

Title 13

PUBLIC SERVICES

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Chapter 13.04

UNDERGROUND UTILITY DISTRICTS

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13.04.010 Definitions.

Whenever in this chapter the words or phrases defined in this section are used, they shall have the respective meanings assigned to them in the following definitions:

A. "Commission" means the Public Utilities Commission of the state.

B. "Poles, overhead wire and associated overhead structures" means poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located

aboveground within a district and used or useful in supplying electric, communication or similar or associates service.

C. "Underground utility district" or "district" means that areas in the city within which poles, overhead wires, and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of Section 13.04.030.

D. "Utility" includes all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices. (Ord. 61 §1, 1968).

13.04.020 Hearing on removal of overhead facilities--
Notice.

The council may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the city and the underground installation of wires and facilities for supplying electric, communication or similar or associated service. The city clerk shall notify all affected property owners as shown in the last equalized assessment roll and utilities concerned by mail of the time and place of such hearings at least fifteen (15) days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing, all persons interested shall be given an opportunity to be heard. The decision of the council shall be final and conclusive. (Ord. 293, 1996: Ord. 61 §2, 1968).

13.04.030 Designation of district--Installation period.

If, after any public hearing as described in Section 13.04.020, the council finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the council shall, by resolution, declare such designated area an underground utility district and order such removal and underground installation. Such resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground ser-

vice. A reasonable time shall be allowed or such removal and underground installation, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby. (Ord. 61 §3, 1968).

13.04.040 Designation of district--Notice.

A. Within ten (10) days after the effective date of a resolution adopted pursuant to Section 13.04.030, the city clerk shall notify all affected utilities and all persons owning real property within the district created by such resolution of the adoption thereof. The city clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to applicable rules, regulations and tariffs, of the respective utility or utilities of file with the Commission.

B. Notification by the city clerk shall be made by mailing a copy of the resolution adopted pursuant to Section 13.04.030, together with a copy of this chapter, to affected property owners as such are shown in the last equalized assessment roll and to the affected utilities. (Ord. 61 §7, 1968).

13.04.050 Erecting or maintaining overhead facilities prohibited--Exceptions.

Whenever the council creates an underground utility district and orders the removal of poles, overhead wires and associated overhead structures therein as provided in Section 13.04.030, it shall be unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the district after the date when such overhead facilities are required to be removed by such resolution, except as such overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or

occupant to continue to receive utility service as provided in Section 13.04.090, and for such reasonable time required to remove such facilities after the work has been performed, and except as otherwise provided in this chapter. (Ord. 61 §4, 1968).

13.04.060 Exemption--Emergency or unusual circumstances.

Notwithstanding the provisions of this chapter, overhead facilities may be installed and maintained for a period, not to exceed ten days, without authority of the council in order to provide emergency service. The council may grant special permission, on such terms as the council may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures. (Ord. 61 §5, 1968).

13.04.070 Exemptions--Generally.

This chapter and any resolution adopted pursuant to Section 13.04,030 shall, unless otherwise provided in such resolution, not apply to the following types of facilities:

A. Any municipal facilities or equipment installed under the supervision and to the satisfaction of the city engineer;

B. Poles or electroliers used exclusively for Street lighting;

C. Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited;

D. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of thirty-four thousand five hundred (34,500) volts;

E. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street;

F. Antennae, associated equipment and supporting structures, used by a utility for furnishing communication services;

G. Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts;

H. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects. (Ord. 61 §6, 1968).

13.04.080 Responsibility of utility companies.

If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to Section 13.04.030, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the commission. (Ord. 61 §8, 1968).

13.04.090 Responsibility of property owners.

A. Every person owning, operating, leasing, occupying or renting a building or structure within a district shall perform construction and provide that portion of the service connection on his property between the facilities referred to in Section 13.04.080 and the termination facility on or within such building or structure being served, all in accordance with applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission.

B. In the event any person owning, operating, leasing, occupying or renting such property does not comply with the provisions of subsection A of this section within the time provided for in the resolution enacted pursuant to Section 13.04.030, the city engineer shall post written notice on the property being served and thirty (30) days thereafter shall have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to such property. (Ord. 61 §9, 1968).

