

### ELEMENT 3 – REVISION RECORD

The City of Hollister SSMP Element 3 – Legal Authority has undergone the following revisions:

Revision No.	Revision Date	Description of Revisions	Revision Completed By	Revision Approved By
0	2007	The City created a document entitled the Sewer System Management Plan (SSMP) Development Guide to address the requirements of the 2006 Sanitary Sewer System (SSS) Orders issued by the State Water Resources Control Board (SWRCB).	City of Hollister Utilities Department	Unknown
1	February 2017	The SSMP was revised in accordance with the findings and recommendations of the November 2, 2015 SSMP Audit. This revision also served as the five (5) year update.	City of Hollister Utilities Department and Wallace Group	City Council



## **ELEMENT 3 - LEGAL AUTHORITY**

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The City of Hollister (City) maintains the legal authority for the sanitary sewer system in the City Municipal Code as listed below. These codes are included in Appendix 3A and 5A for this Element:

City Municipal Code: (See Appendix 3A)

- Title 13.04 Articles I - IX – Sewer Service System

Standard Specifications: (See Appendix 5A)

- City of Hollister Engineering Department Standard Plan
  - C-1-1: *Type 1 Standard Manhole Pipe 6” to 18”*
  - C-1-2: *Standard Manhole for Pipe Cover Less than 36”*
  - C-1-3: *Standard Manhole Sections and Notes*
  - C-1-4: *Standard Manhole Frame and Concrete Collar*
  - C-2-1: *Sewer Lateral and Cleanout*
  - C-2-2: *Sewer Cleanout Frame/Cover & Concrete Collar*
  - C-3: *Sewer Lateral Tapping to Existing VCP Sewer Mains*
  - C-4: *Backflow Prevention Devices*

### **3.1 Regulatory Requirements**

WDR Order No. 2006-0003-DWQ Section D.13 (iii) states:

Each Enrollee must demonstrate, through sanitary sewer system use ordinances, service agreements, or other legally binding procedures, that it possesses the necessary legal authority to:

- (a). Prevent illicit discharges into its sanitary sewer system (examples may include storm water, chemical dumping, unauthorized debris and cut roots, etc.);
- (b). Require that sewers and connections be properly designed and constructed;
- (c). Ensure access for maintenance, inspection, or repairs for portions of the lateral owned or maintained by the Public Agency;
- (d). Limit the discharge of fats, oils, and grease and other debris that may cause blockages; and
- (e). Enforce any violation of its sewer ordinances.

### **3.2 SSMP Sanitary Sewer System Legal Authority [WDR D.13 (iii) (a) – (e)]**

Table 3-1 below provides the mechanisms by which the City maintains the legal authorities required by WDR D.13 (iii) for public and private sewer systems.

**Table 3-1: City Legal Authority References**

WDR Requirement	City of Hollister Municipal Code Section
<p>D.13(iii)(a) Prevent illicit discharges into its sanitary sewer system (examples may include storm water, chemical dumping, unauthorized debris and cut roots, etc.).</p>	<p>City Code:</p> <p>Article II – Use of Public Sewers</p> <ul style="list-style-type: none"> <li>• Title 13.04.070 – Certain Water Prohibited from Sanitary Sewer</li> <li>• Title 13.04.090 - Materials Prohibited in Sewers</li> <li>• Title 13.04.100 – Materials Director May Prohibit</li> <li>• Title 13.04.220 – Surface Runoff Prohibited in Sewer</li> </ul>
<p>D.13(iii)(b) Require that sewers and connections be properly designed and constructed;</p>	<p>City Code:</p> <p>Article III – Building Sewers and Connections</p> <ul style="list-style-type: none"> <li>• Title 13.04.200 – Construction Codes and Standards</li> <li>• Title 13.04.210 – Sewer Elevation: Backflow and Check Device</li> <li>• Title 13.04.230 – Inspection of Construction</li> <li>• Title 13.04.240 – Protective Devices During Construction</li> </ul> <p>City of Hollister Standard Specifications: May 1992            City of Hollister Design Standards: May 1992            City of Hollister Engineering Department Standard Specifications            July 2013 Standard Specifications: (See Appendix 05-1)</p> <ul style="list-style-type: none"> <li>○ City of Hollister Engineering Department Standard Plan               <ul style="list-style-type: none"> <li>○ C-1-1: <i>Type 1 Standard Manhole Pipe 6” to 18”</i></li> <li>○ C-1-2: <i>Standard Manhole for Pipe Cover Less than 36”</i></li> <li>○ C-1-3: <i>Standard Manhole Sections and Notes</i></li> <li>○ C-1-4: <i>Standard Manhole Frame and Concrete Collar</i></li> <li>○ C-2-1: <i>Sewer Lateral and Cleanout</i></li> <li>○ C-2-2: <i>Sewer Cleanout Frame/Cover &amp; Concrete Collar</i></li> <li>○ C-3: <i>Sewer Lateral Tapping to Existing VCP Sewer Mains</i></li> <li>○ C-4: <i>Backflow Prevention Devices</i></li> </ul> </li> </ul>

