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Title 15

WATER AND SEWERS

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Except as hereinafter provided in this chapter, all rainwater, storm drainage or other water which is not required to be conveyed to the city's sanitary sewer system or a private sewage disposal system pursuant to this code shall be conveyed to the city's storm drainage system or drainage channel.

(Ord. 1604 §2 (part))

15.04.020 Exception - Temporary system.

Where the building and development services director determines that storm drainage cannot be conveyed to the city's storm drainage system or drainage channel because facilities are not available, the director may authorize installation of a temporary leachfield- type storm drainage system, in accordance with the design criteria adopted by resolution of the city council, provided that the property owner(s) shall also install all drainage facilities necessary to make connection to the city's storm drainage facilities or drainage channel when said facilities are available. Any other type of disposal system, such as drainage wells, shall be prohibited.

(Ord. 1604 §2, Ord. 2364 §248)

Chapter 15.08

WATER WELLS

Section:

15.08.010 Water wells - Permit required.

15.08.010 Water wells - Permit required.

No person shall construct, repair or deepen any public supply well or individual well, or destroy any abandoned well unless a permit has been obtained from the health officer of the county of Butte in accordance with the standards adopted by the county of Butte and the permit fee has been paid.

(Ord. 1604 §3; Ord. 2189 §3)

Chapter 15.36

SEWER SERVICES AND FEES¹

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ARTICLE I. GENERAL PROVISIONS

15.36.003 Purpose.

This chapter is enacted pursuant to the municipal affairs provisions of Section 201 of the City Charter for the purpose of establishing the terms and conditions under which sewer service will be provided to premises located within the city and that part of the unincorporated portion of the Chico urban area included within the city's sewer service

area as designated in the manner hereinafter provided for herein including, but not limited to, establishing the amount of the sewer service fees, water pollution control plant capacity fees, trunkline capacity fees, lift station capacity fees, sewer main installation fees, and sewer lateral installation fees to be assessed and levied upon an owner of premises utilizing such sewer service in order to fund the cost of constructing, installing, operating, and maintaining the facilities necessary to provide the services.

(Ord. 1865 §1, Ord. 2049 §1, Ord. 2092 §2)

15.36.006 City council findings.

The city council makes the following findings required by Section 66001 of the California Government Code in regard to the water pollution control plant capacity fees, trunkline capacity fees, lift station capacity fees, sewer main installation fees, and sewer lateral installation fees assessed and levied pursuant to the provisions of this chapter:

- A. The city council finds that the only environmentally sound method to dispose of domestic and industrial wastewaters from residential and nonresidential development occurring in a community the size of the Chico community is through community sewer facilities which, like the city's sewer system, are capable of collecting such wastewaters and treating the wastewaters to at least secondary treatment standards. The city council also finds that there is a particular need for such community sewer facilities to serve residential and nonresidential development occurring in the Chico community in that by reason of the high nitrate levels in the groundwaters underlying the Chico community, caused in large part by the individual septic tank and leach field waste disposal systems which now serve a significant segment of the Chico community, the Regional Water Quality Control Board for the Central Valley Region has adopted an order which requires existing development in the Chico community to discontinue the use of such septic tank and leach field waste disposal systems no later than July 1, 1996, and which prohibits the use of such septic tank and leach field waste disposal systems for new development occurring within the Chico community on and after the date of such order, save and except for septic tank and leach field waste disposal systems serving development whose density does not exceed the equivalent of one residential dwelling unit per acre. By reason of the foregoing, the city council finds that new development would be unable to proceed in the city or other parts of the Chico community without the community sewer facilities to be funded with the water pollution control plant capacity fees, trunkline capacity fees, lift station capacity fees, sewer main installation fees, and sewer lateral installation fees assessed and levied pursuant to the provisions of this chapter. Accordingly, the city council finds that there is a reasonable relationship between the need for the public facilities to be funded with such fees and the residential and nonresidential development upon which such fees are imposed.
- B. The city council finds that all revenues from the water pollution control plant capacity fees, trunkline capacity fees, lift station capacity fees, sewer main installation fees, and sewer lateral installation fees assessed and levied on residential and nonresidential development pursuant to the provisions of this chapter must be used for the purpose of providing additional capacity in the city water pollution control plant, sewer trunklines, sewer lift stations, sewer main facilities, and sewer lateral facilities sufficient in amount to replace the sewer facilities or capacity in such sewer facilities which is utilized by such development, and/or to pay any debt or other obligation incurred by the city in previously providing the sewer facilities or

- capacity in such sewer facilities which is utilized by such development. By reason of the foregoing, the city council finds that the water pollution control plant capacity fees, trunkline capacity fees, lift station capacity fees, sewer main installation fees, and sewer lateral installation fees assessed and levied on residential and nonresidential development pursuant to the provisions of this chapter provide an ongoing means for immediately making capacity in the city's sewer system available to new development as such development occurs. Accordingly, the city council determines that there is a reasonable relationship between the use of the water pollution control plant capacity fees, trunkline capacity fees, lift station capacity fees, sewer main installation fees, and sewer lateral installation fees provided for by this chapter and the residential and nonresidential development upon which such fees are imposed.
- C. It is the intent of the city council that all water pollution control plant capacity fees, trunkline capacity fees, lift station capacity fees, sewer main installation fees, and sewer lateral installation fees assessed and levied on residential and nonresidential development pursuant to the provisions of this chapter be based on the replacement cost of capacity in the city water pollution control plant, sewer trunklines, sewer lift stations, sewer main facilities, and sewer lateral facilities which is utilized by such development. Towards this end, city council decisions to adopt the water pollution control plant capacity fees, trunkline capacity fees, lift station capacity fees, sewer main installation fees and sewer lateral installation fees provided for by this chapter, as well as city council decisions to increase or decrease any such fees, have and will continue to be based on a "connection fee nexus report" prepared by or under the direction of the director. Such reports set forth the various factors and calculations considered and made in establishing such fees. In addition such reports demonstrate that the particular fee or fees addressed by the report are, in fact, less than or equal to the replacement cost of the sewer system facilities utilized by the residential or nonresidential development for which the fee is assessed. Following a city council decision to adopt, increase or decrease any such fee, copies of the report are maintained on file in the office of the city clerk at all times the fee remains in effect. Accordingly, the city council has provided the means for establishing and documenting the reasonable relationship between the amount of the water pollution control plant capacity fees, trunkline capacity fees, lift station capacity fees, sewer main installation fees, and sewer lateral installation fees provided for by this chapter and the cost of the water pollution control plant facilities, sewer trunkline facilities, sewer lift station facilities, sewer main facilities, and sewer lateral facilities attributable to the residential or nonresidential development upon which the fees are assessed.
- (Ord. 1865 §2, Ord. 1980 §1, Ord. 2049 §2, Ord. 2092 §3, Ord. 2364 §249)

15.36.008 Director.

The term "director," as used in this chapter, means the director of the building and development services department.

(Ord. 2364 §250)

15.36.010 Definitions.

Unless the contrary is stated or clearly appears from the context, the definitions set forth in this section shall govern the construction of the words and phrases used in this

chapter.

- A. Domestic Wastes. Wastes associated with human habitation or of human or animal origin.
- B. Dwelling Unit. Any building or mobile home and any part of a building or mobile home which is equipped with plumbing fixtures and which is suitable for residential occupancy by any number of persons living together as a single family.
- C. Industrial Use. The use of nonresidential premises for the purpose of manufacturing, processing, fabricating, refining, repairing, packaging and/or storing commercial products.
- D. Industrial Wastes. Wastes associated with any producing, manufacturing or processing operation of any nature whatsoever, including wastes associated with any producing, manufacturing or processing operation with domestic wastes.
- E. Lift Station. The pump, pump housing, force main, and all other facilities necessary to pump sewerage from one elevation to a higher elevation, as well as any real property required for same.
- F. Nonresidential Premises. All premises other than residential premises.
- G. Occupant. The owner of premises and any person residing on premises or using premises for any purpose.
- H. Owner. The person or persons holding the title to premises as shown by the official records of the county of Butte.
- I. Person. Any natural person, firm, company, corporation, partnership, association, or any public entity other than the city.
- J. Premises. Any lot, place, or parcel of land, or any building, structure, or mobile home, or any part of a building, structure, or mobile home on any lot, place or parcel of land.
- K. Residential Premises. All premises used exclusively for residential purposes except for boarding houses, dormitories, motels, hotels, hospitals, convalescent homes, or other premises used primarily as a temporary place of residence.
- L. Sewerage Collection System. That part of the sewer system used to collect wastewaters and convey the same to the headworks of the water pollution control plant.
- M. Sewer Lateral. That part of the sewer piping between a building waste disposal system and a sewer main or trunkline.
- N. Sewer Main. Any sewer constructed in a street, a sewer easement, a public utility easement, or a public service easement which is less than fifteen inches in diameter and designed to accommodate a system of sewer laterals.
- O. Sewer System. The municipal sanitary system of the city, including but not limited to all facilities for the collection, treatment and disposal of wastewater.
- P. Trunkline. Any sewer constructed in a street, a sewer easement, a public utility easement, or a public service easement which has a diameter equal to or greater than fifteen inches.
- Q. Wastewater. Waterborne wastes.
- R. Water Pollution Control Plant. That part of the sewer system used in the treatment and/or reclamation of wastewater discharged to the sewer system, including all land and all buildings or portions of buildings used in the operation and maintenance of the treatment works.

(Ord. 1735 §1 (part), Ord. 1858 §§1-3, Ord. 1971 §1, Ord. 2092 §4)

15.36.015 Adoption of sewer fee schedule.

Notwithstanding any provisions of this chapter to the contrary, the city council may, by resolution, adopt a sewer fee schedule which incorporates the sewer service rates, the water pollution control plant capacity rates, the trunkline capacity rates, the lift station capacity rates, the sewer main installation rates, and the sewer lateral installation rates established herein, together with rate equivalent for any subclass of residential or nonresidential premises for which a rate has been established herein and which sets forth any administrative policies and procedures which are necessary to fully implement the provisions of this chapter, provided that such fee schedule does not change the basic intent of the provisions of this chapter.

(Ord. 1735 §1 (part), Ord. 2049 §3, Ord. 2092 §5)

15.36.020 Disposition of sewer fee revenues.

All revenues received by the city from fees assessed and levied pursuant to this chapter shall be deposited in revenue accounts and used as follows:

- A. Sewer Service Fees. All revenues received from sewer service fees shall be deposited in a sewer service fees account and used only for the purpose of operating, maintaining, replacing, or improving sewer system facilities, or paying the principal and interest due on any debts or other obligations incurred by the city for the purpose of operating, maintaining, replacing, or improving sewer system facilities.
- B. Water Pollution Control Plant Capacity Fees. All revenues received from water pollution control plant capacity fees shall be deposited in a water pollution control plant capacity fees account and used only for the purpose of providing additional capacity in the water pollution control plant or paying any debt or other obligation incurred by the city for the purpose of providing additional capacity in the water pollution control plant.
- C. Trunkline Capacity Fees and Lift Station Capacity Fees. All revenues received from trunkline capacity fees and lift station capacity fees shall be deposited in a trunkline capacity fees and lift station capacity fees account and used only for the purpose of providing additional trunklines or lift stations, providing additional capacity in existing trunklines or lift stations, and/or paying the principal and interest on any debt or other obligation incurred by the city for the purpose of providing additional trunklines or lift stations or providing additional capacity in existing trunklines or lift stations, including, but not limited to, any obligation under a trunkline or lift station reimbursement agreement.
- D. Sewer Main Installation Fees and Sewer Lateral Installation Fees. All revenues received from sewer main installation fees and sewer lateral installation fees shall be deposited in a sewer main and sewer lateral installation fees account and used only for the purpose of providing additional sewer mains and/or sewer laterals or paying the principal and interest on any debt or other obligation incurred by the city for the purpose of providing additional sewer mains and/or sewer laterals, including, but not limited to, any obligation under a sewer main reimbursement agreement.

(Ord. 1735 §1 (part), Ord. 2049 §4, Ord. 2092 §6)

15.36.022 Disposition of unappropriated sewer fee revenues.

- A. Report of City Manager. Commencing with the 1991/1992 fiscal year and in each fiscal year thereafter, the city manager, on or before the date the city council considers its budget for the ensuing fiscal year, shall provide the city council with a

report which sets forth the total amount of all water pollution control plant capacity fees, trunkline capacity fees, lift station capacity fees, sewer main installation fees, and sewer lateral installation fees then on deposit in the water pollution control plant capacity fees account, the trunkline capacity and lift station capacity fees account, and the sewer main and sewer lateral installation fees account.

- B. Action by the City Council. Commencing with the 1991/1992 fiscal year and in each fiscal year thereafter, the city council, following receipt of the city manager's report, shall take one of the following actions with respect to any unappropriated water pollution control plant capacity fee revenues, trunkline capacity fee revenues, lift station capacity fee revenues, sewer main installation fee revenues, and/or sewer lateral installation fee revenues then on deposit in the water pollution control plant capacity fees account, trunkline and lift station capacity fees account, or sewer main and sewer lateral installation fees account which were received and deposited in such accounts four or more years prior to the date of such report:
1. Appropriate all or any part of such unappropriated fee revenues for the acquisition, construction and/or installation of sewer system facilities in the manner hereinbefore provided by this chapter;
 2. Make a finding with respect to all or any part of such fee revenues which identifies the purpose to which the revenues are to be put and which demonstrates a reasonable relationship between the fees from which the revenues were derived and the purposes for which they were charged; or
 3. Provide for the refund of all or any part of such unappropriated fee revenues, together with any interest accrued thereon, to the current owner of any property for which fees were paid; provided, however, that if the administrative costs of refunding such fee revenues exceed the amount to be refunded, the city council, after considering the matter at a public hearing, notice of which is given in the manner provided for by Section 66001(e) of the California Government Code, may appropriate such fee revenues for any other facility or improvement for which development fees are charged or otherwise imposed pursuant to this code and which the council determines will benefit the properties for which the sewer fees were paid.

(Ord. 1865 §3, Ord. 2049 §5, Ord. 2092 §7)

15.36.025 Premises entitled to receive city sewer service.

The following premises located within the Chico Sphere of Influence, as designated by the Butte County Local Agency Formation Commission, shall be entitled to receive city sewer service upon issuance of a connection permit, payment of all fees, and subject to all other conditions and requirements hereinafter provided for by this chapter:

- A. All premises located in that part of the Chico Sphere of Influence within the incorporated territory of the City.
- B. The following premises in that part of the Chico Sphere of Influence within the unincorporated territory of the county of Butte:
 1. Nonresidential premises developed or being developed with buildings or structures devoted to an industrial use;
 2. Residential or nonresidential premises owned by a nonprofit corporation and developed or being developed with buildings or structures utilized or to be utilized by such nonprofit corporation in the provision of social services benefitting persons residing within the incorporated territory of the City of Chico.

3. Residential or nonresidential premises served by a failing septic tank; and
4. Residential or nonresidential premises subject to a sewer service and annexation agreement executed prior to December 17, 1993, in which the city undertook to provide sewer service to such premises, residential or nonresidential premises which are within a county subdivision for which the city issued a commitment to provide sewer service prior to December 17, 1993, and residential or nonresidential premises authorized to connect to sewer services pursuant to a connection permit issued prior to September 14, 1995.

(Ord. 1735 §1 (part), Ord. 1971 §2, Ord. 2068 §1)

15.36.030 Agreements with other agencies owning sewerage collection systems within the unincorporated territory of the county of Butte.

The city council may, by written agreement, authorize another public agency owning a sewerage collection system within the unincorporated territory of the county of Butte to connect such sewerage collection system to the water pollution control plant owned and operated by the city where:

- A. The area served by the sewerage collection system is located entirely within the Chico Sphere of Influence as approved by the Butte County Local Agency Formation Commission; and
- B. The agreement with the public agency owning the sewerage collection system includes the following provisions:
 1. A provision which requires the sewerage collection system to be connected to the headworks of the water pollution control plant at the sole cost and expense of the public agency operating the sewerage collection system and in accordance with plans and specifications approved by the director,
 2. A provision which sets forth the means for funding any expansion of the water pollution control plant facilities required to treat all of the wastewaters to be discharged to the water pollution control plant through the sewerage collection system and, where necessary, coordinates the commencement of any such wastewater discharge with the completion of such expanded facilities,
 3. A provision which requires all connections to the sewerage collection system, all sewer laterals and sewer main extensions installed incident to a connection to the sewerage collection system, and all discharges of wastewaters to the sewerage collection system to comply with the requirements of this chapter,
 4. A provision which authorizes the city to maintain the sewerage collection system and monitor all wastewaters discharged thereto.

(Ord. 1735 §1 (part), Ord. 1971 §3, Ord. 2364 §251)

15.36.032 Agreements with certain public agencies seeking to connect premises within the sewer service area owned and/or used by them to the sewer system.

The city council shall, by written agreement, authorize the Regents of the University of California, the Trustees of the California State University System, the Butte County Superintendent of Schools, any school district, and any other state agency to connect premises owned or used by them and located within the incorporated territory of the city or located in that portion of the unincorporated territory of the county of Butte within the Chico Sphere of Influence to the sewer system in consideration of the payment of a negotiated sewer system capacity fee, which negotiated sewer system capacity fee shall

be in lieu of the payment of any water pollution control plant capacity fee, trunkline capacity fee, lift station capacity fee, sewer main installation fee, or sewer lateral installation fee hereinafter provided for by this chapter. Such fee shall be negotiated with such public agency in a manner provided for in Chapter 13, Part 1, Division 2, Title 5 of the California Government Code, commencing with Section 54999, as amended, shall be based on the same objective criteria and methodology established by this chapter for determining the water pollution control plant capacity fee, trunkline capacity fee, lift station capacity fee, sewer main installation fee, and sewer lateral installation fee assessed and levied upon other owners of premises connecting to the sewer system, and shall be in an amount which does not exceed the public agency's proportionate share of the cost of the sewer system facilities of benefit to the premises being served by such facilities. This section, however, shall not relieve a public agency connecting premises to the sewer system from complying with any other provisions of this chapter relating to premises connected or being connected to the sewer system save and except for those provisions relating to the imposition of a water pollution control plant capacity fee, trunkline capacity fee, lift station capacity fee, sewer main installation fee, and/or sewer lateral installation fee.

(Ord. 1865 §4, Ord. 1971 §4, Ord. 2049 §6, Ord. 2092 §8, Ord. 2300)

15.36.035 Appeals.

Any person aggrieved by a determination of the director or the finance director made pursuant to the provisions of this chapter shall be entitled to appeal such determination to the city council pursuant to the rules of procedure adopted therefor. Pending a decision upon an appeal relative to the amount of any fee assessed and levied pursuant to the provisions of this chapter, the person making such appeal shall pay such fee. If, after the appeal is heard, the city council determines that the fee was not properly assessed or levied or that the fee exceeds the amount of the fee which should have been assessed and levied pursuant to the provisions of this chapter, the city council shall direct that such fee or excess fees be refunded.

(Ord. 1735 §1 (part), Ord. 2004 §19, Ord. 2364 §252)

15.36.037 Temporary deferral of development impact fees.

Notwithstanding any other provisions of this code, the water pollution control plant capacity fees (Article III), trunkline capacity fees (Article IV), and lift station capacity fees (Article V) imposed on residential and nonresidential projects pursuant to this chapter may be deferred subject to the provisions set forth in section 3.85.135 of this code without incurring interest.

(Ord. 2379)

ARTICLE II. SEWER SERVICE FEES

15.36.040 Imposition of sewer service fees.

A monthly sewer service fee is hereby assessed and levied upon the occupants of premises served by the sewer system. Such sewer service fee shall be based on a pro rata share of the cost of operating, maintaining, replacing, and improving sewer system facilities, as determined by the finance director in the manner hereinafter provided by this chapter, and shall be in addition to any water pollution control plant capacity fee, trunkline capacity fee, lift station capacity fee, sewer main installation fee, or sewer

lateral installation fee assessed and levied pursuant to the provisions of this chapter.
(Ord. 1735 §1 (part), Ord. 2049 §7, Ord. 2092 §9)

15.36.050 Sewer service rates.

The monthly sewer service fee assessed and levied upon the occupants of premises as hereinbefore provided by this article shall be determined by the finance director from the following sewer service rates.

A. Sewer Services Rates Effective October 1, 2003

1. **Basis Sewer Service Rates for Premises Located Within the Incorporated Territory of the City.**
 - a. Residential premises - \$12.39/dwelling unit.
 - b. Nonresidential premises - \$12.39 plus the following charge for each 100 cubic feet of wastewater in excess of 1,000 cubic feet discharged from the premises to the sewer system during an average month:
 - i. Restaurants - \$3.54/100 feet;
 - ii. Markets and bakeries - \$3.48/100 cubic feet;
 - iii. Car washes - \$1.74/100 cubic feet;
 - iv. All other nonresidential premises - \$1.62/100 cubic feet;
 - v. Breweries - \$4.46/100 cubic feet.
2. **Basic Sewer Service Rates for Premises Located Within the Unincorporated Territory of the City.**
 - a. Residential premises - \$12.98/dwelling unit.
 - b. Nonresidential premises - \$12.98 plus the following charge for each 100 cubic feet of wastewater in excess of 1,000 cubic feet discharged from premises to the sewer system during an average month:
 - i. Restaurants - \$3.54/100 feet;
 - ii. Markets and bakeries - \$3.48/100 cubic feet;
 - iii. Car washes - \$1.74/100 cubic feet;
 - iv. All other nonresidential premises - \$1.62/100 cubic feet;
 - v. Breweries - \$4.46/100 cubic feet.

