used to grind or otherwise treat garbage so that it can be disposed of through the public sewer.

2.13 Lateral Sewer: That portion of a public sewer lying within a public right of way or easement, which connects, or is intended to connect, a building sewer to a main sewer.

2.14 Lewis System: An existing sewage system within CSA No. 18 serving, or available to, some 52 single family residences or lots within the southerly portion of the District, comprising Tract No. 265, Tract No. 486 (Unit 3), Tract No. 906, and two, non-tract properties identified by Assessor's Parcel Numbers 44-181-10 and 44-181-17.

2.15 Lot: Any piece or parcel of land within the District, bounded, defined, or shown upon a plot or deed recorded in the Office of the County Recorder of San Luis Obispo County; provided, however, that in the event any building is located upon more than

one such parcel of land, all under one ownership, the term "lot shall include all such parcels of land.

2.16 Main Sewer: That portion of a public sewer, excluding lateral sewers, the purpose of which is to accept wastewater and convey it to the wastewater treatment plant.

2.17 Manhole: A structure for the purpose of providing access of a human to a buried public sewer.

2.18 Multiple Family Dwelling: A building or group of buildings designed as, and occupied or suitable for occupancy as, a home or living quarters, either permanently or temporarily, by more than a single family, including buildings designated as apartment houses, apartment buildings, duplexes, triplexes and condominiums, but not including motels, hotels, dormitories, or trailer courts.

2.19 Permit: Any written authorization required pursuant to this Ordinance.

2.20 Person: Any human being, individual, firm, company, partnership, association, corporation, government agency or other entity.

2.21 pH: The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

2.22 Public Sewer: That portion of a sewer lying within a public right of way or easement, and maintained by and subject to the jurisdiction of the County on behalf of the District.

2.23 School: The Los Ranchos Elementary School.

2.24 Sewer: A pipe or conduit for carrying wastewater.

2.25 Shall, Will and May: Shall and will are mandatory; may is permissive.

2.26 Single Family Residence: A building or portion thereof, or a group of buildings, designed as and occupied or suitable for occupancy in whole or in part as a home or living quarters, either permanently or temporarily, by a single family and its guests and/or servants.

2.27 UPC: The Uniform Plumbing Code, Current Edition, as published by the International Association of Plumbing and Mechanical Officials.

2.28 Wastewater: Any water-carried wastes, and the water carrying such wastes, from buildings as defined herein.

2.29 Wastewater Treatment Plant: The arrangement of ponds, plumbing, devices and structures used for treating wastewater generated within the District, and including the lot upon which such plant is situated.

ARTICLE 3. SEWER CONNECTION AND ABANDONMENT OF LOCAL
WASTEWATER DISPOSAL SYSTEM REQUIRED

3.1 For the purposes of this Article a public sewer shall be deemed to be available to a lot or building if said public sewer is operating and is installed in a public right of way or easement adjacent to said lot or to the lot upon which said building is located.

3.2 Pursuant to authority of Health and Safety Code Section 4762, the Board of Supervisors hereby finds and declares the maintenance or use of cesspools, septic systems, drywells and other local means of wastewater disposal within the District to be a public nuisance, and finds it to be in the public interest that buildings to which a public sewer is available be required to connect thereto.

3.3 When a public sewer becomes available to a building, said building shall be connected to said public sewer within sixty (60) days after said public sewer is available, and any cesspool, septic system, drywell or other local means of wastewater disposal situated on the lot occupied by said building, shall be abandoned as provided in Article 3.6, below, unless a variance is granted by the Board of Supervisors.

3.4 Any newly-constructed building to which a public sewer is available shall be connected to said public sewer prior to its use for human occupancy, unless a variance is granted by the Board of Supervisors.

3.5 Variances referred to in Articles 3.3 and 3.4 may be granted only after written application to the Board of Supervisors by the owner of the building, setting forth the basis for such request. Variances may be granted only upon affirmative showing that extreme

hardship will accrue to the owner and/or occupant of said building if required to connect said building to the public sewer and, also, that no health hazard, hardship or inequity to any other lots or buildings or the owner(s) or occupant(s) thereof, or to the District or the County will result from the granting of such variance.

