

ORDINANCE NO. 2014-72

**AN ORDINANCE OF THE WINDSOR WATER DISTRICT
AMENDING CHAPTERS 1, 3 AND 4 OF TITLE XII OF THE CODE OF THE TOWN
OF WINDSOR**

THE WINDSOR WATER DISTRICT BOARD DOES ORDAIN AS FOLLOWS:

SECTION 1. The following Sections of Chapter 1, “Code of Windsor Water District,” Chapter 3, “Water,” and Chapter 4, “Sewer,” of the Windsor Water District Code, set forth at Title XII of the Code of the Town of Windsor, are hereby amended to read as follows:

12-1-100 - How Code Designated and Cited.

The ordinances embraced in this and the following chapters and sections of this Title XII shall constitute and be designated as “The Code of the Windsor Water District of the State of California” and may be so cited. Such code may also be cited as the “Windsor Water District Code.” The Windsor Water District is a local public agency separate and distinct from the Town of Windsor. Although the Windsor Water District Code is presently contained within the Code of the Town of Windsor as its Title XII, and may be subject to certain provisions of the Municipal Code as applicable, the Windsor Water District Code is a distinct code of laws enacted by and subject to the authority of the Board of Directors of the Windsor Water District.

12-3-365 – Maintenance of Water Service Connection Generally.

All water service pipes and connections to water mains within the District shall be installed and maintained by the District to the customer side of the meter, except as otherwise provided by an agreement executed by the District. Any service pipe, fittings or water meter damaged as a result of negligence, malicious acts or intent shall be repaired by the District and the actual cost of the repair shall be charged to the owner or consumer.

12-3-700 – System Improvements.

No main extensions shall be made or water service connections installed or other applicable system improvements built unless applicant and District have executed an agreement for special service installations and improvements or an outside service area agreement that addresses such special service installations. All main extension agreements shall be approved by the District Counsel and the Board.

12-3-715 – Installation by Customer.

An applicant who desires to install facilities by private contract shall enter into either a water main extension agreement with the District, or an outside water service agreement that addresses the below-referenced topics. Before work can begin, the agreement must be executed and acceptable performance, labor, material and maintenance security posted. Insurance protecting

the District must be provided, to District requirements. Applicant shall pay to the District the engineering, inspection and overhead costs along with all fees and charges required on current schedules.

All work shall be constructed under District supervision and specifications. The formal acceptance by the District of any facilities so installed and rendering of water service shall be contingent upon payment of all charges and satisfaction of all conditions in the agreement.

12-4-125 – Sewer Charges and Regulations.

- a. Persons making connections to sewers and using the same shall pay such fees and abide by regulations not inconsistent with this Code as the Board shall, from time to time, adopt by resolution or as otherwise provided in an agreement executed by the District.
- b. No person shall construct a building sewer, or a lateral sewer, or make any connection with any public sewer without first obtaining a written permit from the District and paying all fees and complying with all requirements and conditions required by regulations to be adopted under this Code by the Board or as otherwise provided in an agreement executed by the District.

12-4-245 – Plans, Profiles and Specifications Required.

The application for a public sewer construction permit shall be accompanied by complete plans, profiles and specifications, complying with all applicable ordinances and regulations of the District, prepared by a Registered Civil Engineer in the State of California showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plan, profiles and specifications, shall be examined by the District Engineer who shall approve them as filed or require them to be modified as he or she deems necessary for proper installation. After approval by the District, a permit shall be issued upon the payment of all connection charges, fees and furnishing bonds as required by the District, or as otherwise provided in an agreement executed by the District. The permit shall prescribe such terms and conditions as the District finds necessary in the public interest.

12-4-482 – Connections Outside the District Boundaries.

- a. Subject to subsection (d) below, the Board may, at its sole discretion consistent with the Town's Urban Growth Boundary, approve of and, authorize a permit to connect to the District sewer for properties outside the District. Any request for such a connection outside of the District's boundaries and the Town's Urban Growth Boundary requires a public hearing and Board approval.
- b. Subject to subsection (d) below, the following guiding principles shall be considered for any such sewer connection:
 - 1. Annexation to the District should be considered if the property is within the Urban Growth Boundary.

2. Without annexation, the proponent needs to explain in writing why the service should be extended to the subject property.
 3. Substantial evidence, prepared by a civil engineer and certified by the District Engineer and Sonoma County Health Department, that the extension is necessary to replace failing septic tank-leach field systems and/or water systems and the extension does not exceed that required to serve development existing onsite as of October 2, 1997. The information should also indicate that there is no other feasible way, based on physical conditions of the property, to provide the services. Evidence should show that moving the septic tank-leach field and/or drilling another well on another location on the property has been explored and is not feasible.
 4. The extension of service cannot be to properties designated as open space and cannot interfere with accepted agricultural practices.
 5. The property requesting service should be immediately adjacent to land already served by the District.
 6. An outside service area agreement approved by the Board is required and LAFCO approval may also be required.
 7. All costs associated with engineering, design, connection fees, construction, environmental mitigation, public services and facilities, frontage improvements, utility under grounding, and application fees are the responsibility of the proponent.
 8. To demonstrate the need for District services, the proponent will certify that the property owner occupies the dwelling and that it is the property owner's primary residence.
- c. The applicant shall first enter into an agreement in writing whereby he/she shall bind himself, his/her heirs, successors and assigns to abide by all ordinances, rules and regulations in regard to the manner in which such sewer shall be used, the manner of connecting therewith, and the plumbing and drainage in connection therewith and also shall agree to pay all fees required for securing the permit; annexation, development connection fees and monthly sewer service charges in the amount set by the District for the privilege of using such sewer.
- d. Notwithstanding anything to the contrary in subsection (a) above, the principles set forth in subsection (b) above shall not apply to any District extension of service to lands outside of District boundaries, and the District shall therefore extend service to such lands pursuant to this Section, so long as (i) such lands are held in the federal trust; (ii) such lands are adjacent to the District's corporate boundaries; (iii) the requested service extension is consistent with the Town of Windsor General Plan's policy to ensure that growth occurs concurrently with or following the provision of adequate services and infrastructure (i.e., Policy B.4, (Chapter 4, Section B) of the Town of Windsor General Plan), as is in effect at the time the application for service is filed with the District, regarding service extensions outside the Town's Urban Growth Boundary; and (iv) the District finds that the requested extension of service is environmentally superior than service through on-site facilities.

SECTION 2. Severability. The provisions of this Ordinance are severable, and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or

inapplicable to any person or circumstances, such as illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts of this Ordinance or their applicability to other persons or circumstances.

SECTION 3. CEQA Analysis. The Windsor Water District Board finds that the adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060(c)(2) and 15060(c)(3), in that the activity will not result in a direct or reasonably foreseeable physical change in the environment because the activity is not a "project" as defined in Section 15378, and because it has no potential for resulting in physical change to the environment, either directly or indirectly.

SECTION 4. Effective Date. This Ordinance shall take effect and be in force immediately upon its adoption.

SECTION 5. Publication. This Ordinance shall be published and posted in accordance with the California County Water District Act.

PASSED, APPROVED AND ADOPTED this 19th day of November 2014, by the following vote:

**AYES: BOARD MEMBERS ALLEN, FUDGE, GOBLE AND
PRESIDENT OKREPKIE**
NOES: NONE
ABSTAIN: NONE
ABSENT: BOARD MEMBER SALMON


BRUCE OKREPKIE, PRESIDENT

ATTEST:


MARIA DE LA O, SECRETARY