B. Sanitary Sewer Service Rates Effective July 1, 2004

1. **Basic Sewer Service Rates for Premises Located Within the Incorporated Territory of the City.**
 - a. Residential premises - \$14.70/dwelling unit.
 - b. Nonresidential premises - \$14.70 plus the following charge for each 100 cubic feet of wastewater in excess of 1,000 cubic feet discharged from the premises to the sewer system during an average month:
 - i. Restaurants - \$3.80/100 cubic feet;
 - ii. Markets and bakeries - \$3.80/100 cubic feet;
 - iii. Car washes - \$1.89/100 cubic feet;
 - iv. All other nonresidential premises - \$1.75/100 cubic feet;
 - v. Breweries - \$5.63/100 cubic feet.
2. **Basic Sewer Service Rates for Premises Located Within the Unincorporated Territory of the City.**
 - a. Residential premises - \$15.30/dwelling unit.
 - b. Nonresidential premises - \$15.30 plus the following charge for each 100 cubic feet of wastewater in excess of 1,000 cubic feet discharged from the premises to the sewer system during an average month:

- i. Restaurants - \$3.80/100 cubic feet;
 - ii. Markets and bakeries - \$3.80/100 cubic feet;
 - iii. Car washes - \$1.89/100 cubic feet;
 - iv. All other nonresidential premises - \$1.75/100 cubic feet;
 - v. Breweries - \$5.63/100 cubic feet.
- C. Increases in Basic Sewer Service Rates. If, on July 1, 2003, or on July 1st of any year thereafter, there is an increase in the cost of operating, maintaining, replacing and improving sewer system facilities during the preceding year, then the basic sewer service fees shall also be increased in proportion to the increase in such costs. Provided, however, if on April 30th, the Finance Director estimates that the ending unrestricted cash balance in the Sewer Fund (850) for the following fiscal year will exceed the maximum unrestricted cash balance established by the Council in the Annual Budget Policies, such increase shall not be applied for the following fiscal year. The determination of whether there has been an increase in the cost of operating, maintaining, replacing and improving sewer system facilities and the amount of the increase in the basic sewer service fees which is proportionate to the increase in such costs shall be made by the finance director with the approval of the city manager and shall be based exclusively on the percentage increase during the preceding year in the Consumer Price Index published by the Federal Bureau of Labor Statistics for all Urban Consumers - U.S. Cities Average (all items) or any other measure employed by the Federal Bureau of Labor Statistics in lieu of such Consumer Price Index that measures the cost of living in U.S. cities.
(Ord. 1735 §1 (part), Ord. 1909, Ord. 1944 §1, Ord. 2029, Ord. 2103, Ord. 2113 §1, Ord. 2122 §1, Ord. 2271)

15.36.060 Determination of sewer service fees from sewer service rates.

In determining the monthly sewer service fee assessed and levied upon the occupants of premises served by the sewer system from the sewer service rates as hereinbefore provided by this article, the finance director's determination shall be based on the following:

- A. Residential premises - The number of separate dwelling units on the premises on the first day of the month in which the sewer service fee is assessed and levied;
- B. Nonresidential premises - The average monthly volume of wastewater discharged from such premises as determined by the finance director in the following manner:
 1. Where the finance director finds that the premises were connected to the sewer system prior to the first day of the preceding month of December, finds that there has been no significant change in the type or intensity of the use of the premises on or after the first day of the preceding month of December, and finds that substantially all of the water used on the premises is supplied by a private water company and separately metered, then the finance director shall determine the average monthly volume of wastewater discharged to the sewer system from the premises on the basis of the average monthly volume of water supplied to the premises during the preceding months of December, January, February, March as shown on the bill presented to the occupants of the premises by the private water company supplying substantially all of the water used on the premises.
 2. Where the finance director either finds that the premises were connected to the sewer system on or after the first day of the preceding month of December, finds that there has been a significant change in the type or intensity of the use of the

premises on or after the first day of the preceding month of December, or finds that substantially all of the water used on the premises is not supplied by a private water company or separately metered, then the finance director shall determine the monthly volume of wastewater discharged from the premises to the sewer system on the basis of all relevant information available to the finance director, including but not limited to the quantity of wastewater discharged to the sewer system from other premises within the city devoted to the same or a similar use. (Ord. 1735 §1 (part), Ord. 2113 §1, Ord. 2268, Ord. 2356 §1)

15.36.061 Industrial wastewater surcharge.

Where premises served by the city's sewer system are identified as a categorical industrial use or a significant industrial use by the general services director, the monthly sewer service fee assessed and levied on the owner or user of such premises shall include an industrial wastewater surcharge, as determined by the finance director from the industrial wastewater rates established by resolution of the city council. (Ord. 2130 §1, Ord. 2364 §253)

15.36.062 Lift station surcharge.

- A. Where premises served by the sewer system are located within a lift station service area designated by the city council in the manner hereinafter provided by Article V of this Chapter and are connected to the sewer system by way of a sewer main or trunkline which is tributary to the lift station, the monthly sewer service fee assessed and levied on the owner of such premises in the manner required by this Article shall include a lift station surcharge, as determined by the finance director from the lift station service rates established by resolution of the city council.
- B. The city council shall adopt a resolution establishing lift station service rates for each lift station service area at the time of initially designating the service area and at the commencement of each fiscal year thereafter, and shall base the lift station service rates, as set forth therein, on all of the following factors:
1. The estimated monthly cost of operating and maintaining the lift station during the ensuing fiscal year and/or remaining portion of the current fiscal year;
 2. The total number of dwelling units on all of the residential premises within the lift station service area then connected to the sewer system by way of a sewer main or trunkline tributary to the lift station, and the total quantity of waste water discharged from all of the nonresidential premises within the lift station service area then connected to the sewer system by way of a sewer main or trunkline tributary to the service area as measured in cubic feet;
 3. That part of the estimated monthly cost of operating and maintaining the lift station which can reasonably be attributed to each dwelling unit located on residential premises then connected to the sewer system by way of a sewer main or trunkline tributary to the lift station; and,
 4. That part of the estimated monthly cost of operating and maintaining the lift station which can reasonably be attributed to each cubic foot of waste water discharged from nonresidential premises then connected to the sewer system by way of a sewer main or trunkline tributary to the lift station.

(Ord. 2092 §10, Ord. 2113 §1)

15.36.065 Exemptions.

Notwithstanding any provisions of this article to the contrary, a monthly sewer service fee shall not be assessed and levied for premises occupied by the city.
(Ord. 1735 §1 (part))

15.36.070 Billing and payment.

The monthly sewer service fee assessed and levied upon the occupants of premises served by this sewer system, as hereinbefore provided by this article, shall be billed or caused to be billed by the finance director on or after the first day of the month in which the service is rendered. The monthly sewer service fee so billed shall be payable on the date the bill is mailed or personally delivered to the occupant of the premises and shall be delinquent fifteen days thereafter if not paid.
(Ord. 1735 §1 (part), Ord. 2113 §1)

15.36.075 Refunds.

Where the owner of nonresidential premises has paid a sewer service fee based on the finance director's estimate of the wastewater discharged from the premises as determined in accordance with Section 15.36.060 and the finance director finds that the average monthly volume of water supplied to the premises for the preceding twelve-month period from July 1st through June 30th is at least ten percent less than the average monthly volume of water supplied to the premises during the preceding months of December, January, February, and March, the finance director shall refund the difference between the fee paid for the twelve month period and the fee which would have been charged based on the lower water usage. Such a refund shall be made only upon application by the occupant of the premises who paid the fees and submittal of adequate documentation of the lower water usage.
(Ord. 1735 §1 (part), Ord. 2113 §1, Ord. 2356 §2)

ARTICLE III. WATER POLLUTION CONTROL PLANT CAPACITY FEES

15.36.080 Imposition of water pollution control plant capacity fees.

- A. A water pollution control plant capacity fee is assessed and levied upon the owner of the following premises:
1. Residential and nonresidential premises initially connecting to the sewer system;
 2. Residential premises connected to the sewer system on which the number of dwelling units is being increased;
 3. Residential premises connected to the sewer system being converted to a nonresidential use;
 4. Nonresidential premises connected to the sewer system on which the area devoted to such nonresidential use has been increased; and
 5. Nonresidential premises connected to the sewer system being converted to a residential use.
- B. The water pollution control plant capacity fee assessed and levied upon the owner of premises pursuant to this section shall be based on the replacement cost of the capacity in the water pollution control plant utilized by such premises as determined by the director in the manner hereinafter provided by this chapter and shall be in addition to any sewer service fee, trunkline capacity fee, lift station capacity fee, sewer main installation fee, or sewer lateral installation fee assessed and levied pursuant to this chapter.

(Ord. 1735 §1 (part), Ord. 1943 §7, Ord. 2049 §8, Ord. 2092 §11, Ord. 2364 §254)

15.36.090 Water pollution control plant capacity rates.

The water pollution control plant capacity fee assessed and levied upon the owner of premises as hereinbefore provided by this article shall be determined by the director from the following water pollution control plant capacity rates:

- A. Basic Water Pollution Control Plant Capacity Rates. The basic water pollution control plant capacity rates for residential and nonresidential premises shall be as follows:
1. Single-family residential premises - \$1,730/dwelling unit;
 2. Multifamily residential premises - \$ 1,730/dwelling unit;
 3. Nonresidential premises - \$ 6,919/ acre.
- B. Increases in Basic Water Pollution Control Plant Capacity Rates. If, on July 1, 1998, or on July 1st of any year thereafter, there is an increase in the cost of constructing and installing water pollution control plant facilities during the preceding year, then the basic water pollution control plant capacity rates shall also be increased in proportion to the increase in such costs. The determination of whether there has been an increase in the cost of constructing and installing water pollution control plant facilities and the amount of the increase in the basic water pollution control plant capacity rates which is proportionate to the increase in such costs shall be made by the director, with the approval of the city manager, and shall be based exclusively on the net percentage increase during the preceding year in the Consumer Price Index published by the Federal Bureau of Labor Statistics for All Urban Consumers - U.S. Cities Average (all items) or any other measure employed by the Federal Bureau of Labor Statistics in lieu of such Consumer Price Index that measures the cost of living in U.S. cities.

(Ord. 1735 §1 (part), Ord. 1980 §2, Ord. 2148 §1, Ord. 2146 §1, Ord. 2147 §1, Ord. 2327 §1, Ord. 2364 §255)

15.36.100 Determination of water pollution control plant capacity fees from water pollution control plant capacity rates.

- A. Residential and Nonresidential Premises Initially Connecting to the Sewer System.
1. Residential Premises. In determining the water pollution control plant capacity fee assessed and levied upon the owner of residential premises initially connecting such premises to the sewer system from the water pollution control plant capacity rates as hereinbefore provided by this article, the director's determination shall be based on the number of separate dwelling units located or which will be located on such premises.
 2. Nonresidential Premises. In determining the water pollution control plant capacity fee assessed and levied upon the owner of nonresidential premises initially connecting such premises to the sewer system from the water pollution control plant capacity rates as hereinbefore provided by this article, the director's determination shall be based on the area of the lot or parcel on which such premises are located or will be located or, when less than the entire lot or parcel is devoted or will be devoted to a nonresidential use, that part of the area of the lot or parcel which is actually devoted or will be devoted to such use plus all other areas of the lot or parcel appurtenant to such use including, but not limited to, pedestrian ways, driveways, vehicular parking lots, landscaped areas, and all areas within required yards or setbacks.

- B. Residential Premises Connected to the Sewer System on Which the Number of Dwelling Units is Being Increased. In determining the water pollution control plant capacity fee assessed and levied upon the owner of residential premises connected to the sewer system increasing the number of dwelling units on such premises from the water pollution control plant capacity rates as hereinbefore provided by this article, the director's determination shall be based on the number of separate dwelling units to be added on such premises.
- C. Residential Premises Connected to the Sewer System Which are Being Converted to a Nonresidential Use. In determining the water pollution control plant capacity fee assessed and levied upon the owner of residential premises connected to the sewer system converting the use of such premises to a nonresidential use from the water pollution control plant capacity rates as hereinbefore provided by this article, the director's determination shall be based on the area of the lot or parcel on which such premises are located or, when less than the entire lot or parcel is being converted to a nonresidential use, that part of the area of the lot or parcel which will be converted to such use plus all other areas of the lot or parcel appurtenant to such use including, but not limited to, pedestrian ways, driveways, vehicular parking lots, landscaped areas, and areas within required yards or setbacks; provided, that in determining the water pollution control plant capacity fee assessed and levied upon the owner of such premises, the director shall deduct from such fee an amount equal to the current water pollution control plant capacity fee for one dwelling unit for each dwelling unit removed from such premises as a result of the conversion of such premises to a nonresidential use.
- D. Nonresidential Premises Connected to the Sewer System on Which the Area Devoted to Such Nonresidential Use is Being Increased. In determining the water pollution control plant capacity fee assessed and levied upon the owner of nonresidential premises connected to the sewer system increasing the area of such premises devoted to such use from the water pollution control plant capacity rates as hereinbefore provided by this article, the director's determination shall be based on the area of the lot or parcel on which such premises are located which is being added to such nonresidential use plus all additional areas of the lot or parcel appurtenant to such use, including but not limited to all additional pedestrian ways, driveways, vehicular parking lots, landscaped areas, and areas within required yards and setbacks.
- E. Nonresidential Premises Connected to the Sewer System Being Converted to a Residential Use. In determining the water pollution control plant capacity fee assessed and levied upon the owner of nonresidential premises connected to the sewer system being converted to a residential use from the water pollution control plant capacity rates as hereinbefore provided by this article, the director's determination shall be based on the number of separate dwelling units to be added to such premises. Provided, that in determining the water pollution control plant capacity fee assessed and levied upon the owner of such premises, the director shall deduct from such fee an amount equal to the current water pollution control plant capacity fee for nonresidential premises for all areas of the lot or parcel on which such premises are located which are being removed from a nonresidential use as a result of the conversion of such premises to a residential use.
- (Ord. 1735 §1 (part), Ord. 1943 §8, Ord. 2268, Ord. 2364 §256)

15.36.105 Credits.

In determining the water pollution control plant capacity fee assessed and levied upon the owner of residential and nonresidential premises initially connecting such premises to the sewer system and upon the owner of residential premises for which a tentative subdivision map has been approved by the city, the director shall deduct from such water pollution control plant capacity fee each of the credits hereinafter provided by this section.

- A. Credit for Prior Payments of Water Pollution Control Plant Capacity Fees or Other Sewer System Capacity Fees. Where a water pollution control plant capacity fee or other sewer system capacity fee was previously paid for the premises pursuant to the provisions of this article or any other ordinance or resolution of the city, the director shall credit the owner of the premises with one of the following amounts:
1. If the prior payment of the water pollution control plant capacity fee or other sewer system capacity fee was predicated on the residential use of the premises, then the credit shall be an amount equal to the current water pollution control plant capacity fee for each dwelling unit for which such fee was previously paid.
 2. If the prior payment of the water pollution control plant capacity fee or other sewer system capacity fee was predicated on the nonresidential use of the premises and was made on or after June 17, 1982, then the credit shall be an amount equal to the current water pollution control plant capacity fee for each acre or portion of an acre for which such fee was previously paid.
 3. If the prior payment of the water pollution control plant capacity fee or other sewer system capacity fee was predicated on the nonresidential use of the premises and was made before June 17, 1982, then the credit shall be an amount equal to the difference between the fee that was previously paid and any part of such fee that is credited toward the trunkline capacity fee as hereinafter provided by this chapter.
- B. Credit for Prior Assessment Made as Part of Sewer Assessment Proceedings. Where the premises are located or were located in a sewer assessment district formed for the purpose of constructing and installing water pollution control plant facilities, the director shall credit the owner of such premises with one of the following amounts:
1. If the premises are located or were located in a sewer assessment district formed before December 8, 1981, then the credit shall be an amount equal to the current water pollution control plant capacity fee for one dwelling unit.
 2. If the premises are located or were located in a sewer assessment district formed after December 8, 1981, then the credit shall be an amount equal to the current water pollution control plant capacity fee for the use of the premises which was contemplated at the time the assessment district was formed as set forth in the engineer's report prepared as part of the assessment district proceedings.

(Ord. 1735 §1, Ord. 2364 §257)

15.36.110 Exemptions.

Notwithstanding any provisions of this article to the contrary, a water pollution control plant capacity fee shall not be assessed and levied for premises owned by the city. (Ord. 1735 §1 (part), Ord. 2016 §1)

15.36.115 Payment.

Where a water pollution control plant capacity fee is assessed and levied upon the owner of premises incident to the connection of such premises to the sewer system or a

change in use of such premises, such fee shall be due and payable at the time a building permit or connection permit is issued for such premises, whichever first occurs.
(Ord. 1735 §1 (part), Ord. 1785 §3, Ord. 1799 §1, Ord. 1943 §9)

15.36.117 Deferral of payment.

A water pollution control plant capacity fee assessed and levied upon the owner of premises located in the incorporated territory of the city incident to the connection of such premises to the city sewer system or a change in use of such premises may be deferred by the owner of the premises from the date of the issuance of a building permit or connection permit for the premises to a date one year from the date of the issuance of such building permit or connection permit, or to the date of the issuance of a certificate of occupancy for the premises, whichever first occurs, under the following circumstances:

- A. Where the premises are or will be occupied by “persons and families of low and moderate income,” as defined in Section 50093 of the California Health and Safety Code, and the entire amount of such water pollution control plant capacity fee will be financed with a loan made by the city or the Chico Redevelopment Agency; or
- B. Where the premises are or will be used for single family residential purposes and the owner of the premises, at the time of issuance of the building permit or connection permit has:
 - 1. Entered into an agreement with the city undertaking to pay such deferred water pollution control plant capacity fee at the time of the issuance of such certificate of occupancy, which agreement shall be in a form approved by the city attorney and recorded against the premises in the official records of the county of Butte, and
 - 2. Paid to the city an additional fee in an amount equal to two percent of the deferred water pollution control plant capacity fee as and for the administrative costs to be incurred by the city by reason of such fee deferral; or
- C. Where the premises are or will be used for multifamily residential purposes or for a nonresidential purpose and the owner of the premises, at the time of the issuance of the building permit or connection permit, has:
 - 1. Entered into an agreement with the city undertaking to pay such deferred water pollution control plant capacity fee at the time of the issuance of such certificate of occupancy, which agreement shall be in a form approved by the city attorney,
 - 2. Executed a deed of trust securing performance of the duties and obligations of the owner of the premises under such agreement, which deed of trust shall also be in a form approved by the city attorney and shall be recorded against the property as a first deed of trust, and
 - 3. Paid to the city an additional fee in an amount equal to two percent of the deferred water pollution control plant capacity fee as and for the administrative costs to be incurred by the city by reason of such fee deferral.

(Ord. 1943 §10)

ARTICLE IV. TRUNKLINE CAPACITY FEES

15.36.120 Imposition of trunkline capacity fees.

A. A trunkline capacity fee is assessed and levied upon the owner of the following premises:

- 1. Residential and nonresidential premises initially connecting to the sewer system;

2. Residential premises connected to the sewer system on which the number of dwelling units is being increased;
 3. Residential premises connected to the sewer system being converted to a nonresidential use;
 4. Nonresidential premises connected to the sewer system on which the area devoted to a nonresidential use has been increased; and
 5. Nonresidential premises connected to the sewer system being converted to a residential use.
- B. The trunkline capacity fee assessed and levied upon the owner of premises pursuant to this section shall be based on the replacement cost of the capacity in the trunklines utilized by such premises as determined by the director in the manner hereinafter provided by this chapter and shall be in addition to any sewer service fee, water pollution control plant capacity fee, lift station capacity fee, sewer main installation fee, and sewer lateral installation fee assessed and levied pursuant to the provisions of this chapter.
- (Ord. 1735 §1 (part), Ord. 1943 §11, Ord. 2049 §9, Ord. 2092 §1, Ord. 2364 §258)

15.36.130 Trunkline capacity rates.

The trunkline capacity fee assessed and levied upon the owner of premises as hereinbefore provided by this chapter shall be determined by the director from the following trunkline capacity rates:

- A. Basic Trunkline Capacity Rates. The basic trunkline capacity rates for residential and nonresidential premises shall be as follows:
1. Single-family residential premises - \$1,532/dwelling unit.
 2. Multifamily residential premises - \$1,532/dwelling unit;
 3. Nonresidential premises - \$6,127/acre.
- B. Increases in Basic Trunkline Capacity Rates. If, on July 1, 1998, or on July 1st of any year thereafter, there has been an increase in the cost of constructing and installing trunklines during the preceding year, then the basic trunkline capacity rates shall also be increased in proportion to the increase in such costs. The determination of whether there has been an increase in the cost of constructing and installing trunklines and the amount of the increase in the basic trunkline capacity rates which is proportionate to the increase in such costs shall be made by the director, with the approval of the city manager, and shall be based exclusively on the net percentage increase during the preceding year in the Consumer Price Index published by the Federal Bureau of Labor Statistics for All Urban Consumers - U.S. Cities Average (all items) or any other measure employed by the Federal Bureau of Labor Statistics in lieu of such Consumer Price Index that measures the cost of living in U.S. cities.
- (Ord. 1735 §1 (part), Ord. 1980 §3, Ord. 2148 §2, Ord. 2146 §2, Ord. 2327 §2, Ord. 2364 §259)

15.36.140 Determination of trunkline capacity fees from trunkline capacity rates.

- A. Residential and Nonresidential Premises Initially Connecting to the Sewer System.
1. Residential Premises. In determining the trunkline capacity fee assessed and levied upon the owner of residential premises initially connecting such premises to the sewer system from the trunkline capacity rates as hereinbefore provided by this article, the director's determination shall be based on the number of separate dwelling units located or which will be located on such premises.
 2. Nonresidential Premises. In determining the trunkline capacity fee assessed and levied upon the owner of nonresidential premises initially connecting such

- premises to the sewer system from the trunkline capacity rates as hereinbefore provided by this article, the director's determination shall be based on the area of the lot or parcel on which such premises are located or will be located, or, when less than the entire lot or parcel is devoted or will be devoted to a nonresidential use, that part of the area of the lot or parcel which is actually devoted or will be devoted to such use plus all other areas of the lot or parcel appurtenant to such use including, but not limited to, pedestrian ways, driveways, vehicular parking lots, landscaped areas, and areas within required yards and setbacks.
- B. Residential Premises Connected to the Sewer System on Which the Number of Dwelling Units is Being Increased. In determining the trunkline capacity fee assessed and levied upon the owner of residential premises increasing the number of dwelling units on such premises from the trunkline capacity rates as hereinbefore provided by this article, the director's determination shall be based on the number of separate dwelling units to be added to such premises.
- C. Residential Premises Connected to the Sewer System Being Converted to a Nonresidential Use. In determining the trunkline capacity fee assessed and levied upon the owner of residential premises converting the use of such premises to a nonresidential use from the trunkline capacity rates as hereinbefore provided by this article, the director's determination shall be based on the area of the lot or parcel on which such premises are located, or, when less than the entire lot or parcel is being converted to a nonresidential use, that part of the area of the lot or parcel which will be converted to such use plus all other areas of the lot or parcel appurtenant to such use, including, but not limited to, pedestrian ways, driveways, vehicular parking lots, landscaped areas and areas within required yards and setbacks. Provided, that in determining the trunkline capacity fee assessed and levied upon the owner of such premises, the director shall deduct from such fee an amount equal to the current trunkline capacity fee for one dwelling unit for each dwelling unit removed from such premises as a result of the conversion of such premises to a nonresidential use.
- D. Nonresidential Premises on Which the Area Devoted to Such Nonresidential Use is Being Increased. In determining the trunkline capacity fee assessed and levied upon the owner of nonresidential premises increasing the area of such premises devoted to a nonresidential use from the trunkline capacity rates as hereinbefore provided by this article, the director's determination shall be based on the area of the lot or parcel on which such premises are located which is being added to such nonresidential use plus any additional area of the lot or parcel appurtenant to such use including, but not limited to, all additional pedestrian ways, driveways, vehicular parking lots, landscaped areas, and areas within required yards and setbacks.
- E. Nonresidential Premises Connected to the Sewer System Being Converted to a Residential Use. In determining the trunkline capacity fee assessed and levied upon the owner of nonresidential premises connected to the sewer system being converted to a residential use from the trunkline capacity rates as hereinbefore provided by this article, the director's determination shall be based on the number of separate dwelling units to be added to such premises. Provided, that in determining the trunkline capacity fee assessed and levied upon the owner of such premises, the director shall deduct from such fee an amount equal to the current trunkline capacity fee for nonresidential premises for all areas of the lot or parcel on which such premises are located which are being removed from a nonresidential use as a result of the conversion of such premises to a residential use.

