

# **SPALDING COMMUNITY SERVICES DISTRICT**

## **ORDINANCE NO. 4**

### **AN ORDINANCE OF THE SPALDING COMMUNITY SERVICES DISTRICT ESTABLISHING A CODIFIED CODE FOR THE CONDUCT, REGULATION, AND OPERATION OF THE BUSINESS OF THE DISTRICT.**

#### **Summary**

The Spalding Community Services District is a public entity organized and operates under the laws of the State of California with the authority to regulate and conduct business consistent with the purpose and powers under. The District provides Recreation, Fire Protection and Wastewater Collection and Treatment Services as part of the overall operations. Under the Community Services District Law (Government Code Sections 61000 et. seq.) the District has the power to adopt ordinances regulating the conduct and operation of the Authority's business. This Ordinance establishes certain basic enabling and operational provisions necessary for the District to conduct business. It is anticipated that this Code will be amended and provisions will be added or repealed from time to time.

**The Board of Directors of the Spalding Community Services District ordains, as follows:**

#### **Ordinance Section One:**

The Spalding Community Services District Code, consisting of Chapters 1, 2, 3, 4, 5 and 6, as attached to this ordinance, is hereby adopted.

#### **Ordinance Section Two:**

This ordinance shall take effect thirty (30) days after its passage. Within 15 days after adoption of the ordinance, the Board of Directors shall publish in the Lassen County Times, a newspaper of general circulation published in the County of Lassen, State of California, a summary of the ordinance with the names of those Directors voting for and against the ordinance and the Secretary/Manager of the District shall post in the District office a certified copy of the full text of the adopted ordinance along with the names of those Directors voting for and against the ordinance.

**SPALDING COMMUNITY SERVICES DISTRICT**

**PASSED AND ADOPTED this 8<sup>th</sup> day of February 2012 by the following vote:**

**This ordinance shall take effect thirty (30) days after its passage. Before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Directors voting for and against the ordinance in the Lassen County Times, a newspaper of general circulation published in the County of Lassen, State of California.**

**AYES**  
**NOES**  
**ABSTAIN**  
**ABSENT**

**Directors:**  
**John Monticelli** \_\_\_\_\_  
**Randall Aubrey** \_\_\_\_\_  
**Bill Keller** \_\_\_\_\_  
**Larry Doss** \_\_\_\_\_  
**Beth Brazil** \_\_\_\_\_

**SPALDING COMMUNITY SERVICES DISTRICT**

\_\_\_\_\_  
**CHAIRPERSON, BOARD OF DIRECTORS**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**CLERK TO THE BOARD**

\_\_\_\_\_  
**DISTRICT COUNSEL**

**CHAPTER 1.  
GENERAL PROVISIONS**

**Article 1.01 THE CODE.**

**1.01.010 SHORT TITLE.**

This Code shall be known and may be cited as the "Spalding Community Services District Code" or the "District Code."

**1.01.015 EXISTING LAW CONTINUED.**

The provisions of this Code, insofar as such provisions are substantially the same provisions of prior ordinances adopted by the District relating to the same subject matter, shall be deemed to constitute restatements and continuations of ordinances in existence at the time of the adoption of this Code and shall not be considered as new enactments.

**1.01.020 THE EFFECTS OF PENDING ACTIONS AND ACCRUED RIGHT.**

The adoption of this Code as well as the provisions of this Code shall in no way affect the legality or enforceability of any action or proceeding commenced before this Code takes effect or any right which accrued before this Code takes effect. All procedures taken after adoption of this Code shall conform to the provisions of this Code so far as possible.

**1.01.030 RIGHTS UNDER EXISTING LICENSES AND CERTIFICATES.**

No rights given by any license, permit, or certificate under any prior actions by the District are affected by the enactment of this Code; however, such rights shall be exercised according to this Code from the effective date of this Code.

**1.01.040 HEADINGS OF PROVISIONS.**

The headings of the part, title, chapter, section, and subsection headings contained in this Code are intended to indicate the contents of such provisions and shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of such provisions.

**1.01.050 DEFINITIONS.**

- a. In the interpretation and construction of this Code, the following definitions and rules of construction shall be observed, unless they are inconsistent with the manifest intent of the Authority Board or the context clearly required otherwise:

"Code" or "this Code" means the District Code.

"Computation of time." The time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last day is a holiday, and then it is also excluded.

"County" or "this County" mean the County of Lassen.

"Day" A day is the period of time between any midnight and the midnight following.

"District" means the Spalding Community Services District a governmental entity organized and operating under the laws of the State of California pursuant to Government Code Sections 61000 et. seq.

"District Board" or "Board" or "Board of Directors" means the government body of the District as duly elected or appointed as the case may be.

"Daytime" means the period of time between sunrise and sunset.

"Manager" means and includes the appointed official of the District who occupies the position of the District as appointed by the Board of Directors.

"Goods" means and includes wares or merchandise.

"Month" means a calendar month.

"Nighttime" means the period of time between sunset and sunrise.

"Oath" means and includes an affirmation.

"Officers, officials, departments, and other agencies" individually and collectively means officers, officials, departments, boards, commissions, and employees referred to in this Code who serve as the officers, officials, departments, boards commissions, and employees of the District unless the context clearly indicates otherwise.

"Official" means any officer, agent, or employee of the District whose duties are specifically delineated in this Code.

"Official time" means whenever certain hours are named in this Code, they mean Pacific Standard Time or Daylight Saving Time, as may be in

current use in the jurisdiction of the District.

"Operate" means and includes carry on, keep, conduct, or maintain the functions and the facilities owned and/or operated by the District.

"Owner," applied to a building or land, means and includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety of the whole or of a part of such building or land.

"Person" means and includes any person, firm, association, organization, partnership, business trust, corporation or company, and any municipal, political or governmental corporation, District, body, or agency other than this District.

"Personal property" means and includes every species of property, except real property.

"Preceding" and "following" mean next before and next after, respectively.

"Property" means and includes real and personal property.

"Public project" means a project for the erection, improvement, and repair of any buildings and works owned or maintained by the District.

"Real property" means and includes lands, tenements, and hereditaments.

"Sale" means and includes any sale, exchange, barter or offer for sale.

"Week" A week consists of seven consecutive days.

"Writing" means and includes any form of recorded message capable of comprehension by ordinary visual means.

"Year" means a period of 365 days, except where otherwise provided. The added day of a leap year, and the day immediately preceding, if they occur in any such period, shall be reckoned together as one day.

- b. Words and phrases are to be construed according to the context and the approved usage of the language. Technical words and phrases, and such other terms as may have acquired a peculiar and specific meaning in the law, or are specifically defined herein, are to be construed in accordance with such peculiar and specific meaning or definition.

**1.01.060 TERRITORIAL LIMITATION.**

This Code refers only to the omission or commission of acts within the territorial limits of the District and to that territory outside of the District over which the District has jurisdiction or control by virtue of the state constitution, any state law, the District Act, or by reason of ownership or control of property. Whenever any act or omission is made unlawful, it includes causing, permitting, aiding, abetting, suffering, or concealing such act or omission.

**1.01.070 DISTRIBUTION AND MAINTENANCE OF THE CODE.**

A copy of this Code shall be filed for use and examination by the public in the office of the Manager and copies shall also be distributed to the members of the District Board.

The Manager shall keep and maintain this Code together with all amendments as may be adopted by the District Board. The Manager on a timely and recurring basis shall publish and distribute such amendments.

**1.01.080 NOTICES – SERVICE PROCEDURE.**

- a. Notice required to be given under this Code, unless different provisions are otherwise specifically made in this Code, may be given either by personal delivery to the person to be notified, or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to the person to be notified at such person's last known business or residence address, as such address appears in the public records of the District or other records pertaining to the matter to which the notice pertains.
- b. Proof of giving any notice required by this Code may be made by the certificate of any officer or employee of the District, or by affidavit or declaration of any person over the age of 18 years which shows service in conformity with this Code or other provisions of law applicable to the subject matter of the notice.

**1.01.090 HOLD HARMLESS CLAUSE FOR LICENSES AND PERMITS.**

Every permit or other entitlement of use of the District's property or facilities shall be subject to the condition that the person receiving the entitlement agrees to save, indemnify, and keep harmless the District and District Officers against all liabilities, judgments, costs and expenses which may in any manner or form accrue against the District or District Officers in consequence of the issuance or granting of the permit or entitlement or in consequence of the use or occupancy of any property or facility owned or leased or operated by the District. The person receiving the permit or other entitlement shall also agree to strictly comply with

the conditions of the permit or other entitlement and with this Code and all ordinances, rules, and regulations of the District relating thereto.

The Manager may and is encouraged to print, type, or write the condition stated above into every permit or other entitlement issued by the District in substantially the same language as above.

#### **1.01.100 INTERPRETATION, CONSTRUCTION, AND SEVERABILITY.**

The provisions of this Chapter shall be the minimum requirements for the protection of the public convenience, safety, health, and general welfare.

Any reference in the Code to any portion of any state statute shall include all subsequent amendments to such statutes.

Any reference in this Code to an ordinance of the District or provision of this Code shall include all subsequent amendments and additions to such ordinance or provision. Reference to any section of the Code shall include the penalty provisions specified in this Chapter unless otherwise expressly provided.

The act or omission of an act which is made unlawful under this Code shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

Whenever a power is granted to, or duty is imposed upon, an Official, the power may be exercised or the duty may be performed by a deputy or designee of such Official, or other employee or person authorized pursuant to law or ordinance, unless this Code expressly provides otherwise.

The provisions of this Code and all proceedings under this Code are to be construed so as to give effect to the objectives and powers of the District under the Community Services District Law, this Code and the promotion of justice.

The sections, paragraphs, sentences, clauses, and phrases of this Code are severable and any declaration of unconstitutionality of any phrase, clause, sentence, paragraph, or section of this Code or any amendment to this Code by the valid judgment or decree of a court of competent jurisdiction shall not affect any of the remaining phases, clauses, sentences, paragraphs, and sections of this Code or any amendment to this Code.

**1.01.110 GRAMMATICAL INTERPRETATION.**

a. General Rules:

1. Any gender includes the other genders.
2. The singular number includes the plural, and the plural includes the singular.
3. Words used in the present tense include the past and the future tenses and vice versa.
4. The word "or" may be read "and" and the word "and" may be read "or" if the sense requires it.
5. Words and phrases used in this Code and not specifically defined shall be construed according to the context and approved usage of the language. The provisions of Section 13 and 1645 of the Civil Code of the State of California are adopted in the interpretation of words and phrases, unless otherwise provided in this Code.

b. Specific Rules:

1. It is the policy of the District Board that the legal documents of this District, including all ordinances, resolutions, and contracts, should be gender neutral.
2. It is the policy of the District Board that the legal documents of this District including all ordinances, resolutions, and contracts, should be written in "plain English."

**Article 1.02 ENFORCEMENT OF CODE.**

**1.02.010 RESPONSIBILITIES FOR ENFORCEMENT.**

Whenever the enforcement of any provision of the Code is imposed or delegated to a specified official, such official shall be primarily responsible for the enforcement of such provision. In the absence of any specific imposition or delegation or enforcement responsibility, the General Manager shall be primarily responsible for enforcing the provisions of this Code.

Compliance with the permit requirements of this Code shall be the responsibility of the Official authorized to grant the permit to which such requirements apply



except that when the permit is granted by the District Board, the General Manager shall be the responsible officer.

Whenever an Official primarily responsible for enforcing any provision of this Code fails, neglects, or refuses to perform such duty and such failure, neglect, or refusal is brought to the attention of the General Manager, the General Manager shall enforce such provision of law and initiate such penal and disciplinary action against the Official as may be warranted under the circumstances.

Every Official may use administrative processes such as notices of violation, stop work orders, or warning letters in lieu of, or prior to seeking judicial enforcement of any provision of this Code if the Official determines that the process may result in compliance with this Code at less cost to the District.

Every official is authorized to appear as a complaining witness in any criminal, civil, or administrative proceeding brought for an alleged violation of the Code or to abate any violation of this Code or enjoin any present or future violation of this Code.

Every Official shall consult with District Counsel in a timely manner prior to commencement of any proceeding or action to terminate, revoke, or deny any entitlement allowed or established pursuant to this Code, to ensure that such proceeding or action is undertaken in a lawful manner consistent with the laws of the United States, the State of California, and the District.

**1.02.020 PUBLIC NUISANCES; CONTINUING OFFENSES.**

Any condition caused or permitted to exist in violation of any of the provisions of this Code shall be deemed a public nuisance and may be abated as such by an official in any manner provided by law, and each day that such condition continues shall be regarded as a new and separate offense.

**1.02.030 ABATEMENT AND ENJOINMENT OF PUBLIC NUISANCES.**

Any violation of any provision of this Code is unlawful and a public nuisance. The District Attorney or the District Counsel, or their respective designees, may commence such actions or proceedings for the abatement, removal, and enjoinder in the manner provided by law and may take such other steps and initiate such judicial proceedings as the District Attorney or District Counsel deems necessary or appropriate to abate and restrain such violation. The remedies provided in this Section shall be cumulative and not exclusive.

**1.02.040 REIMBURSEMENT OF COSTS AND CIVIL PENALTIES.**

Any person, firm, or corporation, who creates or maintains a public nuisance in

violation of this Code shall be liable for the cost of abatement which shall include, but not be limited to:

- a. Cost of Investigation;
- b. Court costs;
- c. Attorney's fees; and
- d. Costs of monitoring compliance.

Upon continuation of a public nuisance after notice from the District to cease the nuisance, any person, firm, or corporation shall be liable for the costs of abatement set forth in subsection A of this Section plus a civil penalty of fifty percent (50%) of those costs payable to the District in addition to any other costs of enforcement imposed by the court or such other amount as may be specified in the District Fee Resolution. Penalties imposed pursuant to the provisions of this subsection are in addition to any civil penalties that may be imposed pursuant to Section 1.02.040.

**1.02.050 REMEDIES CUMULATIVE.**

Unless otherwise expressly provided, the remedies provided in this Article or any other provisions of this Code are cumulative and not exclusive. Nothing in this Code bars any legal, equitable, administrative, or summary remedy to which any aggrieved person, the District, or any Official may otherwise be entitled. Paying a fine or serving a jail sentence shall not relieve any person from the responsibility for correcting any condition which violates any provision of this Code or paying any civil penalties that may be imposed pursuant to the provisions of this Article.

**1.02.060 IMMUNITY OF ENFORCING OFFICIALS.**

Nothing in this Code is intended or shall be deemed or construed to impose liability upon the District or any Official or representative of the District for any injury to persons or damage to property alleged to result from any act or omission by the District or any such Official or representative beyond the liability expressly imposed by the laws of the State of California or the United States. Nothing in this Code or any other District enactment is intended or shall be deemed or construed to impose a mandatory duty upon the District or any Official or representative for the purpose of determining entitlement to equitable relief or liability for any injury to persons or damage to property alleged to result from the failure of the District or any Official or representative to discharge a mandatory duty imposed by an District enactment.

**1.02.70 CREATION OF POSITION OF DISTRICT RANGER**

Spalding Community Services District is authorized under the provisions of the Community Services District Law, and specifically Government Code Section 61100, to acquire, construct, improve, maintain, and operate recreation facilities, including, but not limited to, parks and open space, in the same manner as a recreation and park district formed pursuant to the Recreation and Park District Law, Chapter 4 (commencing with Section 5780) of Division 5 of the Public Resources Code. The District is further authorized to adopt ordinances and rules and regulations pertaining to the use of its facilities and the services provided by the District (Gov Code §§ 61060, 61064, Public Resources Code § 5786.17). Pursuant to Government Code § 61064 violation of any rule, regulation, or ordinance adopted by the Board of Directors is a misdemeanor punishable pursuant to Section 19 of the Penal Code. In order to protect property and to preserve the peace at facilities owned or managed by the District, the Board of Directors is authorized to confer on designated uniformed district employees the power to issue citations for misdemeanor and infraction violations of state law, county ordinances, or District rules, regulations, or ordinances when the violation is committed **within a District facility** and in the presence of the employee issuing the citation. Citations are to be issued pursuant to Chapter 5C (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code.

