

## **ORDINANCE NO. 100**

### **AN ORDINANCE OF THE TAMALPAIS COMMUNITY SERVICES DISTRICT RESTATING AND AMENDING ORDINANCE NO. 96 REGULATING THE CONSTRUCTION, USE, AND MAINTENANCE OF PRIVATE SEWER LATERALS**

WHEREAS, on February 8, 2017, the Tamalpais Community Services District ("TCSD or District") Board of Directors adopted Ordinance No. 96 which restated and amended Ordinance No. 81, regulating the construction, use, and maintenance of private sewer laterals within the District; and

WHEREAS, the District desires to restate and amend Ordinance No. 96 to clarify requirements for inspections, maintenance, and/or improvements of private sewer laterals within the District.

NOW, THEREFORE, the Board of Directors of the Tamalpais Community Services District does ordain as follows:

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#### **SECTION 100 - FINDINGS**

The District finds and determines that Infiltration and Inflow (hereinafter referred to as I&I) is a serious problem for the District in that during heavy rains, a significant amount of water is introduced into the District's system as a result of the I&I from breaches in the entire pipeline

system that leads to the treatment facility. To a great extent, much of this I&I is introduced into the District's pipelines and sewer mains from the sewer laterals or unpermitted drainage structures leading from a property to the District's sewer mains. As a result of I&I, the District's sewer treatment facilities have the potential to become overburdened during periods of heavy rains leading to sewage overflows and possible spills into the waters of the San Francisco Bay. Such overflows and spills can lead not only to significant fines and penalties against the District by State and Federal water regulatory agencies, but may pose a significant risk to the environment, and the health and safety of the public at large.

The District has determined that it is in the public interest that the private sewer laterals I&I problem be addressed and that it has become the policy of the District that the upgrade and repair of private sewer laterals become a priority of TCSD.

Furthermore, the recitals above are each incorporated by reference and adopted as findings by the Board of Directors of the Tamalpais Community Services District.

## **SECTION 150 - DEFINITIONS**

COMMERCIAL BUILDING means any building, or portion thereof, designed, intended, or used to accommodate a business, commercial, or industrial enterprise, or a public or private school.

COMMON INTEREST DEVELOPMENT means a development characterized by individual ownership of a condominium housing unit or a residential parcel coupled with the shared ownership of (or right to use) common areas and facilities, including, but not limited to, condominium projects, community apartment projects, stock cooperatives and planned unit developments, which contain three (3) or more dwelling units and which have a sewer service lateral shared by three (3) or more dwelling units.

COMPLIANCE CERTIFICATE means a certificate issued by the District upon its determination that a sewer lateral has demonstrated compliance with all applicable District standards.

DISTRICT or TCSD is the Tamalpais Community Services District.

DISTRICT BOARD is the Tamalpais Community Services District Board of Directors.

DISTRICT STAFF are employees and/or designated contractual representatives of the Tamalpais Community Services District.

INFILTRATION means water other than sewage which enters into the District's collection system through cracks, breaks, open joints, or other deficiencies which may exist in laterals or in the District's system.

INFLOW means any water other than sewage that is directed toward or connected to the District's collection system through drainage ditches, open or enclosed culverts, roof drains, yard or area drains, or any other source of storm or ground water.

INFLOW AND INFILTRATION are sometimes referred to collectively as "I&I".

LATERAL SEWER, LATERAL, or PRIVATE SEWER LATERAL is hereby defined as a privately owned sewer which conveys sewage from a building to the District's collection system, including all pipes, fittings, and appurtenances from the outer face of the building served to the connection into the Agency's sewer main including the connection itself.

NOTICE TO REPAIR means the notice issued by the District to the owner advising that the owner appears to be in violation of the respective code or ordinance with respect to the owners sewer service lateral, or in violation of the Code or Ordinance in a manner of the sewer service lateral's connection to the District's sewer system, which order directs the abatement of the identified violation in a timely manner.