(Ord. 1735 §1 (part), Ord. 1943 §12, Ord. 2268, Ord. 2364 §260)

15.36.150 Credits.

In determining the trunkline capacity fee assessed and levied upon the owner of residential and nonresidential premises initially connecting such premises to the sewer system and upon the owner of residential premises for which a tentative subdivision map has been approved by the city, the director shall deduct from such trunkline capacity fee each of the credits hereinafter provided for by this section.

- A. Credit for Prior Payments of Trunkline Capacity Fees or Other Sewer System Capacity Fees. Where a trunkline capacity fee or other sewer system capacity fee was previously paid for the premises pursuant to the provisions of this article or any other ordinance or resolution of the city, the director shall credit the owner of such premises with one of the following amounts:
1. If the prior payment of the trunkline capacity fee or other sewer system capacity fee was predicated on the residential use of the premises, then the director shall credit the owner of such premises with an amount equal to the current trunkline capacity fee for each dwelling unit for which such fee was previously paid.
 2. If the prior payment of the trunkline capacity fee or other sewer system capacity fee was predicated on the nonresidential use of the premises and was made on or after June 17, 1982, then the director shall credit the owner of such premises with an amount equal to the current trunkline capacity fee for each acre or portion of an acre for which such fee was previously paid.
 3. If the prior payment of the trunkline capacity fee or other sewer system capacity fee was predicated on a nonresidential use of the premises and was made before June 17, 1982, then the director shall credit the owner of such premises with an amount equal to the fee that was previously paid.
- B. Credit for Prior Assessment Made as Part of Sewer Assessment Proceedings. Where the premises are located or were located in a sewer assessment district formed for the purpose of constructing and installing trunkline facilities, the director shall credit the owner of such premises with one of the following amounts:
1. If the premises are located or were located in a sewer assessment district formed before December 8, 1981, then the director shall credit the owner of such premises with an amount equal to the current trunkline capacity fee for one dwelling unit.
 2. If the premises are located or were located in a sewer assessment district formed on or after December 8, 1981, then the director shall credit the owner of such premises with the current trunkline capacity fee for the use of the premises which was contemplated at the time the assessment district was formed as set forth in the engineer's report prepared as part of the assessment district proceedings.

Provided that where premises located in a sewer assessment district formed after December 8, 1981, are subsequently subdivided, such credits shall be allocated by the director among the resulting lots and parcels created by such subdivision according to benefit in the same manner as an unpaid assessment would be segregated and apportioned according to benefit pursuant to the provisions of Section 8730 et seq. of the California Streets and Highways Code. However, where such subdivided premises are located in the Northeast Chico Sewer Assessment District, subject to an Annexation and Sewer Service Agreement, and no longer burdened by an assessment lien, the owner of such premises, in lieu of the above and at the time of subdivision, shall be entitled to allocate such credits among the resulting lots and parcels.

(Ord. 1735 §1 (part), Ord. 1753, Ord. 2364 §261)

15.36.155 Exemptions.

Notwithstanding any provisions of this article to the contrary, a trunkline capacity fee shall not be assessed and levied for the following premises:

- A. Premises owned by the city of Chico;
- B. Premises connected to the sewer system by way of a connection to the sewerage collection system operated by a public agency other than the city.

(Ord. 1735 §1 (part), Ord. 2016 §2)

15.36.160 Payment.

Where a trunkline capacity fee is assessed and levied upon the owner of premises incident to the connection of such premises to the sewer system or a change in use of such premises, such fee shall be due and payable at the time a building permit or connection permit is issued for such premises, whichever first occurs.

(Ord. 1735 §1 (part), Ord. 1785 §4, Ord. 1799 §2, Ord. 1943 §13)

15.36.165 Deferral of payment.

A trunkline capacity fee assessed and levied upon the owner of premises located in the incorporated territory of the city incident to the connection of such premises to the city sewer system or a change in use of such premises may be deferred by the owner of the premises from the date of the issuance of a building permit or connection permit for the premises to a date one year from the date of the issuance of such building permit or connection permit or to the date of the issuance of a certificate of occupancy for the premises, whichever first occurs, under the following circumstances:

- A. Where the premises are or will be occupied by “persons and families of low and moderate income,” as defined in Section 50093 of the California Health and Safety Code, and the entire amount of such trunkline capacity fee will be financed with a loan made by the city or the Chico Redevelopment Agency; or
- B. Where the premises are or will be used for single family residential purposes and the owner of the premises, at the time of issuance of the building permit or connection permit has:
 - 1. Entered into an agreement with the city undertaking to pay such deferred trunkline capacity fee at the time of the issuance of such certificate of occupancy, which agreement shall be in a form approved by the city attorney and recorded against the premises in the official records of the county of Butte, and
 - 2. Paid to the city an additional fee in an amount equal to two percent of the deferred trunkline capacity fee as and for the administrative costs to be incurred by the city by reason of such fee deferral; or
- C. Where the premises are or will be used for multifamily residential purposes or for a nonresidential purpose and the owner of the premises, at the time of the issuance of the building permit or connection permit, has:
 - 1. Entered into an agreement with the city undertaking to pay such deferred trunkline capacity fee at the time of the issuance of such certificate of occupancy, which agreement shall be in a form approved by the city attorney,
 - 2. Executed a deed of trust securing performance of the duties and obligations of the owner of the premises under such agreement, which deed of trust shall also be in a form approved by the city attorney and shall be recorded against the property as a first deed of trust, and

3. Paid to the city an additional fee in an amount equal to two percent of the deferred trunkline capacity fee as and for the administrative costs to be incurred by the city by reason of such fee deferral.

(Ord. 1943 §14)

ARTICLE V. LIFT STATION CAPACITY FEES

15.36.170 Imposition of lift station fees.

A lift station capacity fee shall be and is hereby assessed and levied upon the owners of the following premises which are located within an area served by a lift station, as designated in the manner hereinafter provided by this article, and which are connected to the sewer system by way of a sewer trunkline or sewer main which is tributary to such lift station:

- A. Residential and nonresidential premises initially connecting to the sewer system;
- B. Residential premises connected to the sewer system on which the number of dwelling units is being increased;
- C. Residential premises connected to the sewer system being converted to a nonresidential use;
- D. Nonresidential premises connected to the sewer system on which the area devoted to a nonresidential use is being increased; and
- E. Nonresidential premises connected to the sewer system being converted to a residential use.

(Ord. 2092 §15)

15.36.171 Lift station service area.

A lift station service area shall be designated by resolution of the city council at any time a lift station is constructed by the city and incorporated into the sewerage collection system, or at any time the size and capacity of a lift station constructed by the owner of premises connecting to the sewer system and incorporated into the sewer system exceeds that which would be necessary to serve only such premises. Such lift station service area shall include all portions of the sewer service area that includes premises which could be connected to the sewer system by way of the lift station at a cost significantly less than the cost of constructing and installing the trunklines and sewer mains which would be necessary to connect such premises to the sewer system by way of sewer collection facilities operated solely by gravity flow, all as determined by the director.

(Ord. 2092 §15, Ord. 2364 §262)

15.36.172 Establishment of lift station capacity rates.

The amount of the lift station capacity fee assessed and levied upon the owner of premises as hereinbefore provided by this article shall be determined by the director from the lift station capacity rates established as follows:

- A. Basic Lift Station Capacity Rates. The basic lift station capacity rates shall be established by resolution of the city council for each lift station service area based on the following factors:
 1. The total cost of constructing and installing the lift station;
 2. The total number of additional dwelling units which could be constructed on all of the lots and parcels within the lift station service area designated as residential premises by the Chico General Plan, based on the maximum residential density for each such lot or parcel authorized by the Chico General Plan, and the total

number of additional acres of property within the lift station service area which could be devoted to a new nonresidential use or used for the expansion of an existing nonresidential use on those lots and parcels within the lift station service area designated as nonresidential premises by the Chico General Plan, all as adjusted by a factor of 0.70 to account for the fact that, on average, the density of residential and nonresidential development occurring in the city has not exceeded 70% of the maximum density authorized by the Chico General Plan;

3. That part of the total cost of constructing and installing the lift station reasonably attributable to each additional dwelling unit which could be constructed on any lot or parcel within the lift station service area designated as residential premises in the Chico General Plan; and
 4. That part of the total cost of constructing and installing the lift station reasonably attributable to each additional acre of property within the lift station service area which could be devoted to a new nonresidential use or used for the expansion of an existing nonresidential use.
- B. **Increases in Basic Lift Station Capacity Rates.** If on July first following the date the city council adopts a resolution establishing the basic lift station capacity rates for a lift station service area, or on July first of any year thereafter, there is an increase in the cost of constructing a lift station during the preceding year, then the basic lift station capacity rates for such lift station service area shall also be increased in proportion to the increase in such costs. The determination of whether there has been an increase in the cost of constructing a lift station and the amount of the increase in the basic lift station capacity rates which is proportional to the increase in such costs shall be made by the director, with the approval of the city manager, and shall be based exclusively on the net percentage increase during the preceding year in the Engineering News Record Construction Cost Index for San Francisco (based on 1913 U.S. average = 100) as published in the Engineering News Record/McGraw Hill Construction Weekly.

(Ord. 2092 §15, Ord. 2364 §263)

15.36.173 Determination of lift station capacity fees from lift station capacity rates.

- A. **Residential and Nonresidential Premises Initially Connecting to the Sewer System.**
 1. **Residential Premises.** In determining the lift station capacity fee assessed and levied upon the owner of residential premises initially connecting such premises to the sewer system from the lift station capacity rates established in the manner provided by this article, the director's determination shall be based on the number of separate dwelling units located on or which will be located on such premises.
- B. **Residential Premises Connected to the Sewer System on Which the Number of Dwelling Units is Being Increased.** In determining the lift station capacity fee assessed and levied upon the owner of residential premises increasing the number of dwelling units on such premises from the lift station capacity rates established in the manner provided by this article, the director's determination shall be based on the number of separate dwelling units to be added to such premises.
- C. **Residential Premises Connected to the Sewer System Being Converted to a Nonresidential Use.** In determining the lift station capacity fee assessed and levied upon the owner of residential premises converting the use of such premises to a nonresidential use from the lift station capacity rates established in the manner

- provided by this article, the director's determination shall be based on the area of the lot or parcel on which such premises are located, or, when less than the entire lot or parcel is being converted to a nonresidential use, that part of the area of the lot or parcel which will be converted to such use plus all other areas of the lot or parcel appurtenant to such use, including, but not limited to, pedestrian ways, driveways, vehicular parking lots, landscaped areas and areas within required yards and setbacks. Provided, that in determining the lift station capacity fee assessed and levied upon the owner of such premises, the director shall deduct from such fee an amount equal to the current lift station capacity fee for one dwelling unit for each dwelling unit removed from such premises as a result of the conversion of such premises to a nonresidential use.
- D. Nonresidential Premises on Which the Area Devoted to Such Nonresidential Use is Being Increased. In determining the lift station capacity fee assessed and levied upon the owner of nonresidential premises increasing the area of such premises devoted to a nonresidential use from the lift station capacity rates established in the manner provided by this article, the director's determination shall be based on the area of the lot or parcel on which such premises are located which is being added to such nonresidential use plus any additional area of the lot or parcel appurtenant to such use including, but not limited to, all additional pedestrian ways, driveways, vehicular parking lots, landscaped areas, and areas within required yards and setbacks.
- E. Nonresidential Premises Connected to the Sewer System Being Converted to a Residential Use. In determining the lift station capacity fee assessed and levied upon the owner of nonresidential premises connected to the sewer system being converted to a residential use from the lift station capacity rates established in the manner provided by this article, the director's determination shall be based on the number of separate dwelling units to be added to such premises. Provided, that in determining the lift station capacity fee assessed and levied upon the owner of such premises, the director shall deduct from such fee an amount equal to the current lift station capacity fee for nonresidential premises for all areas of the lot or parcel on which such premises are located which are being removed from a nonresidential use as a result of the conversion of such premises to a residential use.
- (Ord. 2092 §15, Ord. 2268, Ord. 2364 §264)

15.36.174 Credits.

In determining the lift station capacity fee assessed and levied upon the owner of residential and nonresidential premises initially connecting such premises to the sewer system, the director shall deduct from such lift station capacity fee each of the credits hereinafter provided for by this section.

- A. Credits Applicable to Premises Owned by the Person who Constructed and Installed a lift station. Where the premises are or were owned by the person who constructed and installed the lift station or who caused the construction and installation of the lift station for which the fee is being assessed, and where the person constructing and installing such lift station or causing construction and installation of such lift station specifically identified such premises as one of the lots and parcels to be served by the lift station at the time construction and installation of the lift station was commenced, the director shall credit the owner of such premises with an amount equal to the current lift station fee for the particular use of the premises which was contemplated at the time construction and installation of the lift station was commenced. Provided, that where such premises are subsequently subdivided, such credit shall be allocated

by the director in an appropriate manner among all of the resulting lots and parcels created by such subdivision.

- B. **Credit for Prior Assessment Made as Part of Sewer Assessment Proceedings.** Where the premises are or were located in an assessment district formed for a purpose which included the construction of lift station facilities, the director shall credit the owner of such premises with the current lift station capacity fee for the particular use of the premises which was contemplated at the time the assessment district was formed, all as set forth in the engineer's report prepared as part of the assessment district proceedings. Provided, that where premises located in a sewer assessment district are subsequently subdivided, such credits shall be allocated by the director among all of the resulting lots and parcels created by such subdivision according to benefit in the same manner as an unpaid assessment would be segregated and apportioned according to benefit pursuant to the provisions of Section 8730, et seq. of the California Streets and Highways Code.
- C. **Credit for Prior Payments of Lift Station Capacity Fees.** Where a lift station capacity fee was previously paid for the premises pursuant to the provisions of this article, the director shall credit the owner of such premises with one of the following amounts:
1. If the prior payment of the lift station capacity fee was predicated on the residential use of the premises, the director shall credit the owner of such premises with an amount equal to the current lift station capacity fee for each dwelling unit for which such fee was previously paid.
 2. If the prior payment of the lift station capacity fee was predicated on a nonresidential use of the premises, the director shall credit the owner of such premises with an amount equal to the current lift station capacity fee for each acre or portion of an acre for which such fee was previously paid.

(Ord. 2092 §15, Ord. 2364 §265)

15.36.175 Exemptions.

Notwithstanding any provisions of this Article to the contrary, a lift station capacity fee shall not be assessed and levied for any premises which are owned by the city and located in a lift station service area.

(Ord. 2092 §15)

15.36.176 Payment.

Except as hereinafter provided by this article, where a lift station capacity fee is assessed and levied upon the owner of premises incident to the connection of such premises to the sewer system, or a change or expansion in the use of such premises, such fee will be due and payable at the time the building permit or connection permit is issued for such premises, whichever first occurs.

(Ord. 2092 §15)

15.36.177 Deferral of payment.

A lift station capacity fee assessed and levied upon the owner of premises located in the incorporated territory of the city incident to the connection of such premises to the city sewer system or a change in use of such premises may be deferred by the owner of the premises from the date of the issuance of a building permit or connection permit for the premises to a date one year from the date of the issuance of such building permit or connection permit or to the date of the issuance of a certificate of occupancy for the premises, whichever first occurs, under the following circumstances:

- A. Where the premises are or will be occupied by “persons and families of low and moderate income,” as defined in Section 50093 of the California Health and Safety Code, and the entire amount of such lift station capacity fee will be financed with a loan made by the city or the Chico Redevelopment Agency; or
- B. Where the premises are or will be used for single-family residential purposes and the owner of the premises, at the time of issuance of the building permit or connection permit has:
 - 1. Entered into an agreement with the city undertaking to pay such deferred lift station capacity fee at the time of the issuance of such certificate of occupancy, which agreement shall be in a form approved by the city attorney and recorded against the premises in the official records of the county of Butte; and
 - 2. Paid to the city an additional fee in an amount equal to two percent of the deferred lift station capacity fee as and for the administrative costs to be incurred by the city by reason of such fee deferral; or
- C. Where the premises are or will be used for multi-family residential purposes or for a nonresidential purpose and the owner of the premises, at the time of the issuance of the building permit or connection permit, has:
 - 1. Entered into an agreement with the city undertaking to pay such deferred lift station capacity fee at the time of the issuance of such certificate of occupancy, which agreement shall be in a form approved by the city attorney,
 - 2. Executed a deed of trust securing performance of the duties and obligations of the owner of the premises under such agreement, which deed of trust shall also be in a form approved by the city attorney and shall be recorded against the property as a first deed of trust, and
 - 3. Paid to the city an additional fee in an amount equal to two percent of the deferred lift station capacity fee as and for the administrative costs to be incurred by the city by reason of such fee deferral.

(Ord. 2092 §15)

15.36.178 Reimbursement for the cost of excess capacity in a lift station constructed by the owner of premises connecting to the sewer system.

The owner of premises who is required to construct a lift station to be incorporated into the sewerage collection system incident to the connection of such premises to the sewer system shall be entitled to reimbursement for that part of the costs of any capacity in the lift station which is in excess of that necessary to serve the premises, as determined by the director. Such reimbursement shall be made exclusively out of the lift station capacity fees collected under this article from owners of other premises connecting to the sewer system by way of a sewer main or trunkline tributary to the lift station.

Reimbursement payments shall be made over a stipulated period between 15 and 30 years in duration, as determined by the director, beginning the date the lift station is completed and accepted by the city or until such time as the lift station is abandoned, whichever first occurs, all as provided for by a written lift station reimbursement agreement between the city and owner.

(Ord. 2092 §15, Ord. 2158 §5, Ord. 2364 §266)

ARTICLE VI. SEWER MAIN AND SEWER LATERAL INSTALLATION FEES

15.36.180 Sewer main installation fees.

- A. A sewer main installation fee is hereby assessed and levied upon the owner of the following premises:
 - 1. Residential and nonresidential premises initially connecting to the sewer system; and
 - 2. Residential and nonresidential premises for which a tentative subdivision map has been approved by the city.
- B. The sewer main installation fee assessed and levied upon the owner of premises pursuant to this section shall be based on the replacement cost of the sewer main installed adjacent to such premises as determined by the director in the manner hereinafter provided by this article, and shall be in addition to any sewer service fee, water pollution control plant capacity fee, trunkline capacity fee, lift station capacity fee, and/or sewer lateral fee assessed and levied pursuant to the provisions of this chapter.

(Ord. 1735 §1 (part), Ord. 2092 §§13, 16, Ord. 2364 §267)

15.36.185 Sewer main installation rates.

The sewer main installation fee assessed and levied upon the owner of premises as hereinbefore provided by this article shall be determined by the director from the following sewer main installation rates:

- A. Basic Sewer Main Installation Rate. The basic sewer main installation rates for residential and nonresidential premises shall be \$25 per front foot of each lot, parcel, or subdivision on or within which such premises are located.
- B. Increases in Basic Sewer Main Installation Rate. If, on July 1, 1989, or on July 1st of any year thereafter, there is an increase in the cost of constructing and installing sewer mains during the preceding year, then the basic sewer main installation rates shall also be increased in proportion to the increase in such costs. The determination of whether there has been an increase in the cost of constructing and installing sewer mains and the amount of the increase in the basic sewer main installation rates which is proportionate to the increase in such costs shall be made by the director, with the approval of the city manager, and shall be based exclusively on the net percentage increase during the preceding year in the Engineering News Record cost index for San Francisco (based on 1913 U.S. average = 100) as published in the Engineering News Record/McGraw-Hill Construction Weekly.

(Ord. 1735 §1 (part), Ord. 2092 §13, Ord. 2364 §268)

15.36.190 Determination of sewer main installation fees from sewer main installation rates.

- A. Residential and Nonresidential Premises Initially Connecting to the Sewer System. In determining the sewer main installation fees assessed and levied upon the owner of residential and nonresidential premises initially connecting to the sewer system from the sewer main installation rates as hereinbefore provided by this article, the director's determination shall be based on the following:
 - 1. Residential premises - The front footage of the shortest side of the lot or parcel on which such premises are located adjoining a public street or public easement, or 60 front feet, whichever is greater,
 - 2. Nonresidential premises - The front footage of the shortest side of the lot or parcel on which such premises are located adjoining a public street or public easement; provided, however, that the sewer main installation fee for premises having an area less than one acre shall not be less than the fee for 60 front feet and the fee

for premises having an area greater than one acre shall not be less than the fee for 150 front feet.

- B. Residential and Nonresidential Premises for Which a Tentative Subdivision Map Has Been Approved by the City. In determining the sewer main installation fees assessed and levied upon the owner of residential and nonresidential premises for which a tentative subdivision map has been approved by the city from the sewer main installation rates as hereinbefore provided by this article, the director's determination shall be based on the front footage of all sides of the subdivision adjoining a public street or public easement. However, the sewer main installation fee for subdivisions having an area less than one acre shall not be less than the fee for 60 front feet and the fee for premises having an area greater than one acre shall not be less than the fee for 150 front feet.

(Ord. 1735 §1 (part), Ord. 2268, Ord. 2364 §269)

15.36.191 Exemptions from sewer main installation fees.

Notwithstanding any provisions of this article to the contrary, a sewer main installation fee shall not be assessed and levied for the following premises or under the following circumstances:

- A. Premises owned by the city;
- B. Premises connected to the sewer system by way of a connection to a sewerage collection system operated by a public agency other than the city;
- C. Premises for which a sewer main installation fee was previously paid pursuant to the provisions of this article or any other city ordinance or resolution;
- D. Premises being connected to an existing sewer main which is adjacent and which is or was installed:
 - 1. Within a private street or easement,
 - 2. As a result of an assessment district proceeding, provided the premises were assessed for such sewer main as part of such assessment district proceeding, or
 - 3. As a condition of the approval of a subdivision, provided that the premises are located within the boundaries of such subdivision;
- E. Where the owner of the premises, at the time of connecting the premises to the sewer system, is required by the provisions of this chapter to install a sewer main extension and such sewer main extension is located within:
 - 1. An existing public street or public easement; provided that, where there is an existing sewer main within a portion of the public street or public easement adjoining the premises, then, notwithstanding any provisions of this section to the contrary, a sewer main installation fee shall be assessed and levied against the owner of the premises in the amount provided for by this article or in an amount equal to the product of the sewer main installation rate provided for by this article multiplied by the length of the existing sewer main which is within the portion of the public street or easement adjoining the premises, whichever is less, or
 - 2. A private street or private easement entirely within the boundaries of a subdivision in which all or substantially all of the streets are privately owned and maintained; provided that the premises are also located within the boundaries of such subdivision;
- F. Where the owner of the premises, as a condition of the approval of a tentative map for the premises, is required by the provisions of this chapter to install a sewer main extension and such sewer main extension is located within an existing public street or public easement; provided that, where there is an existing sewer main within a

portion of the public street or public easement adjoining the premises, then, notwithstanding any provisions of this section to the contrary, a sewer main installation fee shall be assessed and levied against the owner of the premises in the amount provided for by this article or in an amount equal to the product of the sewer main installation rates provided for by this article multiplied by the length of the existing sewer main which is within the public street or easement adjoining the premises, whichever is less.

