

AN ORDINANCE RESCINDING ORDINANCE NO. 157, ADOPTED JANUARY 17, 1974, AS AMENDED, AND ESTABLISHING RULES AND REGULATIONS FOR SEWAGE DISPOSAL SERVICE AND PROVIDING PROCEDURES AND PENALTIES FOR ITS ENFORCEMENT; AND RESCINDING ORDINANCE NO. 161, ADOPTED AUGUST 15, 1974, AND ESTABLISHING DEPOSIT REQUIREMENTS UPON APPLICATION FOR SEWER SERVICE.

BE IT ENACTED, by the Board of Directors of the Olivehurst Public Utility District as follows:

1. Ordinance No. 157, "An Ordinance Rescinding Ordinance No. 103, Adopted October 3, 1968, as Amended, and Establishing Rates and Charges for Sewage Disposal Service and Providing Procedures and Penalties for its Enforcement", adopted January 17, 1974, as amended, and Ordinance No. 161, adopted August 15, 1974, "An Ordinance Rescinding Ordinance No. 141, as Amended, and Establishing Deposit Requirements upon Application for Water and/or Sewer Service", are hereby rescinded.

2. The rules and regulations, and deposit requirements for sewage disposal service and procedures and penalties for enforcement thereof by Olivehurst Public Utility District shall be as follows:

ARTICLE I. GENERAL PROVISIONS

1. Short Title. This ordinance may be cited as the "Olivehurst Sewer Service Ordinance".
2. Separability. The Board hereby declares that it would have passed this ordinance and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the sections, sub-sections, sentences, clauses, or phrases be declared unconstitutional.
3. Publication. The adoption of this ordinance shall be entered in the minutes of the Board, and shall be posted at three public places in the District.

ARTICLE II. DEFINITIONS

Unless this context otherwise indicates, terms used herein have the following meanings:

1. District means the Olivehurst Public Utility District.
2. Sewer service charges means fees, tolls, rates, rentals or other charges for services and facilities furnished by District

in connection with its sanitation or sewerage system.

3. Report means the report referred to in Section 5473 of the Health and Safety Code of the State of California.

4. Fixture means any sink, tub, shower, water closet or other facility co-nected by a drain to the sewer.

5. Living Unit means any residence, apartment house, habitation or other structure occupied by a single person or family requiring sewage disposal services.

6. Outlet means any properties of a sewer system to which a fixture may be connected.

7. Limited term service means sewer service and facilities rendered for normal domestic purposes on a limited term basis not to exceed one month, and the sewer service available therefor, for which the general rates and regulations are applicable, excluding deposit requirements, provided:

(a) application for limited term service is made;

(b) payment in full is made for the full period of the limited term at time of application;

(c) disconnection order is signed for specified date at time of application.

8. Holiday means any day observed by the District whereby the business office is closed, and any day that banks observe as a holiday.

9. Week-end means all Saturdays and Sundays, to include the normal 24-hour day.

ARTICLE III. NOTICES

1. Notices from Customer. Customers desiring to discontinue service should so notify the Sewer Department two (2) days prior to vacating the premises. Unless discontinuance of service is ordered, the customer shall be liable for charges. Notice from the customer to the District shall be given by him or his authorized representative in writing at the District's business office.

ARTICLE IV. CHARGES AND COLLECTING

1. Service Period. The regular service period for domestic

sanitary sewer service for which a charge will be made will be one calendar month. Schools and other public institutions shall be quarterly.

2. Limited Term Service. Limited term service may be rendered for normal domestic purposes not to exceed one month when the applicant at the time of application, pays in advance in full for such service, and executes a disconnection of service order for a specific date.

3. Opening and Closing Charges. Opening and closing charges for less than the monthly service period shall be prorated as follows:

For services connected on any day of the month other than the first day, the charge shall be prorated on a daily basis starting with the day service is rendered and extending through the remainder of the month. For services disconnected on any day of the month other than the last day of the month, the charge shall be prorated on a daily basis backwards through the first day of the month or to the day service was rendered, whichever is the shortest period of time. All months shall be considered as having 30 days.

4. Payment of Charges. Charges for domestic sanitary sewer service shall be due and payable on the first day of each service period. Charges not paid by the last day of the service period, excluding holidays and weekends, whereby the time will be extended until 5:00 P.M. the following work day, will be subject to a service charge of ten percent (10%) of the amount thereof. An additional penalty of one and one-half percent (1½%) per month may accrue on the first day of each month thereafter until the charges are paid.

5. Delinquent Service. A service becomes delinquent for non-payment of charges on or before the twentieth day of the second unpaid month of service, excluding holidays and weekends, whereby the time will be extended until 5:00 P.M., the following work day. At least five (5) days prior to such delinquent status, the

customer will be sent a final notice informing him that discontinuance will be enforced if payment is not made within the time specified in said notice. The failure of the District to send or any such person to receive said notice shall not affect the District's power hereunder. A customer's sewer service may be discontinued if sewer service furnished at a previous location is not paid within the time herein fixed for the payment of bills.

6. Delinquent Charge. A delinquent charge of Ten Dollars (\$10.00) will be made for a sewer service only if payment of services is not made within the time specified in the final notice sent to the customer pursuant to the provisions of Section 5 hereof, whether or not service is actually discontinued.

7. Notification of Charges. Mailing of a monthly notification is for the convenience of the customer and does not obligate the District in any way. The failure of a customer to receive the bill does not alleviate the customer from the responsibility for payment of the bill.