OWNER means any person, partnership, association, corporation or fiduciary having legal title (or any partial interest) in any real property situated within the District.

SEWER MAIN means a District-owned pipeline designed and operated to accept sewage from a sewer service lateral for disposal/treatment.

SEWER SERVICE LATERAL INSPECTION means an inspection of a sewer service lateral that consists of the retention of a licensed plumber by the Owner in order to visually examine and inspect a sewer service lateral in the manner deemed appropriate by the District. Such an inspection shall, at a minimum, include the use of a closed-circuit television inspection device for the purposes of determining whether the sewer service lateral complies with the requirements of this Ordinance.

## **SECTION 200 - SEWER LATERALS - NEW CONSTRUCTION**

All new residential, apartment, industrial, and commercial buildings shall have installed a new sewer service lateral. A minimum four-inch lateral shall serve single or duplex residential dwelling units. A minimum six-inch lateral shall be installed to serve buildings with three or more residential units, and industrial and commercial buildings. Construction shall conform to District standards.

## **SECTION 250 - CONNECTION PERMITS AND FEES; CAPACITY CHARGE**

Prior to constructing a lateral or connecting a new building to an existing lateral, or undertaking a repair of a lateral, the owner shall apply for and obtain a permit from the District and pay all applicable sewer capacity charges and/or inspection fees per District policies and regulations. The application shall include a plan showing the location of the lateral and the

proposed repair or replacement, and all buildings, other utilities, significant features, and topography of the property and showing the public right-of-way or easement in which the lateral and the District's sewer are located, and the proposed connection of the lateral to the District's sewer main.

All vacant, undeveloped parcels are required to pay the sewer capacity charge, unless the property owner(s) can demonstrate to the District's satisfaction that the property had previously paid the sewer capacity charge.

#### **SECTION 280 - IMPROPER AND ILLEGAL CONNECTIONS TO PRIVATE SEWER LATERAL**

It shall be improper and illegal for a Contractor or Homeowner to connect the following to a private sewer lateral, unless otherwise permitted by the District: storm drains, roof drains, pool drains, vehicles such as recreational vehicles and campers, unpermitted structures, and/or non-sewage pipes or drains. Violation of this Section is punishable under Section 570 of this Ordinance.

#### **SECTION 300 - OWNERSHIP, MAINTENANCE, AND REPAIR OF PRIVATE SEWER LATERALS**

A. Private sewer laterals shall be owned, maintained, and repaired by the owner of the property which the lateral serves. The entire service lateral, from the building connection to and including the "wye" connection or other tie into the sewer main, shall fall within the Owner's responsibility for installation, maintenance, and repair.

B. Property owners must clean, maintain, and repair laterals servicing their property sufficient to keep the lateral in operable condition at all times. The property owner shall perform such duties as may be required in response to observed overflows or seepage attributable to the lateral or as discovered by smoke testing, televising, or video inspecting the private laterals. Where such maintenance requires excavation and/or replacement of existing facilities, the property owner shall apply for and receive a connection permit (see Section 250 above) from the District.

#### **SECTION 400 – SEWER LATERALS - MANDATORY INSPECTIONS**

A. **HEALTH AND SAFETY BASIS FOR REQUIRING A SEWER SERVICE LATERAL INSPECTION.** An Owner shall have the sewer service lateral of his or her real property inspected in accordance with the requirements of this Ordinance (as directed and within the time period indicated by the District) upon the occurrence of any of the following events:

1. **Overflow or Malfunction.** Whenever the District determines that the sewer service lateral has recently overflowed or has recently malfunctioned.
2. **Lateral Failure or Lack of Maintenance.** Whenever, based on sewer system testing conducted by the District (of either the sewer service lateral or the District's public sewer system),

the District finds that there is sufficient evidence to conclude that the sewer service lateral has failed, is likely to fail, or has not been properly maintained.