3.6 When any building with a local wastewater disposal system(s) is connected to the public sewer, the owner of said building shall, within thirty (30) days from the date of connecting to said public sewer, abandon said local wastewater disposal system(s) in the manner prescribed by the County Building Department in accordance with the UPC.

ARTICLE 4. PERMITS AND FEES

4.1 It shall be unlawful for any person other than the County to make any connection with any public or building sewer, or to construct or alter any public or building sewer within the District, without first obtaining a permit from the County for such work.

4.2 It is the intent of this Article 4 that, in each instance in which connection of a building to the public sewer is desired, the owner of the lot upon which said building is located shall make his or her own arrangements with a licensed contractor to perform the work, and shall submit satisfactory evidence to the County that such arrangements have been made prior to issuance of any permit called for by this Ordinance.

4.3 The following procedures will be followed in obtaining any required permit(s) for any work involving a public or building sewer:

- (1) Said lot owner, or said lot owner's authorized representative, shall make written request, either in person or by mail, to the County Engineer for a sewer service availability letter. Said request shall include both the owner's and the representative's name(s), both the owner's mailing address and the service address, and the Assessor's Parcel Number (APN). Said availability letter shall be provided only after payment of any required connection fees.

- (2) Said lot owner, or said lot owner's authorized representative, shall then make application in writing to the County Building Department, giving, along with said availability letter and said evidence of arrangements with a licensed contractor, such other information as the County Building Department may require, on forms furnished by the County Building Department for that purpose.
- (3) If the work to be performed thereunder is to be done according to the regulations contained in this Ordinance and otherwise provided by law governing the construction of such work, a permit shall be issued after payment of any required inspection fees.

4.4 Nothing contained in this Article shall be deemed to require an application for, or the issuance of, a permit for the purpose of removing stoppages or repairing leaks in a building sewer, except when it is necessary to replace any part of such sewer.

4.5 The following fees shall be paid by applicants for permits:

- (1) The connection fee required under Article 4.3 (1), above, shall be that amount, as determined by the County Engineer, at the time of the request for said availability letter, which will provide an equitable apportioning of the capital costs of the sewer system.
- (2) The inspection fee shall be that fee prescribed by the Board of Supervisors and in effect at the time of application for a permit under Article 4.3(2) above, and collected by the County Building Department for such services.
- (3) When the work to be done requires cutting into and installing a connection fitting in the main sewer, the fee for this portion of the work shall be two hundred (\$200) dollars payable to the County Engineer. Any such cut and fitting installation will be made by the District personnel, only after all appropriate connection and/or

permit fees have been paid, and after the trench has been prepared (including any necessary safety provisions) by the permittee's contractor. The fee for this portion of the work is in addition to all other required fees of whatever kind.

- (4) When any portion of the work is to be performed within the limits of a public right of way or public sewer easement, an encroachment permit shall be obtained from the County Engineer only after payment of the fees prescribed by the Board of Supervisors and in effect at the time.

4.6 It is the intent of the County to allocate the costs of providing sewer service equitably throughout the District by the application of these regulations and, notwithstanding any provisions of the foregoing Articles, the County may in any instance increase or decrease the fee to be charged for any extraordinary service to achieve such objective.

ARTICLE 5. PUBLIC SEWER EXTENSIONS

5.1 Any person desiring an extension of the public sewers of the District to serve a building or a group of buildings within the District shall make application as follows:

- (1) Any person desiring an extension of the public sewer system to serve a building or a group of buildings within the District shall make a written application to the County Engineer, including therewith a preliminary investigation of the feasibility of said extension prepared by a Civil Engineer registered in the State of California. Said preliminary investigation shall include an estimate of the cost of said extension, including any necessary repairs to affected roadways.
- (2) The County Engineer shall review said application and investigation and, if said County Engineer determines that the requested extension is feasible financially and technically for the District, and that the extension will not impose any burden or hardship on the District or the

County, and that connection of such extension complies with the obligations of the District and the County under that certain agreement among the County, the District, the Country Club and the Country Club Development, dated December 16, 1986, then the applicant may submit improvement plans and specifications for the proposed extension, prepared by a Civil Engineer registered in the State of California, for review by the County Engineer.