The position of District Park Ranger is hereby created as provided for under the authority of state law. In accordance with Government Code § 61064 District Park Rangers are hereby vested with the power and authority of the District to enforce state law, county ordinances, or District rules, regulations, or ordinances when the violation is committed **within a District facility** and in the presence of the District Rangers and in the pursuit of said duties and authority shall have the authority and power to issue citations in order to enforce said laws.

**Article 1.03 DISTRICT SEAL.**

**1.03.010 ADOPTED; FORM AND CONTENTS.**

The District seal shall be of such design as established by the District Board from time to time by resolution.

The only form of corporate seal for use by or for the District shall be the form of seal established by the District Board, as provided in this section.

The General Manager shall have the official custody of the official seal of the District.

**1.03.020 DISPLAY ON PRIVATELY OWNED VEHICLES.**

It is unlawful for any person to display or place either temporarily or permanently, the official seal of the District, or any facsimile or representation or near representation thereof, on any privately owned vehicle, unless by express written permission and obtained from the District Board to do so. If any such permit is so granted by the District Board, it is unlawful for any person to place or display such seal in any manner or at any time contrary to or in violation of the provisions of such permit.

**Article 1.04 DISTRICT FEE RESOLUTION.**

**1.04.010 ESTABLISHMENT OF FEE RESOLUTION.**

Except as otherwise provided in this Code or by state law, all fees, penalties, refunds, reimbursements, and charges of any kind collected by the District may be adopted by resolution or may be designated in the District Fee Resolution, as amended by the District Board from time to time. (See Government Code Section 61115) Whenever applicable throughout the Code, reference may be made to the District Fee Resolution in lieu of any reference to specific fee amounts.

**1.04.020 ESTABLISHING FEES AND CHARGES.**

In accordance with the Community Services District Law, including without limitation, Government Code Section 61621, the Board shall prescribe, revise, and collect fees, tolls, assessments, rates, or other charges to pay the cost for services and facilities, within its territorial limits, in connection with the services and programs provided by the District and for the use of District facilities. All fees shall be adopted in accordance with the requirements of State law, including but not limited to the provisions of Propositions 218 and 26.

**Article 1.05 TIME LIMITATIONS FOR ADMINISTRATIVE MANDAMUS PROCEEDINGS.**

**1.05.010 TERM "DECISION" DEFINED.**

As used in this Article, the term "decision" means an adjudicatory administrative decision made, after a hearing required by law to be given, suspending, demoting or dismissing an officer application for any retirement benefit or allowance.

**1.05.020 SECTION 1094.6 OF THE CODE OF CIVIL PROCEDURE ADOPTED.**

The provisions of the Code of Civil Procedure 1094.6 shall be applicable to decisions of the District Board and of any board or commission of the District

authorized to render a final adjudicatory administrative decision where no right of appeal to the District Board exists, and notice thereof shall be given in the resolution effecting such decision that the rights of review are governed by such statute in accordance with law.

**CHAPTER 2.  
DISTRICT OFFICES AND GENERAL REGULATIONS**

**Article 2.01 DISTRICT BOARD.**

**2.01.010 SELECTION OF CHAIRPERSON AND VICE-CHAIR.**

The District Board shall meet and choose one of its members to be Chairperson and one of its members to be Vice-Chair at the first meeting in January of each year.

**2.01.020 DUTIES OF THE CHAIRPERSON AND VICE-CHAIR.**

The Chairperson shall preside at all meetings of the District Board and may make or second any motion and present and discuss any matter as a member of the Board. If the Chairperson is absent or unable to act, the Vice-Chair shall serve until the Chairperson returns or is able to act and shall have all of the powers and duties of the Chairperson. If both the Chairperson and Vice-Chair are absent or unable to act, the Board shall choose one of its numbers as the presiding officer.

**2.01.030 VACANCY FILLING PROCEDURE.**

If there is a vacancy in the position of Chairperson or Vice-Chair, the Board shall fill the vacancy from remaining Board members.

**Article 2.02 MEETING OF THE DISTRICT BOARD.**

**2.02.010 MEETINGS-TIME AND PLACE.**

The regular meetings of the District Board shall be held on the 2<sup>nd</sup> Wednesday of each and every month, commencing at the hour of 2:00 P.M. as otherwise provided in this section, at the Spalding Community Services District building.

If any regular meeting day falls upon a holiday, the regular meeting of the Board shall be continued until the next regularly scheduled meeting, which is not a holiday commencing at the same hour, in which event all hearings, applications, petitions and other matters before the Board shall be deemed to be and are automatically continued to the same hour on such Wednesday which is not a holiday.

## **2.02.020 MEETINGS-PROCEDURES.**

- a. The proceedings of the Board shall be governed by the provisions of law applicable thereto. The Board may utilize for guidance, but shall not be obligated to follow Roberts Rules of Order, newly revised. The failure to follow the Rules of Order or these rules shall not invalidate any action taken. District Counsel, if present, may act a parliamentarian and on request of the Chairperson, shall give parliamentary advice.
- b. The District Board may adopt such rules of order for the conduct of its business as it deems appropriate, and may amend the same, by resolution; however, that no ordinance, resolution or other action taken by the District Board shall be invalidated or the legality or effect thereof otherwise affected by the failure or omission of the District Board to observe or follow such rules (See District Policy).
- c. In order to facilitate the conduct of District business and to ensure that all members of the public, as well as members of the District and alternate members, have the opportunity to be heard on public matters pending before the District, the following order of presentation and discussion on public agenda items shall be followed:
  1. Presentation by staff;
  2. Questions from District Board members and alternate members present;
  3. Comments from the public;
  4. Action, including appropriate discussion, by District Board members;
  5. Passage or failure of any motion, resolution, or other issue before the SCSD board shall be decided by a majority of the full Board (minimum of three affirmative votes required for approval of any item).
- d. Members of the Board are expected to physically attend all regular meetings of the Board. In accordance with Government Code Section 1770 and 3060, the Board may refer any member who is absent from the State or otherwise fails to perform his/her duties within the time periods established by State law to the Grand Jury with a request that the Board member be removed from office.

**2.02.030 NOTICE AND CALL OF MEETINGS.**

Meetings of the District Board, including special meetings of the Board, shall be called and noticed in accordance with state law (See Government Code Sections 54950 et.seq.).

**2.02.040 BOARD ACTIONS.**

- a. Actions of the District Board may be taken in the form of Resolutions or Ordinances. All resolutions and ordinances of the District shall be in writing and shall be numbered consecutively in the order of their adoption. Wherever feasible, action of the District may be by "minute order" where the action and the vote on the action are recorded in the written minutes of the District Board meeting. All ordinances and resolutions shall be filed in the District's office and shall thereupon be copied into a permanent loose leaf bound volume which shall be kept and maintained as a public record.
- b. The minutes of the District shall be "action" minutes that will accurately reflect actions of the District and the vote taken on such actions and shall not be verbatim minutes of all matters discussed and comments made at meetings of the District Board.
- c. If appropriate, District Counsel shall prepare a summary of each ordinance prior to submission of such ordinance to the District Board. The General Manager, or higher designee, is authorized to publish such summary in the manner provided by law in lieu of publishing the verbatim text of such ordinance.
- d. Ordinances shall be introduced and adopted in the manner required under law for the counties under Government Code Sections 25129 et. seq. Typographical errors may be corrected by the General Manager and District Counsel.

**2.02.050 CHAIRPERSON-POWERS AND DUTIES.**

- a. The Chairperson shall possess the powers, and perform the duties prescribed in this Section.
  - 1. Have general direction over the Board Room and assign seats for the use of Board members and members of the District;
  - 2. Preserve order and decorum; prevent demonstrations; order



removed from the Board Room any person whose conduct he or she deems objectionable; and order the Board Room cleared whenever he or she deems it necessary;

3. Allocate the length of time for public discussion of any matter in advance of such discussion, with the concurrence of the Board;
  4. Allocate equal time to opposing sides insofar as possible, taking into account the number of persons requesting to be heard on any side;
  5. Limit the amount of time that a person may address the Board during a public discussion period in order to accommodate those persons desiring to speak and to facilitate the business of the Board;
  6. Execute such documents on behalf of the District as may be required by State or federal law or as authorized by the Board;
  7. Provide direction to the General Manager as is appropriate to effectuate the policy directions and decisions of the full Board;
  8. Exercise such other powers as may be prescribed by the Board;
  9. Chairperson will be the principle executive officer of this District;
  10. The chairperson shall investigate all grievances and complaints against the General Manager presenting those findings to the Board for recommendations.
- b. The Chairperson shall order removed from the Board Room any person who commits the following acts in respect to a regular or special meeting of the District Board:
1. Disorderly, contemptuous or insolent behavior toward the Board or any member thereof which interferes with the due and orderly course of said meeting;
  2. A breach of the peace, boisterous conduct or violent disturbance, which interferes with the due and orderly course of said meeting;
  3. Disobedience of any lawful order of the chairperson, which shall include an order to be seated or to refrain from addressing the Board;

4. Any other unlawful interference with the due and orderly course of said meeting.
- c. Any person so removed shall be excluded from further attendance at the meeting from which the person has been removed, unless permission to attend is granted upon motion adopted by a majority vote of the Board, and such exclusion shall be effected by an appropriate peace officer upon being so directed by the Chairperson.

**2.02.060 NOTICE OF ABSENCE FROM MEETING.**

If any member of the Board is to be unable to attend a meeting, that board member shall, if possible, notify the General Manager prior to the meeting and advise the General Manager of the reasons for such absence.

**2.02.070 VACATION PERIOD.**

Each Calendar year the District Board may determine periods during which no regular meetings will be held to facilitate vacations.

**2.02.080 TRAVEL AND MEAL EXPENSES.**

**a.** The District recognizes that, for the benefit and in the interests of the District, it is necessary for District staff and Directors to attend meetings and to travel in order to conduct District business. The District is committed to wise and prudent use of its entrusted public funds, to conserve District resources and to keep expenses within community standards. The District is also committed to providing effective and responsive services to its constituents. This policy sets forth guidelines for travel and meeting attendance on District business, and for the reimbursement of expenses.

**b.** All actual and necessary travel and incidental expenses shall be reimbursed upon submission of the District's expense reimbursement form and accompanying receipts for preapproved training and educational courses and events. The expense reimbursement form must be submitted within 30 days of the qualifying travel or expense.

**1. Meals:** Meals shall be reimbursed at a per diem rate. For travel exceeding a single day, the per diem rate is fifty dollars (\$50) per day. The per diem rate for individual meals is as follows:

Breakfast: ten dollars (\$10) Lunch: fifteen dollars (\$15) Dinner: twenty five dollars (\$25)

**2. Lodging:** If lodging is in connection with a conference or educational activity, lodging costs shall not exceed the maximum group rate published by the

conference or activity sponsor, provided that lodging at the group rate is available at the time of booking. If the group rate is not available, comparable lodging will be used. Government and group rates for lodging will be used whenever possible.

**3. Transportation:** Government and group rates for transportation will be used when available.

**4. Mileage:** Mileage will be reimbursed at the IRS published mileage rate when a personal vehicle is authorized and utilized for travel while on District business.

**5. Cash advance:** Subject to approval of the General Manager, a cash advance to cover the anticipated expenses for authorized travel may be offered by the District. An expense reimbursement form must be submitted within thirty (30) days of the travel, and any unused cash advanced must be returned to the District once the activity is completed.

**c.** All documents related to reimbursable District expenditures are public records subject to disclosure under the California Public Records Act.

**d.** Regardless of how it may occur, misuse of public resources or falsifying expense reports in violation of this policy may result in any or all of the following:

1. loss of reimbursement privileges,
- 2 . restitution to the District,
3. civil penalties for misuse of public resources,
- 4 . disciplinary action up to or including termination, and
5. prosecution for misuse of public resources.

**e.** This policy shall be consistent with state law (AB 1234) and comply with state law if it changes from time to time.

## **Article 2.03 GENERAL MANAGER.**

### **2.03.010 OFFICE CREATED.**

The office of the General Manager is created and established. The General Manager shall be appointed by the District Board on the basis of his or her administrative and executive ability and qualifications and shall serve at the will and pleasure of the District Board.

**2.03.020 BOND.**

General Manager shall furnish a corporate surety bond to be approved by the District Board in such sum as may be determined by the District Board, if so required, and shall be conditioned upon the faithful performance of the duties imposed upon the General Manager and as prescribed in this Article. Any premium for such bond shall be a proper charge against the District.

**2.03.030 COMPENSATION.**

The General Manager shall receive such compensation as the District Board shall from time to time determine. In addition, General Manager shall be reimbursed for all actual and necessary expenses incurred by him/her in the performance of his/her official duties.

**2.03.040 POWERS AND DUTIES OF THE GENERAL MANAGER.**

The General Manager shall be the administrative head of the District under the direction and control of the District Board except as otherwise provided in this Code. The General Manager shall be responsible for the efficient administration of all the affairs of the District which are under the General Manager's control. In addition to the General Manager's general powers as administrative head, and not as a limitation thereon, it shall be the General Manager's duty and the General Manager shall have the following powers and duties:

- a. To plan, organize, and direct all District activities under the policy direction of the District Board;
- b. To enforce strict compliance with the approved annual budget and approve only expenditures authorized in the approved budget;
- c. To hire and manage such staff as necessary to carry out the provisions of the District and this Code. Unless otherwise expressly approved by the Board and memorialized in writing, all employees and volunteers of the District shall be deemed to serve at the will and pleasure of the General Manager;
- d. To make recommendations to and requests of the District Board concerning all of the matters which are to be performed, done, or carried out by the District Board;
- e. To have charge of, handle, or have access to any property of the District, and shall make an inventory of all District property;
- f. To make all books and records of the District in the General

Manager's hands open to inspection at all reasonable times by members of the District Board or their representatives;

- g. To execute agreements, contracts, and documents on behalf of the District;
- h. To prepare the agenda for each meeting of the District Board;
- i. To approve District expenditures for budgeted activities up to \$2,500 per item;
- j. To approve District expenditures for District contractual agreements authorized by the Board;
- k. To carry out such other functions as may be assigned by the Board;
- l. To perform all duties in accordance with applicable Federal, State and local laws.

**2.03.045 CONTROL OVER EMPLOYEES.**

It shall be the duty of the General Manager of the District, to control, order, and give direction to all heads of departments and to subordinate officers, employees, agents, and contractors of the District under the jurisdiction of the General Manager.

**2.03.050 POWER OF APPOINTMENT AND REMOVAL.**

It shall be the duty of the General Manager to appoint, remove, promote, demote, and discipline any and all employees and volunteers of the District, except those officers and employees appointed by the District Board.

**2.03.060 ADMINISTRATIVE REORGANIZATION OF OFFICES.**

It shall be the duty and responsibility of the General Manager to conduct studies and effect such administrative reorganization of offices, positions, or units under the General Manager's direction as may be indicated in the interest of efficient, effective, and economical conduct of the District's business.

**2.03.070 ORDINANCES.**

It shall be the duty of the General Manager to recommend to the District Board adoption of such measures and ordinances as the General Manager deems necessary.

**2.03.080 ATTENDANCE AT BOARD MEETINGS.**

It shall be the duty of the General Manager to attend all meetings of the District Board unless the General Manager is excused by the Chairperson individually or the District Board, except when the General Manager's removal is under consideration.

**2.03.090 FINANCIAL REPORTS.**

It shall be the duty of the General Manager to keep the District Board at all times fully advised as to the financial condition and needs of the District.

**2.03.100 BUDGET.**

It shall be the duty of the General Manager to prepare and submit the proposed annual budget to the District Board no later than the first meeting in May of each year. All financial practices and procedures shall comply with the requirements of Lassen County (Auditor's Office) and the California State Controller's guidelines for Special Districts and the California Government Code.

**2.03.110 EXPENDITURE CONTROL AND PURCHASING.**

It shall be the duty of the General Manager to see that no expenditures shall be submitted or recommended to the Board except on approval of the General Manager. The General Manager shall be responsible for the purchase of all supplies for the District.

**2.03.120 INVESTIGATIONS AND COMPLAINTS.**

It shall be the duty of the General Manager to make investigations into the affairs of the District and any contract or the proper performance of any obligation to the District.

**2.03.130 FACILITIES.**

It shall be the duty of the General Manager to exercise general supervision over all public property and facilities which are under the control and jurisdiction of the District.