3. Public Health Threat. Upon any other reasonable cause to believe that there is a threat to the public health, safety, or welfare due to the condition of a sewer service lateral.
4. Age of pipes and/or extent of foliage causing higher flow within the service area.
  - a. Whenever the District determines that the age of pipes (clay, plastic, or other material) in combination with observed foliage (tree roots near the sewer lateral suggesting root intrusion causing infiltration), or the age of the pipes independently are causing a higher than average flow in a neighborhood or area, the District may direct an inspection of the sewer service lateral to determine the condition and potential need for repairs.

**B. EVENTS REQUIRING A SEWER SERVICE LATERAL INSPECTION AND COMPLIANCE CERTIFICATE – RESIDENTIAL, COMMERCIAL OR NON-RESIDENTIAL, AND COMMON INTEREST DEVELOPMENT PROPERTIES.** An Owner shall have the sewer service lateral of his or her property inspected in accordance with the requirements of this Ordinance upon the occurrence of any of the following events:

1. Additions and Improvements: Prior to the issuance of a County building permit for a residential or commercial building addition or new improvements on the real property where said addition or improvements (or cumulative additions or improvements through multiple projects over the prior three years) have a value of \$40,000 or greater, an inspection and Compliance Certificate shall be required.
  - a. District shall notify the Building and Planning Department of Marin County of this requirement so that issuance of a building permit is conditioned upon meeting the requirement of a lateral inspection.
2. Transfer of Property Title: Where the sale of any real property with a lateral sewer is proposed, the Seller shall have the sewer lateral inspected and a Compliance Certificate issued prior to the transfer of property title.
  - a. It shall be the responsibility of the Seller to coordinate an inspection of the sewer lateral upon listing the home for sale.
  - b. Should the Seller fail to have an inspection conducted on the property prior to the sale of the property, the District shall require the new Owner to conduct an inspection and make any necessary repairs to the lateral.
3. Whenever the District is replacing a sewer line, conducting repairs of a sewer main, or the County is doing road resurfacing, an inspection and Compliance Certificate shall be required. Owners will be notified by the District of any current work and need for an inspection report on

their lateral prior to the road work or construction so that any remedial work to the lateral is completed prior to the construction or road work.

- a. Where an Owner refused to provide an inspection, the District may conduct a televised inspection and the Owner shall be responsible for the costs of such an inspection. Should an inspection reveal the need for repairs, the District may issue a Notice of Repair to the Owner and have the remedies provided for in Section 430 D of this Ordinance to ensure repairs and made and costs are paid.

#### **SECTION 410 - SEWER LATERAL INSPECTIONS - ACCESS TO PROPERTIES**

The District (or any designated representative thereof) is hereby authorized to inspect any sewer system for the following purposes:

- A. To determine the size, depth, and location of any sewer connection.
- B. To determine the end outlet of any sewer connection by depositing harmless testing materials in any plumbing fixture attached hereto and flushing the same, if necessary.
- C. To determine, by measurements and samples, the quantity and nature of the sewage or wastewater being discharged into any sewer.
- D. To determine the location of the roof, swimming pool, floor and surface drains, and whether or not they physically connect to a sewer.
- E. To assess the condition of the lateral where the District suspects that the lateral may be allowing inflow or infiltration.

Nothing herein shall be deemed to provide the District with any right or authority to enter a building or other apparently private or interior area of a real property, except to the extent such entry is expressly authorized by State law. Pursuant to the authority granted by the Community Services District Law, the District may request an inspection warrant to inspect the premises for public nuisances; abate public nuisances, either directly or by giving the Owner notice to abate; or to determine if a notice to abate has been complied with. Where there is no reasonable expectation of privacy, the District may enter onto property within its boundaries without a warrant for the same purposes previously described.

#### **SECTION 420 - SEWER LATERAL INSPECTION REPORT AND COMPLIANCE CERTIFICATE - REQUIREMENTS**

- A. **INSPECTION REPORT STANDARDS.** The sewer service lateral inspection report required by this Ordinance shall be prepared in accordance with the following requirements and specifications.