- (3) If the County Engineer approves said improvement plans, the applicant may construct said extension, subject to such terms and conditions as the County Engineer may prescribe.
- (4) Before commencing any work on said extension, the applicant shall execute and file a written agreement with the County whereby the applicant agrees to complete all required improvements at said applicant's sole expense and to the satisfaction of the County Engineer, within the time period specified in the agreement. At the time of filing said agreement, applicant shall also deposit with the County Engineer securities in the amount of not less than one hundred fifty (150%) percent of the applicant's engineer's estimate of the costs of said improvements, as approved by the County Engineer. Said securities may be bonds or certificates of deposit payable to the County, issued by issuing agents acceptable to the County, or cash. The applicant further agrees to provide the County Engineer with detailed records of the actual, total, final costs of all improvements authorized in the agreement. The agreement shall also provide for inspection of all improvements by the County Engineer or his designated representative, and reimbursement to the County Engineer, by the applicant, for the costs of said reviews, approvals and/or inspections. The improvements agreement may also provide for the construction of the improvements in units or

stages, and for an extension of the specified time period under conditions therein specified. No extension of time shall be granted except upon certification by the County Engineer that such extension is justified.

- (5) The County Engineer will invoice the applicant for all costs incurred in the performance of any reviews, approvals and/or inspections under this Article. Any amount unpaid thirty (30) days after the date of the invoice shall bear interest at twenty percent (20%) per annum or the maximum rate permitted by law, whichever is less, beginning thirty (30) days after the date of the invoice.
- (6) No hookup of the extension to the public sewer shall occur until all improvement work has been completed to the satisfaction of the County Engineer, nor until after all charges have been paid by the applicant in accordance with the provisions of this Ordinance.

5.2 The County may approve refund agreements with persons who have paid for extensions to the public sewer. Said agreements shall provide for reimbursement of portions of the costs borne by said persons for said sewer extensions, at such time within ten (10) years of the completion of said extensions as money is paid to the County for connections of other buildings to said sewer extensions, as provided for in Article 5.3, below.

5.3 No building shall be connected to an extension to the public sewer within ten (10) years of the completion of said extension, until the owner of said building has paid to the County a proportional share, as determined by the County Engineer, of the cost of said sewer extension.

ARTICLE 6. INSPECTIONS

6.1 All work done under the provisions of this Ordinance shall be subject to inspection by the County. Notice must be given in writing to the County by the person, firm or corporation doing said work, or causing same to be done, immediately after said work is

ready for inspection. Until the time of the inspection all work shall remain uncovered and convenient for the inspector's examination. If any such work is enclosed or covered in any way whatsoever, so as to tend to obstruct a thorough inspection of the work, said obstruction must be removed upon notice so to do from the County, before an inspector shall be required to inspect the work. When, upon examination by the inspector, it appears that any such work is defective, either in its construction or material, the same shall be made to conform to the requirements set forth in this Ordinance, in default whereof the permit therefor shall be revoked by the County and subject work shall be discontinued immediately.

6.2 When it appears to the satisfaction of the County that any work authorized by this Ordinance has been constructed according to, and meets the requirements of, all provisions of this Ordinance and other applicable laws, and that all the fees for the doing and inspection thereof have been paid, the County shall cause to be issued to the person, firm or corporation constructing such work a certificate of final inspection, which certificate shall recite that such work as has been done pursuant to the permit, has been constructed according to the provisions of this Ordinance, and that said work is in sanitary condition. The County shall not issue such certificate of inspection unless all requirements of this Ordinance have been met.