WDR Requirement	City of Hollister Municipal Code Section
<p>D.13(iii)(c) Ensure access for maintenance, inspection, or repairs for portions of the lateral owned or maintained by the Public Agency;</p>	<p>City currently does not own and therefore does not require access to maintain or repair any portion of a Lateral Sewer, House Sewer or House Drain.</p> <p>However, the City had codified the requirement that property owners are responsible for their laterals in:</p> <p>Article III – Building Sewers and Connections</p> <ul style="list-style-type: none"> <li>• Title 13.04.170 – Responsibility for Costs and Expenses summarizes the property owner’s responsibilities for sewer lateral ownership, maintenance and upkeep.</li> </ul>
<p>D.13(iii)(d) Limit the discharge of fats, oils, and grease and other debris that may cause blockages;</p>	<p>City Code:</p> <p>Article II – Use of Public Sewers</p> <ul style="list-style-type: none"> <li>• Title 13.04.100 - Materials Director May Prohibit</li> <li>• Title 13.04.120 - Grease Traps Required</li> </ul>
<p>D.13(iii)(e) Enforce any violation of its sewer ordinances.</p>	<p>City Code:</p> <p>Article VII Enforcement:</p> <ul style="list-style-type: none"> <li>• Title 13.04.490 – Notification of Potential Problems</li> <li>• Title 13.04.500 – Notices to Employees</li> <li>• Title 13.04.520 – Issuance of Cease and Desist Orders</li> <li>• Title 13.04.530 – Harmful Contributions</li> <li>• Title 13.04.540 – Submission of Time Schedule</li> </ul> <p>Article VIII Abatement:</p> <ul style="list-style-type: none"> <li>• Title 13.04.560 – Public Nuisance</li> <li>• Title 13.04.570 - Injunction</li> <li>• Title 13.04.580 – Damage to Facilities</li> <li>• Title 13.04.590 – Correction of Violations: Collection of Costs - Injunction</li> <li>• Title 13.04.600 – Civil Liabilities and Penalties</li> <li>• Title 13.04.610 – Falsifying Information</li> <li>• Title 13.04.620 – Termination of Service</li> </ul>

## **APPENDIX 3A**

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City of Hollister Municipal Code

## **Chapter 13.04 SEWER SERVICE SYSTEM**

### **Article I. General Provisions**

#### **13.04.010 Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"BOD (biochemical oxygen demand)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at twenty (20) degrees centigrade expressed in milligrams per liter.

"Building drains" means the part of the lowest horizontal pipe of a drainage system which receives the discharge from soil, waste and other discharge pipes inside the walls of the building and conveys it to the building sewer. The building drain ends where it is connected to the building sewer five feet outside the building wall.

"Building sewer" means the extension of the building drain to the public sewer or other place of disposal.

"Combined sewer" means a sewer receiving both surface runoff and domestic sewage.

"Director" means the director of public works of the city, or his or her authorized deputy, agent or representative.

"Dwelling unit" means each single-family residence, house, apartment or living quarter having its own separate kitchen facility.

"Garbage" means the putrescible solid waste from the domestic and partially prepared cooking and dispensing of food and from the handling, storage and sale of produce.

"Industrial waste" means the water-carried putrescible waste from the industrial manufacturing and industrial processing as distinct from sanitary sewage and shall include trade wastes produced by, but not limited to, food processing, bottling and food manufacturing plants.

"Industrial waste sewer" means a sewer receiving industrial waste only.

"Natural outlet" means any outlet taken to a watercourse, pond, ditch, lake or other body of surface or groundwater.

"Person" means any individual, firm, company, partnership, association, the responsible corporate officer of any private or public corporation, the United States of America, the state of California, districts, counties and governmental agencies.

"pH" means the logarithm of the reciprocal of the weight of hydrogen ion in grams per liter of solution.

"Premises" means all parcels or land included by the San Benito County assessor in a single assessor's parcel number.

"Public sewer" means a sewer in public-owned land or easement controlled by the city.

"Sanitary sewage" means the water carried putrescible waste from residences, hotels, restaurants, eating houses or from business establishments or premises engaged solely in the sale, storage or repair of goods, wares or merchandise which contains garbage, human waste or animal waste.

"Sanitary sewer" means a sewer which carries sanitary sewage to which storm, surface and ground water are not intentionally admitted.

"Sewage" means a combination of the water-carried waste from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm water as may be present.

"Sewage works" means all facilities for collecting, pumping, treating and disposing of sewage.

"Sewer" means a pipe or conduit for carrying sewage.

"Sewer treatment plant" means an arrangement of devices and structures used for treatment of sewage.

"Special sewer" means any sewer or storm drain constructed under the authority of the city the costs of which were not directly assessed to or borne by the abutting property and which has been or may hereafter be designated as such special sewer by resolution of the city council.