1. The inspection report shall be prepared by a licensed plumber or District staff.
2. The inspection report shall identify all of the following:
  - a. Any and all defects that could allow infiltration into the lateral or otherwise create a maintenance issue in the District's sewer system. Such defects may include but not be limited to the following: displaced joints, open joints, root intrusion, substantial deterioration of the line, cracks, leaks, inflow or infiltration or extraneous water, root intrusion, grease and sediment deposits or other conditions likely to increase the chance for blockage of the sewer service.
  - b. Whether any connection, by pipes or otherwise, allows rainwater or groundwater to enter the sewer service lateral or public sewer.
  - c. Whether the sewer service lateral has an approved backwater device where any outlet or trap of the sewer service lateral is below the level of the nearest manhole. If a device is already installed, the report shall indicate whether the device is functioning properly.
3. The inspection report shall contain an express certification from the inspector that the property has been inspected for any outdoor drain connection to the District's sewer system and that no such unpermitted lateral exists. The report shall be prepared in a format acceptable to the District.
4. Based upon the District's evaluation of the deficiencies outlined in the report, the District will determine the level of repair or replacement that is required.

B. **COMPLIANCE WITH REGULATIONS.** The inspection report shall, in all other aspects, comply with the requirements and specifications described in the District's specification for a sewer service lateral inspection report as established in Subsection 1 below:

1. Requirements for an inspection report. The following items are required to be addressed in an inspection report:
  - a. Date of inspection.
  - b. Name of inspector and name of plumbing firm along with license number (or name of District staff).
  - c. Certification that a televised video was taken of the lateral.
  - d. A certification that no roof, swimming pool, floor and/or surface drains, or any other non-sewage drains are physically connected to the lateral or sewer main.
  - e. Identification with respect to the sewer lateral of any displaced joints, open joints, root intrusion, substantial deterioration of the line, cracks, leaks, inflow or infiltration or extraneous water, root intrusion, grease and sediment deposits, or other conditions likely to increase the chance for blockage of the sewer service.
  - f. Certification that an installed backwater device is in place where any outlet or trap of the sewer service lateral is below the level of the nearest manhole. If a backwater

device is already installed, the report shall indicate whether the backwater device is functioning properly.

- g. A Declaration under penalty of perjury that the report is true and correct.

C. **ISSUANCE OF COMPLIANCE CERTIFICATE.** Upon the District's review and verification of an inspection report received pursuant to this Section, and a determination that the lateral meets all applicable standards to the District's satisfaction, the District shall issue a Compliance Certificate to the Owner.

1. A Compliance Certificate obtained after an Owner has fully replaced or constructed a new sewer lateral associated with a Parcel shall be valid for ten (10) years from the date of issuance, except that after five (5) years from the date of issuance, District Staff may require an inspection under Section 400 B. if it is determined that field conditions have significantly changed to warrant an inspection; all other Compliance Certificates shall be valid for three (3) years from the date of issuance, except as provided in subsections C.2. and C.3. of this section.

2. Nothing in this Ordinance creates a right or entitlement to a Compliance Certificate obtained by error, omission, fraud, or misrepresentation. If District Staff determines a Compliance Certificate was obtained in such a manner, District Staff may do any of the following:

- a. Require immediate reinspection and recertification, or issue a compliance schedule;
- b. Revoke the existing Compliance Certificate or modify the effective period of the existing Compliance Certificate, if the District provides 30 days' prior written notice of the intended revocation or modification; or
- c. Immediately revoke the Compliance Certificate if District Staff determines the Compliance Certificate was obtained by fraud, misrepresentation, or other intentionally wrongful or misleading means.

