

**NORTH MARIN WATER DISTRICT
REGULATION 104
SEWAGE FACILITY CONSTRUCTION**

a. Facility Size and Design

All extensions of the District's sewage facility shall be designed by the District and constructed in accordance with the District's plans and specifications. The location, size, type and design of all such extensions shall be sufficient to provide adequate sewage collection, pumping, treatment and disposal capacity for the entire area that can economically be served therefrom as conclusively determined by the District.

b. Construction by District

Subject to the rights of the Applicant as herein set forth, the District will construct extension of its sewage facilities. Such work will be commenced only after the Applicant has entered into a sewer service agreement, advanced the total estimated cost of all facilities, paid all charges as required by Regulations 106 and 109 and provided easements as required by Section e. hereof.

c. Construction by Applicant

(1) Right of Applicant to Construct

The Applicant may elect to construct extensions to the District's sewage facilities, with materials furnished by the District, provided, however, the District reserves the right to construct, with its own personnel or by private contract, any of the following:

- (a) Sewer mains, pumping plants, storage and treatment facilities and disposal facilities.
- (b) Extensions involving complicated connections to, or interference with, the District's existing facilities as solely determined by the District.

(2) Conditions

Construction by the Applicant shall be subject to each of the following conditions:

- (a) Prior to commencement of construction the Applicant shall enter into a sewer service agreement, advance all fees, costs of materials to be furnished and work to be performed by the District, pay all charges as required by Regulations 106, 108 and 109 and furnish the District with a performance bond satisfactory to the District in an amount equal to 100% of the estimated cost of the construction by the Applicant.
- (b) All work shall be performed by a competent and experienced contractor licensed for underground construction and with experienced laborers.
- (c) All work shall be performed in a good, workmanlike and safe manner and in accordance with the plans and specifications of the District, under its inspection and to the satisfaction of its Chief Engineer. Risk of loss or damage to materials or use and installation of faulty materials shall be borne by the Applicant until the facilities constructed are accepted by the District.
- (d) All facilities shall be maintained by the contractor that installed the same for one year, or such longer period as shall be specified by the District, following the acceptance thereof by the District.

d. All Work to be Inspected

All sewer mains, side-sewers and other sewage facility work shall be inspected by the District to ensure compliance with all requirements of the District. No sewer or side-sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer or side-sewer shall be connected to the District's sewer mains until the work described in the plans and specifications, with any corrections or modifications made with the consent of the District, is completed, inspected and approved by the District.

e. Land, Easement and Rights-of-Way

(1) Requirement of District Ownership

All extensions of the District's sewage facility shall at all times be the property of, and be controlled by, the District. District sewage facilities shall be located only in dedicated and accepted public streets, or within dedicated utility easements or within satisfactory easements granted to the District.

(2) Time and Cost of Acquisition

No facilities will be constructed until all rights-of-way, easements and facility sites as required by and satisfactory to the District shall have been conveyed to the District without cost to the District. In the event such rights-of-way, easements or lands are not conveyed by the Applicant, the Applicant shall pay the District its entire cost of acquisition thereof, including appraisers' fees, escrow charges, title insurance premiums and legal expenses.

f. Street Excavation Permit

Any contractor intending to excavate in a public or private street for the purpose of installing sewers or making sewer connections must obtain all necessary permits and authorizations from the City or County having jurisdiction.

g. Liability

The District and its officers, agents and employees shall not be liable for injury or death to any person or damage to any property arising out of the performance of any work by any Applicant. The Applicant shall indemnify the District, its officers, agents and employees for all damages, costs, expenses, fees and interest thereby incurred.

h. Determination of Construction Costs

The District shall determine its actual cost of all extensions. Costs shall include labor, materials, overhead, engineering, legal and administrative expenses allocable to such work. The District's determination of costs shall be conclusive.

If, at any time prior to completion of the extension, the District increases its estimate of said cost, the Applicant will pay the amount of the increase within 30 days after billing. If the District's actual costs of the extension exceed the estimated amounts paid, the Applicant will pay the difference within 30 days after the billing and prior to commencement of service. If the estimated amounts paid exceed the actual costs, the District will refund the excess promptly, without interest.