"Special sewer fee" means the fee established by resolution of the city council to be paid by any person upon issuance of a permit to connect to a special sewer.

"Storm drain (storm sewer)" means a sewer which carries storm and surface waters and drainage, but which excludes sewage and industrial waste other than uncontaminated cooling water.

"Suspended solids" means solids that either float on the surface or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

"Treatment works" means any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature or necessary to recycle or reuse water at the most economical cost over the useful life of the works, including interceptor sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land, that

will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste, including storm water and sanitary sewer systems.

"User" means any person that discharges, causes or permits the discharge of wastewater into a community sewer.

"Watercourses" means the channel in which a flow of water occurs, either continuously or intermittently. (Ord. 1000 § 1, 2005; Prior code§ 16-1)

#### **13.04.020 Unsanitary disposal of waste prohibited.**

It is unlawful for any person to place, deposit, or permit to be placed or deposited in any manner on any public or private property within the city, or in any area under the jurisdiction of the city, any human or animal defecation or other objectionable waste. (Prior code § 16-2)

#### **13.04.030 Disposal of waste to natural outlets prohibited.**

It is unlawful to discharge to any natural outlet within the city, or any area under the jurisdiction of the city, any sewage or other polluted waters except where suitable treatment has been provided in accordance with the provisions of this chapter. (Prior code§ 16-3)

#### **13.04.040 Septic tanks, etc., prohibited.**

It is unlawful to construct, maintain or use any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage except under, and in accordance with, a permit issued by the director and the public health officer of the county of San Benito. (Prior code§ 16-4)

#### **13.04.050 Private sewage systems to conform to plumbing code.**

All private sewage disposal systems shall, at all times, conform to, and be in compliance with, the plumbing code of the city then in effect. (Prior code§ 16-5)

#### **13.04.060 Connections outside city.**



Except when authorized by resolution of the city council, which resolution shall contain such terms and conditions and fix such fees as the city council shall deem appropriate, no sewer connection permit shall be issued for, nor shall any sewer connection be made, to serve any premises or property located outside the corporate limits of the city. (Prior code § 16-6)

## **Article II. Use of Public Sewers**

### **13.04.070 Certain water prohibited from sanitary sewers.**

No person shall discharge or cause to be discharged into any sanitary sewer any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or contaminated industrial process water. (Prior code § 16-7)

### **13.04.080 Stormwater disposal.**

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or natural outlets approved by the director. Industrial cooling water or uncontaminated process waters may be discharged on approval of the director into combined sewers, storm sewers or natural outlets. (Prior code § 16-8)

### **13.04.090 Materials prohibited in sewers.**

No person shall discharge or cause to be discharged any of the following into any public sewer:

- A. Any gas, benzene, naphthol, fuel, oil, or other flammable or explosive solid, liquid or gas;
- B. Any water or waste containing toxic or poisonous solid, liquids or gases in sufficient quantities, either singularly or in reaction with other wastes, to injure or interfere with other sewage treatment processes, constitute a hazard to humans or animals, create a public nuisance, create any hazard in any receiving water of the sewage treatment plant, including, but not limited to, cyanides in excess of two milligrams per liter as carbon nitrogen in the wastes discharged to the public sewer;
- C. Any water or waste having a pH lower than 5.5 or having any other corrosive properties capable of causing damage or hazard to structures, equipment or personnel of the sewage works;

D. Solid or viscous substances in quantities or of such size as to be capable of causing obstructions to the flow in sewers or the interference with the proper operation of the sewer works, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, underground garbage, whole blood, parched manure, hair and fleshing, whole or ground paper, dishes, cups, milk containers, etc. (Editorially amended during 1998 codification; prior code § 16-9)

#### 13.04.100 Materials director may prohibit.

No person shall discharge or cause to be discharged into any sewer any of the following if, in the opinion of the director, the same may damage or injure the sewer, sewage treatment plant, sewage treatment process, sewage treatment equipment, or have an adverse effect on the receiving stream, endanger the public or constitute nuisance. In determining the acceptability of the following, the director shall consider such factors as the quantity to be received in relationship to the flows and velocities in the sewer, the materials of construction of the sewers, the nature of the sewer treatment process, the capacity of the sewer treatment plant, the degree of treatability of the following in the sewer treatment plant and other related factors. The prohibited substances are as follows

A. Any liquid or vapor having a temperature of higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees centigrade);

B. Any water or waste containing e\_ts"-wax, grease or oils, whetheJ emulsified or not, in excess of one hundred (100) millig}amster o/containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees and one hundred fifty degrees (150) Fahrenheit (zero degrees and sixty-five (65) degrees centigrade);

C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipment with a motor of three-quarters horsepower (.76 horsepower, metric) or greater, shall be subject to the approve of the director;