**2.03.140 SECRETARY TO THE BOARD.**

Unless the Board of Directors directs otherwise, the General Manager shall perform all duties associated with the legal function of the Secretary to the Board position as provided in this Ordinance.

**2.03.150 ADDITIONAL DUTIES.**

It shall be the duty of the General Manager to perform such other duties and exercise such other powers as may be delegated to the General Manager from time to time by ordinance or resolution or other official action of the District Board.

**2.03.160 INTERFERENCE WITH THE ADMINISTRATIVE SERVICE.**

Except when the General Manager is absent or otherwise unavailable to attend to duties, the District Board and its members shall deal with the administrative services of the District through the General Manager, except for the purpose of inquiry, and neither the Board nor any member thereof shall give orders or instructions to any subordinates of the General Manager. The General Manager shall take orders and instructions from the District Board when sitting in a duly convened meeting of the Board. The Chairperson or the Vice-Chair in the absence of the Chairperson shall be authorized to give such orders or instructions to the General Manager as may be necessary and appropriate to effectuate the policy goals and directions of the Board.

**2.03.170 REMOVAL.**

The removal of the General Manager may be effected with or without cause, but only through the affirmative vote of three members of the District Board, convened in a regular or duly called special meeting of the Board. The General Manager shall be afforded at least 90 days written notice of the effective date of termination.

**2.03.180 AGREEMENTS ON EMPLOYMENT.**

Nothing in this Article shall be construed as a limitation on the power of District on the District Board to enter into any agreement with the General Manager delineating additional terms and conditions of employment not inconsistent with any provisions of this Article, nor shall this Article be construed as limiting the power of District of the District Board to enter into any agreement with any legally existing entity to provide the services of the General Manager as provided in the District and this Article.

**Article 2.04 PERSONNEL.**

**2.04.010 PERSONNEL RULES. (left blank)**

**Article 2.05 POLITICAL ACTIVITIES OF DISTRICT EMPLOYEES. (left blank)**

**Article 2.06 BOARDS AND COMMISSIONS. (left blank)**

**Article 2.07 ADDITIONAL OFFICERS.**

**2.07.010 TREASURER.**

- a. The Lassen County Treasurer shall serve as treasurer for the District.
- b. The Treasurer shall ensure that all available cash on hand is at all times invested in a cash management program and investment portfolio pertaining thereto and ensure that efficient liquidity is maintained to meet the District's cash disbursement needs.

**2.07.020 CONTROLLER.**

- a. The Lassen County Auditor and Controller shall serve as controller for the District. The Controller shall advise the District in connection with any accounting, budgetary, monetary, or other financial matters relating to the District. The duties and responsibilities of the Controller include, but are not limited to; those duties set forth in this Code and shall include the following.
  1. Establish with District Board approval of the annual budget format, accounts, and documentation pertaining to the budget and which most nearly reflect the objectives of the District;
  2. Establish and maintain the particular funds and accounts as required by generally accepted accounting practices applicable to public entities and which most accurately and appropriately record and report the operations of the District as represented by the annual budget document;
  3. Make all books and records of the District in the Controller's hands open to inspection at all reasonable times by the members of the District on their representatives.

**2.07.030 DISTRICT COUNSEL.**

The District Board shall retain counsel to serve as District Counsel.



**2.07.040 AGREEMENTS FOR SERVICES OR OFFICIALS.**

Nothing in this Article shall be construed as limiting the power or District of the District Board to enter into any agreement with any legally existing entity to provide the services of any or all of the officers described in this Article as provided in the District and this Article.

**Article 2.08 CONFLICT OF INTEREST CODE.**

**2.08.010 PURPOSE AND EFFECT.**

The terms of Title 2, Division 6 of the California Code of Regulations (Section 18730, et seq.), and any amendments thereto that may be adopted by the Fair Political Practices Commission, are hereby incorporated by reference and, along with the following sections in which officials and employees are designated and disclosure categories are set forth, constitute the conflict of interest code for the District. This Article constitutes the "Appendix" to Title 2, Division 6 of the California Code of Regulations section 18730, et seq.

**2.08.020 DESIGNATED POSITIONS; DISCLOSURE CATEGORIES.**

- a. Designated positions are set forth below in this section. Each employee filling a designated position, and any employee filling a designated position on a temporary or acting basis for more than thirty consecutive calendar days, shall disclose all of the information set forth in all disclosure Categories A through H on such form as the Fair Political Practices Commission may designate:
  1. Board Members
  2. General Manager
  3. Fire Chief
  4. District Counsel
  5. District Engineer
  
- b. Each consultant, as defined in 2 California Code of Regulations Section 18700, shall disclose all of the information set forth in all disclosure categories A through H on such form as the Fair Political Practices Commission may designate. The General Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus are not required to fully comply with the disclosure requirements of this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of

disclosure requirements. The determination of the General Manager is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

**2.08.030 PLACE AND TIME OF FILING.**

- a. All officials and employees filling designated positions shall file statements of financial interest with the General Manager who shall receive such statements on behalf of the District Board. Unless otherwise required by state law, all statements of financial interest shall be deemed timely filed only when received by the General Manager on or before the following deadlines:
1. Annual statements shall be filed on or before April 1 of each calendar year. Such statements shall cover the period of the preceding calendar year or from the date of filing such statement as otherwise required by this Code.
  2. Initial statements shall be filed within thirty days after assuming office disclosing interests held on the date of assuming office.
  3. Leaving office statements shall be filed within thirty days of leaving office. Such statements shall cover the period between the closing date of the last statement required to be filed and the date of leaving office.

**2.08.040 CONFLICT WITH OTHER LAWS.**

Nothing contained herein is intended to modify or abridge the provisions of the Political Reform Act of 1974 (Government Code Section 81000, et. Seq.). The provisions of this Code are in addition to Government Code Section 87100 and other laws pertaining to conflicts of interest, including, but not limited to, Government Code Section 1090, et seq.

**2.08.050 MEMBERS FROM OTHER ENTITIES OR AGENCIES.**

A member or officer who has filed a valid Conflict of Interest disclosure with another agency of government is not required to file with the District under this section.

**CHAPTER 3.  
FINANCE**

**Article 3.01 PURCHASING SYSTEM.**

**3.01.010 ADOPTION.**

A purchasing system as described in this Article is adopted in order to: establish procedures for the purchase of supplies and equipment at the lowest possible cost, commensurate with quality needs; exercise positive financial control over purchases; clearly define District for the purchasing function; and, ensure the quality of purchases.

**3.01.020 SCOPE.**

The procedures established by this Article shall apply only to the purchase of supplies, equipment, and services, and shall not apply to public projects or contracts.

**3.01.030 ADDITIONAL DUTIES OF THE GENERAL MANAGER.**

- a. In addition to the duties of the General Manager otherwise specified in this Code, the General Manager shall:
1. Purchase or contract for supplies and equipment required by the District in accordance with purchasing procedures prescribed by this Article.
  2. Negotiate and recommend to the Board execution of contracts for the purchase of supplies and equipment.
  3. Act to procure for the District the needed quality in supplies and equipment at least expense to the District.
  4. Conduct formal or informal bidding on all purchases whenever possible so as to obtain as full and open competition as possible on all purchases.
  5. Prepare and recommend to the Board rules/policy governing the purchase of supplies and equipment for the District.
  6. Prepare and recommend to the Board revisions and amendments to the purchasing rules/policy.
  7. Keep informed of current developments in the field of purchasing,

prices, market conditions, and new products.

8. Prescribe and maintain such forms as are reasonably necessary for the operation of this Code and other rules and regulations.
9. Supervise the inspection of all supplies and equipment purchased to ensure conformance with specifications.

### **3.01.040 PURCHASE ORDERS.**

The District's Bookkeeper shall use the computer system to create and issue a purchase order as described in 3.01.060. Purchase Orders shall have unique identifiable numbers so that they may be easily tracked for accounting purposes.

### **3.01.050 ENCUMBRANCE OF FUNDS.**

Purchased items shall be encumbered as described in 3.01.060.

### **3.01.060 FORMAL PURCHASE REQUIREMENTS.**

To purchase small items - such as office supplies, auto parts, and other miscellaneous items costing less than \$500 - vendors will be asked to submit pricing information by telephone or written quotation. District accounts are then awarded to those firms that provide the best prices, discounts, etc. Acquisitions are processed on purchase order forms that list instructions to vendors.

Local firms (within Lassen County) may be allowed a 5% preference margin where items are available from multiple sources .

To purchase items costing more than \$500 and up to \$5,000, quotations will be solicited from vendors and received by telephone, fax or mail, preferably from two or more sources, prior to selecting a preferred supplier and processing a purchase order. The General Manager must approve purchase orders.

For items over \$5,000 or large quantity orders, the District will provide suppliers with a list of items to be purchased. Suppliers will provide written quotes for consideration and recommendation to the Board of Directors for award of contract and the Board will approve all purchases over \$5,000. Items on the list will be purchased from the supplier quoting the lowest prices and having an acceptable delivery date.

**New Model** Vehicles will be purchased through the State's Vehicle Procurement Program, unless they can be acquired at the same cost or less expensively from local sources by competitive quotation bids in accordance with this Section.

**Article 3.02 PUBLIC WORKS CONTRACTS.**

**3.02.010 PROCEDURE-TYPE DESIGNATED FOR BIDDING.**

- a. Public projects of less than \$25,000 may be let to contract by informal bidding procedures. (Public Contracts Code 20682.5)
- b. Each public project with a value greater than that specified in subsection (a) of this Section shall, in all instances, be let to contract by formal bidding procedure.

**3.02.020 PROCEDURE-INFORMAL BIDDING.**

- a. The notice inviting informal bids shall be by published notice and may, in addition, be supplemented by mailed notice. The General Manager may cause the notice to be printed as display advertising in such form and style as the General Manager deems appropriate. The notice shall describe in general terms the project to be done and state closing date for submission of such informal bids. Publication of notice pursuant to this section shall be in a newspaper of general circulation printed and published within the jurisdiction of the District. Notice shall be published in accordance with Section 6061 of the Government Code and shall be completed at least twenty-four hours before the time scheduled for opening of the bids.
- b. In addition to notice published in a newspaper of general circulation, or mailed, pursuant to this section, General Manager may also publish notice inviting bids in a trade publication.
- c. Bids shall be opened, examined, and declared by the General Manager in public in accordance with the notice inviting bids. The result of the bidding shall be reported to the District Board at the next **Board** meeting after said bid opening.

**3.02.030 PROCEDURE-FORMAL BIDDING.**

- a. The notices inviting formal bids shall state the time and place for the receiving and opening of sealed bids and distinctly state the project to be done. The first publication or posting of the notice shall be at least ten days before the date of opening the bids. Notice shall be published at least twice, not less than seven days apart, in a newspaper of general circulation, printed and published in the jurisdiction of the District.
- b. In addition the General Manager may also publish notice inviting bids in a trade publication.

- c. Bids shall be opened, examined, and declared by the General Manager in public as noticed in accordance with the notice inviting bids. The result of the bidding shall be reported to the District Board at the next regular meeting after the bid opening.

**3.02.040 REJECTION OF BIDS.**

In its discretion, the District Board may reject any bids presented. If, after the first invitation for bids and after re-evaluating its cost estimates of the project all bids are rejected, the District Board shall abandon the project or shall re-advertise for bids in the manner prescribed by this Article. If, after re-advertising, the District Board rejects all bids presented, the District Board may proceed with the project by use of District personnel or may re-advertise. If two or more bids are the same and the lowest, the District Board may accept the one it chooses. If no bids are received, the District Board may have the project done without further complying with this chapter.

**3.02.050 PLANS AND SPECIFICATIONS.**

The District Board shall adopt plans, specifications, and working details for all public projects the expenditure for which exceeds the value of public projects specified in Section 3.02.010 of this Code. Such plans, specifications, and working details may be approved at the time the notice is authorized or at the time the District Board approves a contract.

**3.02.060 WAIVER.**

The Board, in an appropriate circumstance as determined by the Board, may waive any provision of this Article when deemed in the best interests of the District.

**Article 3.03 DISPOSAL OF DISTRICT PROPERTY. (left blank)**

**Article 3.04 CLAIMS AGAINST DISTRICT.**

**3.04.010 FILING REQUIREMENT.**

All claims against the District shall be filed with the District's General Manager at the District's offices and shall comply with the requirements, including without limitation the time limits for the filing of claims, as set out in Tort Claims Act (Government Code Sections 810 et. seq.) The General Manager shall transmit copies of all such claims to the Board, to District Counsel and to any insurance carriers.

### **3.04.020 PROCESSING OF CLAIMS AGAINST THE DISTRICT.**

- a. The General Manager shall evaluate the sufficiency and form of all claims against the District and give notices relative to any deficiency of such claims to the claimant. The General Manager shall have all such claims investigated and shall prepare an investigative report and a recommendation relating to each such claim.
- b. For all claims, the General Manager and the District Counsel shall prepare and submit, as soon as practicable, a report to the District Board either in open session or in closed session, at the District Counsel's election, together with a recommendation that such claim be approved, compromised, or denied. The District Counsel shall advise the General Manager of the Board's decision in the matter. The General Manager shall thereupon notify the claimant, in writing, of the decision and expedite payment of any claim which has been approved or compromised.
- c. Notwithstanding the above provisions, the General Manager shall notify and send copies of all claims which are determined by the General Manager to be covered by insurance to the insurance carrier which provides coverage to the District, and shall be the District liaison with such carriers for the purpose of any claim involvement.
- d. In order to protect the best interest of the District and the officers, employees, and agents of the District with regard to the investigation, defense, or adjustment of applicable claims incurred against the District or its officers, employees, and agents, the General Manager and the District Counsel are directed to establish and maintain necessary administrative procedures and incident report forms to ensure the confidential coordination of case facts and related information. The procedures and forms will ensure reasonable use of the principle of privileged client-attorney communication for confidentiality in the defense or adjustment of all claims as provided by law.
- e. The legal defense of claims filed against the District which are not covered by insurance shall be the responsibility of a legal firm or firms as selected by the District Board. Authorized legal defense costs in conjunction with the defense of such claims shall be paid from District funds from an appropriate liability reserve account as established by the District Board.
- f. All litigation paper work will be stored in a secure manner and in a secure place for a period up to 7 years from the date of its last action.

**CHAPTER 4.  
REQUIREMENTS AND CONDITIONS FOR THE USE OF  
THE RECREATION AREA AT SPALDING, EAGLE LAKE**

**Article 4.01 RULES AND REGULATIONS ADOPTED.**

**4.01.010 PURPOSE.**

The purpose of this Ordinance is to establish rules and regulations pertaining to use of the Spalding Recreation property, including the beaches, swimming areas, launching ramp, parking areas, boat docks and moorings constructed by the Spalding Community Services District (hereinafter the "District"). This ordinance is adopted to protect the health, safety and general welfare of the inhabitants of the District.

**4.01.020 REGULATED AREA.**

The area which is subject to regulations established by this ordinance is the area generally described as the "Spalding Recreation Area" property which is located in the Eastern half of Section 6, Township 32 North, Range 11 East (Spalding Tract 7.5-minute quadrangle) (U.S. Geological Survey, 1995), a 29 +/- acre site, in Lassen County.

**4.01.030 APPLICATION.**

The requirements of this Chapter shall apply to all persons using the Spalding Recreation Area property (hereinafter the "Recreation Property").

**4.01.040 FEES ESTABLISHED.**

Fees shall be paid for the use of the Recreation Property and all fees shall be set annually by a District Fee Resolution prior to April of each year. All established fees shall be used for the Operations and Maintenance of the Marina facility, including any appropriate overhead costs. Any vehicle utilizing the Day Use Area shall possess a valid, completed, Use permit and Displayed in the front windshield of the vehicle described on the permit. Violators shall be subject to citations and/or removal from the Use area.



**4.01.050 PARKING.**

All vehicles, including without limitation tow vehicles and trailers, shall be parked in designated parking areas. No parking shall be allowed overnight. All vehicles must be removed from the Marina Day Use Area by 11:59 P.M. each day. Per Vehicle Code Section 21458, green curb painted zones shall indicate 20 minute parking and shall be enforceable seven days per week. Vehicles parked outside of designated parking areas or otherwise parked in violation of this Ordinance shall be subject to citation for illegal parking in violation of this Ordinance and shall pay fines as specified herein or as may otherwise be provided by law; illegally parked vehicles shall also be subject to being removed and the towed and/or impounded at the owners expense.