3. District Staff shall mail a written notice to the affected Owner, notifying them of the District's intent to revoke or modify the Compliance Certificate, or of any immediate revocation already made. Within 30 days of the date the revocation notice was mailed, the affected Owner may submit a written appeal in accordance with the procedures of this Ordinance. The appellant will bear the burden of proof, by a preponderance of the evidence, that the Compliance Certificate was properly issued. In all other respects, appeals under this subsection will proceed in accordance with the provisions of section 580. Failure to appeal the revocation within 30 days will result in the revocation or modification described in the notice without further right of administrative appeal.

#### **SECTION 430 - SEWER LATERALS - REQUIRED REPAIRS**

A. **NOTICE TO REPAIR.** Upon receipt of the sewer service lateral inspection report pursuant to this Ordinance, the District will determine whether it indicates any deficiencies in the operation of the sewer service lateral and, thereafter, shall provide the Owner(s) with a Notice to Repair as may be deemed appropriate. The Notice to Repair/Replace shall specifically identify



the deficiencies to be corrected and shall establish a deadline within which the Owner(s) shall complete the required corrective actions within ninety (90) days of the date of Notice of Repair/Replace. The General Manager or his/her designee may extend the ninety (90) day deadline, in his/her sole discretion, for up to an additional ninety (90) days to account for extenuating circumstance. However, any time extension beyond the additional 90 days will require approval by the Board of Directors. The corrective actions may include a requirement that the lateral be replaced altogether and also may include the installation of cleanouts and backwater valves if those devices are otherwise required by this Ordinance or any uniform code adopted by the Agency.

B. **OBLIGATIONS OF THE OWNER.** The Owner shall repair his or her sewer service lateral to the satisfaction of the District, and, if a permit is required for the repairs, the Owner shall obtain a final permit inspection and approval of the relevant District official.

C. **REPAIRS TO IMPROPER CONNECTIONS CONSISTING OF MULTIPLE PRIVATE CONNECTIONS TO A COMMON LATERAL.** A sewer service lateral serving more than one residential dwelling, except as provided for in Section 450, is an improper connection and shall be repaired or replaced as deemed appropriate by the District. The Owner of each affected residential dwelling shall be responsible for disconnecting their sewer service lateral from the common lateral and connecting to the nearest sewer main, if required.

D. **FAILURE TO REPAIR UPON AGENCY NOTIFICATION.** Should an Owner fail to conduct the required repairs upon issuance of a Notice of Repair by the District, the District shall have several options in order to ensure that the repair or replacement is completed.

1. **Public Nuisance.** Continued habitation of any home, building, or continued operation of any industrial facility in violation of a Notice to Repair or Replace a private sewer lateral is hereby declared to be a Public Nuisance. The District may cause proceedings to be brought for the abatement of the occupancy of the home, building, or industrial facility (i.e., a court order directing the occupant[s] to vacate the home, building, or industrial facility until the directed repairs are made) during the period of such violation. The District shall have the right to recover its attorney fees and costs for the pursuit of the abatement.

2. **Disconnection of Private Sewer Lateral to Sewer Main.** The District shall have the right to commence proceedings in Marin Superior Court to seek a court order disconnecting the private sewer lateral from the sewer main, thus leaving the home, building, or industrial facility without sewer service. The District shall have the right to recover its attorney fees and costs for the pursuit of the disconnection.

3. **Corrections of Violations.** Section 61064 of the Government Code provides that the District may correct any violation of an Ordinance of the District by treating it as a misdemeanor under Section 19 of the Penal Code, or issuing an administrative citation.

## **SECTION 440 – SEWER LATERALS - COMMON INTEREST DEVELOPMENTS**

The Homeowners Association of a Common Interest Development shall, along with the Owner, be jointly and severally liable for the duties and obligations imposed by this Ordinance in relation to any sewer service lateral located within a common area of the development. If no Homeowners Association exists, then the individual unit owners, both jointly and individually, shall be liable for the duties and obligations with respect to sewer service laterals established by this Ordinance.