ARTICLE 7. BUILDING SEWERS

7.1 Every building in which a fixture is installed or located shall be separately and independently connected with the public sewer, except that, on a case by case basis, the County Engineer may approve the connection of more than one building to the public sewer by a common building sewer, if the County Engineer determines that requiring a separate and independent connection would cause or aggravate a hardship, and that such approval is consistent with good engineering practice and will impose no burden or hardship on the District or the County.

7.2 The requirements for building sewers as set forth in the latest adopted version of the UPC shall apply in the District and are incorporated herein by reference. However, where the requirements of this Ordinance are more restrictive than said UPC, this Ordinance shall apply.

7.3 Building sewers will be placed on a uniform slope of not less than one-fourth (1/4) of an inch per foot, except that when it is determined by the County Engineer that such slope cannot be obtained without unusual hardship to the building owner, then a slope of not less than one-eighth (1/8) of an inch per foot may be used if the County Engineer also determines that no burden or hardship will be imposed on the District or the County by allowing the lesser slope.

7.4 No portion of a building sewer, or its connection to the public sewer, will be covered or concealed in any manner until it has been inspected and approved by the County.

ARTICLE 8. ANNEXATIONS

8.1 In the event that real property is annexed to the District, no building within said annexed territory shall be connected to the public sewer unless and until the County Engineer determines that such connection complies with the obligations of the District and the County under that certain agreement among the County, the District, the Country Club and the Country Club Development, dated December 16, 1986.

8.2 In the event that connection of a building within the annexed territory is allowed, the County Engineer shall use the same criteria used to establish the proportional charges against the lots originally within the District, and determine the amount of an equivalent charge for each annexed lot to which the public sewer is to be extended. When the cost of extending the public sewer to a particular lot is less than said equivalent charge, then an in-lieu fee shall be charged for extending the public sewer to said lot. Said in-lieu fee shall be equal to the difference between the actual cost of extending the public sewer to said lot and the aforesaid equivalent charge, except that an estimate of the costs may be used in computing the in-lieu fee, subject to adjustment when actual

costs have been determined. The in-lieu fee shall be paid before a permit is issued for connection of said building to the public sewer.

ARTICLE 9. PROHIBITED DISCHARGES

9.1 No person shall discharge or cause to be discharged any rainwater, stormwater, surface water, groundwater, roof runoff, swimming pool water, sub-surface drainage, cooling water or industrial process waters into the public sewer.

9.2 No person shall discharge or cause to be discharged any of the following described wastewaters, wastes or substances to any public sewer:

- (1) Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (2) Any wastewaters, wastes or substances containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process or constitute a hazard to humans or animals, or create any hazard in the receiving waters of the wastewater treatment plant.
- (3) Any wastewaters, wastes or substances having a pH lower than 5.5, or having any other corrosive properties capable of causing damage or hazard to structures, equipment, and/or personnel of the County.
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater treatment or collection facilities, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, paper materials such as newspapers, dishes, cups, milk containers, and meat processing wastes such as animal skins, intestines, fleshings, and paunch materials retained on a screen having eight (8) meshes per inch each way.

- (5) Any liquid or vapor having a temperature higher than one hundred fifty (150°) degrees Fahrenheit.
- (6) Any wastewaters, wastes or substances which may contain more than one hundred (100) parts per million, by weight, of fat, oil, grease, or wax.
- (7) Any wastewaters, wastes or substances containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant.
- (8) Any noxious or malodorous gas or other substance capable of creating a public nuisance either by itself or by interaction with other substances.
- (9) Any domestic or other wastewaters, wastes or substances obtained from a local wastewater disposal system.
- (10) Any wastewaters, waste or substances which causes discoloration differing from that caused by domestic sewage.
- (11) Any radioactive wastewaters, wastes or substances.
- (12) Any wastewaters, wastes or substances containing constituents which are not amenable to treatment or which cause the treatment plant effluent to fail to meet the discharge requirements established by the State Water Resources Control Board, the California Regional Water Quality Control Board or any other Local, State or Federal regulatory agency.

