

AN ORDINANCE OF THE SAN SIMEON ACRES COMMUNITY SERVICES DISTRICT ESTABLISHING SERVICE CHARGES AND OTHER RULES AND REGULATIONS FOR WATER SERVICE WITHIN THE DISTRICT.

BE IT ORDAINED by the Board of Directors of the San Simeon Acres Community Services District as follows:

SECTION I. WATER RATES AND CHARGES

The rates, fees and charges specified in Exhibit "A", attached hereto and by this reference incorporated herein and made a part hereof, shall be imposed and collected for monthly water service furnished by the District effective February 15, 1986. Any other structure, business or private activities, or other user of water not covered herein, or any modification or changes in the rates, fees and charges specified herein, may be set by the Board of Directors of the San Simeon Acres Community Services District as authorized by law.

SECTION II. MODIFICATION OF CHARGES

The Board on its own motion, or the owner or occupant of any premises may request review of these charges for inequities or special circumstances as applied to his particular premises, and said charges may be raised or lowered in accordance with the Board's findings. Owners and occupants of the premises shall be given notice in writing of the time and place set for the consideration of the charges to his property, at least three days before the time set, and he may be heard at said meeting thereon.

SECTION III. PAYMENT OF CHARGES AND DELINQUENT PENALTIES

Water charges shall be billed monthly with and at the same time as sewer charges and shall be paid concurrently. Charges therefor which are unpaid on the 25th day of the month following said billing are delinquent.

Pursuant to Government Code Section 61621, delinquent bills shall be assessed a basis penalty of 10% for nonpayment of the sewer and water charges, plus a penalty of one-half of 1% per month for nonpayment of the delinquent sewer and water charges and basic penalty, until paid in full.

All monies received on either water or sewer charges shall be applied to sewer charges first. Water service may be disconnected when payment is delinquent as herein set forth. Before any such service may be re-established after disconnection, the bill must have been paid in full, including all penalties, plus a reconnection charge of \$100.00.

SECTION IV. LIEN PROCEDURE

Pursuant to Government Code Section 61621, should any charges for water, sewer, or penalties, or either, remain unpaid, the amount of the unpaid charges and penalties may, in the discretion of the Board, be secured at any time by filing for record in the Office of the County Recorder of any County, a certificate specifying the amount of such charges and the name and address of the person liable therefor.

From the time of recordation of the Certificate, the amount required to be paid together with interest and penalty shall constitute a lien upon all real property in the County owned by the person or afterwards, and before the lien expires, acquired by him or her. The lien shall have 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.

The Board may provide for the collection of sewer and water charges, plus penalties, in any manner it deems fit; and the remedies for their collection and enforcement are cumulative and may be pursued alternatively or consecutively as the Board determines.

SECTION V. COLLECTION ON TAX ROLLS

Pursuant to Government Code Section 61621.2, the Board may elect to have any, or all, rates or charges for any purposes, or any delinquencies in those rates or charges, collected on the tax roll in any forthcoming fiscal year in the same manner, by the same persons, and at the time as, together with and not separately from, its general taxes in the manner prescribed in Section 61765.2 to 61765.6 inclusive . . . In that event, the Board shall cause a written report to be prepared and filed by the secretary, which report shall contain a description of each parcel of real property and the amount of the rates or charges for any purposes, or the amount of any delinquencies in any of those rates or charges, for each parcel for the year.

SECTION VI. PUBLIC NUISANCE

In cases of disconnection of service to any premises inhabited by human beings, such inhabitation shall constitute a public nuisance. The Board shall commence proceedings for the abatement of the nuisance during the period of disconnection. As a condition of reconnection costs of suit and attorney's fees incurred by the District shall also be repaid to the District.

SECTION VII. INSPECTION; REPAIRS AND MAINTENANCE

The employees, agents or authorized representatives of the Board are hereby authorized to come upon any of the real property of the District for the purpose of inspection thereof during reasonable daylight hours and at all times for emergency repairs or maintenance and any interference therewith shall be deemed a violation.