## **SECTION 450 - SEWER LATERALS - MULTIPLE CONNECTIONS**

It shall be the policy of the District to require one private sewer lateral serving one single family home. However, the District is cognizant that the sewer service system within the District is old and contains many hillside single family homes that are serviced by one private sewer lateral (e.g., one private sewer lateral for two or more homes). Where there is no problem with a sewer service lateral that serves multiple residences, then the District shall allow the multiple service lateral. Where repairs are necessary, the Owners of the residences served by the lateral shall jointly be responsible for the repairs. Where repairs and/or replacement of such a lateral is necessary, the District may require the construction of a new private service lateral for each residential single-family home or the construction of a new larger private service lateral to accommodate the multiple residences.

## **SECTION 460- RESERVED**

## **SECTION 500 – PROHIBITED DISCHARGES**

No person shall discharge or deposit, or cause or allow to be discharged or deposited into the District sewer system any wastewater which contains any of the following:

- A. Cooking grease whether emulsified or not
- B. Waste automotive radiator coolant
- C. Explosive mixtures
- D. Radioactive wastes
- E. Solid or viscous wastes which may cause obstruction to the flow in a sewer pipeline, including cleansing wipes or "flushable" wipes
- F. Any toxic substances in excess of the United States Environmental Protection Agency standards pursuant to Section 307(a) of the Clean Water Act, or any other substances which may interfere with the biological processes of the wastewater system
- G. Petroleum products of any kind
- H. Any liquid or vapor having a temperature higher than one hundred forty (140) degrees Fahrenheit.
- I. Any food waste from a residential unit that has not been properly shredded to a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension. Food waste is prohibited from a commercial property.

- J. Any water containing synthetic detergents in excessive quantity.
- K. Any noxious or malodorous gas or substance capable of creating a public nuisance.
- L. Any water or wastes containing acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- M. Any water or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement.
- N. Any wastewater containing cyanides in excess of two milligrams per liter (2 mg/l)
- O. Any water or waste containing phenols or other taste or odor producing substances in high concentrations.
- P. Any water or waste which contain substances or possess characteristics or pollutants which, in the judgment of the General Manager, may have a deleterious effect upon the sewage treatment works or collection system.

## **SECTION 550 – PUNISHMENT – PROHIBITED DISCHARGES**

**MISDEMEANOR.** Section 61064 of the Government Code provides that the violation of any ordinance, rule, or regulation of the District by any person is a misdemeanor punishable by imprisonment in the County jail not to exceed 30 days or by a fine not to exceed one-thousand dollars (\$1,000) or both. Each and every connection, occupancy, and/or prohibited discharge in violation of this Ordinance shall be deemed a separate violation and each and every day or part of a day a violation of the Ordinance, rule, or regulation continues shall be deemed a separate offense hereunder and shall be punishable as such.

## **SECTION 560 - DAMAGE TO DISTRICT SEWER SYSTEM**

It is unlawful for any person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment that is part of the District Sewer System. Any violation of this Section shall be punishable under Section 550 (above) and any violation may constitute other crimes under the California Penal Code or the United State Codes.

## **SECTION 570 - PUNISHMENT - CONTRACTORS - VIOLATION OF SECTION 280**

Should a Contractor make any connections in violation of Section 280 of this Ordinance, the Contractor shall be guilty of a misdemeanor within the meaning of Section 61064 of the Government Code.

## **SECTION 580 - APPEALS**

All decisions of the General Manager regarding the implementation of this Ordinance shall be final unless appealed. However, applicants may request an appeal of an adverse determination or any conditions or limitations per this Ordinance, within ten (10) days from the date the General Manager issues a decision or makes a determination. All appeals shall contain a statement of the grounds for the appeal. Appeals shall be made to the District Board who shall hear the matter and render a determination as soon as reasonably practicable, but in no event

later than sixty (60) days after an appeal has been filed. Applicants are required to pay an appeal filing fee in an amount set by resolution. Following the filing of an appeal, the District Board shall hold a public hearing on the matter. All determinations on an appeal shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken. Except for appeals of corrective orders and suspension or termination of service, the appeal is an evaluative, and not an adversarial, process to determine the facts of the issue and the appropriate application of this Ordinance. The Board, appellant and General Manager may provide any information deemed relevant to the issue and the Board's consideration. The Board's decision at the conclusion of the hearing shall be final. Adherence to formal rules of evidence is not required.