(Ord. 1735 §1 (part), Ord. 2016 §3, Ord. 2049 §11)

15.36.192 Payment of sewer main installation fees.

- A. Where a sewer main installation fee is assessed and levied upon the owner of premises initially connecting to the sewer system, such fee shall be due and payable at the time a building permit or a connection permit is issued for such premises, whichever first occurs. Provided, however, that where a sewer main installation fee is assessed and levied upon the owner of any such premises which are or will be occupied by “persons or families of low and moderate income,” as defined in Section 50093 of the California Health and Safety Code, and the entire amount of such fee will be financed with a loan made by the city or the Chico Redevelopment Agency, then such fee will be due and payable at the time of the issuance of a certificate of occupancy for such premises.
- B. Where a sewer main installation fee is assessed and levied upon the owner of premises for which a tentative subdivision map has been approved by the city, such fee shall be due and payable either at the time a final map is filed for the subdivision or at the time a subdivision improvement agreement is executed, whichever first occurs. Provided, however, that where a sewer main installation fee is assessed and levied upon the owner of any such premises being developed with residential dwelling units to be occupied by families of low and moderate income as defined by Section 50093 of the California Health and Safety Code and the entire amount of such fee will be financed with a loan made by the city or the Chico Redevelopment Agency, then the owner of the premises may elect to defer payment of the sewer main installation fee for each such dwelling unit until the time of the issuance of a certificate of occupancy for the dwelling unit. In the event the owner of such premises makes such election, then the owner shall execute and record an agreement which shall be in a form approved by the city attorney and which shall set forth the owner's undertaking to pay the sewer main installation fee at the time of issuance of the certificate of occupancy for each residential dwelling unit constructed on the premises.

(Ord. 1735 §1 (part), Ord. 1785 §5, Ord. 1799 §3, Ord. 2049 §12)

15.36.195 Sewer lateral installation fees.

A sewer lateral installation fee is hereby assessed and levied upon the owner of residential and nonresidential premises initially connecting to the City sewer system where such connection to the sewer system is made by way of a connection to an existing sewer lateral previously installed by the city in the public street or on a public easement adjacent to the lot or parcel on which such premises are located.

(Ord. 2049 §13)

15.36.196 Sewer lateral installation rates.

- A. Basic Sewer Lateral Installation Rate. The basic sewer lateral installation rate for

residential and nonresidential premises shall be \$18.29 for each foot of a sewer lateral between the point at which such premises are connected to the sewer lateral and the point at which the sewer lateral is connected to a sewer main or trunkline in the public street or a public easement adjoining the lot or parcel on which the premises are located.

- B. Increases in Basic Sewer Lateral Installation Rate. If on July 1, 1993, or on July first of any year thereafter, there is an increase in the cost of constructing and installing sewer laterals during the preceding year, then the basic sewer lateral installation rate shall also be increased in proportion to the increase in such costs. The determination of whether there has been an increase in the cost of constructing and installing sewer laterals and the amount of the increase in the basic sewer lateral installation rate which is proportional to the increase in such costs shall be made by the director with the approval of the city manager and shall be based exclusively on the net percentage increase during the preceding year in the Engineering News Record Cost Index for San Francisco (based on 1913 U.S. Average = 100) as published in the Engineering News Record/McGraw-Hill Construction Weekly.

(Ord. 2049 §14, Ord. 2364 §270)

15.36.197 Determination of sewer lateral installation fees from sewer lateral installation rates.

The director shall determine the sewer lateral installation fee for residential and nonresidential premises connecting to the city sewer system from the product of the sewer lateral installation rate multiplied by the length of a lateral between the point at which such premises are connected to such sewer lateral and the point at which the sewer lateral is connected to a sewer main or trunkline in the public street or on a public easement adjoining the lot or parcel on which the premises are located. The same shall be measured along each vertical, horizontal and/or diagonal component of the sewer lateral.

(Ord. 2049 §15, Ord. 2364 §271)

15.36.198 Exemptions from sewer lateral installation fees.

Notwithstanding any provisions of this article to the contrary, a sewer lateral installation fee shall not be assessed and levied for the following premises or under the following circumstances:

- A. Premises owned by the city;
- B. Premises for which a sewer lateral installation fee was previously paid pursuant to the provisions of this article; and
- C. Premises being connected to an existing sewer lateral which is or was constructed and installed:
 - 1. Within a private street or easement,
 - 2. As a result of an assessment district proceeding, providing the premises were assessed for such sewer lateral as part of such assessment district proceeding, or
 - 3. As a condition of approval of a subdivision, provided the premises are located within the boundaries of such subdivision.

(Ord. 2047 §16)

15.36.199 Payment of sewer lateral installation fees.

Where a sewer lateral installation fee is assessed and levied upon the owner of premises initially connecting to the city sewer system, such fees shall be due and payable

at the time a building permit or a connection permit is issued for such premises, whichever first occurs. Provided, however, that where a sewer lateral installation fee is assessed and levied upon the owner of such premises which are or will be occupied by "persons or families of low and moderate income," as defined in Section 50093 of the California Health and Safety Code, and the entire amount of such fee will be financed with a loan made by the city or the Chico Redevelopment Agency, then such fee shall be due and payable at the time of issuance of a certificate of occupancy for such premises. (Ord. 2049 §17)

ARTICLE VII. SEWER MAIN EXTENSIONS AND SEWER LATERALS

15.36.200 Installation of sewer main extensions.

A. Residential or Nonresidential Premises Initially Connecting to the Sewer System.

Where residential or nonresidential premises initially connecting to the sewer system do not have an existing sewer main located in a street or easement adjacent to the lot or parcel on which such premises are located, the owner of the premises shall install a sewer main extension from a point within a street or easement adjacent to such lot or parcel which is approved by the director to a point on the existing sewer main also as approved by the director. In addition, where such premises are being initially connected to the sewer system incident to the construction or alteration of a building or other structure on the premises which requires the issuance of a building permit pursuant to the provisions of this code, the owner of the premises shall install a sewer main extension throughout the length of any street improvements required to be made in the public rights-of-way adjoining the premises as a condition of the issuance of such building permit.

All such sewer main extensions shall be installed in accordance with the design criteria and improvement standards for sanitary sewer mains now or hereafter adopted by or pursuant to this code, and shall be located within a public street or public easement except where the director determines that the location of the sewer main within a public street or public easement is impracticable and except for that part of a sewer main extension located within the boundaries of a subdivision in which all or substantially all of the streets are privately owned and maintained. Where a sewer main extension is installed incident to the construction or alteration of a building or structure or a change in use of premises which requires a certificate of occupancy pursuant to the provisions of this code, the sewer main extension shall be completed prior to the issuance of such certificate of occupancy.

B. Residential or Nonresidential Premises for Which a Tentative Subdivision Map has Been Approved by the City. Where a tentative subdivision map has been approved by the city for residential or nonresidential premises, the owner of such premises shall install a sewer main extension throughout the area of the subdivision to be served by the sewer system. In addition, where a tentative subdivision map has been approved by the city for residential or nonresidential premises which do not have an existing sewer main in a street or easement adjacent to the boundaries of the subdivision, the owner of such premises shall install a sewer main extension from a point within a street or easement adjacent to the subdivision boundaries which is approved by the director to a point on an existing sewer main also as approved by the director. Moreover, where, as a condition of approval of a tentative map for residential or nonresidential premises, street improvements are required to be made in the public

rights-of-way adjoining such premises, the owner of the premises shall, at the owner's sole cost and expense, also install a sewer main extension throughout the length of any such street improvements.

All such sewer main extensions shall be installed in accordance with the design criteria and improvement standards for sanitary sewer mains now or hereafter adopted by or pursuant to this code, shall be located within a public street or public easement except where the director determines that the location of the sewer main in a public street or public easement is impracticable and except for that part of the sewer main extension located within the boundaries of a subdivision in which all or substantially all of the streets are privately owned and maintained, and shall be completed prior to the filing of a final map for the subdivision or in the manner and within the time provided for in a subdivision improvement agreement executed pursuant to the provisions of this code at the time of filing a final map for the subdivision.

(Ord. 1735 §1, Ord. 2364 §272)

15.36.210 Maintenance of sewer main extensions.

All sewer main extensions installed within a public street, public utility easement, public service easement, or public sewer easement as hereinbefore provided by this article shall be maintained by the city; provided that, the city shall have the right to discontinue the maintenance of or remove such sewer main extensions when premises adjacent thereto are no longer being served by the sewer system. All sewer main extensions installed within a private street or private sewer easement shall be maintained by the owner of the premises served by the sewer main extension.

(Ord. 1735 §1 (part))

15.36.220 Reimbursements for the cost of installing sewer main extensions.

The owner of premises who is required to install a sewer main extension within a public street, public utility easement, public service easement, or public sewer easement as provided by this article shall be entitled to reimbursement for part of the cost incurred in installing the sewer main extension. Such reimbursement shall be made from sewer main installation charges assessed and levied upon the owner of premises connecting to such sewer main; except that the owner of premises for which a tentative subdivision map has been approved by the city shall not be entitled to any reimbursement from the owners of lots or parcels within such subdivision that are subsequently connected to the sewer system. All sewer main reimbursements shall be made in accordance with a written reimbursement agreement executed between the city and the owner of the premises installing the sewer main extension which shall provide that the owner of such premises shall be reimbursed for the cost incurred in installing the sewer main extension on the basis of the sewer main installation rates established by this chapter and the front footage of the lot or parcel on which premises subsequently connecting to the sewer system are located. The total amount reimbursed shall not exceed the total cost of the sewer main extension, less the sewer main installation fee which the owner of the premises installing the sewer main extension would have had to pay, as provided by this chapter, if a sewer main had not been adjacent to the particular lot, parcel, or subdivision on or within which such premises are located. Such reimbursement shall be made over a stipulated period between 15 and 30 years in duration, beginning the date the sewer main extension is completed and accepted by the city, all as determined by the director.

(Ord. 1735 §1 (part), Ord. 2158 §6, Ord. 2364 §273)

15.36.230 Installation of sewer laterals.

The owner of premises connecting to the sewer system shall be required to install sewer laterals between the waste disposal system on the premises being connected to the sewer system and the sewer main adjacent to the lot or parcel on which such premises are located. Such sewer laterals shall be installed in accordance with the design criteria and improvement standards for sewer laterals as well as any applicable plumbing standards now or hereafter adopted by or pursuant to this code, and where installed incident to the construction or alteration of a building or structure or change in use of premises requiring a certificate of occupancy pursuant to the provisions of this code, shall be completed prior to the issuance of such certificate of occupancy. Where the premises connecting to sewer system are located on separate lots or parcels having the same owner, such premises shall be connected to the sewer system by separate laterals notwithstanding such common ownership.

(Ord. 1735 §1 (part))

15.36.235 Maintenance of sewer laterals.

The owner of premises connected to the sewer system shall be responsible for maintaining the sewer lateral between the waste disposal system on such premises and the sewer main adjacent to the lot or parcel on which such premises are located in good order and condition and at owner's sole cost and expense.

(Ord. 1735 §1 (part), Ord. 2268)

ARTICLE VIII. CONNECTION PERMITS**15.36.240 Connection permit requirements.**

No person shall cause or permit premises to be initially connected to the sewer system nor shall any person increase the number of dwelling units on residential premises connected to the sewer system, change the use of residential premises connected to the sewer system to a nonresidential use, increase the area of nonresidential premises devoted to a nonresidential use, or change the use of nonresidential premises to a residential use without a connection permit issued by the director as hereinafter provided by this article.

(Ord. 1735 §1 (part), Ord. 2364 §274)

15.36.243 Permits authorizing the initial connection of premises located in the incorporated territory of the city to the sewer system.

A permit authorizing the initial connection of premises located in the incorporated territory of the city to the sewer system shall be issued by the director if, following the filing of an application for such permit in the manner hereinafter provided by this chapter, the director determines that all of the following conditions have been met:

- A. The type and density of any proposed development on the premises are consistent with the Chico General Plan;
- B. All water pollution control plant capacity fees, trunkline capacity fees, lift station capacity fees, sewer main installation fees, and sewer lateral installation fees assessed and levied pursuant to the provisions of this chapter have been paid or payment of such fees deferred in the manner provided by this chapter; and
- C. All non-residential users have completed and returned a wastewater survey as supplied by the city and paid any and all applicable fees related to the industrial

- wastewater pretreatment and permitting program; and
- D. Plans and specifications for any sewer main extension required by the provisions of this chapter have been submitted to and approved by the director.
(Ord. 1735 §1 (part), Ord. 1943 §15, Ord. 1971 §5, Ord. 2092 §17, Ord. 2130 §2, Ord. 2364 §275)

15.36.245 Permits authorizing the initial connection of premises located in that portion of the unincorporated territory of the county of Butte within the Chico Sphere of Influence to the sewer system by way of a connection to the sewerage collection system owned by the city - Developed premises.

A permit authorizing the initial connection of developed premises located in that portion of the unincorporated territory of the county of Butte within the Chico Sphere of Influence to the sewer system by way of a connection to the sewerage collection system owned by the city shall be issued by the director if, following the filing of an application for such permit in the manner hereinafter provided by this chapter, the director determines that all of the following conditions have been met:

- A. The premises are either:
1. Nonresidential premises developed with buildings or structures devoted to an industrial use;
 2. Nonresidential premises owned by a nonprofit corporation and developed with buildings or structures utilized by such nonprofit corporation in the provision of social services benefitting persons residing within the incorporated territory of the city;
 3. Residential or nonresidential premises served by a failing septic tank; or
 4. Residential or nonresidential premises subject to a sewer service and annexation agreement executed prior to December 17, 1993 in which the city undertook to provide sewer service to such premises or which are within a county subdivision for which the city issued a commitment to provide sewer service prior to December 17, 1993.
- B. All water pollution control plant capacity fees, trunkline capacity fees, lift station capacity fees, sewer main installation fees, and sewer lateral installation fees assessed and levied pursuant to the provisions of this chapter have been paid;
- C. All non-residential users have completed and returned a wastewater survey as supplied by the city and paid any and all applicable fees related to the industrial wastewater pretreatment and permitting program;
- D. Plans and specifications for any sewer main extensions required by the provisions of this chapter have been submitted to and approved by the director;
- E. If such an agreement is not already in effect, the owner of the premises has executed and recorded a sewer service and annexation agreement which has been approved by the city attorney and which:
1. Contains a waiver by the owner of the premises of any right of protest to the annexation of the premises to the incorporated territory of the city provided for under the annexation laws of the state of California either as a landowner or as a registered voter residing within an area being annexed to the incorporated territory of the city,
 2. Sets forth any covenants and conditions which the director determines are necessary in order to insure that the premises are developed or used in a manner which is compatible with the proper operation of the sewer system, and
 3. Provides that the agreement and any waivers, covenants and conditions set forth therein run with the land on which the premises are located;

- F. If the premises are contiguous and annexable to the incorporated territory of the city, the owner of such premises has executed and filed a petition to annex the premises to the incorporated territory of the city; provided, however, that the owner of such premises shall not be required to execute and file an annexation petition where the city manager has determined that the provision of municipal services to the premises, other than sewer service, would require a substantial expenditure of public funds.
(Ord. 1971 §6, Ord. 2049 §18, Ord. 2068 §2, Ord. 2092 §18, Ord. 2130 §3, Ord. 2364 §276)

15.36.246 Permits authorizing the initial connection of premises located in that portion of the unincorporated territory of the county of Butte within the Chico Sphere of Influence to the sewer system by way of a connection to the sewerage collection system owned by city - Undeveloped premises.

A permit authorizing the initial connection of undeveloped premises located in that portion of the unincorporated territory of the county of Butte within the Chico Sphere of Influence to the sewer system by way of a connection to the sewerage collection system owned by the city shall be issued by the director if, following the filing of an application for such permit in the manner hereinafter provided by this chapter, the director determines that all of the following conditions have been met:

- A. The premises are either:
1. Nonresidential premises being developed with buildings or structures devoted to an industrial use;
 2. Residential or nonresidential premises owned by a nonprofit corporation and being developed with buildings or structures utilized by such nonprofit corporation in the provision of social services benefitting persons residing within the incorporated territory of the city; or
 3. Residential and no more than two additional residences will be connected pursuant to the permit; and:
 - a. The property is either substantially surrounded by developed parcels located in the unincorporated area or is on the periphery of the developed urban area and the parcels located between the property and the nearest edge of the city limits are predominantly developed; and
 - b. The infrastructure extended to serve the property is sized to serve adjacent or intervening parcels which may connect in the future; or
- B. The type and density of any proposed development on the premises are consistent with the Chico General Plan;
- C. All water pollution control plant capacity fees, trunkline capacity fees, lift station capacity fees, sewer main installation fees and sewer lateral installation fees assessed and levied pursuant to the provisions of this chapter have been paid;
- D. Plans and specifications for any sewer main extensions required by the provisions of this chapter have been submitted to and approved by the director;
- E. The owner of the premises has paid to the city all of the street facility improvement fees, street facility reimbursement fees, storm drainage fees, park facility fees and other public facility fees which would be assessed and levied upon an owner of premises located within the city in accordance with the provisions of this code incident to the issuance of a building permit for the construction of a new building or structure on city premises, less the amount of any similar fees which the owner of the connecting premises is required to pay to the county of Butte pursuant to any applicable county ordinance or fee schedule;
- F. The owner of the premises has dedicated to the public use all of the rights-of-way and

other easements and/or undertaken to construct and install all of the streets and public improvements which an owner of premises located within the city would be required to dedicate and/or construct and install in accordance with the provisions of this code incident to the issuance of a building permit for the construction of a new building or structure on city premises, except that the owner of the premises shall not be required to make any such dedications and/or undertake to construct and install any such public improvements which have been determined by the director to be totally incompatible with the dedication and improvement requirements of the county of Butte;

- G. If such an agreement is not already in effect, the owner of the premises has executed and recorded a sewer service and annexation agreement which has been approved by the city attorney and which:
1. Contains a waiver by the owner of the premises of any right of protest to the annexation of the premises to the incorporated territory of the city provided for under the annexation laws of the state of California either as a landowner or registered voter residing within the area being annexed to the incorporated territory of the city,
 2. Sets forth any covenants and conditions which the director determines are necessary in order to insure that the premises are developed or used in a manner which is consistent with the Chico General Plan and compatible with the proper operation of the sewer system, and
 3. Provides that the agreement and any waivers, covenants and conditions set forth therein run with the land on which the premises are located; and
- H. If the premises are contiguous and annexable to the incorporated territory of the city, the owner of such premises has executed and filed a petition to annex the premises to the incorporated territory of the city.

(Ord. 1735 §1 (part), Ord. 1754, Ord. 1835 §1, Ord. 1943 §16, Ord. 1971 §7, Ord. 2068 §3, Ord. 2092 §19, Ord. 2364 §277, Ord. 2371 §1)

15.36.250 Permits authorizing the initial connection of premises located in that portion of the unincorporated territory of the county of Butte within the Chico Sphere of Influence to the city sewer system by way of a connection directly to the water pollution control plant or by a connection to a sewerage collection system owned by a public agency other than the city.

A permit authorizing the initial connection of premises located in that portion of the unincorporated territory of the county of Butte within the Chico Sphere of Influence to the sewer system by way of a connection directly to the water pollution control plant or by way of a connection to a sewerage collection system owned by a public agency other than the city shall be issued by the director if, following the filing of an application for such permit in the manner hereinafter provided by this chapter, the director determines that all of the following conditions have been met:

- A. The type and density of any proposed development on the premises are consistent with the Chico General Plan; and
- B. All water pollution control plant capacity fees assessed and levied pursuant to the provisions of this chapter have been paid.

(Ord. 1735 §1 (part), Ord. 1971 §8, Ord. 2068 §4, Ord. 2364 §278)

15.36.252 Issuance of permits authorizing a change or expansion in the use of premises which are located within the incorporated territory of the city of

Chico and which are connected to the city sewer system.

A permit authorizing the owner of premises located in that portion of the Chico Sphere of Influence within the incorporated territory of the city and already connected to the city sewer system to change, expand or increase the intensity of the use of such premises shall be issued by the director, if, following the filing of an application for such permit in the manner hereinafter provided by this chapter, the director determines that all of the following conditions have been met:

- A. The type and density of any changed or expanded use of the premises are consistent with the Chico General Plan; and
- B. Any additional water pollution control plant capacity fees and sewer trunkline capacity fees assessed and levied pursuant to the provisions of this chapter incident to a change in use of the premises have been paid.

(Ord. 2068 §5, Ord. 2364 §279)

15.36.255 Issuance of permits upon a change or expansion in the use of premises located within that portion of the unincorporated territory of the county of Butte within the Chico Sphere of Influence and already connected to the city sewer system.

A permit authorizing the owner of premises located in that portion of the Chico Sphere of Influence within the unincorporated territory of the county of Butte and already connected to the city sewer system to change, expand or increase the intensity of the use of such premises shall be issued by the director if, following the filing of an application for such permit in the manner hereinafter provided by this chapter, the determines that all of the following conditions have been met:

- A. The type and density of any changed use of the premises are consistent with the Chico General Plan;
- B. Any additional water pollution control plant capacity fees, trunkline capacity fees and lift station capacity fees assessed and levied pursuant to the provisions of this chapter incident to a change in use of the premises have been paid; and
- C. If the premises are connected to the sewer system by way of a connection to the sewerage collection system owned by the city, the owner of the premises has:
 1. Paid or caused to be paid to the city all of the street facility improvement fees, street facility reimbursement fees, park facility fees, storm drainage fees and other public facility fees which would be assessed and levied upon an owner of premises located within the city in accordance with the provisions of this code incident to a change or expansion in the use of city premises or any building or structure located thereon, less the amount of any similar fees which the owner of the county premises would be required to pay to the county of Butte pursuant to any applicable county ordinance or fee schedule, and
 2. Dedicated to the public use all of the rights-of-way and other easements and/or undertaken to construct and install an of the streets and other public improvements which an owner of premises located within the city would be required to dedicate and/or construct and install in accordance with the provisions of this code incident to a change or expansion in the use of city premises or any building or structure located thereon, except that the owner of the county premises shall not be required to make any such dedications and/or undertake to

construct and install any such public improvements which have been determined by the director to be totally incompatible with the dedication and improvement requirements of the county of Butte.

(Ord. 1735 §1 (part), Ord. 1835 §2, Ord. 1971 §9, Ord. 2068 §6, Ord. 2092 §20, Ord. 2364 §280)

15.36.260 Applications for connection permits.

Applications for a connection permit shall be filed with the building and development services department in a form approved by the director and shall be accompanied by an application fee in an amount established by resolution of the city council, no part of which shall be refunded to the applicant.

(Ord. 1735 §1 (part), Ord. 2364 §281)

ARTICLE IX. VIOLATIONS

15.36.270 Violations punishable as an infraction.

Any violation of the provisions of this chapter shall be an infraction and shall be punishable as provided by this code.

