

ORDINANCE NO. 28

ORDINANCE OF THE BOARD OF DIRECTORS OF THE  
CHINO BASIN MUNICIPAL WATER DISTRICT,  
SAN BERNARDINO COUNTY, CALIFORNIA,  
ESTABLISHING RULES AND REGULATIONS FOR THE  
RENTAL OF MAINTENANCE AND  
CONSTRUCTION EQUIPMENT

---

BE IT ORDAINED by the Board of Directors of the Chino Basin Municipal Water District as follows:

SECTION 1. DEFINITIONS. Unless the content specifically indicates otherwise, the meaning of the terms used in this Ordinance shall be as follows:

- (a) "Board of Directors" shall mean the Board of Directors of the District.
- (b) "Community Sewer System" shall mean any sewer maintained by any city, special district or utility within the boundaries of Chino Basin Municipal Water District.
- (c) "District" shall mean the Chino Basin Municipal Water District.
- (d) "Manager" shall mean the General Manager of the Chino Basin Municipal Water District or his authorized representatives.
- (e) "Regional Contracting Agencies" shall mean the Cities of Upland, Ontario, Montclair, Fontana and Chino and the Cucamonga County Water District, the County of San Bernardino and the State of California and any other public agency who may in the future enter into a Regional Sewage Service Contract with Chino Basin Municipal Water District.
- (f) "Utilities" shall mean any entity subject to the jurisdiction of the Public Utilities Commission of the State of California.

SECTION 2. GENERAL RESTRICTIONS AND REGULATIONS OF RENTAL OF MAINTENANCE AND CONSTRUCTION EQUIPMENT. The rental of maintenance and construction equipment will be offered or extended to any Regional Contracting Agency or utility within the boundaries of the District subject to the following conditions:

- (a) Availability and use of all equipment shall be secondary to the needs of the District for said equipment and is to be used only on Community Sewer Systems and appurtenant works.

- (b) All equipment will be operated by personnel of the District at the sole discretion of the Manager.
- (c) The number of personnel to operate such equipment shall be determined at the sole discretion of the Manager.
- (d) The Manager shall have discretion to make emergency rentals of such equipment free of the provisions of this Ordinance upon a showing that the rental of such equipment is required for the public health, safety and welfare or for the protection of property and that there is a present, immediate and existing emergency which could not reasonably be foreseen.
- (e) The Board of Directors shall have discretion to make rentals of such equipment free of this Ordinance upon adoption of the resolution finding and determining that such rental would be in the public interest.

SECTION 3. RENTAL CHARGES. From and after the effective date of this Ordinance, the rates charged by Chino Basin Municipal Water District shall be fixed and established by Resolution from time to time.

SECTION 4. GENERAL PROVISIONS.

- (a) No person shall circumvent or obviate the intent or purpose of this Ordinance by any means.
- (b) The invalidity of any section, subsection, clause, sentence or provision of this Ordinance shall not effect the validity of any other part which can be given effect without such invalid part or parts.
- (c) This Ordinance shall be in full force and effect July 1, 1977, upon its approval and adoption.

SECTION 5. REPEAL. That, upon adoption of this Ordinance, Ordinance No. 23 is hereby repealed and rescinded in its entirety.

ADOPTED this 31 day of May, 1977.

Carl B. Masungale  
President of the Chino Basin  
Municipal Water District and  
of the Board of Directors  
thereof

ATTEST:

Ernest J. Keebler  
Secretary of the Chino Basin  
Municipal Water District and  
of the Board of Directors  
thereof

(SEAL)