SECTION VIII. DISCHARGE REQUIREMENTS

No person shall discharge, or cause to be discharged, into the collection system of the sewer treatment facility operated by the District any water or waste having in excess of 100 parts per million by weight of fat, oil or grease, nor any gasoline, benzine, maptha, fuel oil or other flammable or explosive liquid, solid or gas, or any ashes, cinders, or other like material that would block the normal and natural flow, nor any water of a PH factor lower than 5.50 or higher than 9.00 or any material having corrosive properties capable of being destructive to the collection system, nor any toxic or poisonous material which would interfere with the sewerage treatment operation, nor shall any person discharge, or cause to be discharged, into said system any suspended solids which would involve unusual expense to the maintenance of said system, nor any noxious or malodorous materials which would constitute a public nuisance.

Grease, oil and sand interceptors shall be installed when necessary, in the opinion of the appropriate officials of the Health Department of the County of San Luis Obispo, for proper handling of grease, oil and/or sand in excessive amounts, EXCEPT that such interceptors shall not be required for residential use.

Such interceptors shall be located where they are readily accessible for cleaning and inspection and shall be operated and maintained by the owner of the premises at his own expense.

SECTION IX. CONNECTION REQUIRED

Each owner of land within the District to which collection water lines or main lines have been, or become available, shall within fifteen (15) days after such availability commence installation of laterals and connections to said main line, and shall thereafter proceed with due diligence to complete said lateral and connection within a reasonable length of time, but, in no event, to exceed thirty (30) days

from commencement thereof. Upon completion of the lateral and hookup to the collection system, said property owner shall then immediately be subject to and pay the service rates provided herein.

SECTION X. MISDEMEANOR VIOLATION

The violation of any of the terms of this Ordinance is declared a misdemeanor punishable as provided by law.

SECTION XI. ENABLING LAW

This Ordinance is passed and adopted pursuant to the provisions of an Act of the State of California, known as the Community Services District Law, found in Government Code, Sections 61000 et seq., and particularly Section 61621 and 61621.5 thereof.

SECTION XII. REPEAL

All Ordinances in conflict with this Ordinance are hereby repealed.

SECTION XIII. EFFECTIVE DATE OF ORDINANCE

This Ordinance shall be in full force and effect thrity (30) days after passage and within fifteen (15) days thereof shall be published at least once in a newspaper of general circulation in the County of San Luis Obispo, California.

INTRODUCED at a regular meeting of the Board of Directors held this 8th day of January, 1986, and PASSED AND ADOPTED at an adjourned regular meeting of the Board of Directors held this 15th day of January, 1986, on motion of Director Donald Riordan, seconded by Director Raymond Price and on the following roll call vote, to wit:

AYES : GILBERT HOFFMAN, Raymond Price, Lonnie Price, Donald Riordan.
NOES : NONE
ABSENT: ROBERT LANGKAMP

Lonnie Price
Lonnie Price, President of the San Simeon Acres Community Services District and of the Board of Directors Thereof.

ATTEST:

Adell W. Cashdan
Adell W. Cashdan, Secretary of
the San Simeon Acres Community
Services District and of the
Board of Directors thereof.

APPROVED AS TO FORM:

Paul A. Geihs
Paul A. Geihs, Attorney for the
San Simeon Acres Community Services
District and of the Board of
Directors thereof.

PAUL A. GEIHS
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Pismo Beach, CA 93449
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EXHIBIT "A"

FORMULA FOR WATER CHARGES

Water Cost
cu. ft. of water

= rate per cu. ft. which
will be \$8.00 for the
first 600 cu. ft. and
\$1.65 per each additional
100 Cu. ft. (over minimum).
Any part of an additional
100 cu. ft. shall constitute
a full 100 cu. ft.