**4.01.060 VEHICLE RESTRICTED AREAS.**

All vehicles shall be restricted to travel on paved portions of the Recreation Area only. No off-road travel in the area is permitted.

**4.01.070 SWIMMING AREAS AND RESTRICTIONS.**

It shall be unlawful to swim in the area immediately in and around the launching ramp. Swimming shall be restricted to designated roped enclosed swimming areas. No diving or swimming/bathing shall be allowed off of Recreation Area docks.

**4.01.080 NO CAMPING.**

No camping shall be allowed on Recreation Area Property.

**4.01.090 NO FIRES.**

No open fires shall be allowed on Recreation Area Property. Use of propane stoves or cooking appliances and similar appliances shall be allowed provided they are used in a safe manner.

**4.01.100 NO LITTERING.**

Littering on Recreation Area Property is prohibited. No household garbage, fish guts, or hazardous materials shall be disposed of in Recreation trashcans or receptacles.

**4.01.110 DOG LEASHES & CLEANUP REQUIRED.**

Dogs shall be kept on leashes at all times. Pet owners or persons who are in possession of pets shall immediately pick up all feces from their pets and dispose of them in an appropriate manner (deposit in trash cans or removed from the Recreation Area Property).

**4.01.120 MISCELLANEOUS RESTRICTIONS.**

No skateboarding, roller skating, rollerblading, bicycle riding or riding of scooters or motor scooters shall be allowed within the Spalding Recreation Area, outside the regular traveled paved portion of the day use area.

**4.01.130 VESSEL/WATERCRAFT/MOORING RESTRICTION**

Mooring, anchoring, beaching of vessels or personal watercraft (PWC), anywhere within the boundaries of the SCSD Marina, excluding those personal and commercial docks permitted by SCSD and those courtesy and launching docks provided by SCSD is expressly prohibited.

**Article 4.02 REGULATIONS FOR BOAT DOCKS.**

**4.02.010 REGULATIONS ESTABLISHED.**

The regulations, policies and procedures set forth in this Chapter shall apply to the placement, use and permitting of private boat docks and slips on property owned and/or leased by the District: This Article shall be applicable to any dock or dock type structure (hereinafter collectively referred to as “dock” or “docks”) and the use and maintenance thereof within or in proximity to Eagle Lake on property owned or leased to and managed by the District under the District’s lease with the State Lands Commission, and shall apply to all docks irrespective of when the dock was initially built and placed.

**4.02.020 PERMITS REQUIRED FOR BOAT DOCKS**

Permits issued by the District are required for all boat docks. Individuals wishing to place a boat dock on Eagle Lake at Spalding Marina on the property owned by and/or leased to the District shall file an application with the District on the form provided by the District and shall comply with all the terms and conditions as set forth in the current Boat Dock Resolution. The application shall expressly state whether the permit will be for a commercial or a non-commercial dock. **No dock will be placed onto the Marina property until a permit is issued.**

**4.02.030 NON-COMMERCIAL PERMITS.**

Non-commercial boat dock permits will be issued, at the sole discretion of the District. Non-commercial boat dock permit fees shall be paid as set by District

Fee Resolution for the use of the private individuals as shown on the permit. Individual boat slips on non-commercial docks must be registered to, and maintained by, the same party for the entire length of the permit, and **may not be rented, sold, assigned, gifted nor transferred without the express written approval of the District.** All slip owners must be listed on the permit. No commercial use may be made of any boat berthed in a boat dock or slip for which a non-commercial permit has been issued, including without limitation, operation of guided excursions, fishing trips in any such boat, boat rentals, or any other related business activity. No more than fifteen (15) slips may be maintained on any non-commercial boat dock.

Non-commercial permits shall only be issued for docks containing no less than six (6) boat slips and are intended to accommodate individuals desiring dockage for the full boating season. Non-commercial permits shall only be issued jointly to the individuals seeking joint use of a dock. Applications shall contain the names, addresses, and phone numbers of each party using a boat slip on the dock along with the identification of the boat to be in the slip. All lists shall be kept current. Each individual shall be named on the permit as a co-permit holders and each individual shall be jointly and severely responsible for complying with all of the terms and conditions pertaining to the permit.

Non-commercial boat dock permit fees shall be paid as set by District Fee Resolution.

#### **4.02.040 COMMERCIAL PERMITS.**

Commercial boat dock permits will be issued, at the sole discretion of the District, and will be required for any use of a boat dock, boat slip or the boat berthed therein, in conjunction with any activity as to which compensation of any nature is paid from one person, group or entity, to another, or is directly associated with any business.

Commercial boat dock permit fees shall be paid, a base annual permit fee as set by District Fee Resolution. Fees shall be paid to the District within 30 days of the date of notification of the approval of the permit prior to placing the dock(s) on Eagle Lake. No permit shall be deemed to be valid and/or issued and no rights shall accrue to any party unless and until all permit fees are fully paid. In the event that fees paid by a check and any check is not honored by the bank on which it is drawn, the fees shall be deemed as if never paid and the permit shall not be valid.

In consideration for the issuance of any permit and in addition to the above fees, each commercial permit holder (and any other permit holder if applicable thereto) operating any revenue generating activity conducted on or over the State Lands leased to the District under the lease with the State Lands Commission, shall pay

five percent of such party's gross income, as required by and in accordance with the lease with the State Lands Commission, including without limitation, five percent of the rental derived from the boat docks/slips. Each permit holder agrees to fully comply with the provisions of the State Lands Commission lease – including without limitation, the production of all business records reasonably required for the calculation of the fee based on gross income, as a condition of the issuance of a permit.

Commercial boat dock permit fees shall be paid as set by District Fee Resolution.

#### **4.02.050 APPLICATION PROCESS AND ISSUANCE OF PERMITS.**

Individuals wishing to place a boat dock on Eagle Lake at Spalding Marina on the property owned by and/or leased to the District shall file an application with the District on the form provided by the District. The application shall expressly state whether the permit will be for a commercial or a non-commercial dock.

The District reserves the right to limit and otherwise control the number of boat docks that will be allowed to be placed on District property and to issue or refuse to issue permits, in its sole discretion. Each application shall expressly state the number of boat slips to be included in the dock and shall provide the dimensions of the dock. In granting a permit for a boat dock the District shall have the right to specify the location for the placing of any boat dock, the size, configuration, and manner of construction and safety requirements for boat docks.

Non-commercial boat dock permit applications shall be accompanied by a filing fee, for review and processing of the application, as set by District Fee Resolution. and shall be non-refundable. Commercial boat dock permit applications shall be accompanied by a filing fee, for review and processing of the application, as set by District Fee Resolution, which fees shall be non-refundable.

Boat dock permits shall be issued on a space available (as determined by the District) and on the basis of the order of applications received by the District; provided however, that the District may, but shall not be obligated to give priority to individuals or groups holding dock permits during the immediately preceding year. No Application shall be considered and shall not be deemed to be received by District in order to establish eligibility for issuance, if the application is not complete, in all respects, following review by the District.

Applications for permits may be filed no earlier than January 2nd of each year. Applications received after March 1st of any year shall not be considered for issuance of a permit; provided however, if the District determines that there is space available for additional boat docks, the District may, but shall be under no obligation to issue a permit.

In the event that District receives applications for non-commercial boat dock permits in excess of available spaces, District shall have the right to, but shall be under no obligation to, instruct two or more sets of applicants to submit combined (joint) applications.

Nothing herein shall be deemed or construed as creating any right in any person or entity to have a boat dock or a permit for a boat dock, and notwithstanding anything to the contrary herein, the District through the Board of Directors and/or the General Manager have absolute discretion in administering the provisions of this Chapter

#### **4.02.060 PERMITS ISSUED AND PLACEMENT.**

Boat dock permits shall only be issued on a seasonal basis at the sole discretion of the District. Boat docks shall not be placed in Eagle Lake before April 1st and shall be removed by November 30th of each year.

All docks shall be placed by using an approved launching ramp and by floating the docks to the designated dock site. At no time shall any dock or any portion of a dock, be allowed to be pulled onto or otherwise brought onto the shore of Eagle Lake. Docks shall be securely anchored, in accordance with the directions as may from time to time be issued by the District personnel.

#### **4.02.070 DOCK CONSTRUCTION AND INSPECTION.**

Boat docks shall not contain polystyrene floats and shall be constructed with solid plastic floats or other suitable materials as may from time to time be required by the State Lands Commission, the California Department of Fish and Game, the District and/or any other regulatory body. Boat docks shall be at least 36 inches and no more than 80 inches in width, and individual boat slips shall extend away from the body of the main dock at an angle of 90 degrees. No slip shall be more than 20 feet in length. Dock lengths shall not exceed 600 foot in length from the shore (if lake water allows) unless special permission is received from the District's governing board. The walkway for the individual boat slips shall be at least 36 inches and no more than in width. All docks shall be structurally sound so as to provide a stable and safe platform for users. Docks and each portion of any dock shall be capable of supporting a minimum load of 600 pounds without danger of being submerged or listing. All portions of the dock structures shall be kept in good repair and in a manner that provides safety for all persons using the dock. The District reserves the right to order any dock that it determines is not in a state of good repair and/or otherwise poses a risk to safety of the users of the dock or to the public, to be immediately repaired or removed from the District's lands and lake bed.

District reserves the right to inspect each boat dock and anchoring device(s) at any time, including without limitation, prior to the issuance of any permit and to refuse to issue any permit if the District should deem the boat dock and/or anchoring device as not being suitable for placement in Eagle Lake at Spalding Marina. District may require permit holder to promptly repair or to remove any dock that does not comply with the provisions of this Code or the requirements or regulations of the State Lands Commission or any other applicable regulatory agency.

**4.02.080 BOAT DOCK REQUIREMENTS.**

Boat docks shall be designated by a dock space number assigned by the District and shall be placed at a location as directed by the District. District reserves the right to direct the docks to be moved, removed or relocated at any time, and permit holders shall comply with such directions within 48 hours of any such order or direction by District to permit holders. Failure to promptly comply with any such order or direction by District shall constitute grounds for the immediate cancellation of any permit. The dock permit number shall be displayed at the shore side and the lake side ends of the dock in letters that are no less than 4 inches high as provided.

Boat docks shall maintain at least 40 feet of space (of lake area) between the end of any slip and the slips on adjacent boat docks. All boat docks shall be firmly anchored and otherwise secured to the lakebed so as to prevent the movement of docks at anytime (including under adverse weather conditions). District reserves the right to approve the type of anchoring device or devices to be used for any boat dock. District further reserves the right inspect the boat docks and anchoring devices and to require permit holders to take additional measures to secure the dock(s) to the lake bed as District may deem prudent to ensure the protection of District property, the general public, other boat docks and property and structures in and around Eagle Lake. Failure to promptly comply with any such order or direction from District and within the time authorized by District for any such work or activity shall constitute grounds for the immediate cancellation of this Agreement and Permit.

**4.02.090 VEGETATION REMOVAL.**

No vegetation shall be removed from the shore area or in the water in and around any dock.

**4.02.091 REFUSE CONTAINER REQUIREMENTS.**

Permit holders and their guests and the authorized users of any dock shall immediately remove all trash and other refuse from their boats, the docks and the surrounding lake area. Each permit holder shall provide at least one refuse

container (consisting of a 32 gallon or larger trash can) at the shore end of the dock for use by persons using the docks and any boats. The trash cans shall be securely covered at all times and shall be emptied no less than once a week and promptly at such times as any trash can becomes full.

**4.02.092 PERMIT HOLDER PARKING.**

Permit holders and their guests and the authorized users of any dock shall park only in designated parking areas and must possess a valid day use permit. No vehicles may be used on District property, except in designated areas.

**402.093 FIRE RESTRICTIONS.**

No fire of any kind aboard boats docked in the Marina. This includes, but is not limited to, camp stoves, bar-b-ques or lanterns.

**4.02.094 SIGN RESTRICTIONS.**

No signs are allowed to be posted within the Marina area excluding those signs approved by the District. Commercial dock signs that are approved must be maintained in good order.

**4.02.095 COST OF EMERGENCY.**

It shall be the policy of the District to attempt to recover the cost of emergency responses by District Fire Department or other personnel where the emergency was caused by an alcohol related call (per Article 8, "Cost of Emergency Response", CA Gov. Code, CA Boating Law, Section 53151 through 53158).

**4.02.100 INSURANCE REQUIREMENTS.**

Permit Holders shall maintain liability insurance pertaining to the use of the boat dock(s) in an amount of not less than one million dollars (\$1,000,000.00) per occurrence, **one million dollars (\$1,000,000.00) personal injury**, and an aggregate cap on liability of **two million dollars (\$2,000,000.00)**. The certificate must have the following assurances (A) through (E) to be expressly stated on or attached to the certificate:

- A. **That the State of Californian and the District, its officers, agents, employees, and servants are included as additional insured, only insofar as the operations under this are concerned.**
- B. **That the insurer will not cancel the insured's coverage without 30 days prior written notice to the State and District.**
- C. **That the policy specifically identifies the Lease by number PRC8155.1.**

- D. **That the State will not be responsible for any premiums or other assessments on the policy.**
- E. **That the insurance coverage provided by the insured is primary and noncontributing**

Prior to placing any dock in Eagle Lake, each permit holder shall present suitable evidence of insurance to the District. In the event that proof of appropriate insurance is not submitted to the District, the permit shall be deemed to have lapsed for non-compliance. Any cancellation, suspension or termination of the required insurance shall result in the immediate and summary termination of the boat dock permit and the permit holder shall immediately remove the dock from the lands leased from the State Lands Commission and/or District property upon notification to do so from the District.

#### **4.02.110 PERMIT AS LIMITED RIGHT TO USE.**

The issuance of a boat dock permit shall not constitute a grant of or create any property interest in the Permit holder in any District property, including without limitation, the State Lands leased to the District by the State Lands Commission, nor shall any such permit otherwise vest any rights in Permit holder. The issuance of any permit shall be deemed to constitute a limited license or right to use the District property which right may be terminated at any time by the District.

#### **4.02.120 RIGHT TO REVOKE PERMITS.**

All permits shall be deemed issued in order to further the public use of, and access to Eagle Lake, and is expressly made subject to the right reserved in District to summarily revoke any permit upon a determination by District that the continued use of District property (including without limitation the leased portion of Eagle Lake) is no longer in the public interest. Any such decision by District shall be deemed to be a legislative and public policy determination and shall not require express findings by the District officials or District Board of Directors.

In addition to the foregoing, any violation of any provision of the permit, any order or directive from District with regard to any dock or any boat using any dock, or any regulation pertaining to the lawful use of the District property and/or Eagle Lake, shall constitute grounds for the immediate and summary revocation of the authority to place and maintain a dock or docks under the terms of the Permit.

In the event of the revocation of a permit by District, **District shall retain all paid fees.**

Following the issuance of any notice of revocation of the right to place and maintain a dock failure to promptly remove any such dock or docks shall be



deemed to constitute a trespass which may be prosecuted under civil and criminal laws of the State of California.

**4.02.130 NO LIABILITY BY DISTRICT.**

In issuing permits the District has not and is not undertaking to determine the safety and suitability of any boat dock; and no liability on the part of the District shall arise from the granting of any permit and/or from the inspection or failure to inspect any dock or from the failure to enforce any of the terms and conditions of the permit or of any law or safety regulation

**4.02.140 PERMIT HOLDERS TO INDEMNIFY DISTRICT.**

Permit holders shall be strictly liable with regard to the placement and use of the boat docks under any permit and all activity conducted from said docks. As an express condition of the issuance of any permit, the permit holders shall indemnify, defend and hold District and the State of California harmless from and as to any claim, demand, litigation, or judgment of any nature whatsoever, regardless of whether the district is alleged to have contributed to the incident giving rise to the claim, including without limitation, reasonable attorneys' fees that may be incurred in responding to, defending, representing and/or providing advice to District with regard to any such claim, demand etc.

**Article 4.03 VIOLATIONS.**

**4.03.010 VIOLATIONS.**

It shall be unlawful for any person to violate the provision of this Ordinance. Violations of this Ordinance shall constitute an infraction. Each day in which any such violation shall continue shall be deemed a separate offense. Violators shall be subject to citation. Any person violating any of the provisions of this Ordinance shall be liable to the District for any expense, loss, or damage occasioned the District by reason of such violation.