D. Any water or waste containing acids, iron pickling, or concentrated plating solutions, whether neutralized or not;

E. Any water or waste containing iron, chromium, copper, zinc or other similar toxic substances or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the sewer treatment plant exceeds the limits established by the director for such materials;

F. Any water or waste containing phenols or taste or odor-producing substances, in such concentrations exceeding limits which may be established by the state of California or the

United States, or agencies thereof having jurisdiction over the discharge thereof to receiving waters;

G. Any radioactive wastes or isotopes such as half-lives or concentrations as may exceed limits as established by the director in compliance with applicable state and federal regulations;

H. Any water or wastes having a pH in excess of 9.5;

I. Materials which exert or cause:

1. Unusual concentrations of suspended solids (such as, but not limited to, fuller's earths, lime slurries, and lime residuals or organic materials) or of dissolved solids (such as, but not limited to, starches, sugars, sodium chloride, and sodium sulfate),

2. Excessive discoloration (such as, but not limited to, dye, wastes and vegetable tanning solutions),

3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities so as to constitute a significant load on the sewer treatment plant,

4. Any unusual volume or flow or concentration of wastes which upsets or affects the balance of the sewer treatment plant;

J. Water or waste containing substances which are not admittable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewer treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over the discharge of the receiving waters. (Prior code § 16-10)

#### **13.04.110 Action resulting from deposit of deleterious wastes.**

If any water or waste is discharged or is proposed to be discharged to the public sewers, which water contains the substances or processes and characteristics enumerated in Section 13.04.100 or which, in the judgment of the director, may have a deleterious effect upon the sewer treatment works, processes, equipment or receiving waters, or which constitutes a danger to public health, safety or welfare, or which constitutes a public nuisance, the director may:

A. Reject the water or waste;

B. Require pretreatment to an acceptable condition for discharge to the public sewer;

C. Control quantity or rate of discharge;

D. Require payment to cover the additional costs and expenses of handling and treating the wastes not covered by existing fees and charges under other provisions of this chapter;

E. Refuse to furnish service or discontinue service. (Prior code § 16-11)

**13.04.120 Grease traps required.**

Grease, oil and sand interceptors shall be provided when, in the opinion of the director, they are necessary for the proper handling of liquid wastes containing grease, flammable waste, sand or other harmful ingredients, except that such interceptors shall not be required for dwelling units. All interceptors shall be of a type and capacity approved by the director and shall be located so as to be readily and easily accessible for cleaning and inspection. Failure to clean or maintain interceptors shall be grounds for discontinuance of service or other punitive action as provided in this chapter. (Prior code§ 16-12)

**13.04.130 Screens required.**

In plants processing fruits, vegetables and similar produce, screens shall be provided when, in the opinion of the director, they are necessary to reduce the concentration of objectionable materials in the public sewers. Screens shall be of a type and capacity approved by the director and shall be located so as to be readily and easily accessible for cleaning and inspection. Failure to clean or maintain screens shall be grounds for discontinuance of service or other punitive action as provided in this chapter. (Prior code§ 16-13)

**13.04.140 Testing and sampling procedures.**

All measurements, tests and analysis of characteristics of waters and wastes to which reference is made in this chapter shall be made and determined in accordance with the latest edition of the "Standard Methods of Examination of Water and Waste Water" published by the American Health Association, and shall be determined at the control manhole or with samples taken from the control manhole. In the event that no special manhole has been provided, the control manhole shall be the nearest downstream manhole. Sampling shall be carried out by customarily accepted methods to reflect the effect of the constituents on the sewer and to determine the existence of danger or hazards to public health, safety and welfare. (Prior code § 16-14)

## **Article III. Building Sewers and Connections**

### **13.04.150 Permits required.**

A. Sewer Connection. No person shall uncover, make any connection to or with, or open, use, alter or disturb any public sewer, or appurtenance thereto, without first receiving a permit from the director.

B. Building Sewer. A building sewer permit shall be obtained from the director before installing a building sewer or connecting a building sewer to the public sewer. There shall be two classes of building sewer permits; the first shall be for residential and commercial services and the second shall be for services to establishments producing industrial waste. (Prior code § 16-15)

### **13.04.160 Permit application.**

Applications for building sewer permits shall be on forms provided by the city, which forms may be combined with forms for other permits required by the city. The applicant shall submit such forms, specifications, supplemental information and material as may be required by the director. No permit shall be issued until all fees due the city have been paid. (Prior code § 16-16)

### **13.04.170 Responsibility for costs and expenses.**

All costs and expenses incurred in connection with the construction, installation and maintenance of a building sewer shall be discharged and paid by the lot owner who shall indemnify and hold harmless the city from any and all claims, damages or losses that may be directly or indirectly occasioned by the installation of such building sewer. (Prior code § 16-17)

### **13.04.180 Building sewer required for each lot.**

A separate and independent building sewer shall be provided for every lot; provided, however, at the discretion of the director, joint use of building sewers may be permitted where provisions have been made for joint maintenance by all owners served. (Prior code § 16-18)