9.3 Grease, oil and sand interceptors shall be provided when, in the opinion of the County Engineer, they are necessary for the proper handling of wastewaters, wastes or substances containing grease in excessive amounts, or containing any sand, or other harmful ingredients; except that such interceptors shall not be required for a single family residence. All interceptors shall be of a type and capacity approved by the County Engineer and shall be located so as to be readily and easily accessible for cleaning and inspection.

9.4 Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gas-tight and water-tight.

9.5 Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at owner's expense, in continuously efficient operation at all times.

9.6 Any water softener originally installed in a building after the effective date of this Ordinance, and any water softener installed in a building after the effective date of this Ordinance to replace an existing water softener, shall be of the type which is regenerated at a location where salt brines or other waste substances resulting from said regeneration are not discharged into the public sewer, and shall be plumbed so that water passing through said water softener does not serve any toilet or urinal, or any hose bib, pipeline or fixture supplying water for irrigation or other exterior uses. No person shall cause or permit salt brines or other substances resulting from said water softener regeneration process to be discharged into the public sewer.

ARTICLE 10. CONSTRUCTION, DEBT SERVICE AND O & M FUNDS

10.1 As an aid to budget planning and control of the District cash flow and accounting, a Construction Fund, a Debt Service Fund and an Operations and Maintenance (O & M) Fund are hereby established for County Service Area No. 18.

10.2 The Construction Fund will, as a minimum, consist of two accounts; a Construction In Progress Account and an Equity Account. The Construction Fund will be used for, among other purposes, receipts and dispersals of all of the District monies and other assets as follows:

(1) Receipts

(a) all receipts of monies and other assets collected under the provisions of this Ordinance, except collections under Article 4, above.

(b) receipts from the Clean Water Grants Program.

- (c) proceeds from CSA No. 18 Revenue Bond sales.
- (d) receipts from the owners or developers of that certain subdivided real property situated within the County and known as Tracts No. 1013 and No. 1241.
- (e) earnings of the Construction Fund.
- (f) other, future monies and assets as approved and directed by the Board of Supervisors.

(2) Dispersals

- (a) to the Debt Service and O & M funds as required.
- (b) payments of all costs of design and construction of the public sewers being constructed by the County, and administration thereof.
- (c) payments for expansions and/or extensions of the public sewers and the wastewater treatment plant, and modifications and/or replacements thereto as may be approved and/or directed by the Board of Supervisors.

10.3 The Debt Service Fund will be used for paying the Revenue Bond interest and principal amounts when due, and for maintaining stipulated reserve balances:

(1) Receipts

- (a) portions of the collected sewer service charges as allocated to debt service by the Revenue Program for the District as established, and as modified from time to time, by the Board of Supervisors.
- (b) earnings of the Debt Service Fund.

(2) Disbursements

- (a) Revenue Bond payments.
- (b) early bond retirement.
- (c) other transfers as authorized by the Board of Supervisors.

- (3) A Designated Special Reserve Account within the Debt Service Fund is hereby established at ten percent (10%) of the original Revenue Bond proceeds, and will be maintained at ten percent (10%) of the value of those

bonds outstanding, or at a level established by the Board of Supervisors.

10.4 The O & M Fund will, as a minimum, have two accounts; an O&M Account, and a Reserve Account. The O&M Fund will be used for the following purposes:

(1) Receipts

- (a) portions of the collected sewer service charges as allocated to the O&M Fund by the Revenue Program for the District as established, and as modified from time to time, by the Board of Supervisors.
- (b) earnings of the O&M Fund.
- (c) such other monies and other assets as the Board of Supervisors may from time to time direct.

(2) Disbursements

- (a) payments of all O&M costs as may be budgeted for this Fund, and other disbursements as approved and directed by the Board of Supervisors.
 - (b) payments to the Debt Service Fund as necessary to maintain a prudent balance therein.
- (3) A reserve Account is hereby established within the O&M Fund and will be maintained at a level as established, and as modified periodically, by the Board of Supervisors.