**4.03.020 ENFORCEMENT.**

The Senior Park Ranger or Park Ranger who has completed the require training per Penal Code Section 832 may issue a notice to appear for any violation of this Chapter.

**CHAPTER 5.  
SEWER SYSTEM RULES AND REGULATIONS**

**Article 5.01 PURPOSE & INTENT.**

**5.01.010 PURPOSE.**

The purpose of this Ordinance is to establish rules and regulations pertaining to the hookup, use and maintenance of the community sanitary sewer system constructed by the Spalding Community Services District (hereinafter the "District"). This ordinance is adopted to protect the health, safety and general welfare of the inhabitants of the District.

**Article 5.02 SERVICE AREA.**

**5.02.010 SERVICE AREA ESTABLISHED.**

The service area for the Spalding Community Sanitary Sewer System (hereinafter referred to as the "Wastewater System" or "sewer system") is hereby established as shown on the Spalding Assessment Boundary Map as recorded in the official records of the Lassen County Clerk-Recorder's office, on September 30, 2004, in Book 39 Page 32.

The service area may be amended only by adoption of an ordinance by the District's Board of Directors.

**Article 5.03 USE & CONNECTION REQUIRED.**

**5.03.010 USE OF PUBLIC SEWERS REQUIRED.**

All improved property which could potentially be used in a manner that would be expected to generate wastewater or sewage of any nature that is within the above referenced service area (the "service area") shall be required to connect all residences and other buildings from which sewage may be generated, to the District's Wastewater System (the "Wastewater System" or "System") by January 1, 2009. It shall be unlawful and shall constitute a public nuisance for any property owner or any other person using property within the Wastewater System Service Area, to discharge any waste, wastewater or other effluent including, without limitation, waste commonly referred to as "gray water, other than through use of the Wastewater System, and in any manner that constitutes a violation of the requirements of this Chapter and/or any other ordinance of the District. By

January 1, 2009, all existing leach lines on property within the service area shall be abandoned.

**5.03.020 PERMITS REQUIRED.**

No person shall uncover, make any connections to or opening into, use, alter, or disturb the Wastewater System, or appurtenance thereof without first obtaining a permit from the District and paying all applicable fees to the District as set forth herein or as may from time to time be established by the District.

**5.03.030 CONNECTION PERMITS.**

No connection shall be made to the Wastewater System and no service laterals may be installed except upon issuance by the District of a permit (hereinafter referred to as a "Connection Permit"). The District shall specify the form and content of the application for connection to the Wastewater System and/or the installation of service laterals. Applications can be obtained from and shall be submitted to the District's office located at 502-907 Mahogany Way, Spalding Tract, Susanville, CA 96130.

**5.03.040 APPLICATION FEES.**

An application for connection to the Wastewater System shall be accompanied by payment of such fees as the District Board of Directors may from time to time reasonably establish. Connection Permits issued by the District shall be subject to the rules and regulations contained herein, and subject to conditions which may, from time to time, be adopted by the District's Board of Directors for the protection of the public health and safety and the general welfare of the District and its inhabitants. Applications shall comply with all rules, regulations and conditions adopted by the Board and with generally accepted construction techniques and technical requirements, including without limitation, requirements of the Uniform Building Code, the Uniform Plumbing Code or other applicable code or standards.

**5.03.050 DISCHARGE OF STORM WATER PROHIBITED.**

It shall be unlawful to connect roof gutters or other storm water drains or drainage systems to the Wastewater System or to otherwise allow precipitation or surface waters from any property to enter the Wastewater System.

**5.03.060 PROPERTY OWNER RESPONSIBLE FOR DAMAGE.**

The property owner shall be responsible for any damage to the Wastewater System, including without limitation sewer lines, resulting from the connection of sewer laterals or lines, any testing thereof (including without limitation the work by the owner's contractor or agents), and from the inappropriate use of the system

and/or the discharge of harmful and inappropriate materials or substances into the system.

**Article 5.04 CONNECTION WORK AND INSPECTIONS.**

**5.04.010 PROPERTY OWNER & CONTRACTOR TO LOCATE UTILITIES.**

Prior to any excavation on public streets and rights of way, permittees shall make a request to locate all underground utilities. Locate requests must be made prior to any excavation

**5.04.020 ENCROACHMENT PERMITS REQUIRED.**

No work shall be undertaken within the Right of Way (ROW) on public roads without an encroachment permit. The property owner and/or his or her contractor shall obtain an encroachment permit from the public entity that controls the public road where the work will take place. All traffic control requirements of the appropriate Road Authority must be met.

**5.04.030 SEPTIC TANK APPROVAL REQUIRED.**

Every property connected to the Wastewater system shall use an approved septic tank for pretreatment of waste prior to the discharge of the effluent to the System. Existing septic tanks must be inspected for size, type and tested for water tightness. Septic tanks that pass inspection shall be approved by the District for use by the property owner. Septic tanks that are not approved by the District shall be removed or alternatively pumped, washed, re-pumped then filled in place with sand or other material approved by the District. A replacement tank shall be installed, inspected and approved by the District prior to connecting to the community sewer system.

**5.04.040 INSPECTION OF SEWER LINES AND LATERALS.**

Sewer lines and laterals must be inspected for grade, water tightness and bedding prior to backfill. Final connection to the community sewer system will be made as directed by the District and only after inspection by the District to insure that permit requirements have been met. Inspections must be requested at least 24 hours in advance.

**5.04.050 CONNECTION TO THE PUBLIC SEWER.**

When connections are made to pre-existing sewer lateral stubs by a property owner, connections shall be made by a duly licensed contractor employed by the property owner, or the property owner, which work shall be inspected by the District prior to the use of the sewer system.

**Article 5.05 USER FEES AND OTHER CHARGES.**

**5.05.010 PERMIT FEES.**

A fee shall be charged by the District to property owners for issuance of a connection permit. The fee shall cover the cost of the processing of the connection permit, all inspections, testing and other work of the District in overseeing the connection to the Wastewater System. The permit fees may vary based on the nature of the work required by the District and the connection being made by the property owner. Where the District requires that the physical work of connecting the property to the system is to be made by the District, the fees shall also provide for recovery by the District of all expenses incurred, including without limitation costs of District staff, administration, and contractors, and the District shall require the property owner to make a cash deposit with the District for payment of said fees. The permit fees shall be set from time to time by District Fee Resolution. (reference is to Government Code Section 61115)

**5.05.020 CONNECTION FEES.**

Connection fees shall not be required for property owners whose property is within the boundaries of the Wastewater System Service Area, as describe in Section Two, above, at the time of the adoption of this Ordinance. Any property subsequently annexed to the Wastewater System Service Area shall pay a connection fee at the time that the property owner seeks to connect to the system. The connection fee shall be due and payable at the time the property owner submits an application for a connection permit and no permit applications shall be accepted without payment of the full fee. The connection fees shall be established by District Fee Resolution.

**5.05.030 ANNUAL SEWER FEES.**

All improved real property shall be required to be connected to the District's Wastewater System on or before January 1, 2009. As of January 1, 2009, all improved properties will be deemed to be connected for the purpose of levying an annual sewer use fee with respect to such properties to pay for their actual use or the immediate availability of such use to such properties. Any parcel with an existing sewer connection permit shall be deemed connected. Effective January 1, 2009, the owners of all connected real property shall pay to the District for the use or immediate availability for use to such of the Wastewater System an annual sewer user fee in the amount as described in the District Fee Resolution, as attached hereto and incorporated herein by this reference. Any change in the amount of the sewer user fees shall be made by District Fee Resolution. Sewer use fees shall be billed and paid as follows:

- a. The sewer user fees shall be billed quarterly in advance. The installments shall be due and payable thirty day after billing and shall become delinquent on the thirty-first day.
- b. Sewer user fees billing periods shall begin on the first day of the quarter (on January 1<sup>st</sup>, April 1<sup>st</sup>, July 1<sup>st</sup> and October 1<sup>st</sup> of each year). Quarterly billing periods shall begin on the first quarter following the issuance of a completed hookup to the Wastewater System.
- c. All sewer user fees shall be billed to and be the responsibility of the real property owner, whether or not the owner is also the occupant. For the purpose of this Ordinance, lot or parcel ownership shall established as of the last day of the month preceding the billing period and shall be based upon the latest available records of the Lassen County Assessor's Office. It shall be the responsibility of any person or entity purchasing real property that is connected to the sewer system to notify the District of the change in ownership in order for the District to be able to bill the proper party. If the new property owner's failure to provide the proper ownership information results in the District's sending the sewer bill to the wrong person and results in the failure to timely make payment, the new property owner shall be responsible for any late payment charges.
- d. Any amount paid in excess of the quarterly charge shall be credited against the charge for the succeeding billing period or refunded, at the discretion of the District, during the current year.
- e. The District shall adjust billings for fees for any calendar quarter in a proportionate manner to reflect the change in the classification of the use of any real property occurring during that quarter. Any property owner may file an application requesting as adjustment of billing, stating the grounds for such adjustment. Any such request for an adjustment shall reviewed in accordance with Ordinance Section 5.015 regarding Appeals.
- f. Sewer Operation/Maintenance fees may be increased annually to cover increases in the costs for operation and maintenance by an amount not to exceed 7% in any fiscal year. Increases shall be approved by the Board of Directors and adopted by District Fee Resolution. Any increases in fees shall comply with the provisions of Section 6 of Article XIID of the California Constitution.

Any fees charged by the District prior to January 1, 2009 and which remain unpaid shall remain in full force and effect.

**5.05.040 OTHER CHARGES.**

The owner of any real property connected to the Wastewater System shall be responsible for any extraordinary expenses and costs incurred by the District involving sewer service to the property, including without limitation, testing, inspections of the private sewer laterals or lines, expenses arising from any blockage or damage to the Wastewater System resulting from the use of the private property and the cost of investigation and repairing or fixing any blockage attributable to the property. Any such charges will be billed on a time and material basis incurred by the District for use of contractors and/or District personnel, together with an administrative overhead of ten percent (10 %) with a minimum charge as established by District Fee Resolution.

**5.05.050 PROVISIONS APPLICABLE TO ALL FEES AND CHARGES.**

- a. In the event that any fee or charge is unpaid thirty-one (31) days from the date of the billing, a ten percent (10%) delinquency charge shall attach to the bill shall be added to the unpaid balance of the delinquent bill. Any payment received will be credited towards any late fees and oldest fees due. Court fees will be assessed when applicable to collect back amounts due.
- b. In the event that any fee or charge by the District remains unpaid in excess of one year from the date of billing by the District, the District shall promptly thereafter record a certificate in the office of the Lassen County Recorder specifying the amount of the unpaid charge or fee and the name and address of the person liable therefore.
- c. From the time of recordation of the certificate, the amount required to be paid together with interest and penalty constitutes a lien upon all real property in the county owned by the person or afterwards, and before the lien expires, acquired by him/her. The lien has the force, priority, and effect of a judgment lien and shall continue for 10 years from the date of the filing of the certificate unless sooner released or otherwise discharged. The lien may, within 10 years from the filing of the certificate or within 10 years from the date of the last extension of the lien in the manner herein provided, be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of such filing the lien shall be extended to the real property in such county for 10 years unless sooner released or otherwise discharged.
- d. These provisions are cumulative and are in addition to any other enforcement rights that the District may have, including without limitation, the right to suspend or terminate sewer service to any property.

**Article 5.06 MATERIALS AND MANNER OF CONSTRUCTION.**

**5.06.010 GENERAL REQUIREMENTS.**

- a. The construction requirements for septic tanks and the size, slope, alignment, materials of construction of a service lateral, and the methods to be used in excavating, placing of the pipe, connection to the public sewer, jointing, testing, and backfilling the trench shall all conform to the requirements of this Section and the requirements of Exhibit E. The construction requirements for service laterals for use other than by a single residential dwelling shall be subject to review and approval by the District.
- b. Where there is an existing service lateral (“service stub”) that is capable of providing service to a parcel/property, that lateral shall be used. If the owner, for his/her convenience, desires to secure and to construct a sewer lateral at an alternative location, the District may, but shall not be required to, authorize such alternative sewer lateral, upon a showing of good cause and provided that the District’s engineer determines that the new service lateral does not negatively impact the sewer line or sewer system. All costs shall be borne by the property owner.
- c. A separate and independent sewer lateral shall be provided for every parcel. Where more than one structure of building exists on a single parcel, they may share a common service lateral. In the event that a single parcel has more than one septic tank the District may allow the use of separate service laterals for the property upon a showing of good cause and provided that the District’s engineer determines that the new service lateral does not negatively impact the sewer line or sewer system.
- d. Any property seeking sewer service that does not front on a road or easement that contains a District sewer line shall have the sewer lateral to the property constructed within the boundaries on a duly recorded easement in the favor of the property using the sewer lateral. A copy of the deed establishing the easement shall be presented to the District at the time of application for the sewer connection permit. Prescriptive easements cannot and will not be accepted unless and until validated by a court of competent jurisdiction. Noting herein shall allow structures in different ownership be served by the same service lateral.
- e. The District shall request that the County impose a condition on the approval of any subdivision of property within the Wastewater System service area to require the construction of separate service laterals to each parcel.



- f. All costs and expense incident to the installation and connection of the service lateral shall be borne by the property owner. The property owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer and/or service lateral.

**5.06.020 LOCATIONS.**

- a. If requested by the property owner, the District will provide information on the location of any service stub from the existing District records without warranty as to the accuracy or reliability of the information. Service stubs are the predesigned points along the sewer main to provide for the connection of service laterals and secondary sewer lines.
- b. The property owner shall be responsible for physically locating the service stub, including any surveys or exploration, and shall bear all cost of locating service stub. A copy of the map of property service stub location will be provided upon permit application.
- c. The District, its officers, employees and agents shall not be deemed to make any warranties of any kind as to the accuracy of locations or be liable for any losses or damages sustained or resulting from any inaccuracies or inadequacy of location information.

**5.06.030 MATERIALS.**

Pipe shall be a minimum of one and one half inches (1 ½”) in (nominal) inside diameter. Pipe material shall be one of the following:

PVC solid wall pipe Schedule 40	ASTM 1785
HDPE solid wall pipe DR 13.5	ASTM D3035

**5.06.040 MANNER OF CONSTRUCTION.**

- a. Gravity Systems.

Building Sewer Line. The building sewer line is defined as the sewer line carrying raw sewage, from a building (source of sewage) beginning two feet from the building foundation and ending at the inlet of the septic tank.

Existing building sewer lines are accepted as approved for use at the time this revision is adopted. However, conditions that result in sewage as approved for use at the time this revision is adopted. However, conditions

that result in sewage discharge as a result of defects in the existing building sewer line must be corrected immediately, by the owner.

For all new or reconstruction projects the following shall be met:

1. Excavations shall be made at a uniform grade from the building to the septic tank inlet. Over excavation shall be avoided.
2. The pipe shall be bedded in material approved by the County.
3. The minimum grade of the building sewer line shall be ¼" in 12" (0.02 ft/ft) (2%), or as approved by the engineer.
4. The building sewer line shall be ABS, PVC or HDPE pipe with water tight fittings. The building sewer line shall be located a minimum of 25' from any well unless the line is encased in a PVC or HDPE sleeve.
5. A cleanout is required within 5 feet from building edge and for each 135 degrees of accumulated horizontal joint deflection downstream.
6. If thirty (30") inches of cover is not provided in any driveway or traffic area, a schedule 80 PVC pipe sleeve shall be used. At no point shall cover be less than 12 inches.

Initial backfill shall be placed to a depth of twelve (12") inches over the top of the pipe and compacted using suitable mechanical equipment. Subsequent backfill may be accomplished using native material provided no rocks or particles greater than four (4") inches are present. No trench shall remain open longer than 24 hours.

b. Septic Tanks

1. All existing septic tanks shall be tested and certified as watertight prior to being connected to the sewer system.
2. No steel or wood septic tanks will be allowed.
3. New septic tanks must be supplied by an approved manufacturer and certified as watertight upon installation.
4. Septic tanks shall be sized for the occupant load of the connecting property but in no case shall it be less than 1000 gallon capacity.