**13.04.190 Existing building sewers.**

Existing building sewers may be used in connection with new improvements and constructions when, on examination and test by the director, the same are found to meet all of the requirements of this chapter. (Prior code § 16-19)

#### **13.04.200 Construction codes and standards.**

A. Building Sewer. The size, slope, alignment, material of construction of a building sewer and the method to be used for excavating, placing the pipe, joining, testing, backfilling of the trench, shall conform to the requirements of the plumbing code of the city and the standards and standard specifications of the city in effect at the time of construction and installation. Permits for building sewers that do not meet with requirements of the plumbing code of the city and the standards and standard specifications of the city may be issued; provided, the plans and specifications for the same have been approved by the engineer of the city.

B. Sewer Connection. The connection of a building sewer to the public sewer shall conform to the requirements of the building and plumbing codes of the city and the standards and standard specifications of the city in effect at the time of such connection. All such connections shall be made gas tight and water tight. Any deviation from prescribed procedures and materials must be approved by the director prior to connection and installation. (Prior code § 16-20)

#### **13.04.210 Sewer elevation-Backflow check device.**

Whenever possible, building sewers shall be brought to the building at an elevation below the basement floor. In all buildings which any building drain is less than thirty (30) inches higher than the invert of the public sewer, or the nearest upstream public sewer manhole capable of overflow and relief of pressure is higher than the elevation of the lowest finished floor, a backflow check device will be required and shall be maintained by the owner. (Prior code § 16-21)

#### **13.04.220 Surface runoff prohibited in sewer.**

No person shall make any connection of roof downspouts exterior foundation drains, carry away drains or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to the public sanitary sewer. (Prior code § 16-22)

#### **13.04.230 Inspection of construction.**

The permittee shall notify the director when a building sewer is ready for inspection and connection to the public sewer. The connection of a building sewer to the public sewer shall be made only after inspection by, and in the presence of, the director. (Prior code§ 16-23)

#### **13.04.240 Protective devices during construction.**

All excavations and building sewer construction and installation shall be adequately guarded with barricades and lights so as to protect the public from injury. The permittee shall indemnify and hold harmless the city from any and all claims, damages or loss that may be directly or indirectly occasioned by the construction or installation. Streets, sidewalks, parkways and other public property disturbed in the course of construction and installation shall be restored in accordance with standards and standard specifications of the city. (Prior code§ 16-24)

### **Article IV. Special Sewers**

#### **13.04.250 Designation.**

Where the initial cost of installation and construction of any sewer, whether sanitary, storm or combined, was or is not directly assessed to or borne by abutting property, the city council may, by resolution, establish such sewer as a special sewer. (Prior code§ 16-25)

#### **13.04.260 Connection permit required-Application.**

A. No person shall connect to any special sewer without first obtaining a permit from the director.

B. Application. Before a connection may be made to any special sewer, a permit shall be secured from the director. Application for such permit shall be made on forms provided by the director. The application and permit shall be in addition to the standard connection permit required under Section 13.04.150, et seq., of this chapter.

C. Issuance. Upon application being made, the director shall issue a permit to make such sewer connection, which permit may contain such conditions, requirements and terms as the director may determine to be necessary, upon payment of the fees provided for in this chapter.

D. Special Sewer Fee. Prior to the issuance of such permit, the applicant shall pay a special sewer fee in accordance with the rates fixed by the resolution of the city council establishing such special sewer. (Prior code§§ 16-26, 16-27)



#### **13.04.270 Establishment of special sewer fee.**

A. The special sewer fee shall be fixed in the resolution of the city council which establishes any special sewer. Such special sewer fee shall be determined as follows:

1. On a front foot basis;
2. On a square footage basis;
3. On a connection basis;
4. On a quantity or quality basis;
5. On the basis of benefit to the property served;
6. On a combination of any one or more of the above.

B. Nothing herein contained shall affect or change the provisions of this, or any other, section pertaining to inspection, permit or connection fees, or to any special sewer presently authorized or constructed. (Prior code § 16-28)

#### **Article V. Extension and Oversizing**

##### **13.04.280 Extending and oversizing public sewers.**

When it is necessary to construct a public sewer from any premises to an existing public sewer, or when, in the opinion of the director, a public sewer should be constructed with a larger capacity than the minimum capacity needed to serve any premises, and where such extended or oversized public sewer can or may be used for the disposal of sewage from adjacent or adjoining premises, the city council may establish such public sewer as a special sewer and contract with the owner of the premises so as to provide a means of reimbursement to such owner for the additional costs incurred in connection with such extension or oversizing. (Prior code§ 16-29)

##### **13.04.290 Reimbursement-Procedure.**

A. The costs of such extension or oversizing shall be apportioned against all premises which can or may use such extended or oversized public sewer for the disposal of sewage. All special sewer fees collected by and paid to the city shall be credited and deposited to a reimbursement account in the name of the owner of the premises. Semiannually on the first days of January and July of each year, all funds credited and deposited to such reimbursement account shall be paid to the owner of the premises.