(Ord. 1735 §1 (part), Ord. 2130 §6)

15.36.280 Disconnection.

- A. Upon violation of any of the provisions of this chapter by any owner or occupant of premises connected to the sewer system, including the refusal to pay any sewer service fee, water pollution control plant capacity fee, trunkline capacity fee, sewer main installation fee, or any other fee assessed and levied pursuant to the provisions of this chapter more than 30 days after such fee becomes delinquent, the director may disconnect such premises from the sewer system.
- B. Except in the case of a violation which causes a public hazard which can be eliminated or reduced by disconnecting the premises from the sewer system, the director, before disconnecting premises from the sewer system as provided for by this section, shall give notice to all occupants of the premises to be disconnected of the city's proposed action, which notice shall set forth:
 1. The violation or violations upon which the director bases the proposed action;
 2. The action which must be taken by the occupants of the premises to abate the violation or violations;
 3. The date the premises will be disconnected from the sewer system, which shall not be less than ten days following the date of presentation of the notice.
- C. Premises disconnected from the sewer system as provided for by this section shall not be reconnected to the sewer system until:
 1. The director finds that the reconnection of the premises to the sewer system and discharge of waste from the premises to the sewer system would not result in a violation of any of the provisions of this chapter; and
 2. All sewer service fees, water pollution control plant capacity fees, trunkline capacity fees, sewer main installation fees, or any other fees assessed and levied upon the owners or occupants of the premises as hereinbefore provided for by this chapter have been paid in full; and

3. The actual cost incurred by the city in disconnecting the premises from the sewer system has been paid in full; and
 4. The actual cost to be incurred by the city in reconnecting the premises has been paid in full.
- D. Premises disconnected from the sewer system as provided for by this section are hereby declared a public nuisance and the city attorney is authorized to commence and prosecute an action to abate such nuisance and enjoin occupancy of the premises until they are reconnected to the sewer system.
(Ord. 1735 §1 (part), Ord. 2130 §, Ord. 2364 §282)

15.36.290 Action to abate.

A violation of the provisions of this chapter, other than a failure or refusal to pay any sewer service fee, water pollution control plant capacity fee, trunkline capacity fee, sewer main installation fee, or any other fee assessed and levied pursuant to the provisions of this chapter, is declared a public nuisance and the city attorney is authorized to commence an action against the owner or occupants of such premises to abate such nuisance.

(Ord. 1735 §1 (part), Ord. 2130 §8)

15.36.300 Action to collect delinquent fees.

Upon the failure or refusal of the owner or occupant of premises served by the sewer system to pay any sewer service fee, water pollution control plant capacity fee, trunkline capacity fee, sewer main installation fee, or any other fee assessed and levied pursuant to the provisions of this chapter after such fees become delinquent, an action may be commenced by the city attorney on behalf of the city to collect such delinquent fees.

(Ord. 1735 §1 (part), Ord. 2130 §9)

Chapter 15.40

SEWER DISCHARGE REQUIREMENTS

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ARTICLE I. GENERAL PROVISIONS

15.40.001 Purpose.

This chapter is enacted pursuant to the municipal affairs provisions of section 201 of the City Charter for the purpose of establishing uniform requirements for direct and indirect contributions into the city's sewer system and enables the city to comply with all applicable state and federal laws required by the Federal Water Pollution Control Act (33 United States Code §1251 et seq.) and the General Pretreatment Regulations adopted pursuant to that Act (40 Code of Federal Regulations, Section 403).

The objectives of this chapter are:

- A. To prevent the introduction of pollutants into the city's sewer system which will interfere with the operation of the system or contaminate the resulting sludge;
- B. To prevent the introduction of pollutants into the city's sewer system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- C. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.

This chapter provides for the regulation of direct and indirect contributors to the city's sewer system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, and assumes that existing user capacity

will not be preempted.
(Ord. 2130 §10)

15.40.005 Director.

The term “director” when used in this chapter means the director of the general services department.
(Ord. 2364 §283)

15.40.010 Definitions.

Unless the contrary is stated or clearly appears from the context, the definitions set forth in this section shall govern the construction of the words and phrases used in this chapter.

- A. Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended (33 United States Code section 1251 et seq.).
- B. Administrator. The Regional Administrator of Region IX, United States Environmental Protection Agency.
- C. Authorized Representative of Industrial User or Authorized Representative of User. An authorized representative of that user, who shall be:
 - 1. A responsible corporate officer, which means a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; or any other person who performs similar policy or decision making functions for the corporation; or the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 - 2. A general partner or proprietor if the industrial user is a partnership or sole proprietorship respectively;

A duly authorized representative of the individual designated above if such authorization is in writing and the representative is responsible for the overall operation of the facilities from which the indirect discharge originates or if the representative has overall responsibility for environmental matters for the company.

The written authorization shall be submitted to the city. If an authorization is no longer accurate because a different individual, position, or office has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization must be submitted to the city prior to or together with any reports to be signed by an authorized representative.
- D. Baseline Monitoring Report. An initial report submitted by an industrial user determined to be subject to a pretreatment standard pursuant to section 15.40.290.
- E. Biochemical Oxygen Demand. The quantity of oxygen utilized in the oxidation of organic matter under standard laboratory procedure, five days at twenty degrees centigrade expressed in terms of weight and concentration (milligrams per liter).
- F. Building Sewer. That portion of a side sewer beginning at the plumbing or drainage outlet of any building or industrial facility and running to the property line or to a private sewage disposal system.
- G. California Toxics Rule. Water quality objectives or standards specifically for the State of California promulgated by the Environmental Protection Agency pursuant to the Act and codified at 40 Code of Federal Regulations, Section 131.
- H. Categorical Industrial User. An industrial user which on the basis of industrial activity must comply with pretreatment standards with established discharge limitations as

- defined under 40 Code of Federal Regulations, Section 403.6.
- I. Categorical Standards or National Categorical Pretreatment Standards. Any regulation containing pollution discharge limits promulgated by the Environmental Protection Agency in accordance with section 307(b) and (c) of the Act (33 United States Code §1347), which applies to a specific category of industrial users, including those standards promulgated in 40 Code of Federal Regulations, Chapter I, Subchapter N.
 - J. Cease and Desist Order. A compliance directive.
 - K. Chemical Oxygen Demand. The measure of the chemically decomposable material in domestic wastewater or industrial wastewater as represented by the oxygen used as determined by accepted laboratory procedures.
 - L. City's Sewer System. A treatment works as defined by section 212 of the Act, which is owned by the city of Chico (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastewater. It also includes sewers, pipes, pump stations, and other conveyances which convey wastewater to the water pollution control plant.
 - M. Compliance Directive. An order, also known as a cease and desist order, given by the director requiring a user to come into compliance with a wastewater discharge permit, pretreatment standard, pretreatment requirement, or other city wastewater requirement within a specified period of time.
 - N. Compliance Schedule. An order issued to a user not in compliance with this chapter, which sets up a timetable and deadlines to install the technology required to meet either a pretreatment standard or a pretreatment requirement or to be in compliance with the other requirements of this chapter.
 - O. Consistent Removal. Reduction in the amount of a pollutant or alteration of the nature of the pollutant by the city's sewage system to a less toxic or harmless state in the effluent which is achieved by the city's sewer system in ninety-five (95%) percent of the samples taken when measured according to the procedures set forth in 40 Code of Federal Regulations, Section 403.7(c).
 - P. Cooling Water. The water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.
 - Q. Correction Notice. The use of personal contact, telephone calls, or reminder letters to a user for the purpose of notifying the user of a minor violation and to seek an explanation, correct a minor violation, suggest the exercise of more due care or to notify the user that subsequent minor violations of the same type may be dealt with more severely.
 - R. Discharge or Indirect Discharge. The introduction of pollutants or wastewater into the city's sewer system by any means.
 - S. Discharger. Any person discharging waste to the city's sewer system. The term is synonymous with "user."
 - T. Domestic Wastewater. Any liquid, solid, sewage or waterborne waste of the type normally resulting from ordinary residential living processes, free from industrial wastes and generally containing only compatible pollutants which can be discharged into a public sewer without prior treatment.
 - U. Environmental Protection Agency. The U.S. Environmental Protection Agency.
 - V. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by the Environmental Protection Agency of proposed pretreatment standards which will be applicable to such source if the

- pretreatment standard is thereafter promulgated in accordance with section 307 of the Act.
- W. Grab Sample. A sample which is taken from a wastestream on a one time basis without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.
- X. Grit. The heavy suspended mineral matter present in water or wastewater such as sand, gravel, or cinders.
- Y. Industrial User. A nondomestic or commercial source of pollutants connected to the city's sewer system. Used herein, the term shall be generic and when used shall include categorical industrial users, significant industrial users and governmental agencies.
- Z. Industrial Wastewater. Any liquid or waterborne waste from manufacturing, processing, commercial or industrial facilities, except domestic waste, boiler blowdown, and uncontaminated or noncontact cooling water, provided, however, that substantial discharge of boiler blowdown closely associated with industrial activity shall be considered industrial wastewater when such discharge has a reasonable potential to affect or interfere with the city's sewer system, its treatment process, or operations as determined by the director.
- AA. Industrial Wastewater Discharge Permit. A waste discharge permit issued to categorical industrial users and significant industrial users.
- BB. Interceptor. Generally, a two or more compartment tank designed to prevent undesirable materials from leaving a commercial or industrial site and entering the city's sewer system. The tank allows adequate retention time so that wastewater may cool and the material it contains may stabilize. In this chapter, the usage of the term is generic and shall mean grease traps, sand traps, or separators wherever they may be located.
- CC. Interference. The inhibition or disruption of the city's sewer system, its treatment processes or operations, or its sludge processes, use, or disposal which contributes to a violation of the city's sewer system's National Pollutant Discharge Elimination System Permit or prevents sewage sludge use or disposal in compliance with applicable federal or state statutes, regulations, or permits.
- DD. Local Limits. Specific prohibitions or limits on pollutants or pollutant parameters developed by the city in accordance the 40 Code of Federal Regulations, Section 403.5(c) and contained in this chapter. Such limits shall be deemed pretreatment standards.
- EE. Maximum Allowable Headworks Loading. The maximum loading of a given pollutant that the city's sewer system can accept without causing an exceedance of the most limiting of the following restrictions:
1. City's sewer system upset limits (activated sludge and/or anaerobic digestion);
 2. Pass-through limits (either National Pollutant Discharge Elimination System discharge limits or water quality objectives);
 3. Sludge disposal limits; or
 4. City's sewer system design capacity limits.
- FF. Maximum Allowable Industrial Headworks Loading. The maximum loading of a given pollutant that can be discharged by the sum total of all industrial users without causing an exceedance of the most limiting of the following restrictions:
1. City's sewer system upset limits (activated sludge and/or anaerobic digestion);
 2. Pass-through limits (either National Pollutant Discharge Elimination System

- discharge limits or water quality objectives);
 - 3. Sludge disposal limits; or
 - 4. City's sewer system design capacity limits.
- GG. National Pollution Discharge Elimination System (National Pollutant Discharge Elimination System). Any regulation developed under the authority of section 307(b) of the Act and 40 Code of Federal Regulations, Section 403.5.
- HH. National Pollution Discharge Elimination System Permit or National Pollutant Discharge Elimination System Permit. A permit issued pursuant to section 402 of the Act (33 United States Code §1342.).
- II. National Toxics Rule. Water quality objectives or standards promulgated by the Environmental Protection Agency pursuant to the Act and codified at 40 Code of Federal Regulations, Section 131.
- JJ. New Source:
1. Any building, structure, facility, installation or other source from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act which will be applicable to such new source if such pretreatment standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building structure, facility, or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
 2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection "A" above but otherwise alters, replaces, or adds to existing process or production equipment.
 3. Construction of a new source as defined under this subsection has commenced if the owner or operator has either:
 - a. Begun, or caused to begin, as part of a continuous on site construction program:
 - (1) Any placement, assembly, or installation of facilities or equipment; or
 - (2) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified

- without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subparagraph.
- KK. Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any additives, raw material, intermediate product, waste product, or finished product.
- LL. Nonresidential Premises. All premises other than residential premises.
- MM. Notice of Violation. A written notice to a user that the city has determined that a violation of pretreatment standards or pretreatment requirements exists and requiring the non-compliance to be explained and corrected in a timely manner.
- NN. Occupant. The owner of premises and any person residing on premises or using premises for any purpose.
- OO. Owner. The person or persons holding the title to premises as shown by the official records of the County of Butte.
- PP. Pass Through. A discharge which exits the city's sewer system in quantities or concentrations which, alone or with discharges from other sources, may cause a violation of the city's sewer system's National Pollutant Discharge Elimination System Permit, including an increase in the magnitude or duration of a violation.
- QQ. Permit. A wastewater discharge permit issued by the city, including both industrial wastewater discharge permits and pollution prevention permits.
- RR. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.
- SS. pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- TT. Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, petroleum products or byproducts, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.
- UU. Pollutant of Concern. Any pollutant or substance, the discharge of which is prohibited by this chapter.
- VV. Pollution. The manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.
- WW. Pollution Prevention Permit. A wastewater discharge permit issued by the city to users who are neither significant industrial users nor categorical industrial users.
- XX. Pollution Prevention Program. A program to regulate wastewater discharges not covered by the industrial wastewater pretreatment program.
- YY. Premises. Any lot, place, or parcel of land, or any building, structure, or mobile home, or any part of a building, structure, or mobile home on any lot, place or parcel of land.
- ZZ. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the city's sewer system. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except that

- increase in the use of process water or other attempts to dilute a discharge of wastewater are prohibited.
- AAA. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, including but not limited to, local limits.
- BBB. Pretreatment Standard. Any National Categorical Pretreatment Standard.
- CCC. Residential Premises. All premises used exclusively for residential purposes except for boarding houses, dormitories, motels, hotels, hospitals, convalescent homes, or other premises used primarily as a temporary place of residence.
- DDD. Sewage. Liquid and water-carried industrial wastes and wastewater from residential dwellings, commercial buildings, industrial and manufacturing facilities, or institutions, whether treated or untreated, which are contributed to the city's sewer system.
- EEE. Sewage System. All facilities owned or controlled by the city, including the city's sewer system, for collecting, pumping, treating, and disposing of sewage.
- FFF. Sewer Lateral. The portion of a side sewer lying within a public right of way connecting a building sewer to the sewer main maintained by the city.
- GGG. Sewer Main. Any public sewer constructed in a street, a sewer easement, a public utility easement, or a public service easement which is less than 15 inches in diameter and designed to accommodate more than one lateral sewer.
- HHH. Sewerage Collection System. That part of the sewer system used to collect wastewaters and convey the same to the headworks of the water pollution control plant.
- III. Show Cause Order. Order for a user to appear before the city to explain noncompliance and why enforcement action should not be taken.
- JJJ. Side Sewer. The sewer line beginning at the foundation wall of any building and terminating at the sewer main and including the building sewer and lateral sewer together.
- KKK. Significant Industrial User:
1. Any categorical industrial user in accordance with 40 Code of Federal Regulations, Section 403.6 and 40 Code of Federal Regulations, Chapter I, Subchapter N;
 2. Any other industrial user which:
 - a. Discharges 25,000 gallons per day or more of process wastewaters (excluding domestic wastewater, noncontact cooling water, and boiler blowdown wastewaters); or
 - b. Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic (biochemical oxygen demand or suspended solids) capacity of a treatment plant; or
 - c. Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the city's sewer system's operation, for violating a pretreatment standard or pretreatment requirement, or for causing pass through of pollutants, sludge contamination, or endangerment of city's sewer system workers or the public.
- LLL. Significant Noncompliance. Violation by an industrial user of one or more of the specific criteria listed in 40 Code of Federal Regulations, Section 403.8(f)(2)(vii).
- MMM. Slug Discharge. Any discharge at a flow rate or concentration which could cause

a violation of the prohibited discharge standards of this ordinance.

- NNN. Spill. A release, whether accidental or intentional, of a material.
- OOO. Standard Industrial Classification. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
- PPP. Stormwater. Any flow occurring during or following any form of natural precipitation and resulting from it.
- QQQ. Total Suspended Solids. The total suspended matter that either floats on the surface of or is suspended in water, sewage, or other liquids and which is removable by laboratory filtering.
- RRR. Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in 40 Code of Federal Regulations, Section 401.15.
- SSS. User. Any person who discharges, contributes, causes, or permits the contribution of wastewater into the city's sewer system.
- TTT. Wastewater. Liquid and water-carried wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, or institutions, whether treated or untreated which may or may not contain pollutants.
- UUU. Wastewater Discharge Permit. Either an industrial wastewater discharge permit or pollution prevention permit issued by the city and establishing limitations on the discharge of wastewater.
- VVV. Water Pollution Control Plant. That part of the sewer system used in the treatment and/or reclamation of wastewater discharged to the sewer system, including all land and all buildings or portions of buildings used in the operation and maintenance of the treatment works.

(Ord. 2130 §10, Ord. 2268, Ord. 2364 §284)

ARTICLE II. PROHIBITED DISCHARGES

15.40.020 General discharge prohibitions.

It shall be unlawful for any user to:

- A. Cause or permit a substance of any form or description to be discharged to the sewer system except through a sewer lateral lawfully connected to the sewer system. For purposes of this section, a sewer lateral shall be deemed to be lawfully connected to the sewer system if made subsequent to July 11, 1978, under the terms and conditions of a connection permit or other entitlement issued pursuant to this code, or made prior to July 11, 1978, with the consent of a city officer or employee acting within the course and scope of the city officer's or employee's authority.
- B. Discharge, contribute, or cause to be contributed, directly or indirectly, any pollutant, or wastewater at any flow rate or concentration which will cause interference with the operation or performance of the city's sewer system or which would cause the city's sewer system to be in violation of its National Pollutant Discharge Elimination System Permit. These general prohibitions apply to all users of the city's sewer system whether or not the user is subject to pretreatment standards or any other national, state, or local pretreatment requirements.
- C. Discharge the following substances to the city's sewer system:

1. Chlorine demand. Any wastewater requiring an excessive quantity of chlorine or other chemical compound used for disinfection purposes.
2. Corrosive substances. Any pollutant having a pH lower than 5.0 or greater than 11.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the city.
3. Dilution water. Any water added to wastewater for the purpose of diluting wastes which would otherwise exceed applicable pretreatment standards or requirements.
4. Discoloration. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
5. Flammable or explosive substances. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances, to cause fire or explosion, or be injurious in any other way to the city's sewer system or to the operation of the city's sewer system, or which exceed a closed cup flashpoint limit of 140° F or 60° C (using the test methods specified in 40 Code of Federal Regulations, Section 261.21). At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewage system (or at any point in the sewage system), be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit of the meter. Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances in any quantity or concentration that the city, the state or the Environmental Protection Agency has notified the user are a fire hazard or a hazard to the city's sewer system.
6. Grease and oil. Any discharge of fats, oils, or greases of animal or vegetable origin in excess of 300 mg/l.
7. Insecticides. Any wastewater containing algacides, fungicides, antibiotics, insecticides, strong oxidizing agents or strong reducing agents in such quantity or strength as to cause or contribute to violations of the city's sewer system's National Pollutant Discharge Elimination System discharge restrictions, interference with or upset of the city's sewer system, or personnel safety hazards.
8. Medical waste. Any wastewater containing medical wastes including, but not limited to, isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, or dialysis wastes except as specifically authorized by the director in a wastewater discharge permit.
9. Noxious or malodorous substances. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life, or are sufficient to prevent entry into the city's sewer system for maintenance and repair.
10. Pollutants and biological oxygen demand. Any wastewater containing pollutants, including oxygen demanding pollutants, wastes containing suspended solids, or exerting a chlorine demand released at a flow rate and/or pollutant concentration which will cause interference to the city's sewer system, or which will cause or contribute significantly to violations of the city's sewer system National Pollutant Discharge Elimination System limits.

11. Slug discharges. Any slug discharge having a flow rate, or containing concentrations or quantities of pollutants which will:
 1. Cause interference with the operation or performance of the city's sewer system; or
 2. Exceed for any time period longer than 15 minutes, more than five times the average 24-hour concentration, quantity, or flow during normal user operations.
12. Public nuisance. Any wastewater that causes a hazard to human life or creates a public nuisance.
13. Radioactive wastes. Any wastewater containing radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director in compliance with any applicable state or federal regulations.
14. Solids or viscous matter. Any solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the city's sewer system such as, but not limited to, grease or fat, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
15. Storm and cooling water. Any rainwater, stormwater, groundwater, street drainage, subsurface drainage, yard drainage, including evaporative type air cooler discharge water and noncontact cooling water.
16. Sulfides. Any wastewater containing sulfides in sufficient quantity or strength as to cause or contribute to city's sewer system corrosion, worker or public safety hazard, interference or upset of the city's sewer system, or violations of the city's sewer system's National Pollutant Discharge Elimination System Permit.
17. Temperature. Any liquid, vapor, solid, gas, wastewater, or substance having or developing a temperature which will inhibit biological activity in the city's sewer system resulting in interference; but, in no case, wastewater with a temperature, at introduction into the city's sewer system, which exceeds 140oF (60oC), or causes the wastewater temperature at the Water Pollution Control Plant to exceed 104oF (40oC).
18. Toxic substances. Any wastewater containing toxic pollutants, gases, vapors, or fumes in sufficient quantity, which either singly or by interaction with other pollutants, may injure or interfere with any wastewater treatment process, cause acute worker health and safety problems, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the city's sewer system, result in exceedances of sludge disposal restrictions, or exceed the limitation set forth in a pretreatment standard or pretreatment regulation. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to section 307(a) of the Act.
19. Trucked/hailed wastes. The discharge of hauled or trucked pollutants, except at points which the director shall designate, or as permitted by the director as part of the elimination or decommissioning of a septic tank within the city.
20. Unsuitable wastes. Any substance which may cause the city's sewer system's effluent, or any other product of the city's sewer system such as residues, sludges

or scums, to be unsuitable for reclamation and reuse or which may interfere with the reclamation process. In no case shall a substance discharged to the city's sewer system cause the city's sewer system to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under federal law, including, but not limited to, section 405 of the Act, any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act (42 United States Code §6901, et seq.), the Clean Air Act (42 United States Code §7401 et seq.), the Toxic Substances Control Act (15 United States Code §2601 et seq.) or state criteria applicable to the sludge management method being used.

21. Pass through substances. Any pollutant(s) which cause pass through.
22. Petroleum. Any petroleum oil, any nonbiodegradable cutting oil, or any amounts of products of mineral oil origin which may cause interference or pass through.

(Ord. 2130 §10; Ord. 2172 §1, Ord. 2364 §285)

ARTICLE III. DISCHARGE REQUIREMENTS

15.40.030 Interceptors required.

- A. An interceptor shall be installed in a user's building sewer when in the opinion of the director it is necessary for the proper handling of wastewater containing grease or oil in excessive amounts, sand, grit or other harmful ingredients; except that such interceptors shall not be required for buildings used solely for residential purposes. Provided, however, that interceptors shall be constructed in any place or building having a capacity to serve group meals and in commercial and industrial cleaning facilities.

Where the director requires the installation of an interceptor by a user who is neither a significant industrial user nor a categorical industrial user, then that user shall also be required to obtain a pollution prevention permit. Common types of users requiring an interceptor and a pollution prevention permit include, but are not limited to, the following: restaurants, cafes, lunch counters, cafeterias, bars and clubs; hotel, hospital, sanitarium, factory or school kitchens, equipment repair shops, service stations and other establishments where grease, oils, sand, or grit may be introduced into the city's sewer system in quantities that can cause line stoppage or hinder sewage treatment or private sewage disposal.