5. Each septic tank shall be fitted with an approved effluent filter, access riser and lid.

c. Sewer Service Line

The sewer service line is defined as the sewer line carrying septic tank effluent from the septic tank to the property line at District service stub.

1. Excavations shall be made at a uniform grade from the service stub. Over excavation shall be avoided.
2. The pipe shall be bedded in material approved by the District.
3. The sewer service line will be connected at the property line with a coupler.
4. The minimum grade of the sewer service line shall be 1/8" in 12" (0.01 ft/ft) (1.00%) or as directed by the District. The top of the sewer service line shall be installed so it remains lower than the invert of the septic tank outlet at each point along its length.
5. The sewer service line shall be pressure rated (PVC or HDPE) and located a minimum of 25' from any well unless the line is encased in a PVC or HDPE sleeve within the 25 feet.
6. A cleanout is required within 5 feet of the septic tank outlet and for each 135 degrees of accumulated horizontal joint deflection and 100 feet of line.
7. The depth of cover over a service lateral shall be a minimum of thirty (30") inches at the property line. If thirty (30") inches of cover is not maintained in any driveway or traffic area, a schedule 80 PVC pipe sleeve shall be used. At no point shall cover be less than 12 inches.
8. All trenches shall be left open for inspection. No service lateral pipe may be covered until inspected and a test witnessed by the District. The owner shall notify the District 24 hours in advance to schedule an inspection. Initial backfill shall be placed to a depth of twelve (12") inches over the top of the pipe and compacted using suitable mechanical equipment. Subsequent backfill may be accomplished using native material provided no rocks or particles greater than four (4") inches are present. No trench shall remain open longer than 24 hours.

9. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District. Backfill material and the method of placement in a road or highway right-of-way, shall conform to the requirements of the applicable agency.
10. The connection of the service stub to the public sewer shall be done by an approved and licensed contractor employed by the property owner or property owner unless otherwise directed by the District. All excavation and trench safety measures as set out in applicable law (including regulations of the Division of Industrial Safety) shall be strictly complied with by the contractor and the property owner.
11. No line shall be placed in service prior to completion of all encroachment permit conditions and the filing with the District of satisfactory evidence thereof.

d. Pumped Systems

Properties which lack sufficient elevation for gravity discharge to the sewer system shall require the use of a pumped system to discharge sewage effluent from the septic tank on the property, into the District's sewer mains. It is the intent of the District to fund the cost for the sewage pumps and related installation in the septic tanks that are on private properties within the District, when such work is timely requested and consented to by the property owner in compliance with the Wastewater System Design. (Costs for such work has been included in the grant funding for the construction of the Wastewater System, but must be accomplished in a timely manner, otherwise such funds are lost to the District. Cost of work that is not paid for by the initial grant will become costs of the property owners when connecting to the system. The District reserves the right in its sole discretion to determine if grant funds are available for the installation of sewage pumps on any particular property).

1. Requirements for gravity systems, in 5.06.040 (a), apply to pumped systems. The property owner shall be responsible for testing and installation of the septic tank and sewer service line
2. Installations of pumped effluent systems that are timely requested and consented to by property owners as part of the initial construction of the Wastewater System, will, subject to the above provisions, be installed by the District and any defective work will, within the one year warranty period under the District's construction contract, be corrected in accordance with and subject to the provisions of the construction contract. The District reserves

the right in its sole discretion to determine if any defective work or materials is to be corrected by the District. Following installation, ownership of the pumped system shall pass to the property owner and all routine maintenance and repairs will be the responsibility of the property owner. Any warranty work shall be done by the District.

The District will pay for the installation of pumped effluent systems only where, upon notification by the District, the property owner timely applies for a connection permit and grants to District a temporary construction easement over their property in order to accomplish the installation work. District will endeavor to identify and notify property owners who will need pumped systems of the opportunity to have the District perform such work and the requirement to apply for a connection permit following the adoption of this ordinance. Installation of pumped effluent systems which were not installed in conjunction with the initial construction of the Wastewater System (and the cost thereof is not covered by grants to the District) shall be a cost to be borne by the property owners.

3. The District specifications are more stringent than State code. They are intended to establish the same type of equipment as installed in the system.

Nothing contained herein shall be construed as making the District a party to any construction. Nor shall this Ordinance relieve any person from the necessity of compliance with the provisions of any other applicable ordinances or permits.

## **Article 5.07 INSPECTION.**

### **5.07.010 INSPECTION REQUIRED PRIOR TO USE.**

No sewer lateral or line connected to the District's sewer system shall be used to flow effluent until said line has passed a preliminary and final inspection. If more than two trips are required to inspect any sewer lateral or line, the property owner shall be billed and be responsible for payment for the additional inspections at the rate as set forth by District Fee Resolution.

### **5.07.020 PROCEDURES FOR FAILED INSPECTIONS AND RE-INSPECTION.**

If a property owner's lateral or line has not passed a final inspection within 90 days of the preliminary inspection, the District shall make a special inspection and report any deficiencies to the owner. All inspections after the initial two (2)

inspections will be billed to the owner at the rate set forth in District Fee Resolution. Inspection fees shall be billed and paid prior to the authorization for use of the sewer system. Any unpaid fees may be collected as O&M user fees and shall be subject to the same collection procedures and delinquency charges.

**5.07.030 ANNUAL INSPECTIONS AND SERVICING REQUIRED.**

Each property owner connected to the District's sewer system shall annually inspect and service their septic tank to insure that it is functioning properly and to service and/or replace the filter system on the tank in compliance with the procedures established by the District. The District staff shall, with consultation of the District's engineer, establish and institute a procedure for the annual inspections and servicing and will remind all property owners of the obligation for inspection and servicing. Owners may request that the District perform the inspection and servicing, which will be done as time permits and at a time and materials rate. Failure to perform the annual inspection and servicing shall constitute a violation of this Ordinance and shall be subject to the penalties and District remedies as otherwise provided for in this ordinance.

**Article 5.08 TESTING.**

**5.08.010 GENERAL REQUIREMENTS.**

In order to insure the soundness of the sewer system and to prevent infiltration into the system, the District shall have the authority to require such testing of individual sewer lines and laterals, both as to existing and new laterals, and to septic tanks and pumped systems as the District may determine is necessary and appropriate. The cost of any such testing shall be an expense of the property owner and shall be billed and collected as an additional sewer user fees and shall be subject to the same collection procedures and delinquency charges. The property owner shall be responsible for making any repairs or correcting any problems to the sewer lines or laterals, septic tanks and pumped systems as may be determined to be necessary based on the testing and for retesting when the repair or correction work is completed. The property owner shall also be responsible for paying all fees established by the District for testing and inspection.

**5.08.020 APPLICABILITY.**

- a. All new connections to the Sewer System shall be tested in accordance with the provisions of this section. No person or property shall use or introduce wastewater into the Sewer System until the service lateral from the property has passed a test as specified in this ordinance.

- b. No property shall be allowed to remain connected to the public sewer system, if the sewer service lateral, septic tank or pumped system fails any test required by the District. which is incapable of passing a test as specified in this ordinance.
- c. All septic tanks and service laterals, including those serving residential, multiple residential and commercial, connected to a District sanitary sewer shall be pumped, then tested and inspected by the District if any of the following conditions occur:
  - 1. Remodeling of the house, building or property served in an extent of more than fifty percent (50%), as determined by Lassen County assessed valuation, or
  - 2. Installation of additional toilet facilities in the house, building or property served, or
  - 3. Change of use of the house, building or property serviced from residential to business or commercial or from non-restaurant commercial to restaurant commercial, or
  - 4. Upon repair or replacement of all or part of the building sewer, or
  - 5. Upon addition to structures of living quarters, such as guest cabins or property served or plumbing of garages into living quarters, or
  - 6. Prior to close of escrow upon sale of the home, building or property served, or
  - 7. Upon determination of the District that the cleaning and testing *is* required for the protection of the public health, safety and welfare.
- d. Inspections by District to be paid prior to close of escrow. Fees shall be paid as established by District Resolution.

**Article 5.09 WASTE PRE-TREATMENT.**

**5.09.010 PRE-TREATMENT REQUIRED.**

All connections to the sewer system shall require pre-treatment of the waste discharged into the sewer system through a septic tank, which shall be sized and constructed of approved materials and otherwise approved by the District in by the District, the property owner shall, at their own expense, provide such additional pretreatment or such other measures, as required in order to reduce objectionable characteristics, contents, or rate of discharge of waters or wastes

being deposited in the Sewer System in order to avoid damage to the Sewer System or any undue interference with its operation.

**5.09.020 GENERAL REQUIREMENTS.**

- a. Food Grease:
1. Grease traps or grease interceptors shall be installed in all establishments which handle, prepare, cook, or serve foods or when in the opinion of the District's they are necessary for the handling of wastes that can affect the proper functioning of the sewage works; except that such interceptors shall not be required for private living quarters or dwelling units.
  2. Dishwashers and all sinks used for food preparation within a full kitchen service shall discharge to a grease interceptor. Single service kitchens may utilize a grease trap. A single service kitchen is defined as a fast food establishment utilizing paper plates and disposable utensils where little or no grease is generated. No liquid wastes in excess of 140 degrees Fahrenheit shall be permitted.
  3. Floor drains shall be plumbed through an interceptor
  4. Grease traps shall be sized in accordance with the Uniform Plumbing Code, latest edition or as revised, or in accordance with the trap manufacturer's recommendations, whichever yield the trap of greater capacity.
  5. Grease interceptors shall be sized in accordance with the Uniform Plumbing Code, latest edition or as revised, Section 712, Appendix H, or as recommended by a registered civil engineer. No trap or interceptor shall be sized for a flow greater than fifty-five (55) gallons per minute, no less than twenty (20) gallons per minute.
  6. Each grease trap or interceptor shall be so installed and connected that it shall be at all times easily accessible for inspection, cleaning and removal of the intercepted grease. A grease interceptor may not be installed in any part of a building where food is handled. Location of the grease interceptor shall meet the approval of the District's Engineer.
  7. Plans of the installation and sufficient documentation to substantiate the size of the proposed grease trap or interceptor shall be submitted to and approval obtained from the District prior to the



installation of any grease trap/or interceptor, and use of the Sewer System. The District reserves the right to require sizing in excess of the Uniform Plumbing Code if in the opinion of the District the use warrants the additional capacity.

8. Nothing in the approval process contained herein shall constitute an endorsement of any brand, make or model of grease interceptor nor does the District warrant the effectiveness of any unit to comply with the provisions of this ordinance and the Uniform Plumbing Code.
9. The use of unapproved chemicals, bacteria, enzymes, and/or grease dissolving materials in grease traps is prohibited.

b. Industrial Type Grease and Oils:

1. Grease and oil interceptors shall be installed in all buildings or uses of property that are connected to the Sewer System where in the opinion of the District, they are necessary for the handling of liquid wastes containing grease, flammable wastes, sand, oil, solids, acid or alkaline substances from being introduced into the District Sewer System that can affect the proper functioning of sewage works; provided however, that such interceptors shall not be required for private living quarters or dwelling units.
2. Recreation vehicle dump stations shall install a sand and oil interceptor.
3. Vehicle wash stations shall install a sand and oil interceptor
4. All floor drains located in a vehicle service bay shall install a sand and oil interceptor installed
5. Sand and oil interceptors shall be sized, installed and maintained as directed by the District at the expense of the property owner, and shall be regularly serviced so as to maintain efficient operation at all times by periodic removal of the accumulated solid and liquid waste. The property owner shall keep appropriate records of all maintenance and shall provide such proof of maintenance as may from time to time be requested by the District.

**5.09.030 COMPLIANCE.**

All services requiring an interceptor or trap shall meet the requirements stated herein according to the following schedule:

- a. Upon sale of the premises,
- b. Upon modification resulting in a 10% or greater change in the sewage capacity rating.

If a service requiring grease interceptor or trap is determined to have significantly caused or threatened a blockage in any sewer line which results in or threatens to cause the escape of sewage from any sewage collection line, the owner of said service shall have a Registered Civil Engineer prepare a report on the case and method of correction of the problem within 10 days of written notice by the District, or within such further time period as the District may allow upon a showing by property owner that the corrective work is being diligently pursued.

Corrective measures as required by such a report shall be implemented by the owner within 60 days of the date of approval of said report by the District. The property owner shall be responsible for all costs of corrective work and also be paid such expenses and costs incurred by the District relating to its oversight and regulation of any such corrective work.

**5.09.040 AUTOMOTIVE AND BOAT REPAIR FACILITIES.**

All automotive/boat service bays and automotive repair shops must have floor drains connected to the sanitary sewer. All drains must go through an approved grease trap or approved oil separator prior to discharging in the District Sewer System. Oil-component wastes may contain no more than 20mg/l of oil.

**Article 5.10 DISTRICT RESPONSIBILITY.**

**5.10.010 DISTRICT RESPONSIBILITY.**

The District shall own, operate and maintain all sewer mains. The District will exercise reasonable diligence and care to provide continuous operation of its sewerage disposal facilities and to avoid, so far as practicable, curtailments or interruptions in such service. The District, its officers, agents or employees will not be liable either for interruption, shortage of curtailment or stoppage of sewer service to any property, or for any loss or damage occasioned thereby.

**5.10.020 DISTRICT'S RIGHT.**

In addition to any and all other rights that the District has to establish reasonable regulations and requirements pertaining to the use of the sewer system, and not as a limitation as to any such right, whenever it is necessary for the purpose of making repairs or performing any other work on the sewer system or to prevent damage to the sewer system, the District expressly reserves the right, to

temporarily suspend sewer service to any property, and it shall not be liable for any loss or damage occasioned thereby.

**5.10.030 DISTRICT RESPONSIBILITY LIMITED TO DISTRICT PROPERTY.**

The District will not be responsible for the maintenance and operation of any sewer line or facility that is not owned by the District and such lines or facilities will not be considered as part of the District's Sewer System. The District will not be responsible for sewer lines on private property except in an easement dedicated to and accepted by the District.

**5.10.040 DISTRICT REPAIRS.**

The District will repair physically damaged sewer laterals from the property line cleanout to the sewer main that are within the County and USFS rights-of-way only. The District will not be responsible for any portion of the sewer lateral on private roads or easements not in the name of the District.

**Article 5.11 PROPERTY OWNER'S RESPONSIBILITY.**

**5.11.010 OWNERS RESPONSIBILITY.**

Property Owners shall be responsible for the condition of the service laterals and lines that are not on District property or within public road rights of ways. All such service laterals and lines shall be maintained so as to allow for the unobstructed passage of sewage and in a condition so that the lines or laterals pass any testing and inspections required by the District. Cleanouts shall be maintained by the owner in a functional capacity and shall be kept free of obstructions and accessible.

**5.11.020 DISTRICT NOT RESPONSIBLE FOR BLOCKAGES.**

The District shall not be responsible for blockages in any part of the service lateral, unless the blockage is caused by a physical defect in the District's sewer line. The intrusion of roots and any blockage caused by roots from trees growing on the customer's property ***will not*** be the responsibility of the District and will be the responsibility of the owner.

**Article 5.12 PROHIBITIONS.**

**5.12.010 GENERAL.**

In order to protect the Sewer System and the public health, safety and general welfare, the District may prohibit or place restrictions on the quantity and quality of all materials and waste discharged into the Sewer System.

**5.12.020 PROHIBITED DISCHARGES.**

No person shall discharge or cause to be discharged into the public sewer the following:

- a. Any liquid or vapor having a temperature higher than one hundred forty (140) degrees Fahrenheit.
- b. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures below 60 degrees F.
- c. Any garbage from a residential unit that has not been properly shredded. Garbage is prohibited from a commercial property
- d. Any water containing synthetic detergents in excessive quantity.
- e. Any water or wastes containing excessive suspended solids or excessive dissolved solids.
- f. Any noxious or malodorous gas or substance capable of creating a public nuisance.
- g. Any water or wastes containing acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- h. Any water or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement.
- i. Any waste water, containing cyanides in excess of two milligrams per liter (2ml/l).
- j. Any water or wastes containing phenols or other taste or odor producing substances in high concentrations.
- k. Any radioactive wastes or isotopes.
- l. Any water or wastes having pH in excess of 9.5.
- m. Any wastewater flow or concentration of wastes constituting “slug” as defined herein.