B. The right to reimbursement shall terminate and such reimbursement account shall be closed and all funds credited and deposited to the same shall become the property of the city at such time as any of the following shall first occur:

1. Reimbursement of the full amount of the costs of such extension or oversizing;
2. At such time as the city is without authority to collect special sewer fees;
3. The lapse of fifteen (15) years from the date of the contract.

C. No interest shall accrue or be due and payable on funds credited and deposited to any reimbursement account. (Prior code§ 16-30)

### **13.04.300 Filing of address for reimbursement-Notice.**

Any person entitled to reimbursement under the provisions of Section 13.04.280, et seq., of this chapter, shall keep on file with the city clerk his or her correct current mailing address. In the event the city clerk is unable to locate any person entitled to reimbursement, the city clerk shall send written notice to such person by certified or registered mail, addressed to such person at the last address on file with the city clerk, which notice shall contain a statement of the amount of reimbursement due and that if such person shall not demand the same within one year of the date of such notice, all right to reimbursement shall be terminated and such reimbursement account closed and funds credited and deposited to such account paid to the city. (Prior code § 16-31)

## **Article VI. Fees and Charges**

### **13.04.310 Payment of charges and fees prior to obtaining building permit.**

Prior to the issuance of any building permit by the city building inspector or the building inspector's duly authorized representative, the applicant therefor shall pay to the city all charges and fees provided for in this chapter together with all other charges and fees as may be provided for by any ordinance then in effect. (Prior code§ 16-32)

### **13.04.320 Inspection fees.**

The following inspection fees are established:

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!Four-inch connection	1\$25.00
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Six-inch connection	35.00
Connections in excess of six inches	50.00

(Prior code § 16-33)

**13.04.330 Deposit and use of funds.**

All connection fees, service charges, collection charges and special sewer fees, except as hereinafter specifically provided, shall be credited and deposited to the sanitary sewer expansion fund to be used for the payment of sewer bonds heretofore or hereafter issued, for the acquisition, construction, completion and improvement of public sewers, sewage works, sewage treatment plants and related appurtenances, and for the cost of maintenance and operation of public sewers, sewage works, sewer treatment plants and related appurtenances. All inspection fees shall be credited and deposited to the general fund. (Prior code§ 16-34)

**13.04.340 Change of charges and fees.**

Any charge or fee established and fixed by this chapter may be changed at any time by the city

council by resolution or ordinance. (Prior code§ 16-35)

**13.04.350 Sanitary sewer treatment connection fee.**

Every application for a permit to connect to a sanitary sewer for the discharge of sanitary sewage shall be accompanied by a sanitary sewer treatment connection fee which shall be fixed by the city council from time to time, by resolution. (Prior code § 16-36)

**13.04.360 Sanitary sewer collection connection fee.**

Every application for a permit to connect to a sanitary sewer for a discharge of sanitary sewage shall be accompanied by a sanitary sewer collection connection fee which shall be fixed by the city council from time to time, by resolution. (Prior code § 16-37)

#### **13.04.370 Credit for previously paid connection fees.**

When connection fees have been paid and thereafter service is discontinued or terminated, provided reuse or reconnection shall take place within three years from and after the date of discontinuance or termination of service, connection fees theretofore paid shall be credited against connection fees due under the provisions of this chapter. (Prior code § 16-38)

#### **13.04.380 Service charge.**

Sanitary sewer charges shall be fixed by the city council, from time to time, by resolution. (Prior code § 16-42)

#### **13.04.385 Deposit for sewer service.**

From and after February 1, 2011, each applicant for sewer service to any premises shall pay to the city a sewer service deposit of seventy-five dollars (\$75.00). The deposit, in whole or in part, shall be applied to any payment delinquency for that consumer up to the amount that will cure the delinquency. If all or part of the deposit is used to cure a delinquency, the consumer shall pay the difference between the original deposit and the remainder of the deposit after its application to the delinquency. On termination of sewer service, said deposit, less any unpaid sewer charges up to and including the date of termination of service, shall be refunded to the person entitled thereto. (Ord. 1068 § 1, 2010)

#### **13.04.390 Billing.**

All sewer service charges shall be due and payable on the due date shown on a bill, notice, or statement, and shall become delinquent fifteen (15) days following said due date. A delinquency or collection charge shall be fixed by the city council from time to time, by resolution. (Ord. 1050 § 1, 2009; prior code § 16-43)

#### **13.04.400 Collection.**

The occupant of any premises shall be primarily liable and responsible for the payment of service charges. In the event service charges are not paid by the occupant prior to delinquency, the owner of the premises shall become liable and responsible for the payment of the same. (Prior code § 16-44)