8. Use of Revenues. Revenues derived under this ordinance shall be used only for the acquisition, construction or reconstruction, maintenance and operation of sanitation or sewerage facilities, to repay principal and interest on bonds issued for the construction or reconstruction of such sanitary sewerage facilities and to repay Federal or State loans or advances made the District for the construction or reconstruction of sanitary or sewerage facilities; provided, however, that such revenue shall not be used for the acquisition or construction of new local street sewers or laterals as distinguished from main trunk interceptors and outfall sewers.

9. Collection by Suit. As an alternative to any of the other procedures herein provided, the District may collect any unpaid and delinquent charges and penalties by suit, in which event it shall have judgment for the cost of suit and reasonable attorney's fees.

ARTICLE V. DEPOSIT REQUIREMENTS

1. Except as hereinafter otherwise provided, upon application for sewer service, the applicant shall deposit, as a condition

of obtaining service, a sum equal to the amount of the charges of the District, as estimated by the District staff, for providing such service, for a two-month period. In addition to the charges as estimated by the District's staff for a two month period for the services applied for, the applicant shall further pay a deposit in the amount of the discontinuance charge for the service applied for and an amount equal to the charges for a delinquent account and the amount of penalty and interest for one month from and after the date of delinquency, all at the rate set from time to time by ordinance of the District.

2. The deposit shall be used only as a credit to the account of applicant against any unpaid charges upon termination of service. Upon termination of service, or after twelve (12) consecutive months of non-delinquent service charge payments, the deposit, or the portion thereof not applied as a credit to unpaid charges, shall be refunded, without interest, to the applicant.

3. Except as hereinafter otherwise provided, this ordinance shall apply to all applications for sewer service made on or after the effective date hereof, including applications for reestablishing services following discontinuance or termination by the District for non-payment of fees and charges.

4. The deposit requirement herein established shall not apply to:

- (a) applicants who pay in advance, at the time of application, the estimated amount of the charges for providing services applied for, for a minimum period of six months; and
- (b) applicants who have previously taken service at another address within the District and who have paid all billings, by the due dates, during the immediately preceding twelve month period; and
- (c) applicants who, at the time of application, pay in advance in full for limited term service not to exceed one month, and executes a discontinuance of service order for a specific date.

5. Any deposit required pursuant to this ordinance shall be in addition to, and not in lieu of, any other fees and charges, and penalties thereon, established by other ordinances, rules and regulations of the District.

ARTICLE VI. COLLECTION WITH OTHER UTILITY CHARGES

1. Other Utility Charges. The Board of the District may provide by contract for the collection of its sewer service charges with the rates for the services, facilities and water of the water system or other utility service furnished by it or the owner of such system. The sewer service charges shall be itemized, billed upon the same bill, and collected as one item, together with and not separately from such utility service charge.
 2. Discontinuing Service. If all or any part of the bill of any privately owned public utility on which any sewer service charge is collected is not paid, the privately owned public utility may discontinue its utility service until such bill is paid.
 3. Compensation. The District may provide in the contract with the privately owned public utility on which sewer service charges are collected, the compensation for making such collections.
 4. Other Remedies. The District may provide otherwise for the collection of such delinquent charges. All remedies herein provided for their inforcement and collection are cumulative and may be pursued alternatively or collectively as the District determines.
- ARTICLE VII. DISCONNECTION
1. Connections Mandatory. The further maintenance or use of cesspools or other local means of sewage disposal constitute a public nuisance. All buildings inhabited or used by human beings which are not more than 200 feet from the sewerage system of the District or any extension hereafter made thereto, and in which any sewage is produced shall be connected with the sewerage system of the District not less than 30 days from the time when such connection can be made.
 2. Disconnection. As an alternative method of collecting such charges, the District may disconnect any premises from the sewer

system if the user fails to pay the service charges for his premises after they shall have become delinquent. The person in charge of the sewer system shall estimate the cost of disconnecting of such premises from the enterprise and the cost of reconnecting it thereto, and such user shall deposit the cost as estimated of disconnection and reconnection before such premises are reconnected to the sewer system. In the event such arrearages are paid and premises are reconnected to the sewer system, the person in charge shall refund any part to the deposit remaining after payment of all costs of disconnection and reconnection.


3. Abatement. During the period of non-connection or disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the Board shall cause proceedings to be brought for the abatement of the occupancy of said premises by the human beings. In such event, and as a condition of connection or reconnection, there shall be paid to the District reasonable attorney's fees and costs of suit arising in said action.



President of

OLIVEHURST PUBLIC UTILITY DISTRICT

ATTEST:



Clerk & ex-officio Secretary

I hereby certify that the foregoing is a full, true and correct copy of an ordinance passed and adopted by the Board of Directors of the Olivehurst Public Utility District at a meeting thereof held on the 17th day of July, 1980, by the following vote:

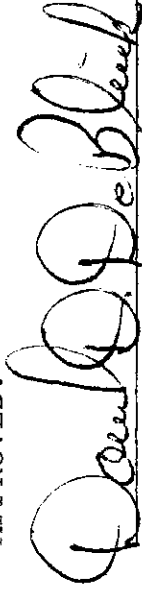
AYES, and in favor thereof: Directors Brandon, Donahue, Mazon, Patty, and DeBlieck

NOES, : NONE

ABSTAIN, : NONE

ABSENT, : NONE

APPROVED:


PRESIDENT OF SAID BOARD


Clerk & ex-officio Secretary