- n. Any wastewater with an excessive BOD or chemical oxygen demand.
- o. Any substance prohibited by Proposition 65, California Constitutional Amendment.
- p. Any water or wastes which contain substances or possess characteristics which, in the judgment of the General District, may have a deleterious effect upon the sewage treatment works or collection system.
- q. The use of diluting waters to meet the requirement standards of discharge of waste is prohibited.
- r. Any other waste or material that is determined by the District to be harmful to the Sewer System.

**5.12.030 APPLICATION.**

If any water or wastes are proposed to be discharged to the public sewers, the District reserves the right to:

- a. Reject the wastes, or
- b. Require pretreatment to an acceptable condition for discharge to the public sewers, or
- c. Require control over the quantities and rates of discharge, and/or
- d. Require payment to cover the added cost of handling the wastes not covered by charges under the provisions of the Ordinance.

**Article 5.13 CONDUCT.**

**5.13.010 UNLAWFUL CONDUCT.**

It shall be unlawful and shall constitute a public nuisance to discharge any waste or other material into the District's sewer system or any private sewer line or lateral connection thereto, except in strict compliance with the provisions of this ordinance and any regulations or requirements as may be imposed as a condition to the use of the sewer system and/or any connection permit. The District may order the immediate discontinuance of the use of the sewer system as to any property which discharges waste or other materials into the sewer system in violation of the provisions of this ordinance or otherwise damages the sewer system.

**Article 5.14 VIOLATIONS.**

**5.14.010 VIOLATION AS INFRACTION.**

Violations of the provisions of this Chapter shall constitute an infraction. Each day in which any such violation shall continue shall be deemed a separate offense.

**5.14.020 CIVIL LIABILITY FOR VIOLATIONS.**

Any person violating any of the provisions of this Chapter shall be liable to the District for any expense, loss, or damage occasioned the District by reason of such violation.

**Article 5.15 APPEALS.**

**5.15.010 APPEALS OF DISTRICT ACTIONS.**

Any property owner may appeal actions, decisions or interpretations by the District of this Ordinance that adversely affect the property owner, in accordance with provisions of this Section.

**5.15.020 APPEAL PROCEDURES.**

- a. A written Notice of Appeal shall be initiated and delivered to the District within thirty (30) days of the action, decision or interpretation of this Ordinance that adversely affects the property owner. The Notice of Appeal shall be filed on the form prepared by the District, provided however, in the event that no form has been prepared by the District, the Notice of Appeal shall describe the action, decision or interpretation for which the appeal is being filed including times, dates and persons involved, and the contentions of the person filing the appeal.
- b. The District or in the absence of a, the administrative staff shall review the Notice of Appeal and shall issue, in writing, a determination to approve or deny the appeal within thirty (30) working days. If denied, the all specify the reasons for denial.
- c. The person filing the appeal may request, in writing, within twenty (20) days of the date of the determination or by administrative decision of the District staff, a hearing with the Board.
- d. Upon receipt of such a request a hearing shall be set at a regular meeting of the Board of Directors within 45 days of receipt of the request. The

time for the hearing may be extended for good cause or based on the operational needs of the District.

- e. The Board shall conduct a hearing on the appeal. The appellant shall have thirty minutes in which to present his or her appeal to the Board. The appellant shall be entitled to submit any evidence, document, or other written material that is relevant to the appeal. District staff shall have a right to review and to respond to all documents or other material submitted by the appellant.
- f. The Board shall render a decision in writing at the next regular meeting following the hearing. Said decision shall contain findings of fact and determination of the issues and shall provide notice to the appellant that the time within which judicial reviews must be sought is governed by Section 1094.5 of the Code of Civil Procedure

**Article 5.16 PROCEDURES FOR RELINQUISHMENT OR ACQUISITION OF UNUSED OR EXCESS SEWER CAPACITY.**

**5.16.010 RELINQUISHMENT PROCEDURES.**

- a. Notification: Any property owner who has unused or excess sewer capacity rights may submit a written notification to the District offering to surrender such rights back to the District or, through the District, to other property owners within the District. Any lenders having a secured interest in the property shall consent to the surrender in writing. The notice shall be on a form provided by the District and shall be notarized. Subject to the provisions of this Ordinance and such requirements as may from time to time be established by the District's Board of Directors, the relinquishment of unused or excess sewer capacity shall be authorized by a priority established by the District's General Manager with board approval based on the date of the filing of the notifications. The District reserves the right to establish a fee for the filing and processing of any such notifications. No surrender of sewer capacity shall occur if in the judgment of the District, it would leave the property without adequate sewer capacity to support the development authorized for the property under the zoning designation established by the County for the property. Nothing herein shall be construed as obligating the District to acquire any unused or excess sewer capacity.
- b. Revocation: Once filed, the notice may only be revoked by giving written notice to the District. Any such revocation notice shall not be effective until the day after it is received by the District at the District's office. A revocation notice shall not be effective if the District has previously authorized transfer of that EDU to another property owner prior to the

effective date of the attempted revocation (the day following the actual receipt of the notice by the District).

- c. Assessments: Unused or excess sewer capacity may not be surrendered/relinquished if there is an outstanding sewer assessment against the property that is seeking to surrender the sewer capacity. Sewer assessments shall be identified and addressed as follows:
  1. Upon receipt of a request to surrender unused sewer capacity (EDUs), the District General Manager shall make such inquiries as necessary to determine the present status, including the outstanding balance of the property's obligation, for any sewer assessment bonds secured by the relinquishing property.
  2. No surrender of EDUs shall be permitted if there are any unpaid assessment liens on the relinquishing property for the EDUs offered for surrender. The property owner requesting the surrender may remove an assessment by complying with the relevant provisions of Streets and Highways Code sections 8766 and 8766.5. The relinquishing property shall remain liable for all assessment payments for EDUs which remain with and are secured by the property.
  3. Relinquishing property owners will be liable for all assessment payments and sewer service fees imposed by the District, including without limitation, fees for ongoing sewer service, operations and maintenance charges or supplemental assessment, until surrender is completed and the capacity is transferred to another property within the District. At the time of the surrender, any fees for the current year shall be prorated through the month of delivery with the entirety of the month favoring the relinquishing property.

#### **5.16.020 ACQUISITION PROCEDURES.**

Any property owner who desires to acquire sewer capacity rights may submit a written application to the District offering to acquire such rights. Such application shall be on a form provided by the District and shall be notarized. The application fee as established by resolution by the Board of Directors of the District shall accompany the application. If the District holds any unallocated EDUs, (whether from a relinquishment or otherwise) they shall be assigned prior to allowing EDUs to be surrendered from another property. If no EDUs are available for a requesting party, the District shall hold any application requesting EDUs for two years from the date that it was filed with the District. As EDUs become available, they may be assigned based on the date of the valid applications filed (including payment of applicable application fees) with the



District with the earlier in time having priority over subsequently filed applications. In the event that applications are filed on the same date, the District shall establish priority based on the time of the application. In the event that there are multiple applications on file at the time that EDUs become available, the District shall limit allocation to no more than one EDU per applicant if there are insufficient EDUs to fulfill all requests.

To remain in effect, an application must be renewed every two (2) years, together with any renewal fees that may be established by the District Board. If an application is renewed prior to the expiration date, the applicant shall maintain his/her place in line for a future acquisition. The application is transferable if requested in writing to the District by a subsequent purchaser of the acquiring property without losing the original applicant's priority position. Before a property owner can acquire EDUs, the acquiring property must be zoned by the County of Lassen to reflect the development which would be consistent with that number of EDUs for that property after acquisition.

#### **5.16.030 GENERAL PROCEDURES.**

All applications to acquire EDUs must be approved by the District Engineer or his or her designee, to determine adequate capacity in the sewer mains and laterals. No surrender shall be approved if the relinquishing property would become undevelopable by virtue of the lack of available sewer service. Properties that were previously designated for sewer service will not be deemed to be developable based on use of septic systems. The District reserves the sole discretion to determine if surrender of capacity will leave a property without adequate sewer capacity based on the intensity of development permitted for the property under the applicable zoning regulations. All relinquishments and/or acquisitions shall be in compliance with District ordinances, policies and procedures. Relinquishments and acquisitions shall be evidenced by the adoption of a resolution identifying the properties relinquishing and/or acquiring the EDUs and the number of EDUs being relinquished or acquired which resolution shall be recorded in the official records of the County of Lassen as a document affecting an interest in real property and to provide constructive notice of the sewer capacity allocated to the involved properties.

#### **5.16.040 EDU COSTS.**

In order to acquire any sewer capacity the acquiring property owner shall pay to the District the actual and direct costs of the EDU as originally assessed to the relinquishing property owner together with such interest as would have accrued thereon from the date of the original assessment, plus any administrative fees set by the District Board and reimbursement to the District of any expenses incurred by the District for the services of the District Engineer, District Counsel or other expenses. When payment is made to the District by the acquiring property owner,

the District shall thereafter distribute the cost of the sewer assessment to the relinquishing property owner, plus the applicable interest, to the relinquishing property owner as reimbursement for the surrender of the unused sewer capacity.

**5.16.050 CONNECTION COSTS AND EASEMENTS.**

A property owner acquiring EDUs shall be fully liable for all sewer connection or pipeline installation costs and any other charges or expenses incurred by the District. The District reserves the sole discretion to determine if a property can feasibly be connected to the sewer system. If any easements are required in order to connect the acquiring property to the sewer system, the property owner proposing to acquire the sewer capacity shall be responsible for obtaining the necessary easements which shall be in the form of a deed easement in favor of the District. The acquiring property owner shall pay whatever costs are required for those easements, including, but not limited to, surveying costs, District staff costs and any attorneys' fees associated with obtaining the easements. The easements shall be in the name of the District and the legal description of the easements shall be reviewed and approved by the District's engineer and shall be on an Easement Deed in a form approved by District's Counsel.

**5.16.070 SERVICE OUTSIDE OF DISTRICT BOUNDARIES.**

If a property owner desires sewer service for property located outside District boundaries, the property owner shall be required to annex that property to the District through the Lassen County Local Agency Formation Commission (LAFCO) prior to granting of sewer capacity to the property. The applicant shall be responsible for the processing and payment of all fees charged by LAFCO. District charges for its participation in the annexation process are separate from and in addition to the LAFCO charges. An application for sewer service shall not be accepted by the District unless the property is within the District.

**EXHIBIT E**  
**INSTALLATION REQUIREMENTS**

**1. Building Sewer Lines**

**Pipe** 4" SCH 40 ABS DWV, PVC DWV or SDR 17 HDPE.  
Fittings and service cleanouts are to be of the same type, class, and grade of material as the pipe.

Slope will be at least ¼" per foot or 2%. Use a minimum of bends and fittings. Use no bends greater than 40 degree unless approved by the District.

Check for water tightness of pipe joints by blocking the low end and installing an elbow and 5 foot high stand pipe at the high end of the pipe. Fill with water and let stand 24 hours. A ¼" drop in 24 hours is acceptable.

**Trace Wire** Install 12 gauge solid-core trace wires, green, from the cleanout to the tank riser, wrapping around each twice. Connect to clean out at ground level. Secure to pipe also every 20' and at all bends.

**Clean-Outs** A cleanout is required within 5 feet of the septic tank outlet and for each 135 degrees of accumulated horizontal joint deflection and 100 feet of line. Caps should be installed slightly above finish grade.

**Backfill** Call for an inspection of the gravity line prior to backfilling. Thoroughly compact bedding and backfill material under and around service piping connection to septic tank so as to prevent differential settling and leakage into or out of connection

Provide 4" pipe bedding of ¾" minimum crushed rock, pea gravel, or sand, free of sticks, stones, or other debris. Install piping and provide a minimum of 12 inches of pipe bedding material as pipe zone material around and above pipe.

In improved areas, such as driveways, above the pipe zone, use ¾" crushed rock and compacted to 95% of maximum dry density. Compacted native material may be used in unimproved areas, such as lawns

## 2. Septic Tanks

For inspection of house line leave trench uncovered and call Allen Jones, Lassen County Environmental Health phone number 530-251-8528.

### Approved Tanks

As of September 5, 2006, the following septic tanks have been approved for installation within the Spalding Community Services District.

#### Concrete Tanks

Cook Concrete, Redding  
Allan Gill Construction, Milville  
JOMO Concrete, Janesville  
Jensen Precast, Orland and Reno

#### Poly Tanks

Fralo Poly Tanks  
Snyder Industries Septic Tank  
Snyder Industries Septic Tank, Low Profile Tank  
Norwesco Polyethylene Septic Tank

**Size** Size, as determined by the District. Commercial tanks will be determined by the District's engineer. The minimum tank size shall be 1000 gallon capacity. Septic tanks buried 3' or deeper or subject to traffic loading may require certification for loading conditions.

**Tank** Use 4" of well-compacted sand, pea gravel or ¾" minus rock under the tank, as bedding material. Smooth and compact the bedding material to create a level pad with a tolerance ¼" in 20'. If native soil is not suitable for tank support, the District may require over-excavation and more sand or pea gravel. Call for inspection prior to setting tank. The inspector will inspect the tank cavity, and should be present for the placing of the tank.

Around and under external piping, use compacted ¾" minus rock.

Compact the backfill over and around tank to a minimum of 85% maximum dry density.

Tank watertight test: Septic tank inlet and outlet pipes are plugged and the tank filled with clean water to the top. Twenty-four hours later the water level is to be inspected. The tank is either certified

for use if the drop in water level is less than ¼” from the top or, if the tank does not hold water, the owner will be required to replace the tank and a subsequent inspection will be made as indicated above after a new tank is installed.

**Access Riser** Orenco, Roseburg, 541-67300165, 24” diameter or NDS24-RIS Round Rise 24” TUF TITE 6” tall Riser and NDS 24-RISL Domed Lid 24’ TUF TITE available from J.D. Woods, Susanville.

**Riser** Install with lids 1-3" above the surrounding surface.

**Installation** Bond with silicone or two-part epoxy from Orenco, cured 24 hours before backfilling. Call for inspection prior to backfilling.

Lids to match riser size, installed with gasket and stainless steel screws or hex bolts.

**Effluent** Effluent Filter shall be installed inside the outlet end of sanitary tee of the septic tank. The filter shall be Orenco Biotube Effluent Filter # FT 0444-36, TUF-TITE EF-4 or EF-6 or equal.

### 3. **Sewer Service Lines**

**Pipe** 1-1/2" or 2" SCH 40 PVC or SDR 17 HDPE. Fittings and service cleanouts are to be of the same type, class, and grade of material as the pipe.

Slope will be at least 1/8" per foot. Use a minimum of bends and fittings. Use no bends greater than 45 degree bend unless approved by the District. Avoid 180 degree bends!

Check for water tightness of pipe joints by blocking the low end and installing an elbow and 5 foot high stand pipe at the high end of the pipe. Fill with water and let stand for 24 hours. A ¼” drop in 24 hours is acceptable.

**Trace Wire** Install 12 gauge solid-core trace wires, green, from the cleanout to the tank riser, wrapping around each twice. Connect to cleanout at ground level. Secure to pipe also every 20' and at all bends.

**Clean-Outs** A cleanout is required within 5 feet of the septic tank outlet and for each 135 degrees of accumulated horizontal joint deflection and 100 feet of line. Caps should be installed slightly below grade.

**Backfill** Call for an inspection of the gravity line prior to backfilling.

Thoroughly compact bedding and backfill material under and around service piping connection to septic tank so as to prevent differential settling and leakage into or out of connection.

Provide 4" pipe bedding of sand, pea gravel, or sand, free of sticks, stones, or other debris. Install piping and provide a minimum of 12 inches of pipe bedding material as pipe zone material around and above pipe.

In improved areas, such as driveways, above the pipe zone, use compacted to 95% of maximum dry density. Compacted native material may be used in unimproved areas, such as lawns.

Minimum cover is 30 inches unless authorized by the District.

#### **4. General**

Installations near existing waterlines and wells must meet the following:

##### **Near Domestic Water**

Parallel with water lines: A gravity sewer line shall not be placed within one foot horizontally of a domestic water line.

Pressure sewer lines from pumped septic tanks shall not be placed within 10 feet horizontally of a domestic water line unless it is placed inside a larger diameter SCH 80 PVC or DR 9.0 HDPE sleeve.