#### **13.04.410 Discontinuance or termination of service.**

The director may discontinue or terminate sewer service to any premises for the nonpayment of service charges. Thereafter, no such discontinued or terminated service shall be reestablished until all delinquent service charges, collection charges, connection fees, special sewer fees, inspection fees and all other charges and fees, including all costs and expenses incurred in connection with such discontinuance or termination and reestablishment of service, have been paid. (Prior code § 16-45)

#### **13.04.420 Rebate for vacancy.**

Whenever any single-dwelling unit is vacant for a period of sixty (60) days or more, the person to whom the service charge is charged may secure a rebate of the same for the period of vacancy in excess of sixty (60) days by delivering to the director for presentation to the city council an affidavit setting forth the facts of vacancy together with a claim against the city for a refund. However, no such claim for service charge refund shall be allowed for any period during which the premises was connected to the city water system. (Prior code § 16-46)

### **Article VII. Enforcement**

#### **13.04.490 Notification of potential problems.**

Users shall notify the director of community services and the plant operator immediately upon any accidental discharge of wastes in violation of city code requirements, or the provisions of any wastewater discharge permit to enable countermeasures to be taken by the city to minimize damage to the community sewer, treatment facility, treatment processes and the receiving waters. The notification shall be followed, within fifteen (15) days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measure(s) being taken to prevent future occurrence. Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, treatment plant, or treatment process, or for any fines imposed by the city on account thereof. (Ord. 1000 § 2, 2005)

#### **13.04.500 Notices to employees.**

In order that employees of users be informed of city requirements, users shall make available to their employees copies of Articles VII and VIII of this chapter and applicable provisions of this chapter, together with such other wastewater information and notices which may be furnished by the city from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge. (Ord. 1000 § 2, 2005)

#### **13.04.510 Preventive measures.**

Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system should be eliminated. Where such action is impractical or unreasonable, the user shall appropriately label such entry points to warn against discharge of such wastes in violation of city code requirements. (Ord. 1000 § 2, 2005)

#### **13.04.520 Issuance of cease and desist orders.**

When the city finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of city code requirements, or the provisions of a wastewater discharge permit, the city manager may issue an order to cease and desist, and direct those persons not complying with such prohibitions, limits, requirements, or provisions to:

- A. Comply forthwith; or
- B. Comply in accordance with a time schedule set forth by the city; or
- C. Take appropriate remedial or preventive action in the event of a threatened violation. (Ord. 1000 § 2, 2005)

#### **13.04.530 Harmful contributions.**

A. The city may immediately suspend the wastewater treatment service and/or the wastewater discharge permit when such suspension is necessary, in the opinion of the city manager, to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, or to the environment, or causes interference to the treatment works, or causes the city to violate or be in violation of any condition of any permit issued by the regional water quality control board or any agency having jurisdiction over the city's sewer system.

B. Any person notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed nee-

essary, including immediate severance of the sewer connection, to prevent or minimize damage to the treatment works or endangerment to any individuals. The city shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination by the noncomplying user describing the causes of the harmful contribution and the

measures taken to prevent any future occurrence. This shall be submitted to the city within fifteen (15) days of the date of occurrence. (Ord. 1000 § 2, 2005)

#### **13.04.540 Submission of time schedule.**

When the city finds that a discharge of wastewater has been taking place, in violation of prohibitions or limitations prescribed in this chapter or city codes, or wastewater source control requirements, effluent limitations or pretreatment standards, or the provisions of a wastewater discharge permit, the city may require the user to submit for approval, with such modification as the city deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of city requirements. (Ord. 1000 § 2, 2005)

#### **13.04.550 Appeals.**

Any user, permit applicant, or permit holder affected by any decision, action, or determination, including cease and desist orders, made by the city manager, interpreting or implementing the provisions of this chapter, or the provisions of any wastewater discharge permit, or any permit issued by the city with respect to use of the sewer system, may file with the city manager a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration. If the ruling made by the city manager is unsatisfactory to the person requesting reconsideration, that person may, within ten (10) days after notification of city action, file a written appeal to the city council. The written appeal shall be heard by the city council within thirty (30) days from the date of filing. The city council shall make a final ruling on the appeal within fifteen (15) days of the close of the meeting. The city manager's decision, action, or determination shall remain in effect during such period of reconsideration and appeal. (Ord. 1000 § 2, 2005)

### **Article VIII. Abatement**

#### **13.04.560 Public nuisance.**

Discharge of wastewater in any manner in violation of city codes, any wastewater discharge permit, or any order issued by the city manager as authorized by city codes is hereby declared a public nuisance and shall be corrected or abated as directed by the city manager. Any person creating a public nuisance shall be subject to the provisions of city codes or ordinances governing such nuisance. (Ord. 1000 § 2, 2005)

#### **13.04.570 Injunction.**

Whenever a discharge of wastewater is in violation of city codes or the provisions of any wastewater discharge permit, or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the city may petition the superior court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate in restraining the continuance of such discharge. (Ord. 1000 § 2, 2005)