- B. All interceptors shall be of a type and capacity approved by the director and shall be so located as to be readily and easily accessible for cleaning and inspection. Interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight and equipped with easily removable covers which, when bolted in place, are gastight and watertight. All interceptors shall be maintained by the user, at the user's expense, in continuously efficient operation at all times.
- C. Each user shall regularly inspect, clean, and repair interceptors owned by the user. Records of inspections, cleaning and repairs, and the costs associated with these actions shall be kept for three years and be made available for inspection by city personnel upon request. The debris from interceptors shall be disposed of through a licensed waste hauler. Waste disposal records, including receipts, shall be kept for three years and be made available for inspection by city personnel upon request.

- D. Standards for interceptors. All interceptors shall comply with the following standards of this subsection:
1. Plans shall be submitted to and approval obtained from the director prior to the installation of any interceptor.
 2. All drains from kitchen areas including pre-wash shall be connected to an interceptor. Toilets, lavatories and other sanitary fixtures shall not be connected to any interceptor
 3. All fixtures discharging into an interceptor shall be individually trapped and vented in a manner approved by the director.
 4. Each interceptor shall be so installed and connected that it shall be at all times easily accessible for inspection, cleaning, and removal of the intercepted material.
 5. Interceptors shall be maintained in efficient operating condition by periodic removal of the accumulated materials. No such collected material shall be introduced into any drainage piping, public or private, or discharged to the city's sewer system.
 6. Each interceptor shall be constructed of durable materials satisfactory to the director and shall have a full-size gas-tight cover which can easily and readily be removed.
 7. Interceptors required by this chapter shall not be installed until the type and/or model has been subjected to, and has fully complied with, tests acceptable to the director. Where existing conditions are found acceptable as determined by the director, such facilities as presently exist will be allowed to remain in use. Whenever it shall come to the attention of the city that any interceptor is no longer acceptable or does not comply with the provisions of this section, the director shall suspend or revoke such approval and require corrective measures.

(Ord. 2130 §10, Ord. 2364 §286)

15.40.040 Federal categorical pretreatment standards.

The pretreatment standards found in 40 Code of Federal Regulations, Chapter I, subchapter N, Sections 405-471, as amended, are hereby incorporated into this chapter. Upon the promulgation of pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The director shall attempt to notify all known affected users of the applicable reporting requirements under 40 Code of Federal Regulations, Section 403.12, or other applicable federal statutes or regulations. Provided, however, that in no case shall the failure of the director to notify a user constitute a defense to noncompliance with any such requirement, statute or regulations, or to noncompliance with the provisions of this chapter.

(Ord. 2130 §10, Ord. 2364 §287)

15.40.050 Modification of federal categorical pretreatment standards.

- A. Where the city's sewer system achieves consistent removal of pollutants limited by pretreatment standards, the city may apply to the Administrator for modification of specific limits in the pretreatment standards. The city may then modify pollutant discharge limits in the pretreatment standards if the requirements contained in 40 Code of Federal Regulations, Section 403.7 are fulfilled and prior approval from the Administrator is obtained.

- B. Where a pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the city may impose equivalent concentration or mass limits in accordance with 40 Code of Federal Regulations, Section 403.6(c).
- C. When wastewater subject to a pretreatment standard is mixed with wastewater not regulated by the same standard, the city shall impose an alternate limit using the combined wastestream formula in 40 Code of Federal Regulations, Section 403.6(e).
- D. A user otherwise classified as a categorical industrial user may obtain a variance from a pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 Code of Federal Regulations, Section 403.13, that factors relating to its discharge are fundamentally different from the factors considered by Environmental Protection Agency when developing the pretreatment standard.
- E. A categorical industrial user may obtain a net gross adjustment to a pretreatment standard in accordance with 40 Code of Federal Regulations, Section 403.15.

(Ord. 2130 §10)

15.40.060 Specific pollutant - Local limitations.

The sum of all industrial discharges to the city's sewer system shall not exceed the maximum allowable industrial headworks loading as determined by the director as measured at the city's sewer system headworks. The sum of all discharges of any kind shall not exceed the maximum allowable headworks loading as determined by the director, as measured at the city's sewer system headworks. No discharge shall exceed the collection system limits as determined by the director at any location pursuant to Section 15R.40.010 of this code in the collection system. No discharge from any single significant industrial user, categorical industrial user, or other industrial wastewater discharge shall exceed the limits as determined by the director pursuant to Section 15R.40.010 of this code.

(Ord. 2130 §10; Ord. 2172 §2, Ord. 2364 §288)

15.40.070 Most strict requirement applies.

In any case where state or federal requirements and limitations or pretreatment standards on discharges differ from the pretreatment requirements of this chapter, the most stringent requirements and limitations shall apply.

(Ord. 2130 §10)

15.40.080 City's right of revision.

The city reserves the right to establish, by ordinance or permit, more stringent limitations or pretreatment requirements on discharges to the city's sewer system, if deemed necessary to comply with the objectives of this chapter or the Act.

(Ord. 2130 §10)

15.40.090 Excessive discharge/dilution.

No user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the discharge limitations contained in the pretreatment standards, of the Environmental Protection Agency, local limits, any pretreatment requirement, or in any other pollutant-specific limitation developed by the city, the Environmental Protection Agency, or the state.

The director may impose mass limitations on users who may be using dilution to meet applicable pretreatment standards or pretreatment requirements, or in other cases when the imposition of mass limitations is appropriate.

(Ord. 2130 §10, Ord. 2364 §289)

15.40.100 Pretreatment required.

Users who are categorical industrial users, significant industrial users, or who are required by the director to obtain a wastewater discharge permit shall provide wastewater pretreatment as necessary to comply with this chapter and shall achieve compliance with all pretreatment standards, pretreatment requirement, local limits, any requirements of either the California Toxics Rule, National Toxics Rule or a water quality plan adopted by the State Water Regional Control Board pursuant to Water Code section 13170 which are incorporated into the user's wastewater discharge permit, and the prohibitions of this chapter within the time limitations specified by Environmental Protection Agency, the state, or the director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the director for review, and shall be acceptable to the director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to comply with this chapter. Subsequent changes in the pretreatment facilities or method of operation shall be reported to and acceptable to the director prior to the user's initiation of the changes.

(Ord. 2130 §10, Ord. 2364 §290)

15.40.110 Slug discharges.

In no case shall a slug discharge have a flow rate or contain concentrations or quantities of pollutants that:

- A. Cause interference with operation or performance of the city's sewer system;
- B. Exceed for any time period longer than fifteen minutes, more than five times the average time 24-hour concentration, quantity, or flow during normal operations;
- C. Exceed a pretreatment requirement or a pretreatment standard; or
- D. Cause the city's sewer system discharge to exceed its National Pollutant Discharge Elimination System Permit conditions.

No user required to have a spill and slug control plan shall discharge to the city's sewer system until such plan has been approved by the director. Review and approval of such plans and operating procedures shall not relieve such user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. The director shall have the right to deny or condition new or increased contributions of pollutants or changes in the nature of pollutants.

(Ord. 2130 §10, Ord. 2364 §291)

15.40.120 Spill and slug control plans.

- A. At least once every two years, the director shall evaluate whether each significant industrial user needs a spill and slug control plan (40 Code of Federal Regulations, Section 403.8 (f)(2)(v)). The director may require any user required to have a waste discharge permit including those not designated as significant industrial users to develop, submit for approval, and implement such a plan. Alternatively, the director may develop such a plan for any such user. The spill and slug control plan shall

address, at a minimum, the items contained in 40 Code of Federal Regulations, Section 403.8 (f)(2)(v).

- B. Each user required to have a spill and slug control plan shall provide protection from spills or accidental discharges of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the director for review, and shall be approved by the director before construction of the facility.
- C. Each user required to have a spill and slug control plan shall permanently post a notice on a bulletin board or other prominent place within the user's place of business advising employees whom to call in the event of spill, slug discharge or an accidental discharge. Users shall insure that all employees who may cause or suffer such spills or slug discharges to occur are advised of the emergency notification procedures.

(Ord. 2130 §10, Ord. 2364 §292)

15.40.130 Intentional discharges.

No user shall intentionally release or discharge prohibited materials or other substances regulated by this chapter.

(Ord. 2130 §10)

15.40.140 Maintenance of side sewers.

All users shall keep that portion of their side sewer in good repair, at their own expense, and shall be liable for any damages which may result from their failure to do so.

(Ord. 2130 §10)

ARTICLE III. INDUSTRIAL WASTEWATER PERMIT REQUIREMENTS

15.40.160 Industrial wastewater discharges without permit prohibited.

- A. It is unlawful for any categorical industrial user or significant industrial user to discharge any wastewater into the city's sewer system without first having obtained an industrial wastewater discharge permit issued by the director.
- B. It is unlawful for any user required to obtain a pollution prevention permit to discharge any wastewater to the city's sewer system without first having obtained a pollution prevention permit issued by the director.

(Ord. 2130 §10, Ord. 2364 §293)

15.40.170 Wastewater discharge permits in general.

- A. Wastewater discharge permits issued by the city shall be of two types:
 - 1. Industrial wastewater discharge permits issued to categorical industrial users and significant industrial users as required by this chapter or the director.
 - 2. Pollution prevention permits issued to other users as required by this chapter or the director.
- B. Any new significant industrial user or categorical industrial user proposing to discharge to, connect to, or to contribute to the city's sewer system shall obtain an industrial wastewater discharge permit before discharging to, connecting to, or contributing to the city's sewer system. New categorical industrial users and

significant industrial users, and other new users required by the director to obtain a permit, shall apply for the permit at least 90 days prior to discharging to, connecting to, or contributing to the city's sewer system. All existing significant industrial users or categorical industrial users discharging, connecting to, or contributing to the city's sewer system shall obtain an industrial wastewater discharge permit within 180 days after the effective date of this chapter.

- C. The director may require any user which is not a categorical industrial user or significant industrial user to obtain a pollution prevention permit as necessary to carry out the purposes of this chapter. The primary criteria for the requirement of a pollution prevention permit shall be:
1. Dischargers which have the potential to be regulated under the wastewater industrial pretreatment program in the future;
 2. Dischargers or industries which discharge a pollutant of concern; or
 3. Dischargers or industries which discharge a substance regulated or proposed to be regulated pursuant to a narrative, numeric, or toxicity-based water quality objective of the California Toxics Rule, the National Toxics Rule or of a water quality plan adopted or proposed to be adopted by the State Water Resources Control Board pursuant to Water Code section 13170.

(Ord. 2130 §10, Ord. 2364 §294)

15.40.180 Application signatures and certification.

All wastewater discharge permit applications and user reports required by this chapter must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

(Ord. 2130 §10)

15.40.190 Permit application.

- A. Users required to obtain a wastewater discharge permit or pollution prevention permit shall complete and file with the director an application in the form prescribed by the director, accompanied by a fee in an amount established by resolution of the city council.
- B. Permit applicants must submit the following information on their permit application form. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.
1. Name, address, and location of discharger (if different from the address), an emergency contact telephone number and the name of the person to contact in the event of an emergency;
 2. Standard industrial classification number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
 3. Number and type of employees, and proposed or actual hours of operation (i.e., the hours when the premises are physically occupied);

4. Wastewater constituents and characteristics including, but not limited to, those mentioned in Article I of this chapter, as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the Environmental Protection Agency pursuant to section 304(g) of the Act and contained in 40 Code of Federal Regulations, Section 136, as amended;
5. Time and duration of discharges;
6. Average daily and three minute peak wastewater flow rates, including daily, monthly, and seasonal variation, if any;
7. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation, and all points of discharge;
8. Description of activities, facilities, and plant processes on the premises including all raw materials and chemicals used or stored at the facility which are, or could, accidentally or intentionally be discharged to the city's sewer system;
9. Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state, or federal pretreatment standards or pretreatment requirements, and a statement regarding whether or not the pretreatment standards or pretreatment requirements are being met on a consistent basis and if not, whether additional operations and maintenance and/or additional pretreatment are required for the user to meet applicable pretreatment standards or pretreatment requirements;
10. If additional pretreatment and/or operations and maintenance will be required to meet the pretreatment standards or pretreatment requirements, a description of such additional pretreatment and/or operations and maintenance and the shortest schedule by which the user will provide such additional pretreatment and/or operations and maintenance. The completion date in this schedule shall be no later than the compliance date established for the applicable pretreatment standard or pretreatment requirement. The following conditions shall apply to this schedule:
 - a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards or pretreatment requirements (e.g., hiring of an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.);
 - b. No increment referred to in paragraph a above shall exceed nine months;
 - c. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with the increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the director.
11. Each product produced by type, amount, process or processes and rate of production;

- 12. Type and amount of raw materials processed (average and maximum per day); and
 - 13. Any other information as may be deemed by the director to be necessary to evaluate the permit application.
- C. The director shall evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a completed application and after evaluation and acceptance of the data furnished, the director may issue the wastewater discharge permit subject to appropriate conditions or may deny the permit application. (Ord. 2130 §10, Ord. 2364 §295)

15.40.200 Industrial wastewater discharge permit conditions.

Industrial wastewater discharge permits shall be expressly subject to all provisions of this chapter, use charges and fees established by the city, and all other applicable statutes and regulations. Industrial wastewater discharge permits shall contain the following:

- A. Permit duration (not to exceed five years) and the date of expiration;
- B. Statement of nontransferability;
- C. Statement that the unit charge or schedule of user charges and fees for the wastewater to be discharged to the city’s sewer system may be amended by the city council;
- D. Effluent limits based on applicable pretreatment standards or pretreatment requirements;
- E. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law and whether such monitoring is to be performed by the user;
- F. Requirement to submit semi-annually results of self-monitoring and sampling along with an annual test fee in an amount established by resolution of the city council;
- G. A statement that civil and criminal penalties apply to any violation of pretreatment standards and pretreatment requirements, or any applicable compliance schedule;
- H. Limits on the average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- I. Requirements for installation, and maintenance of pretreatment technology, pollution control or containment devices, and inspection and sampling facilities;
- J. Requirements for submission of technical reports or discharge reports;
- K. A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable pretreatment standards and pretreatment requirements, including those which become effective during the term of the permit;
- L. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;
- M. Requirements for notification to the city of any new wastewater constituents discharged to the city’s sewer system;
- N. Requirements for the development and implementation of spill and slug control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
- O. Conditions attached to the permit which may include such ordinary and special restrictions as may be necessary or desirable to protect the city’s sewer system from interference, physical damage, overload or disruption of treatment processes, and may (without limitation by reason of enumeration) include limitations with respect to the

volume, rate of discharge, biological oxygen demand, suspended solids content, grease and oil concentration or any other physical or chemical characteristics of the proposed discharge; and

- P. Other conditions as deemed appropriate by the city to ensure compliance with this chapter, and state and federal laws and regulations. In the discretion of the city, such conditions may address the California Toxics Rule, the National Toxics Rule or a water quality plan adopted or proposed to be adopted by the State Water Resources Control Board pursuant to Water Code section 13170 or the Regional Water Quality Control Board.

(Ord. 2130 §10; Ord. 2172 §2)

15.40.210 Pollution prevention permit conditions.

Pollution prevention permits shall be expressly subject to all provisions of this chapter, use charges and fees adopted by the city, and all other application statutes and regulations. Pollution prevention permits shall contain the following:

- A. Permit duration (not to exceed five years) and the date of expiration;
- B. Statement of nontransferability;
- C. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. If monitoring is deemed necessary by the city, these requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, sample type, and whether such monitoring is to be performed by the user;
- D. Requirements for implementation of best management practices, and inspection and sampling facilities;
- E. Requirements for maintaining and retaining records relating to wastewater discharge as specified by the city, and affording city access thereto;
- F. Requirements for notification to the city of any new wastewater constituents discharged to the city's sewer system;
- G. Conditions attached to the pollution prevention permit which may include such ordinary and special restrictions as may be necessary or desirable to protect the city's sewer system from interference, physical damage, overload or disruption of treatment processes, and may (without limitation by reason of enumeration) include limitations with respect to the volume, rate of discharge, biological oxygen demand, suspended solids content, grease and oil concentration or any other physical or chemical characteristics of the proposed discharge.
- H. A description of the mechanism for reclassifying a discharger in the pollution prevention program to a discharger in the wastewater industrial pretreatment program; and
- I. Other conditions as deemed appropriate by the city to ensure compliance with this chapter, and state and federal laws and regulations. In the discretion of the city, such conditions may address the California Toxics Rule, the National Toxics Rule, or a water quality plan adopted or proposed to be adopted by the State Water Resources Control Board pursuant to Water Code section 13170.

(Ord. 2130 §10)

15.40.220 Permit modification in general.

The director may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised federal, state, or local pretreatment standards or

pretreatment requirements, or to incorporate any revisions to the California Toxics Rule, the National Toxics Rule or any water quality plan adopted or proposed to be adopted by the State Water Resources Control Board pursuant to Water Code section 13170.

- B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- C. A change in the city's sewer system that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the city's sewer system, city personnel, or the receiving waters;
- E. Violation of any terms or conditions of the wastewater discharge permit;
- F. Intentional or unintentional misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- G. Revision of or a grant of variance from pretreatment standards pursuant to 40 Code of Federal Regulations Section 403.13; or
- H. To correct typographical or other errors in the wastewater discharge permit.

(Ord. 2130 §10, Ord. 2364 §296)

15.40.230 Permit modifications upon adoption of national categorical pretreatment standards.

Within three months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of categorical industrial users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. In addition, the categorical industrial user shall submit to the director within 180 days after the promulgation of an applicable pretreatment standard the information required by section 15.40.190 subsection B.9 and B.10. Where a user subject to a new pretreatment standard has not previously submitted an application for a wastewater discharge permit, the compliance schedule shall be 180 days after the promulgation of the applicable pretreatment standard.

(Ord. 2130 §10, Ord. 2364 §297)

15.40.240 Reconsideration and appeal of permit decisions.

- A. The director shall provide notice to the user of all permit decisions, including the denial, issuance or modification of a wastewater discharge permit. The user may petition the director to reconsider a decision regarding a wastewater discharge permit, including the conditions imposed or, in the case of users other than categorical industrial users and significant industrial users, the decision to require a wastewater discharge permit, within 15 calendar days of such notice.

In its petition, the user requesting review must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

- B. The director shall issue a written decision within thirty (30) days of the petition. A user aggrieved by the decision of the director upon the petition for reconsideration may appeal that decision according to the appeals process provided for in chapter 2.80 of this code.
- C. The effectiveness of the wastewater discharge permit requirements shall not be stayed pending the outcome of the petition for reconsideration on appeal.

(Ord. 2130 §10, Ord. 2364 §298)

15.40.250 Emergency suspension of service.

- A. Notwithstanding the provisions of section 15.40.280, the director may immediately suspend a user's discharge permit, after informal notice to the user, whenever such emergency suspension is necessary to stop an actual or threatened discharge which in the director's opinion appears to present or cause an imminent or substantial danger to the health or welfare of persons or threatens to substantially interfere with the operation of the city's sewer system, or which presents, or may present, a danger to the environment. Such informal notice shall, where time permits, be in the form of notice of violations cease and desist order. Where, in the director's opinion, the danger posed by the discharge is such that it is infeasible, impractical, or dangerous to take the time necessary to issue a cease and desist order, the informal notice to the user may be in the form of a telephone call to the user or to the emergency contact listed in the user's wastewater discharge permit.
- B. Any user notified of an emergency suspension of its discharge permit shall immediately stop or eliminate its discharge to the city's sewer system. In the event of a user's failure to immediately comply voluntarily with the suspension order or inability of the director to contact the user, the director may take such steps as the director deems necessary to prevent or minimize damage to the city's sewer system, the receiving waters or danger to any individuals, including immediate severance of the sewer connection or discontinuing water service. The director may allow the user to recommence its discharge only after the user has demonstrated to the satisfaction of the director that the period of emergency has passed, unless proceedings are initiated by the director to permanently terminate the user's discharge pursuant to section 15.40.280.

A user that is responsible, in whole or in part, for any discharge requiring an emergency suspension shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any further occurrence to the director prior to the date of any show cause or termination hearing. Such user shall reimburse the city for all costs which the city may incur as a result of such discharge or the imposition of an emergency suspension.

- C. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension.

(Ord. 2130 §10, Ord. 2364 §299)

15.40.260 Permit renewal.

A user shall apply for wastewater discharge permit renewal a minimum of sixty (60) days prior to the expiration of the user's existing permit. The application for renewal shall comply with the requirements of section 15.40.190 and such other requirements as may be imposed by the director. Any changes or new conditions in the renewed permit imposed by the director shall include a reasonable time schedule for compliance.

(Ord. 2130 §10, Ord. 2364 §300)

15.40.270 Wastewater discharge permit transfer prohibited.

Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation. Wastewater discharge

permits shall be void upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

(Ord. 2130 §10)

15.40.280 Revocation or suspension of permit.

- A. The director may revoke or suspend a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
1. Failure to notify the director in writing of significant changes to the wastewater prior to the changed discharge;
 2. Intentional misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 3. Falsifying self-monitoring or other reports;
 4. Tampering with monitoring equipment;
 5. Refusing to allow the city timely access to the facility premises and records or refusing to allow the city to sample wastewater or discharges;
 6. Failure to meet effluent limitations;
 7. Failure to pay fines;
 8. Failure to pay sewer charges or fees;
 9. Failure to meet compliance schedules;
 10. Failure to complete a wastewater discharge permit application;
 11. Violation of any pretreatment standard or pretreatment requirement, or any terms of the wastewater discharge permit or this chapter; or
 12. Failure to provide prior notification to the director of changed conditions pursuant to section 15.40.340.
- B. The director shall provide fifteen (15) days' prior written notice of revocation or suspension, including the reasons for such revocation or suspension. The permit holder may, within such fifteen (15) days, appeal the revocation or suspension to the city council pursuant to the procedures in chapter 2.80 of this code. The council's decision on such an appeal shall be final. The wastewater discharge permit shall remain in effect during the pendency of such a timely appeal.
- C. If the wastewater discharge permit is revoked or suspended, the director may sever all pertinent connections to the city's sewer system. If the wastewater discharge permit is suspended or revoked, neither it nor service shall be reinstated until the user submits proof, satisfactory to the director, of compliance with this chapter, and reimburses the city for all costs incurred in suspending or revoking the permit.

(Ord. 2130 §10, Ord. 2364 §301)

**ARTICLE IV. INDUSTRIAL WASTEWATER REPORTING
AND SAMPLING REQUIREMENTS**

15.40.290 Categorical industrial users baseline monitoring reports.

- A. Within either 180 days after the effective date of a pretreatment standard, or the final administrative decision on category determination under 40 Code of Federal Regulations Section 403.6(a)(4), whichever is later, existing industrial users subject to such pretreatment standards currently discharging to or scheduled to discharge to the city's sewer system shall submit to the director a baseline monitoring report which

contains the information listed in paragraph B below.

At least 90 days prior to commencement of discharge, new sources, and sources that become categorical industrial uses subsequent to the promulgation of an applicable pretreatment baseline monitoring report which contains the information listed in paragraph B below, a new source shall report the method of pretreatment it intends to use to meet the applicable pretreatment standards, an estimate of its anticipated flow, and an estimate of the quantity of pollutants to be discharged.