10.5 If the Board of Supervisors determines that other forms of segregation and/or other methods of application of the District funds will be more appropriate, then the procedures set forth by this Article 10 may be revised by Resolution. Any such revision(s) must provide for, as a minimum, the same degree of audit tracking as provided for under Articles 10.1, 10.2, 10.3 and 10.4, above.

ARTICLE 11. SEWER CHARGES

11.1 There is hereby levied and imposed upon any building or lot within the District, having any connection with the public sewer or otherwise discharging wastewater which ultimately passes through the public sewer, or to which a public sewer is available according to Article 3.1 of this Ordinance, and upon the owner thereof, an annual

sewer service, standby, or immediate availability charge (all collectively referred to herein as sewer charges). Said annual sewer charges are as follows:

| <u>Building Classification</u> | <u>Charge</u> |
|---|----------------------------------|
| (1) Single Family Residence (1 unit equivalent): | |
| (a) Category I - units outside of Tracts No. 1013 and No. 1241 which were not connected to the Lewis system or to which the Lewis system was not available. | \$ 537.30 |
| (b) Category II - units which have been connected to the Lewis System or to which the Lewis System has been available. | 474.28 |
| (c) Categories III & IV - units within Tracts No. 1013 or No. 1241. | 117.12 |
| (2) School (7 unit equivalents) | 3,409.76 |
| (3) Country Club (20 unit equivalents) | 10,160.44 |
| (4) Any Lot which is not connected but to which a public sewer is available | 60.00 |
| | or the maximum allowed by law |

11.2 For any building connected to the public sewer, but for which a specific classification for sewer charges has not been set forth in Article 11.1, above, the County Engineer shall determine such a rate as in his sole discretion he deems most applicable for the use being made of the building in relation to the uses being made of classified buildings and the rates fixed for said classified buildings. Such rate is hereby levied and imposed upon said unclassified building and the owner of such building as though said building had been classified and set forth in Article 11.1, above.

11.3 Whenever requested in writing by the County Engineer, information necessary to the accurate computation of a sewer charge for a particular building or lot shall be furnished to the County Engineer by the owner of such building or lot.

11.4 In the event of failure of a building owner to furnish such information when requested and within the time allowed, the County Engineer may compute a rate based on such information as he finds reasonably available and such computation shall be conclusive and final.

11.5 Sewer charges under this Ordinance may be fixed and collected in accordance with Section 25210.77a of the Government Code of the State of California as follows:

- (a) Once a year the Board of Supervisors shall cause to be prepared a written report which shall contain a description of each parcel of real property receiving the particular extended service and the amount of the charge for each parcel for such year computed in conformity with the procedure set forth in the ordinance authorizing collection of such charges on the tax roll. Such report shall be filed with the Clerk of the Board of Supervisors.
- (b) Upon the filing of such report, the Clerk shall fix a time, date, and place for hearing thereon and for filing objections or protests thereto. The Clerk shall publish a notice of such hearing as provided in Section 6066 of said Government Code, prior to the date set for hearing, in a newspaper of general circulation printed and published in the County.
- (c) At the time, date, and place stated in the notice, the Board of Supervisors shall hear and consider all objections or protests, if any, to the report and may continue the hearing from time to time. Upon conclusion of the hearing, the Board of Supervisors may adopt, revise, change, reduce, or modify any charge and shall make its determination upon each charge as described in the report and thereafter, by resolution, shall confirm the report.
- (d) The charges set forth in the report, as confirmed, shall appear as a separate item on the tax bill. The charge

shall be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection, and enforcement of county ad valorem property taxes shall be applicable to such charge; except that if for the first year such charge is levied the real property to which such charge relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, the charge confirmed pursuant to this section shall not result in a lien against such real property but instead shall be transferred to the unsecured roll for collection.