#### **13.04.580 Damage to facilities.**

When a discharge of wastes causes an obstruction, damage, or any other impairment to city facilities, the city may assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge. (Ord. 1000 § 2, 2005)

#### **13.04.590 Correction of violations-Collection of costs-Injunction.**

In order to enforce the provisions of this chapter or any permit issued with respect to use of the city's system, the city may correct any violation hereof. The cost of such correction may be added to any sewer service charge payable by the person violating city requirements, or the owner or tenant of the property upon which the violation occurred, and the city shall have such remedies for the collection of such costs as are authorized by law. The city may also petition the superior court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining any person from the continued violation of city requirements. (Ord. 1000 § 2, 2005)

#### **13.04.600 Civil liabilities and penalties.**

A. Any person who intentionally or negligently violates any provision of this chapter, or the requirements or conditions set forth in a permit duly issued, or who discharges wastewater which causes pollution, or violates any cease and desist order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard, including nondischarge pretreatment standards, shall be liable to injunctive relief for noncompliance imposed by the city against which the violation occurs. Said liability or penalty may be in a sum of not to exceed six thousand dollars (\$6,000) a day for each violation in which such violation occurs.

B. The city may petition the superior court to impose, assess and recover such sums. In determining such amount, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any. (Ord. 1000 § 2, 2005)



#### **13.04.610 Falsifying of information.**

Any person who knowingly makes any false statement, representation, record, report, plan or other document filed with the city, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, city codes or state law, is hereby declared to be in violation of this chapter and subject to the civil liabilities imposed under Section 13.04.600, and any other liabilities imposed by law. (Ord. 1000 § 2, 2005)

#### **13.04.620 Termination of service.**

A. In order to effect its powers, the city may enter upon private property for the purpose of inspection and maintenance of sanitary and waste disposal facilities and may terminate service to property in which a violation of any rule, regulation, or this chapter is found to exist.

B. Prior to termination of service, however, the city council shall notify, in writing, the owner and tenant, if any, of such property that service is intended to be so terminated and conduct a hearing thereon as herein provided. Such notice shall be mailed to the owner at the address shown on the records of the assessor of the county, or as known to the city, and a copy shall be delivered to the tenant or posted conspicuously on the property. The notice shall state the date of proposed termination of service and the reasons therefor and the date the city council shall hold a hearing upon such intended termination. Such a hearing shall not be held less than ten (10) days subsequent to the giving of notice as herein required. (Ord. 1000 § 2, 2005)

### **Article IX. Commercial and Industrial Sanitary Sewer Users**

#### **13.04.700 Metered sewage flow permitted.**

Any user discharging industrial or commercial sewer effluent may request that its sewer service charges be based on metered sewage flow rather than on metered water usage. The user's request shall be in writing and presented to the city engineer who can approve or deny the request based on the city engineer making findings that (1) significant portions of the water received from any metered source does not flow into the sewer because of the principal activity of the user or removal by other means, and (2) the user has a valid sewer discharge permit from the city. The city may read the effluent volume from the sewage meters at the same time that water meters are read. (Ord. 1023 § 1, 2007)

#### **13.04.710 Sewage flow meters.**

Upon the city engineer's approval of the request to allow sewer service charges to be based on metered sewage flows, the user discharging industrial or commercial waste shall install

at the user's sole expense a meter on the sewer discharge lateral to measure sewage flow prior to the sewage flow entering into a city sewer main line. Such meters may measure either the amount of sewage discharged or the amount of water diverted. The city may require the user to install at the user's sole expense all appurtenant flow measurement devices that the city engineer deems necessary to identify accurate flow readings. All devices used to meter or monitor flows shall be approved in writing by city engineer or designee before installation. (Ord. 1023 § 1, 2007)

#### **13.04.720 Sewage flow meters-Regular calibration.**

The user shall at its own expense have the sewage flow meter calibrated for accuracy annually, at the time interval recommended by the manufacturer of the device, or as deemed necessary by the city engineer. (Ord. 1023 § 1, 2007)

#### **13.04.730 Sewage flow meters-Security.**

A. All metering facilities shall include a security closure that can be secured, and user shall provide city with a key to the security device.

B. The location of the sewage flow meter shall be subject to written approval by the city engineer.

C. The city shall be provided clear and uninterrupted access to locations containing user's sewage flow meter. (Ord. 1023 § 1, 2007)

#### **13.04.740 Types of charges for industrial and commercial users.**

The types of charges for industrial and commercial use may include, but are not limited to:

A. Fees for permit application;

B. Fees for monitoring, inspections, and surveillance;

C. Surcharges for discharges in excess of maximum limitations established by federal, state, or local laws, rules, or regulations relating to volume or discharge constituents;

D. Other fees as the city engineer may deem necessary to carry out the requirements contained in this article. (Ord. 1023 § 1, 2007)