13.04.100 Responsibility of city.

The city shall remove, at its own expense, all city-owned equipment from all poles required to be removed under this chapter in ample time to enable the owner or user

of such poles to remove the same within the time specified in the resolution enacted pursuant to Section 13.04.030. (Ord. 61 §10, 1968).

13.04.110 Time extension allowed when.

In the event that any act required by this chapter or by a resolution adopted pursuant to Section 13.04.030 cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation. (Ord. 61 §11, 1968).

Chapter 13.08

WASTEWATER COLLECTION AND TREATMENT SYSTEM

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ARTICLE I
GENERAL PROVISIONS

13.08.010 Objectives.

A. This chapter sets forth uniform requirements for direct and indirect contributions into the city wastewater collection and treatment system, and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977, the General Pretreatment Regulations (40 C.F.R., Part 403) and the Construction Grants Regulations (40 C.F.R., Part 35), as they are now constituted, or as they may hereafter be amended or re-codified. The objectives of this chapter are:

1. To prevent the introduction of pollutants into the municipal wastewater system which will interfere with

the operation of the system or contaminate the resulting sludge;

2. To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system inadequately treated or be incompatible with the system;

3. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and

4. To provide for equitable distribution of the cost of the municipal wastewater system.

B. This chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

C. This chapter shall apply to the city and to persons outside the city who are, by contract, permit or agreement with the city, users of the city's publicly owned works. (Ord. 196 §1, 1984).

13.08.020 Definitions.

Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in this chapter. The definition of each word or phrase which is derivative from it, or from which it is a derivative, as the case may be.

1. "Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act of 1977, as amended (33 U.S.C. 1251 et seq.).

2. "Authorized representative of industrial user" means:

a. A principal executive officer of at least the level of vice president, if the industrial user is a corporation;

b. A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively;

c. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge originates.

3. "Biochemical oxygen demand" or "BOD" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days in twenty degrees Centigrade, expressed in milligrams per liter (mg/l).

4. "Building" means any structure used or intended for supporting or sheltering any use or occupancy as determined by the city manager.

5. "Business" means all commercial uses, including but not limited to offices, merchandising and industrial uses, and residential uses on premises where there are four or more living units or where unrelated persons are housed in the same structure, such as boarding houses.

6. "Categorical standards" means the same as National Categorical Pretreatment Standard or Pretreatment Standard.

7. "C.F.R." means Code of Federal Regulations.

8. "City" means the city of Arvin.

9. "City sewer system" means all facilities for collecting, purifying and transporting domestic or industrial wastes of any nature, including all such facilities both inside and outside the city limits of Arvin owned, operated and controlled by the city, and any sewer system located within the city, owned and operated by any public district, including the Arvin County Sanitation District.

10. "Completion" means acceptance, in writing, by the city manager for maintenance of an addition to the city sewer system.

11. "Connected" means the physical joinder of any plumbing or drainage system or fixture contained in any structure to a public sewer line.

12. "Cooling water" means the waste discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

13. "Customer" means a person who is, or who has agreed to be, responsible for the payment of water or sewer service charges. "Customer" is also synonymous with "account" against which charges are assessed and billed.

14. "CWA" means Clean Water Act as amended (33 U.S.C. 1251 et seq.).

15. "Dwelling unit" means the same as living unit.
16. "Environmental Protection Agency" or "EPA" means the U.S. Environmental Protection Agency. Where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.
17. "EPA" means Environmental Protection Agency.
18. "Grab sample" means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
19. "Holding tank waste" means any waste from holding tanks such as vessels chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
20. "Indirect discharge" means the discharge or the introduction of pollutants from any nondomestic source regulated under Section 307 (b), (c) or (d) of the Act (33 U.S.C. 1317).
21. "Industrial user" means a nongovernmental, non-residential user of publicly owned treatment works that is identified in Standard Industrial Classification Division A, B, D, E and I.
22. "Industrial wastes" means the liquid wastes from industrial processes as distinct from sanitary sewage.
23. "mg" means milligrams.
24. "mg/l" means milligrams per liter.
25. "National Categorical Pretreatment Standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1317).
26. "pH" means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.
27. "Pollutant" means any dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, wood products and wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.
28. "Pollution" means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.
29. "POTW" means publicly owned treatment works.

30. "Sewer connection fees" means those fees collected or charged against property for the right to connect to a public sewer line where the property has not participated in the cost of providing treatment plant and sewer collection capacity.