- (e) Whenever a railroad, gas, water, or electric utility right-of-way or electric line right-of-way is included within such service area, or zone thereof, the railroad, gas, water, or electric utility right-of-way or electric line right-of-way shall be subject to the charges authorized only if, and to the extent that, it is found that it will benefit from the particular extended service, and the railroad, gas, water, or electric utility right-of-way or electric line right-of-way shall be subject to the same penalties, and the same procedure and sale, in case of delinquency as other properties in such service area or zone. In determining whether or not the railroad, gas, water, or electric utility right-of-way or electric line right-of-way benefits from the extended service, its use as a right-of-way for a railroad, gas, water, or electric utility shall be presumed to be permanent.

11.6 The County may also elect to have such sewer charges collected by any means authorized in the applicable sections of the Government Code and/or the Health and Safety Code of the State of California. Such charges shall be delinquent on the date indicated in the bills rendered therefor, after which date a delinquent penalty, calculated at twenty percent (20%) per annum or at the maximum rate allowable by law, whichever is less, shall be due and payable with the delinquent charges upon which they are imposed.

11.7 The County hereby elects to have said sewer charges collected semi-annually, in advance, on the County tax roll in the same manner as its general taxes, as an alternative to other methods of collection prescribed herein.

11.8 The County hereby elects to have delinquent sewer charges collected on the County tax roll in the same manner as its general taxes, as an alternative to other methods of collection prescribed herein, pursuant to Health and Safety Code Sections 5473 and 5473a.

11.9 As an alternative to any other procedures provided for herein, the County may file an action at law to collect any delinquent sewer charges and penalties thereon. In the event of such an action at law, the County may also pray to the Court that favorable judgment therefor shall include the costs of the suit and reasonable attorney's fees arising from such action.

ARTICLE 12. ENFORCEMENT

12.1 As an alternative to any other measure provided by law for enforcing the provisions of this Ordinance, the County may terminate sewer service to the building, structure or lot in question. Upon termination, the County Engineer or his representative shall estimate the cost of termination and reconnection to the public sewer and the building owner shall deposit this amount with the County Engineer before being reconnected. The County shall refund any part of the deposit remaining after payment of all costs of termination and reconnection.

12.2 Any person, who by reason of special circumstances believes that the application of any of the provisions of this Ordinance to him is unjust or inequitable, may make written application to the

Board of Supervisors for relief therefrom. Said application shall set forth all of the special facts and circumstances and shall request the specific relief or modification desired. The Board of Supervisors upon receipt of such application and after such investigation as deemed necessary, may take action to grant such relief or modification as it finds appropriate. The Board of Supervisors, on its own motion and without application, may, when special circumstances make the application of any provision(s) of this Ordinance unjust or inequitable, modify or suspend any such provision(s) for the period during which the special circumstances exist.

SECTION 2. All monies, securities and/or equities collected under the provisions of this Ordinance will be deposited into the CSA No. 18 Construction Fund. (See Article 10 of SECTION 1, above.)

SECTION 3. If any portion of this Ordinance or the application thereof is held to be invalid for any reason, the validity of all remaining portions and applications shall be unaffected and shall remain in full force and effect.

SECTION 4. This Ordinance shall be in full force and effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after the passage of this Ordinance, it shall be published once, with the names of the members of the Board of Supervisors voting for and against this Ordinance, in the Telegram-Tribune, a newspaper of general circulation published in the County of San Luis Obispo, State of California.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, this 28th day of July, 1987, by the following roll call vote, to-wit:

AYES: Supervisors William B. Coy, James Johnson, Jerry Diefenderfer,
NOES: None Evelyn Delany, Chairman Carl Hysen
ABSENT: None

CARL HYSEN

Chairman of the Board of Supervisors
of the County of San Luis Obispo,
State of California

ATTEST:

FRANCIS M. COONEY

Clerk and ex-officio Clerk, County
of San Luis Obispo, State of California

BY: **VICKI M. SHELBY**
(SEAL) Deputy Clerk-Recorder

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: 
Deputy County Counsel

Dated: July 10, 1987

Co. Eng. 7780x 0048x