#### **SECTION 600. TERM.**

This Ordinance remains in full force and effect until rescinded by the Board of Directors.

#### **SECTION 610. EXISTING ORDINANCES.**

This Ordinance shall supersede Ordinance No. 96 and any other previous ordinances regulating the construction, use, and maintenance of private sewer laterals

#### **SECTION 620. CEQA FINDINGS AND DETERMINATIONS.**

In accordance with the California Environmental Quality Act ("CEQA," Public Resources Code §§ 21000 *et seq.*) and the regulations promulgated by the State of California pursuant to CEQA ("State Guidelines"), the District's Board of Directors finds and determines that with respect to the Board's approval and adoption of this Ordinance:

A. In some parts, the Ordinance merely represents a unification, restatement and clarification of existing policies and procedures of the District with regard to the matters addressed in the Ordinance and, therefore to that extent, neither the Ordinance itself nor its adoption constitutes a "project" as that term is defined under CEQA; and

B. To the extent that any portion of the Code may be a "project" for purposes of CEQA, it is found and determined that:

1. Those portions of the Code that establish policies and procedures which are ministerial in nature are statutorily exempt from the requirements of CEQA. (State Guidelines, §15268)

2. Those portions of the Code that establish or reestablish fees, rates and/or charges are statutorily exempt from the requirements of CEQA in that in each instance the fee, rate and/or charge is necessary for purposes of meeting operating

expenses of the District, meeting financial reserve needs and requirements of the District and/or obtaining funds for capital projects which are necessary to maintain services within existing service areas in the District. (State Guidelines, §15273);

3. Those portions of the Code that establish regulatory processes and procedures with regard to the disposal of wastewaters and solid waste and the use of the District's wastewater facilities constitute procedures for the protection of the environment and, therefore, they are categorically exempt from the requirements of CEQA. (State Guidelines, Categorical Exemption Class 8, §15308.); and

4. Neither the Code, nor any part of it, nor its adoption by the District's Board of Directors, nor its operation and enforcement by the District is likely to have a significant effect on the environment.

### SECTION 700 - SEVERABILITY

If any Section, Subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional and invalid, such a decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Directors hereby declares that it would have passed this Ordinance and every Section, Subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more Sections, Subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

### SECTION 750 - EFFECTIVE DATE OF ORDINANCE AND PUBLICATION

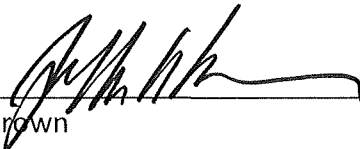
Upon adoption, this Ordinance or a summary shall be published once in a newspaper of general circulation published in the District within 15 days from and after its adoption, and the Ordinance shall be in full force and effect thirty days from and after its final passage and adoption.

The foregoing ordinance was duly noticed and introduced at a regular meeting of the Tamalpais Community Services District Board of Directors held in said District on the 9th day of August 2023, and thereafter adopted at a regular meeting of the Board, held in said District on the 13<sup>th</sup> day of September 2023 by the following vote:

AYES, and in favor thereof, Directors: J. Brown, J. Jacobs, S. Levine, M. McMahon

NOES, Directors: 0

ABSENT, Directors: S. Bartschat

  
\_\_\_\_\_  
Jeff Brown  
Vice President, Board of Directors  
Tamalpais Community Services District

ATTEST:  
  
\_\_\_\_\_  
Board Secretary