- B. Users described above in paragraph A shall submit the information set forth below (as required under 40 Code of Federal Regulations, Section 403.12(b)):
1. Identifying information. The name and address of the facility, including the name of the operator and owner.
 2. Environmental permits. A list of any environmental control permits held by or for the facility.
 3. Description of operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the city's sewer system from the regulated processes.
 4. Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the city's sewer system from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 Code of Federal Regulations, Section 403.6(e).
 5. Measurement of pollutants.
 - a. The pretreatment standards and pretreatment requirements applicable to each regulated process.
 - b. The results of sampling and analysis which identify the nature and concentration, and/or mass, where required by the pretreatment standard or by the director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in this chapter and 40 Code of Federal Regulations, Section 403.12(b)(5).
 6. Certification. A statement, reviewed and signed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards and pretreatment requirements are being met on a consistent basis, and, if not, whether additional operations and maintenance and/or additional pretreatment is required to meet the pretreatment standards.
 7. Compliance schedule. If additional pretreatment and/or operations and maintenance will be required to meet the pretreatment standards and pretreatment requirements, a description of such additional pretreatment and/or operations and maintenance and the shortest schedule by which the user will provide such additional pretreatment and/or operations and maintenance. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard or pretreatment requirement.

The following conditions shall apply to this schedule:

 - a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction

and operation of additional pretreatment required for the user to meet the applicable pretreatment standards and pretreatment requirements (e.g., hiring of an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.);

- b. No increment referred to in subparagraph B.7.a. above shall exceed nine (9) months;
- c. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with the increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the director.

(Ord. 2130 §10, Ord. 2364 §302)

15.40.300 Reports on compliance with categorical pretreatment standard deadlines.

- A. Within 90 days following the date for final compliance with applicable pretreatment standards and pretreatment requirements or, in the case of a new source, following commencement of discharge, any user subject to such pretreatment standards and pretreatment requirements shall submit to the director a report containing the information described in section 15.40.290. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 Code of Federal Regulations, Section 403.6 (c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to pretreatment standards and pretreatment requirements expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.
- B. Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all pretreatment standards within the time limitations as specified by pretreatment regulations.

(Ord. 2130 §10, Ord. 2364 §303)

15.40.310 Significant industrial users baseline monitoring reports.

- A. Within thirty (30) days after the effective date of issuance of an industrial wastewater discharge permit, significant industrial users who are not categorical industrial users subject to the provisions of section 15.40.290 shall submit to the director a baseline monitoring report which contains the information listed below. The significant industrial user shall report the method of pretreatment it intends to use, an estimate of its anticipated flow, and an estimate of the quantity of pollutants to be discharged.
- B. Significant industrial users described in subsection A shall submit the information set forth below:
 1. Identifying information. The name and address of the facility, including the names of the operator and owner.
 2. Environmental permits. A list of any environmental control permits held by or for the facility.
 3. Description of operations. A brief description of the nature, average rate of

- production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the city's sewer system from the regulated processes.
4. Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the city's sewer system from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 Code of Federal Regulations, Section 403.6(e).
 5. Measurement of pollutants.
 - a. The pretreatment standards and pretreatment requirements applicable to each regulated process.
 - b. The results of sampling and analysis which identify the nature and concentration, and/or mass, where required by the pretreatment standard or pretreatment requirement or by the director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in this chapter and 40 Code of Federal Regulations, Section 403.12(b)(5).
 6. Certification. A statement, reviewed and signed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operations and maintenance and/or additional pretreatment are required to meet the pretreatment standards or pretreatment requirements.
 7. Compliance schedule. If additional pretreatment and/or operations and maintenance will be required to meet the pretreatment standards or pretreatment requirements, a description of such additional pretreatment and/or operations and maintenance and the shortest schedule by which the user will provide such additional pretreatment and/or operations and maintenance. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard or pretreatment requirement. The following conditions shall apply to this schedule:
 - a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards or pretreatment requirements (e.g., hiring of an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.);
 - b. No increment referred to in subparagraph B.7.a. shall exceed nine (9) months;
 - c. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with the increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the director.

(Ord. 2130 §10, Ord. 2364 §304)

15.40.320 Compliance schedule progress reports.

The director shall require a compliance schedule from each user for installation of technology required to meet a pretreatment standard or pretreatment requirement, to install spill and slug discharge prevention, or to implement personnel training.

- A. Any compliance schedule must contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards or pretreatment requirements (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
 - B. No increment referred to above shall exceed nine (9) months;
 - C. Within both 14 days of completion of a milestone in the compliance schedule and within 14 days of the final date for compliance, the user must submit a progress report to the director indicating whether or not the milestone or final compliance date was met, and if not, the reason for any delay, and the steps being taken by the user to return to the established schedule.
 - D. In no event shall more than nine (9) months elapse between such progress reports to the director.
 - E. A user shall submit a final report, within 90 days after the final date for compliance.
- (Ord. 2130 §10, Ord. 2364 §305)

15.40.330 Periodic compliance/self-monitoring reports.

- A. All industrial users shall, at a frequency determined by the director or the Regional Water Quality Control Board, but in no case less than twice per year during the months of June and December, submit a periodic compliance or self-monitoring report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards or pretreatment requirements. In addition, this report shall include a record of all daily flows during the reporting period which exceeded the average daily flow, and the measurement of estimated average and maximum daily flows for the reporting period.
- B. The director may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or pretreatment requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph A of this section shall indicate the mass of pollutants regulated by pretreatment standards or pretreatment requirements in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, and a reasonable measure of the user's long term production rate of pollutants contained therein which are limited by the applicable pretreatment standards or pretreatment requirements. The frequency of monitoring shall be prescribed in the applicable pretreatment standard or pretreatment requirements. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to section 304(g) of the Act and contained in 40 Code of Federal Regulations, Section 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with this chapter and the techniques approved by the Administrator.

- C. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- D. If a user subject to the reporting requirements in this section monitors any pollutant more frequently than required by the director, using the procedures prescribed in section 15.40.420, the results of this monitoring shall be included in the report.
- E. At the discretion of the director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the director may agree to alter the months during which the above reports are to be submitted. Any revised dates shall be noted in the user's industrial wastewater discharge permit.

(Ord. 2130 §10, Ord. 2364 §306)

15.40.340 Reports on changed conditions.

- A. Each user shall notify the director in writing of any planned changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.
 - 1. The director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 15.40.190.
 - 2. The director may issue a wastewater discharge permit under section 15.40.190 or modify an existing wastewater discharge permit under section 15.40.220 in response to changed conditions or anticipated changed conditions.
 - 3. For purposes of this requirement, changes include but are not limited to, flow increase of twenty percent (20%) or greater and the discharge of any previously unreported pollutants.

(Ord. 2130 §10, Ord. 2364 §307)

15.40.350 Episodic reports.

- A. In the case of any discharge of a nonroutine or episodic nature, including, but not limited to, accidental discharges, spills, a non-customary batch discharge, or a slug load, all users (whether or not such users are industrial users and whether or not such users are required to possess a waste discharge permit) shall immediately telephone and notify the director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- B. Within five (5) days following such a spill, slug load, accidental discharge or other discharge of a nonroutine or episodic nature, the user shall submit a detailed written report to the director describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the city's sewer system, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

(Ord. 2130 §10, Ord. 2364 §308)

15.40.360 Notification of discharge of hazardous wastes.

- A. All industrial users shall notify in writing the director, the State Regional Water Quality Control Board, the Department of Toxic Substances Control, and the Environmental Protection Agency Regional Waste Management Division of any discharge which, if otherwise disposed of would be considered a hazardous waste under 40 Code of Federal Regulations, Section 261. Such notification must include the name of the hazardous waste as set forth in 40 Code of Federal Regulations, Section 261, the Environmental Protection Agency hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the city's sewer system, the notification shall also include the following information to the extent such information is known or readily available to the industrial user: an identification of the hazardous constituents contained in the waste, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. Notification shall take place within 180 days of the effective date of this chapter. Industrial users who commence discharging after the effective date of this chapter shall provide notification not later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this section need be submitted only once for each hazardous waste discharged; however, notification of changed circumstances or changed discharges must be submitted under section 15.40.340.
- B. In the event new regulations are promulgated pursuant to section 3001 of the Resource Conservation and Recovery Act of 1976 (Pub. Law 94-580, 90 Stat. 2806, 42 United States Code §6921), identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, industrial users shall notify in writing the director, the State Regional Water Quality Control Board, Department of Toxic Substances Control, and the Environmental Protection Agency Regional Waste Management Division Director of the discharge of such substance within 90 days of the effective date of such regulation.
- C. In the event of any notification made under this section, the industrial user shall certify it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(Ord. 2130 §10, Ord. 2364 §309)

15.40.370 Other reports from users.

In addition to those reports required by this Article, all users, whether or not required to obtain a wastewater discharge permit, shall provide appropriate reports to the director as the director may require.

(Ord. 2130 §10, Ord. 2364 §310)

15.40.380 Monitoring facilities and location.

- A. Any user required to have a waste discharge permit shall provide and operate, at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of discharges in the building sewer and/or internal drainage systems prior to discharge to the city's sewer system. The monitoring facility shall be situated on the user's premises, but the director may, when such a location would be impractical or cause undue hardship to the user, allow the facility to be constructed in

the public street or sidewalk area. The monitoring facility shall be located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The precise location shall be specified in the user's wastewater discharge permit.

- B. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. The facility shall be readily accessible to city personnel at all times. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the city.

(Ord. 2130 §10, Ord. 2364 §311)

15.40.390 Date of submission of reports - Certification.

Any written reports required by this chapter shall be deemed to have been submitted on the date of receipt of the report. Any written reports required by this chapter shall be certified as provided in section 15.40.180.

(Ord. 2130 §10)

15.40.400 Recordkeeping requirements.

- A. All users required to have a wastewater discharge permit shall retain, and make available for inspection and copying by the city, all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements.
- B. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the city which relates to such monitoring, or where the user has been specifically notified of a longer retention period by the director.

(Ord. 2130 §10, Ord. 2364 §312)

15.40.410 Right of entry/search warrants.

- A. An authorized agent or employee of the city may enter onto any premises or into any building for the purpose of inspecting facilities and records relating to pretreatment or to take samples and perform any additional duties.
- B. In those situations when the owner and/or occupant refuses entry, entry may be obtained under a search warrant issued by a duly authorized magistrate. The city attorney is authorized to seek such warrants upon the request of the director.
- C. Nothing herein shall be read to limit the immediate right of entry without a warrant:
1. In any emergency situation; or
 2. Where entry is permitted under the Constitution or any state or federal law.

(Ord. 2130 §10, Ord. 2364 §313)

15.40.420 Inspection and sampling.

- A. The city may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The city shall have the right to copy such records.
- B. The city, Regional Water Quality Control Board, and Environmental Protection Agency shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their guards so that upon presentation of suitable identification, personnel from the city, Regional Water Quality Control Board, and Environmental Protection Agency will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(Ord. 2130 §10)

15.40.430 Sampling, analysis and test procedures.

- A. All analysis and testing by the city or industrial users required by this chapter shall conform to procedures established by the Administrator pursuant to section 304(g) of the Act and contained in 40 Code of Federal Regulations, Section 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator. Where 40 Code of Federal Regulations, Section 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the techniques approved by Environmental Protection Agency or found in the Environmental Protection Agency publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April 1977.
- B. If sampling by a user indicates a violation, the user must notify the director within 24 hours of becoming aware of the violation. The user must also resample and submit results of this resampling to the director within 30 days.
- C. Except as indicated in subsection D below, the user shall collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the director may authorize the use of time proportional composite sampling or a minimum of four (4) grab samples where the user demonstrates to the director's satisfaction that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- D. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab sample collection techniques.
- E. In all cases where this chapter requires either sampling, analysis or testing of wastewater by a user, all such sampling, analysis and testing shall be performed at the user's expense by an independent laboratory approved by the director. Nothing in this subsection shall be construed to prevent a user from performing its own sampling, analysis and testing in those circumstances where such is not required to be performed by this chapter.

(Ord. 2130 §10, Ord. 2364 §314)

15.40.440 Confidential information.

Information and data regarding a user obtained from reports, questionnaires, permit applications, permits, monitoring programs or from inspections shall be public records available to the public or other governmental agencies without restriction pursuant to the Public Records Act (Govt. Code §6250 et seq.), unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user pursuant to the Public Records Act. Any such request must be asserted at the time of submission of the information or data. Pursuant to 40 Code of Federal Regulations, Section 403.14, effluent data (including wastewater characteristics and constituents) shall not be recognized as trade secrets.

(Ord. 2130 §10)

ARTICLE V. VIOLATIONS, ENFORCEMENT AND PENALTIES

15.40.470 Violations punishable as an infraction or misdemeanor.

Any violation of this chapter shall be an infraction or misdemeanor and shall be punishable as provided by this code.

(Ord. 2130 §10)

15.40.480 Enforcement and penalties.

- A. Publication of users in significant noncompliance. The city shall annually publish in the largest newspaper of general circulation within the city a list of the industrial users that were in significant noncompliance with any pretreatment requirements or pretreatment standards at least once during the twelve previous months. For purposes of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the criteria listed in 40 Code of Federal Regulations, Section 403.8 (f) (2) (vii A-H). The notification shall also summarize any enforcement actions taken against the user during the same twelve months. All records relating to compliance with pretreatment standards or pretreatment requirements shall be made available to officials of the Environmental Protection Agency or Regional Water Quality Control Board upon request.
- B. Correction notice/notice of violation/show cause hearing.
1. Whenever the director finds that any user has violated, is violating, threatens to violate, or continues to violate, this chapter, a wastewater discharge permit, or any pretreatment standard or pretreatment requirement, and the director determines that the violation is minor in nature, the director may issue a correction notice to the user.
 2. Whenever the director finds that any user has violated, is violating, threatens to violate, or continues to violate, this chapter, a wastewater discharge permit, or any pretreatment standard or pretreatment requirement, the director may serve upon such user a written notice of violation containing the director's findings. Within 30 days of the date of the notice of violation, the user shall submit to the director a technical report and response consisting of an explanation of the violation and a plan for the satisfactory correction and prevention of reoccurrences thereof,

including specific required actions and proposed dates for completion of such action. Submission of this response shall not relieve the user of liability for any violations occurring either before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

3. As a part of a notice of violation, or in lieu thereof, a user may be ordered by the director to show cause why a proposed enforcement action should not be taken. A show cause order shall be served on the user specifying the time and place of the hearing regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the director why the proposed enforcement action should not be taken. The show cause order shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.
 4. In the event of the issuance of a show cause order pursuant to this section, the director shall conduct the hearing and:
 - a. Issue in the name of the city notices of hearing requesting the attendance and testimony of witnesses, and the production of evidence relevant to any matter involved in such hearings;
 - b. Take the evidence; and
 - c. Prepare a report of the evidence and hearing, together with recommendations for action thereon.
- C. Cease and desist orders/compliance directives.
1. When the director finds that a user has violated, is violating, threatens to violate, or continues to violate, any provision of this chapter, a wastewater discharge permit, or any pretreatment standard or pretreatment requirement, or that the user's past violations are likely to recur, the director may issue a cease and desist order (also known as a compliance directive) to the user directing the user to cease and desist all such violations and further directing the user to:
 - a. Immediately comply with all such requirements; and
 - b. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge upon such schedule as the director may order.
 2. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.
- D. Nuisance / injunctive relief / recovery of damages.
1. Continued habitation of any building or premises during any period of termination or suspension of sewer services, or the continued habitation, occupancy, or operation of any facility in violation of the provisions of this chapter or any ordinance, rule or regulation of the city related to sewer use (including, but not limited to pretreatment requirements), is hereby declared to be a threat to public health and a public nuisance. Violation of any of the provisions of this chapter, a wastewater discharge permit, or any pretreatment standard or pretreatment requirement, is hereby declared to be a threat to public health and a public nuisance.

2. When the director finds that any person or user has violated, is violating, threatens to violate, or continues to violate, any provision of this chapter, a wastewater discharge permit, or any other pretreatment standard or pretreatment requirement, the director may request that the city attorney bring an action in the name of the city for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance, of the wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the user. The city attorney may also seek such other legal and/or equitable remedies as are appropriate, including a requirement for the user to conduct environmental remediation or that the user pay such actual and compensatory damages as may have been incurred by the city.
 3. A complaint for injunctive relief or for damages shall not be a bar against, or a prerequisite for, taking any other action against a user.
- E. Administrative civil liability.
1. In general. Pursuant to the provisions of Government Code section 54740.5 and regardless of whether or not a cease and desist order or a notice of violation has previously been issued, upon determining that any industrial user is violating the terms of a wastewater discharge permit, any federal or state regulation or law relative to the discharge of industrial wastewater or pretreatment, or any of the provisions of this chapter relative to the discharge of industrial wastewater or pretreatment, the director may serve an administrative civil liability complaint upon such industrial user by personal service or by certified mail, U.S. postage prepaid, at the address indicated on the permit or at the service address if no permit exists. The administrative complaint shall indicate the nature of the violations found by the director, the provisions of law authorizing civil liability to be imposed, and the amount of the proposed civil penalty.
 2. Hearing. The administrative complaint shall inform the industrial user served that a hearing will be conducted within sixty (60) calendar days after service before a hearing officer designated by the city council. The industrial user who has been issued an administrative complaint may waive the right to a hearing, in which case the city shall not conduct a hearing, and the proposed civil penalty shall be paid. If, after a hearing, it is found that the industrial user has violated any reporting or discharge requirements, the hearing officer may assess a civil penalty against that industrial user. In determining the amount of the civil penalty, the hearing officer may take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, attempted or taken by the industrial user.
 3. Appeal. Any aggrieved person may appeal the decision of the hearing officer to the city council by filing a written appeal with the city clerk pursuant to chapter 2.80 of this code.
 4. Service of orders. Copies of orders imposing administrative civil penalties after either hearing or appeal shall be served by personal service or by registered mail upon the party served with the administrative complaint and upon other persons who appeared at the hearing or appeal and requested a copy.
 5. Amount of civil penalty. Civil penalties may be imposed for failure or refusal to furnish technical or monitoring reports, for failure or refusal to timely comply

with any compliance schedule established in a cease and desist order, for discharges in violation of any waste discharge limitation, permit condition, pretreatment standard, or pretreatment requirement issued or adopted by the city relating to industrial wastewater or pretreatment, for discharges in violation of any suspension or termination of service, cease and desist order (other than the compliance schedules thereof), or other orders or prohibitions issued or adopted by the city, in amounts to be adopted by resolution. Civil penalties may be imposed in the amount of \$1,000 a day for each violation of pretreatment standards and pretreatment requirements.

6. Payment of civil penalty -- lien on real property. Unless appealed, orders setting administrative civil penalties shall become effective and final upon their issuance, and payment shall be made within thirty (30) calendar days. Any civil penalties which have remained delinquent for a period of sixty (60) calendar days (i.e., have not been paid for ninety (90) days after becoming final) shall constitute a lien against the real property from which the discharge originated which resulted in the imposition of the civil penalty. The lien shall be of no force or effect until recorded with the county recorder, and when recorded shall have the force, effect, and priority of a judgment lien and continue for ten (10) years from recordation unless sooner released. The lien shall be renewable in accordance with the provisions of sections 683.110 to 683.220 inclusive of the Code of Civil Procedure.
7. Judicial confirmation. The city attorney has the authority to petition the superior court to confirm any order establishing civil penalties pursuant to the provisions of Government Code section 54740.5(g).
8. Deposit of penalties. All monies collected pursuant to this section shall be deposited in a special account as designated by the finance director, and shall be utilized for the monitoring, treatment, and control of discharges into the city's sewer system or other mitigation measures relating to industrial pretreatment.

Notwithstanding any other provision of this Article to the contrary, no civil penalties shall be recoverable under this section for any violation for which civil liability is recovered pursuant to section 15.40.480 subsection F below.
- F. Judicial petition for civil liability. In any case where an industrial user violates any requirement adopted or ordered by the city pursuant to Government Code section 54739(a)(1) or (2), the city may petition the superior court to impose, assess, and recover the sums provided in Government Code section 54740. Provided, however, that notwithstanding any other provision of this Article to the contrary, no civil penalties shall be recoverable under this subsection for any violation for which administrative civil liability is recovered pursuant to section 15.40.480 subsection E.
- G. Remedies cumulative. Except as otherwise expressly provided by law, all of the remedies specified in this Article are cumulative, and each is in addition to any other remedy provided by law.
- H. Criminal penalties. Violation of any of the provisions of this chapter, a wastewater discharge permit, or a pretreatment standard or pretreatment requirement is unlawful and may be charged as a misdemeanor or infraction in the discretion of the city attorney. Criminal penalties may be imposed in the amount of \$1,000 a day for each violation of pretreatment standards and pretreatment requirements.
- I. Falsifying information. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other

- document filed or required to be maintained pursuant to this chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall be guilty of a misdemeanor.
- J. No city liability for damages. This chapter shall not be construed to limit the responsibility or liability of any person for damage to persons or property which may occur as a result of the discharge of wastewater nor shall the city, nor any agent thereof, be considered as assuming any liability in connection with the discharge of such wastewater by reason of the performance of its duties under this chapter.
- (Ord. 2130 §10, Ord. 2268, Ord. 2364 §315)

Chapter 15.50**STORM WATER MANAGEMENT AND DISCHARGE CONTROLS****Section:**

15.50.010	Intent and purpose.
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15.50.010 Intent and purpose.

The purposes of this chapter are:

- A. To protect and enhance the water quality of the City's watercourses, water bodies and wetlands pursuant to, and consistent with, the federal Water Pollution Control Act (Clean Water Act) (33 U.S.C. § 1251 et seq.), the Porter-Cologne Water Quality Control Act (Wat. Code § 13000 et seq.) and the City's National Pollutant Discharge Elimination System (NPDES) permit, as such permit is amended and/or renewed by the California Regional Water Quality Control Board (Regional Board).
- B. To protect and promote the health, safety and general welfare of the citizens of the City by prescribing regulations to effectively prohibit non-storm water discharges to the City's storm drain system and to reduce the discharge of pollutants in storm water to the maximum extent practicable by:
 1. Regulating non-storm water discharges to the City's storm drain system;
 2. Controlling the discharge to the City's storm drain system from spills, overland flow, dumping or disposal of materials other than storm water;
 3. Reducing pollutants in storm water discharges from the City's storm drain system to the maximum extent practicable;
 4. Minimizing degradation of the water quality of watercourses and the disruption or pollution of natural or City-authorized drainage flows caused by the activities of clearing and grubbing, grading, filling and excavating of land, as well as sediment and pollutant run off from other construction-related activities; and

5. Controlling industrial and commercial pollutant discharges to the City's storm drain system.

15.50.020 Definitions.

The following words and phrases, when used in this chapter, shall have the following meanings. Words and phrases used in this chapter and not otherwise defined shall be interpreted as defined in the regulations of the United States Environmental Protection Agency to implement the provisions of the federal Clean Water Act and as defined by the California Water Resources Control Board to implement the Porter-Cologne Water Quality Control Act.