Crossing a water line: A minimum of 4 inches of vertical separation must be maintained above or below the water line at the sewer crossing. If the gravity sewer line crosses above, or within one foot below the water line, the sewer line must be sleeved inside a larger diameter Schedule 80 PVC or DR 9.0 HDPE sewer pipe for a minimum of 4 feet horizontally on each side of the water line.

Pressure sewer lines from pumped septic tanks shall not cross above any water line and must cross at least one foot below all water lines.

##### **Near Wells**

Tank must be a minimum of 50 feet from an encased well. Schedule 40 PVC or HDPE sewer pipe is to be sleeved inside a larger diameter Schedule 40 PVC or HDPE sewer pipe when within 25 feet horizontally of a well.

##### **Sewer Lines Near Property Lines**

Sewer lines shall be installed at least one foot horizontally away any property lines.

**Tanks Near Property Lines**

Tanks shall be installed at least five feet horizontally away any property lines.

**Sewer Lines Near Buildings**

Sewer lines shall be installed at least two feet horizontally away from any building.

**Existing Leach Fields**

Existing leach fields shall be permanently abandoned after connecting to the community sewer system. A final inspection and certification will be performed to verify that all leach lines have been disconnected and abandoned with at least ten (10) feet of separation between the septic tank and the abandoned leach line.

**CHAPTER 6.**  
**FIRE DEPARTMENT RULES AND REGULATIONS**

**Article 6.01 FEES FOR FIRE DEPARTMENT SERVICES**

**6.01.010 FINDINGS AND INTENT IN ESTABLISHING FEES**

The Board finds and determines that:

- a. The Spalding Community Services District operates a fire department that provides timely and efficient services to District residents and visitors;
- b. The fire department responds calls for service, including but not limited to, car fires, motor vehicle accidents, structure fires, and rescues;
- c. The volume of calls for service continues to grow;
- d. Because of no increase in funding from the fire assessment since 1985 and the continued rise in the cost of operating the Department, a significant drain on finances of the District has occurred, and it could jeopardize the District's ability to continue to operate a fire department;
- e. Operating a fire department, with modern equipment and sufficient numbers of trained professional personnel, is essential for the protection of the public health, safety, and welfare of District residents and visitors;
- f. Cost recovery for fire department service calls is essential for the continued operation of the fire department as a modern, professional, and first-class public safety operation, which ultimately reduces the costs to motorists, property owners, members of the general public, and their insurers, by minimizing personal injury and property damage through fast and capable responses to accidents, fires, rescues, and other incidents;
- g. District residents support the provision of fire department services through payment of real property assessments;
- h. In recognition of the foregoing, and to promote the public health, safety, and welfare, this ordinance authorizes the establishment of fees for recovery of costs for fire department services. Since District residents already partially support the provision of fire department services through payment of taxes, the cost recovery fees shall only apply to persons not residing in the District.



**6.01.20****FEES FOR RECOVERY OF FIRE DEPARTMENT COSTS**

- a. Fees are hereby authorized and shall be established to recover the cost of services provided by the Spalding Community Services District fire department in responding to the scene of any incident. The amount of a recovery for specified fire services shall be set by the District Fee Resolution, shall be based on the type and amount of services provided, and shall not exceed the recovery of the actual cost of personnel, supplies, and equipment present or used at the scene. The cost recovery fees may include an administrative charge in an amount set by resolution of the Board. The cost recovery fees shall only apply to persons not residing within the District and who are at fault for, or created, the incident;
- b. In order to administer and implement the provisions of this chapter, the District General Manager is authorized to adopt written rules and regulations that are consistent with the provisions of this section, including those related to billing, collection, and billing dispute resolution;
- c. This section shall not apply to response costs covered by California Vehicle Code Section 53150.

**6.01.30****SEVERABILITY**

If any of the provisions of this Article or the application thereof to any person or circumstance is held invalid, the remainder of the Article, including the application of such part or provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Article are severable.

## **Chapter 6.02 WEEDS, RUBBISH AND DEBRIS ABATEMENT**

### **6.02.010 Authority, Intent and Purpose.**

This chapter is adopted pursuant to Health and Safety Code sections 14875 through 14922. Pursuant to the authority of Government Code Section 61100 (t), the Board finds and declares that it is necessary to establish a procedure for the requiring of and providing for the removal of weeds, rubbish and debris from sidewalks, parking areas or streets, and from private property, and to provide for the cost of removal collected per Government Code 61115 and per Health and Safety Codes 14915 – 14922.

### **6.02.020 Definitions.**

As used in this chapter:

“Debris” means plant matter, paper, waste matter, litter, trash, refuse, rubbish and any other substance (particularly which, under dry conditions, creates a fire hazard).

“Rubbish” Includes wastepaper, cardboard, rags, household ashes, lawn clippings, wearing apparel, household goods, wooden containers, and all worthless, useless, unused, rejected, and castoff matter produced by and as a result of human habitation and the transaction of business within the district.

“Weeds” means and includes the following plants growing upon streets or private property within the district:

- A. Plants which, when mature, bear downy or winged seeds;
- B. Sagebrush, chaparral and any other brush plant that attains such large growth as to create a fire hazard to adjacent improved property;
- C. Plants that are noxious or dangerous; and
- D. Dry grass, stubble, brush, litter or other flammable material that endangers public safety by creating a fire hazard (Per Cal Fire Defensible Space requirements).

### **6.02.030 Weeds, rubbish and debris prohibited.**

It shall be the duty of every owner of property located in the district to remove or destroy, or cause the removal or destruction of, weeds, rubbish and debris accumulating on the owner's property. It shall be unlawful for an owner of property located within the district to cause or permit such accumulations of weeds, rubbish or debris to remain on the property.

**6.02.040 Declaration of Public Nuisance.**

In accordance with Health and Safety Code sections 14876 through 14884, the board may adopt a resolution identifying weeds, rubbish and debris accumulating on any property and declaring the weeds, rubbish and debris to constitute a public nuisance (the "resolution"). The resolution shall identify the properties upon which the nuisances are located, by reference to the tract, lot and parcel number of each property as used in the records of the Lassen County assessor.

**6.02.050 Notice to Remove or Destroy Weeds or Debris.**

For properties on which are located accumulations of weeds, rubbish and debris identified as public nuisances in the resolution, the general manager shall notify the property owners of their obligations to remove or destroy the weeds, rubbish and debris.

A. Notice to the affected property owners shall be prepared on district letterhead and entitled, "NOTICE TO REMOVE OR DESTROY WEEDS, RUBBISH AND DEBRIS" in words not less than one inch (1") in height, and the notice shall read substantially as follows:

*NOTICE TO REMOVE OR DESTROY  
WEEDS, RUBBISH AND DEBRIS*

*Notice is hereby given that on the \_\_\_ day of \_\_\_\_\_, 20\_, the Board of Directors of the Spalding Community Services District adopted Resolution No. \_\_\_, a resolution declaring that noxious or dangerous weeds, rubbish and/or debris were accumulating on property on or nearest to \_\_\_\_\_[Name of street] in the District, which property is more particularly described in the resolution, and that the weeds and/or debris constitute a public nuisance which must be abated by removal or destruction of the weeds, rubbish and/or debris. Resolution No. \_\_\_ further provides that if the weeds and/or debris are not so abated, they will be removed or destroyed by the District, in which case the cost of removal or destruction shall be assessed upon the property on which the weeds, rubbish and/or debris are located, and such cost will constitute a lien upon the property until paid. For further details, please refer to Resolution No. \_\_\_, copies of which are available during regular business hours from the District office at the address listed above.*

*All property owners having objections to the proposed removal or destruction of the weeds, rubbish and/or debris described above are hereby notified to attend a Public Hearing of the Board of Directors of the Spalding Community Services District, to be held at \_\_\_p.m. on \_\_\_\_\_, 20\_, at 502-907 Mahogany Way, Susanville, California, at which time any objections will be heard and considered.*

*Dated this \_\_\_ day of \_\_\_\_\_, 20\_.*

\_\_\_\_\_  
*[Name of General Manager]  
General Manager  
Spalding Community Services District*

**B.** At least ten (10) days before the date of the hearing described in the notice, the general manager shall post the notice conspicuously in front of the properties on which the declared public nuisances are located, or on the portions of the properties nearest to the street most likely to give actual notice to the properties' owners. The notices shall be posted not more than one hundred feet (100') apart, but at least one notice shall be posted on each property identified in the resolution.

**C.** The general manager shall cause the notice to be published once in a newspaper of general circulation in the district not less than ten (10) days before the date of the hearing described in the notice.

**D.** As an alternative to posting and publishing the notice pursuant to subsections B and C of this section, the general manager may mail the notice to the owners of the properties identified in the resolution, as the owners' names and addresses appear on Lassen County's latest equalized assessment roll, at least fifteen (15) days before the date of the hearing described in the notice.

#### **6.02.060 Hearing and Abatement Order.**

**A.** At the time and date specified in the notice, the board shall conduct a public hearing to hear and consider all objections (if any) to the proposed removal or destruction of weeds, rubbish and debris identified in the resolution. The board shall allow or overrule each objection, if any. The board's decisions regarding the objections are final.

**B.** After the board disposes of objections received by the board, or if no objections are received, the board shall order the general manager to proceed with abatement of the public nuisances identified in the resolution in accordance with this chapter.

#### **6.02.070 Abatement of Public Nuisance.**

**A.** If the person (or persons) owning a property identified in the resolution fails or refuses to remove or destroy weeds and/or debris on the property in accordance with the provisions of this chapter within ten (10) calendar days after the public hearing at which the board issued an abatement order pursuant to subsection [6.02.060B](#) of this chapter, the general manager shall remove or destroy the weeds and/or debris in accordance with this section.

**B.** When the "weeds", as defined in section [6.02.020](#) of this code, are not in plain view of the general manager or his designee from a place that he lawfully has the right to be, the general manager shall request the consent of the person or persons owning, occupying, leasing, managing or controlling the property before entering the property for purposes of inspection and abatement under this chapter. If consent is refused and if the persons owning, occupying,

leasing, managing or controlling the property have a reasonable expectation of the privacy for the area where the district seeks to enter, the general manager shall apply for an inspection/abatement warrant, as defined in Code of Civil Procedure section 1822.50, to enter the property for inspection and abatement purposes, and entry onto the property shall be made only pursuant to an inspection warrant applied for, issued and executed in accordance with Code of Civil Procedure sections 1822.51 through 1822.59. A warrant may authorize district employees access to property only to do one or more of the following:

1. Inspect to determine the presence of public nuisances that the district has the authority to abate.
2. Abate public nuisances, either directly or by giving notice to the property owner to abate the public nuisance.
3. Determine if a notice to abate a public nuisance has been complied with.

If the person owning, occupying, leasing, managing or controlling the property has no reasonable expectation of privacy, employees of the district may enter the property without an abatement warrant for any of the reasons stated directly above.

**C.** It shall be unlawful for any person to interfere with, hinder or refuse to allow the general manager's entry onto a property to abate public nuisances pursuant to this section.

**D.** Any person or persons owning, occupying, leasing, managing or controlling property identified in the resolution shall have the right to remove or destroy weeds, rubbish and debris on their property, at their own expense, at any time before arrival of the general manager for entry onto the property pursuant to this section; provided, however, that the costs of the district to enforce the abatement upon the subject property, including investigation, boundary determinations, measurement, clerical and other related costs, may be imposed as a special assessment and lien on such property pursuant to a resolution of the board adopted pursuant to the provisions of section [06.02.080](#) of this chapter.

**6.02.080 Abatement Costs.**

In any case in which the board issues an abatement order pursuant to subsection [6.02.060B](#) of this chapter, the board may adopt a resolution ordering that a special assessment and lien be imposed on the property which the public nuisance is located in accordance with the following procedures:

**A.** When enforcing the abatement of, or abating, a public nuisance pursuant to this chapter, the general manager shall keep a written account of the enforcement and abatement costs incurred for each property identified in the resolution, which may include costs incurred by the district for investigations, boundary determinations, measurement, abatement, and clerical work related to abatement of the public nuisance. Based on these accounts, the general manager shall prepare a written report stating the enforcement and abatement costs

incurred for each property. A statement shall be sent to each owner outlining the expenses incurred and the amount to pay to the District for the abatement.

**B.** Before the general manager's report is presented to the board, a copy of the report shall be posted outside the board's meeting room for at least three (3) days before the meeting at which the board will consider the report, along with a notice of the time and date of the meeting. Copies of the report and the notice also shall be mailed to the owner of each property identified in the report, using the owner's name and address as it appears on Lassen County's latest equalized assessment roll, at least fifteen (15) days before the meeting. At the meeting, the board shall consider the report, along with any objections by owners of property identified in the report as subject to assessment for enforcement and abatement costs. After making any necessary modifications to the general manager's report, the board shall confirm the report by resolution.

**C.** Upon confirmation of the general manager's report by the board, the district shall submit certified copies of the general manager's report and the board's resolution confirming the report to the Lassen County recorder's office for recordation. On or before the next August 10 following the board's confirmation of the general manager's report, the district also shall file copies of the general manager's report and the board's resolution confirming the report with the Lassen County auditor for entry of the assessments onto the Lassen County tax roll.

**D.** The amounts of the enforcement and abatement costs assessed to each property identified in the general manager's report shall constitute special assessments against the respective properties and create liens on the properties for those amounts. The special assessments shall be collected at the same time and in the same manner as property taxes of Lassen County, and delinquent amounts are subject to the same penalties and foreclosure sale procedures as are county property taxes.

#### **6.02.090 Penalty for violation.**

Any person violating any of the provisions of this chapter shall be guilty of an infraction.

#### **6.02.100 Removal method.**

The methods of removing weeds, vines, shrubs, brush and/or debris from property as provided in this chapter shall not be an exclusive method, but shall be an alternative method, and such weeds, vines, shrubs, brush and/or debris may be removed from such property pursuant to the provisions of any law of the state or of any ordinance of the District applicable thereto.

**6.02.110 Cancellation or Refund of Assessments.**

Any portion of a special assessment, penalty or cost imposed pursuant to section [3-5-8](#) of this chapter shall be canceled or refunded upon order of the board if imposed improperly, erroneously or illegally, within the meaning of Health and Safety Code section 14920. For assessments that already have been paid, refunds shall be given upon order of the board, provided that the recipient has filed a verified claim with the board within three (3) years after making the payment for which a refund is sought.

**6.02.120 Inconsistent Provisions.**

To the extent that the provisions of this chapter may be inconsistent or in conflict with the terms and conditions of any prior district ordinance, resolution, rule or regulation governing the same subject, the provisions of this chapter shall prevail with respect to the subject matter thereof, and such inconsistent or conflicting terms or conditions of prior ordinances, resolutions, rules or regulations are hereby repealed.

## **Chapter 6.03 BURN PERMIT REQUIRED**

### **6.03.010 Authority, Intent and Purpose.**

This chapter is adopted pursuant to California Government Code Section 61100 (d), which incorporates the provisions of Health & Safety Code Section 13874. Pursuant to said authority, the Board finds and declares that it is necessary to establish a procedure for the requiring of burn permits for all fires and burning of any material outdoors in the District from July 1 through September 30 of each year.

### **6.03.020 Definitions.**

As used in this chapter:

“Combustion” The act or process of burning in the outdoors

“Fires” Combustion of any material causing heat, light and smoke

“Permit” A written order giving permission to have an outdoor fire and duly issued by the Fire Chief (or General Manager of the District) or other officer or employee of the District, which sets forth terms and conditions for any such outdoor burning.

“Undeveloped Camping Property” such property located within the District whereby no permanent residential or commercial structure is located, but is capable of housing a camp trailer or similar moveable camping structure.

### **6.03.030 Open fires prohibited without permit.**

It shall be unlawful for any person to cause or create any outdoor burning or fire on residential or undeveloped camping property within the Spalding District from July 1 through October 1 of each year without a permit. Warming fires and or cooking fires are prohibited without a permit. No permit will be issued if there is no permanent water source installed on the property.

### **6.03.040 Permit issued by the District and Fire Chief.**

Any permits issued between July 1 – September 30 will be issued by District Employees or the Fire Chief.

### **6.03.050 Penalty for violation.**

Any person violating any of the provisions of this chapter shall be guilty of an infraction.