- A. "Best management practices" or "BMPs" means physical, structural and/or managerial practice that when used singly or in combination, prevent or reduce pollution of storm water.
- B. "Clearing and grubbing" means moving or removing by manual or mechanical means, trees, vegetation and/or the top four inches or more of soil for purposes of construction. Clearing and grubbing does not include lawn mowing or tree trimming.
- C. "Construction site" means any land area on which the activity of clearing and grubbing, grading, excavating, filling, construction or development activity is occurring.
- D. "Development" means any construction, rehabilitation, redevelopment or reconstruction of any public or private residential project, industrial, commercial, retail and all other nonresidential projects, public or private, or grading for future construction, for which either discretionary land use approval or any permit is required.
- E. "Director" means the Building and Development Services Director or his or her designee who is authorized to enforce compliance with this chapter.
- F. "Discharge" means any release, spill, leak, pumping, flow, escape or leaching, including subsurface migration to groundwater, dumping or disposal of any gas, liquid, semi-solid or solid substance, whether accidental or intentional.
- G. "Foothill" means the area of the City located easterly of Cohasset Road, north of the Sycamore Creek Diversion Channel, and east of Bruce Road and generally at elevations of 250 feet and above as shown on the City Zoning Map.
- H. "Illicit discharge" means any discharge to the storm drain system that is not composed entirely of storm water except discharges pursuant to a NPDES permit or discharges excepted under Section 15.50.050 of this chapter.
- I. "National Pollutant Discharge Elimination System (NPDES) permit" or "NPDES permit" means a discharge permit issued by the State Water Resources Control Board, the Regional Water Quality Control Board or the United States Environmental Protection Agency.
- J. "Non-storm water discharge" means any discharge to the storm drain system that is not entirely composed of storm water.
- K. "Pollutant" means any contaminant that can degrade the quality of the receiving waters by altering pH, total suspended or settleable solids, biochemical oxygen demand, chemical oxygen demand, nutrients or temperature.
- L. "Redevelopment" means land-disturbing activity that results in the creation, addition or replacement of impervious surface area on an already developed site. Redevelopment includes, but is not limited to, the expansion of a building footprint, addition or replacement of a structure, replacement of impervious surface area that is

not part of a routine maintenance activity, and land disturbing activities related to structural or impervious surfaces.

- M. "Storm drain system" means a conveyance or system of conveyances owned, operated or controlled by the City designed or used to convey storm water to waters of the United States. The conveyance system may include, but is not limited to, any roads with drainage systems, streets, catch basins, natural and artificial channels, aqueducts, stream beds, gullies, curbs, gutters, ditches, open fields, parking lots, impervious surfaces used for parking, and storm drains.
- N. "Storm water" means water that originates from atmospheric moisture (rainfall, hail, snow or snowmelt) that falls onto land, water or other surfaces and any surface flow, runoff or drainage associated with such atmospheric events.
- O. "Storm water pollution prevention plan" or "SWPPP" means a plan required by the State Water Resources Control Board, the Regional Water Quality Control Board or the United States Environmental Protection Agency which sets forth the site map, identifies the activities that have the potential to pollute storm water which may enter the City's storm drain system, describes the proposed BMPs to be implemented by the discharger, and contains a description of any other requirements that the State Water Resources Control Board, the Regional Water Quality Control Board or the United States Environmental Protection Agency requires the discharger to list in the SWPPP.

15.50.030 General provisions.

This chapter shall be administered by the Director and shall be construed to assure consistency with the requirements of the federal Clean Water Act, applicable implementing regulations, and any City NPDES permits as amended, revised or reissued. In the event of any conflict between this chapter and any federal or state law, regulation, order or permit, the requirement that establishes the higher standard for public health or safety shall govern. Nothing in this chapter shall preclude enforcement of any other applicable law, regulation, order or permit. Nothing in this chapter is intended to diminish or preempt the authority of the fire department to investigate, clean-up or abate the effects of any hazardous materials under state law or applicable sections of this code, and any such actions of the fire department shall be in addition to, and not in place of, measures set forth in this chapter.

15.50.040 Prohibited activities.

- A. Illicit Discharge. Non-storm water discharges to the City's storm drain system are prohibited except as specifically permitted under Section 15.50.050.
- B. Discharge in Violation of Permit. Any discharge that would result in, or contribute to, a violation of the City's NPDES permit as amended, revised or reissued, either separately considered or when combined with other discharges, is a violation of this chapter and is prohibited. Liability for any such discharge shall be the responsibility of the person causing or responsible for the discharge as well as the property owner from whose property the discharge occurs or originates. Such responsible persons shall be strictly liable for discharges in violation of the City's NPDES permit and such persons shall defend, indemnify and hold harmless the City in any administrative or judicial enforcement act relating to such discharge.

15.50.050 Exceptions to discharge prohibition.

The following discharges are exempt from the prohibitions set forth in Section 15.50.040 above:

- A. Any discharge regulated under a NPDES permit issued to the discharger provided that the discharger is in compliance with all requirements of the permit and all other applicable laws and regulations.
- B. Discharges from the following non-storm water activities unless identified by either the City or the Regional Water Quality Control Board as a significant source of pollutants to waters of the United States:
 - 1. Water line flushing;
 - 2. Landscape irrigation;
 - 3. Diverted stream flows;
 - 4. Rising ground waters;
 - 5. Uncontaminated ground water infiltration (as defined at 40 C.F.R. § 35.2005(20)) to separate storm sewers;
 - 6. Uncontaminated pumped ground water;
 - 7. Discharges from potable water sources;
 - 8. Foundation drains;
 - 9. Air conditioning condensation;
 - 10. Irrigation water;
 - 11. Springs;
 - 12. Water from crawl space pumps;
 - 13. Footing drains;
 - 14. Lawn watering;
 - 15. Individual residential car washing;
 - 16. Flows from riparian habitats and wetlands;
 - 17. Dechlorinated swimming pool discharges;
 - 18. Discharges or flows from fire fighting activities; and
 - 19. City municipal storm drain maintenance line clearing activities.

15.50.060 Discharges in violation of an industrial or construction activity NPDES storm water discharge permit.

Any person subject to a construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with the permit shall be submitted to the Director or his or her designee, if so requested. Proof of compliance shall include a copy of the notice of intent (NOI) submitted to the State Water Resources Control Board, the SWPPP for the construction project, and the waste discharge identification (WDID) number provided by the State Water Resources Control Board. Construction activity permits are required for construction projects disturbing one acre or more of land. Construction activities of any size are also subject to the City's grading regulations at Titles 16 and 16R of this code.

The Director or his or her designee shall, at any time, have the authority to inspect construction sites to ensure compliance with the measures outlined in the SWPPP for the projects and to implement the enforcement measures of this chapter and Chapters 1.12 and 1.14 of this code.

15.50.070 Requirement to prevent, control and reduce storm water pollutants.

The City will require implementation of BMPs for any activity, operation or facility that may cause or contribute to pollution or the contamination of storm water, the storm

drain system or waters of the United States. Where BMP requirements are promulgated by the City or any federal, state or regional agency for any activity, operation or facility which would otherwise cause the discharge of pollutants to the storm drain system or waters of the United States, every person undertaking such activity or operation, or owning or operating such facility, shall comply with such requirements.

15.50.080 Development planning and design standards.

- A. The provisions of this section shall apply to the following discretionary development and redevelopment projects:
1. All projects that disturb one acre or more of soil;
 2. Single-family foothill residences;
 3. Multi-family developments;
 4. Commercial developments;
 5. Automotive repair shops;
 6. Restaurants;
 7. Residential subdivisions with two or more housing units;
 8. Parking lots;
 9. Retail gasoline outlets; and
 10. Projects discharging to environmentally sensitive areas.
- B. An applicant for a discretionary development or redevelopment project identified in subsection A above shall incorporate a Storm Water Mitigation Plan (SWMP) into the project plan that includes the BMPs necessary to control storm water pollution from construction and post-construction activities and facilities.
- C. The following design standards and requirements shall be applicable to all of the development and redevelopment projects listed in subsection A above:
1. Peak Storm Water Runoff Discharge Rates. Post-development peak storm water runoff discharge rates shall not exceed the estimated pre-development rate for developments when the increased peak storm water discharge rate will result in increased potential for downstream erosion or flooding, as determined by the Director.
 2. Conservation of Natural Areas. Site layouts and subdivision designs shall be consistent with the General Plan and any relevant Specific Plans.
 3. Minimize Specific Storm Water Pollutants of Concern.
 4. Outdoor Material Storage Areas. Materials with the potential to contaminate storm water shall be:
 - a. Placed in an enclosure such as, but not limited to, a cabinet, shed or similar structure that prevents contact with runoff or spillage to the storm drain system or protected by secondary containment structures such as berms, dikes or curbs.
 - b. The storage areas shall be paved and sufficiently impervious to contain leaks and spills.
 - c. The storage area shall have a roof or awning to minimize collection of storm water within the secondary containment area.
 5. Trash Storage Areas. Trash storage areas shall be designed as follows:
 - a. Trash container areas shall have drainage from adjoining roofs and pavement diverted around the area.
 - b. Trash container areas shall be screened or walled to prevent off-site transport of trash.

6. Proof of Ongoing BMP Maintenance. Commercial and industrial facility owners implementing privately-owned, post-construction BMPs shall verify on or before September 1 of each year that their BMPs have been inspected and provide written certification to the Director that they are operating as designed. The transfer of property to a new owner shall contain conditions requiring the recipient to assume responsibility for maintenance of any structural or treatment control BMPs to be included in the sales or lease agreement for that property and will be the owner's responsibility. The condition of transfer shall include a provision that the property owners conduct maintenance inspection of all structural or treatment control BMPs at least once a year and retain proof of inspection. For residential properties where the structural or treatment control BMPs are located within a common area which will be maintained by an association, language regarding the responsibility for maintenance shall be included as a condition of project approval. Printed educational materials shall be required to accompany the first deed transfer to highlight the existence of the requirement and to provide information on what storm water management facilities are present, signs that maintenance is needed and how the necessary maintenance can be performed. The transfer of this information shall also be required with any subsequent sale of the property.
- D. The following design standards and requirements shall be applicable only to the following development and redevelopment project categories:
1. Commercial Developments
 - a. Loading/Unloading Dock Areas. Loading and unloading dock areas shall be covered or designed to minimize run-on and runoff of storm water. Direct connections to storm drains from depressed loading docks (truck wells) are prohibited.
 - b. Repair/Maintenance Bays. Design plans for repair/maintenance bays shall include the following:
 - i. Repair/maintenance bays shall be indoors or designed to prevent storm water run-on or contact with storm water runoff.
 - ii. Drainage systems shall be designed to capture all washwater, leaks and spills. Drains shall be connected to a sump for collection and disposal. Direct connection of the repair/maintenance bays to the storm drain system is prohibited.
 - c. Vehicle/Equipment Wash Areas. Project plans shall include an area for washing/steam cleaning of vehicles and equipment if applicable. This area shall be:
 - i. Self-contained and/or covered, equipped with a clarifier or other pretreatment facility, and
 - ii. Properly connected to a sanitary sewer or other appropriate permitted disposal facility.
 2. Restaurants
 - a. Equipment/Accessory Wash Areas. Project plans shall include an area for the washing/steam cleaning of equipment and accessories. The area shall be:
 - i. Self-contained, equipped with a grease trap and properly connected to a sanitary sewer.
 - ii. If the wash area is to be located outdoors, it shall be covered, paved, include secondary containment and be connected to the sanitary sewer or

other appropriately permitted disposal facility.

3. Retail Gasoline Outlets - Fueling Area. Project plans shall include the following BMPs:
 - a. The fuel dispensing area shall be covered with an overhanging roof structure or canopy. The canopy's minimum dimensions shall be equal to or greater than the area within the grade break. The canopy shall not drain onto the fuel dispensing area and the canopy downspouts shall be routed to prevent drainage across the fueling area.
 - b. The fuel dispensing area shall be paved with Portland cement concrete (or an equivalent smooth impervious surface) and the use of asphalt concrete shall be prohibited.
 - c. The fuel dispensing area shall have a 2% to 4% slope to prevent ponding and shall be separated from the rest of the site by a grade break that prevents run-on of storm water to the extent practicable.
 - d. At a minimum, the concrete fuel dispensing area shall extend 6.5 feet (2.0 meters) from the corner of each fuel dispenser or the length at which the hose and nozzle assembly may be operated plus one foot (0.3 meter), whichever is less.
4. Automotive Repair Shops
 - a. Fueling Area. Design plans that include fueling areas shall contain the following BMPs:
 - i. The fuel dispensing area shall be covered with an overhanging roof structure or canopy. The canopy's minimum dimensions shall be equal to or greater than the area within the grade break. The canopy shall not drain onto the fuel dispensing area and the canopy downspouts shall be routed to prevent drainage across the fueling area.
 - ii. The fuel dispensing area shall be paved with Portland cement concrete (or an equivalent smooth impervious surface) and the use of asphalt concrete shall be prohibited.
 - iii. The fuel dispensing area shall have a 2% to 4% slope to prevent ponding and shall be separated from the rest of the site by a grade break that prevents run-on of storm water to the extent practicable.
 - iv. At a minimum, the concrete fuel dispensing area shall extend 6.5 feet (2.0 meters) from the corner of each fuel dispenser, or the length at which the hose and nozzle assembly may be operated plus one foot (0.3 meter), whichever is less.
 - b. Repair/Maintenance Bays. Design plans for repair/maintenance bays shall include the following:
 - i. Repair/maintenance bays shall be indoors or designed to prevent storm water run-on or contact with storm water runoff.
 - ii. Drainage systems shall be designed to capture all washwater, leaks and spills. Drains shall be connected to a sump for collection and disposal. Direct connection of the repair/maintenance bays to the storm drain system is prohibited.
 - c. Vehicle/Equipment Wash Areas. Project plans shall include an area for washing/steam cleaning of vehicles and equipment if applicable. The area in the site design shall be:
 - i. Self-contained and/or covered, equipped with a clarifier or other

- pretreatment facility, and
 - ii. Properly connected to a sanitary sewer or other appropriate permitted disposal facility.
 - d. Loading/Unloading Dock Areas. Loading dock areas shall be covered or designed to minimize run-on and runoff of storm water. Direct connections to storm drains from depressed loading docks (truck wells) are prohibited.
5. Parking Lots
- a. Design of Parking Area. The following design criteria are required:
 - i. Reduce impervious land coverage of parking areas.
 - ii. Infiltrate or treat runoff.
 - b. Limit Oil Contamination and Perform Maintenance. The following design criteria are required:
 - i. Oil and petroleum hydrocarbons shall be treated and removed from parking lots.
 - ii. Adequate operation and maintenance of treatment systems shall be required for sludge and oil removal, system fouling, and plugging prevention control.
- E. Notwithstanding the development planning and design standards applicable to discretionary development and redevelopment projects set forth above, all development and redevelopment projects, including projects requiring only ministerial approval, are prohibited from producing illicit discharges and discharges in violation of the City's NPDES permit pursuant to Section 15.50.040 above.

15.50.090 Grading activity and permits.

All grading work shall be performed in compliance with Titles 16 and 16R of this code and all construction or development activity, including clearing, grading or excavation, whether requiring a grading permit or not, shall be undertaken in accordance with all requirements of this chapter.

15.50.100 Inspection authority.

- A. Whenever necessary to make an inspection of any building or property to enforce any of the provisions of this chapter, or whenever the Director has reasonable cause to believe that there exists in any building or upon any property any condition that constitutes a violation of this chapter, the Director may enter such building or property at all reasonable times to perform an inspection as well as any of the other activities authorized by this chapter. If an owner, tenant, occupant, agent or other responsible party refuses to grant the City permission to enter or inspect, the City may seek an inspection warrant pursuant to the Code of Civil Procedure.
- B. Routine or area inspections shall be based upon such reasonable selection processes as may be deemed necessary to carry out the objectives of this chapter, including but not limited to, random sampling and/or sampling in areas with evidence of storm water contamination, illicit discharges, discharge of non-storm water to the storm drain system or similar evidence.
- C. The Director may enter and inspect property for which a grading permit has been applied to determine the applicability of, or compliance with, this chapter and City specifications. The Director may also inspect any and all property on which grading, filling, clearing, and grubbing or excavating activities are occurring to ensure compliance with this chapter.

15.50.110 Sampling, monitoring, analysis and reporting authority.

- A. During any inspection the Director may collect samples as necessary in order to implement and enforce the provisions of this chapter. This authority shall include the right to require the installation of sampling and metering devices on private property or to require the person owning or occupying the property to supply samples.
- B. During any inspection the Director may require the person owning or occupying the property to provide any and all records relating to any potential storm water contamination, illegal discharge, non-storm water discharge or other violation of this chapter for review and copying.
- C. Whenever the Director has reasonable cause to believe that there may exist on any property a condition that constitutes a violation of this chapter, the Director may require monitoring, analysis and/or reporting of discharges from the property to the storm drain system by serving a written notice of such requirement(s) on the owner of the property or on the operator of a facility or activity on the property. The cost of complying with these requirements shall be borne by the owner of the property or the operator of the facility or activity for which monitoring, analysis and/or reporting has been required, to the extent permitted by law.

15.50.120 Containment and notification of spills.

Any person owning, occupying or responsible for property or responsible for emergency response for a facility or activity has a personal responsibility to train facility personnel and maintain notification procedures to assure immediate notification is provided to the City of any suspected, confirmed or unconfirmed release of materials, pollutants or wastes creating a risk of discharge to the City's storm drain system. As soon as any person owning, occupying or responsible for the property or responsible for emergency response for a facility or activity has knowledge of any suspected, confirmed or unconfirmed release, such person shall take all necessary steps to ensure the discovery, containment and clean-up of such release and shall immediately notify the Director by telephone of the release and shall confirm the notification by written correspondence within 24 hours of such knowledge.

15.50.130 Enforcement powers and remedies.

The Director may utilize any enforcement actions authorized or provided in this code including, but not limited to, administrative remedies as set forth in Chapter 1.14 of this code. The Director may also exercise any of the following enforcement actions deemed necessary:

- A. Abatement
 1. Any discharge or condition violating any provisions of this chapter is a threat to the public health, safety and welfare and constitutes a public nuisance.
 2. The Director may abate any discharge or condition that violates any provision of this chapter in accordance with the provisions of Chapter 1.14 of this code and such action by the Director shall be subject to appeal as provided for in that chapter. In addition, any notice and order issued by the Director under Chapter 1.14 of this code may require the owner and/or occupant of the subject property to take any or all of the following actions:
 - a. Submit and implement a plan approved by the Director for the correction and prevention of the discharge or condition violating any provision of this chapter;

- b. Cease and desist all activities that may cause or contribute to any discharge or condition violating any provision of this chapter;
 - c. Clean-up any release of pollutants causing or resulting from the violation of any provision of this chapter;
 - d. Mitigate any circumstances that may cause or contribute to any discharge or condition violating any provision of this chapter; and
 - e. Adopt and implement BMPs and/or a storm water pollution prevention plan approved by the Director.
3. If any violation of this chapter constitutes a seasonal and recurrent nuisance, the Director shall so declare in the notice and order issued pursuant to subsection 2 above. Thereafter, the owner or occupant of the subject property shall abate such seasonal and recurrent nuisance every year without the necessity of any further notice and order. If at any time following the issuance of the notice and order the nuisance is not abated as required, the Director may summarily abate the condition in accordance with provisions of Chapter 1.14 of this code.
 4. When, in the opinion of the Director, any discharge from any source to the storm drain system causes or threatens to cause a condition that presents an imminent hazard to the public health, safety or welfare or the environment, or a violation of the City's NPDES permit, the Director may issue a notice requiring the owner or occupant of the property where the discharge is occurring to immediately abate the discharge. In any case where the discharge is not immediately abated or the Director determines that time constraints are such that abatement must occur without providing the notice, the Director may summarily abate the condition in accordance with the provisions of Chapter 1.14 of this code.
 5. The owner of any property from which a discharge is made in violation of this chapter and any person making or causing the discharge, if different from the owner, shall be jointly and severally liable for the costs incurred by the City for any abatement, clean-up or restoration, including any related inspection and testing costs arising from the discharge and the costs shall be invoiced to the owner of the property and any responsible persons. If the invoice is not paid within sixty (60) days, the Director may commence proceedings for recovery of these costs in accordance with the provisions of Chapter 1.14 of this code.

B. Civil Actions

In addition to any other remedies or penalties provided in this chapter, any violation of this chapter may be enforced by civil action brought by the City Attorney. In any such action the City may seek, as appropriate, any or all available equitable and legal remedies including but not limited to:

1. A temporary or permanent injunction;
2. Assessment upon the violator for the costs of any investigation, inspection, testing or monitoring related to the violation and for the reasonable costs of preparing and bringing legal action under this subsection including attorney fees, whether for in-house or outside counsel;
3. Costs incurred in removing, correcting, abating, cleaning-up or terminating the adverse effects resulting from the violation;
4. Compensatory damages for damage, loss or destruction to water quality, wildlife, fish and aquatic life, or public health and safety;
5. Payment or reimbursement of any governmental fines or penalties imposed on the City as a result of the violation; and

6. Payment of a fine of up to \$5,000 for each day or portion of a day that the discharge occurs.

C. Criminal Violations

A violation of any of the provisions of this chapter shall constitute a misdemeanor, except that notwithstanding any other provision of this code, any such violation may, at the discretion of the City Attorney, be charged and prosecuted as an infraction.

15.50.140 Appeal.

If a decision or action by the Director is not subject to an appeal procedure under any other provision of this code, any person who is affected by the Director's decision or action may appeal the decision or action to the City Manager within ten (10) days following the effective date of the decision or action by filing a written appeal with the City Manager. Upon receipt of such appeal, the City Manager may request a report and recommendation from the Director and shall set the matter for an informal hearing at the earliest practical date. Not less than seven (7) days prior to the date of the hearing, the City Manager shall provide written notice of the hearing to the person appealing the decision or action. At the hearing, the appellant may be represented by any person of appellant's choice. The City Manager shall hear any additional evidence presented by the appellant or the Director and may reject, affirm or modify the Director's decision or action. The City Manager's decision shall be the City's final administrative determination of the matter.

15.50.150 Judicial review.

The provisions of Sections 1094.5 and 1094.6 of the Code of Civil Procedure set forth the sole procedure for judicial review of any action taken pursuant to this chapter. Parties seeking judicial review of any final action taken pursuant to this chapter shall file such action within ninety (90) calendar days after the occurrence of any event or receipt of any decision constituting the evaluation of administrative remedies provided in this chapter for which review is sought.

15.50.160 Ultimate responsibility of discharger.

The standards established by this chapter are minimum standards and do not imply that compliance by any discharger will ensure that there will not be any contamination, pollution nor unauthorized discharge of pollutants to the City's storm drain system or waters of the United States. This chapter shall not create liability on the part of the City or any city employee for any damages that result from any discharger's reliance on this chapter or any lawful administrative decision.

15.50.170 Remedies cumulative.

The remedies provided in this chapter shall be cumulative and not exclusive and shall be in addition to any and all remedies available to the City.

(Ord. 2384)

TITLE 15 FOOTNOTES

1. Prior ordinance history: Ords. 883, 878, 915, 970, 1048, 1111, 1124, 1145, 1174, 1185, 1237, 1299, 1339, 1370, 1463, 1477, 1577, 1600, 1654 and 1688.