31. "Sewer service charge" means a user charge and, if applicable, a pretreatment charge.

32. "Shall" is mandatory, and "may" is permissive.

33. "SIC" means standard industrial classification.

34. "Significant industrial user" means any industrial user of the city's wastewater disposal system who:

a. Has a discharge flow of twenty-five thousand (25,000) gallons or more per average work day; or

b. Has a flow greater than five percent (5%) of the flow in the city's wastewater treatment system; or

c. Is found by the city, California Water Resources Control Board, or the U.S. Environmental Protection Agency to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

35. "SWDA" means Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

36. "U.S.C." means United States Code. (Ord. 221 §1, 1987; Ord. 196 §2, 1984).

13.08.030 Conditions of sewer service.

All persons using the sewer system of the city shall pay for such service and for the privilege of connecting to the sewer at the rates, at the time, and under the conditions set forth in this chapter relating to the use of such sewer system. (Ord. 196 §9, 1984).

ARTICLE II SEWER CONNECTIONS IN CITY

13.08.040 Required.

A. Every building or structure in which plumbing fixtures are installed, and every premises having piping thereon which conveys sewage or other liquid wastes to an approved point of disposal shall be connected to the public sewer if it is available, except in the A-1 and A-2 zone districts, on a lot at least two net acres in size, and provided the lot, if not served by community water

system, contains one dwelling unit or septic system per 2.0 acres, such connection may be deferred until the use of the land changes either through district amendment or special permit. A public sewer is available, for the purposes of this section, if the sewer had been constructed and is available for use in any public street, alley or right-of-way within one hundred fifty (150) feet for the first unit plus seventy-five (75) feet for each additional unit, to be measured along such public street, alley or right-of-way from the nearest property line to the sewer. For the purpose of this section, the number of units computed shall include all units developed on contiguous property held under one ownership.

B. Notwithstanding any provision to contrary, buildings or structures connected to a septic tank or cesspool at the time a public sewer becomes available shall be connected to the public sewer within three years after the sewer becomes available or, if the property has previously been subject to an earlier connection date by reason of requirements of a jurisdiction other than the city, then said connection shall be made on or before said earlier date, provided that if the health officer determines the continued use of the septic tank or cesspool will create an immediate health menace, the property shall be connected within the time specified by the health officer. Buildings or structures not connected as required by this section are public nuisances.

C. No person shall cause, suffer or permit the disposal of sewage, or other liquid wastes into any drainage system on any lot which is connected to a public sewer when such connection is required by this section. (Ord. 196 §3, 1984).

13.08.050 Permit to connect sewer required--Payment of charges.

No person shall connect any lot to the city sewer system without permit from the city manager. No permit shall be issued by the city manager unless a sewer connection fee in the sum of one thousand five hundred seventy dollars (\$1,570.00) has been paid unless otherwise provided for in this code. All developed lots with an existing structure(s) as of January 1, 1995, located along South Derby, (or any other location designated in Exhibit A, attached to the ordinance codified in this section, and

on file in the city clerk's office) which were unable to connect to the city's sewer system due to lack of access to a main sewer trunk line shall only be required to pay the sewer connection fee in effect as of January 1, 1990, four hundred twenty-six dollars (\$426.00) per ESFD to obtain a permit under this section. (Ord. 278, 1995: Ord. 196 §4, 1984).

13.08.060 Sewer connection charges.

A. The amount of any sewer connection charges prescribed under the provisions of this chapter shall be deemed a debt owing to the city which, until paid, shall be a continuing obligation of the owner of the property for the connection of which the charge was incurred. Any person who makes a connection to the city sewer system without having paid such charges in full or having accomplished the execution, acceptance and recording of an agreement to pay therefor as herein provided, shall be liable in an action in the name of the city in any court of competent jurisdiction for the amount of such charge. The conviction or punishment of any person for connecting to the city sewer system without obtaining a permit shall not relieve such person from paying the charges due and unpaid at the time of such conviction.

B. Payment of sewer connection and related charges payable because of connection of existing single-family residences within the city may be deferred by an agreement between the property owner and the city, to pay such charges together with interest on the unpaid balance, over a period of not more than fifteen (15) years, in accordance with the following provisions:

1. The agreement shall provide for substantially equal monthly installments amortized over a period of not more than fifteen (15) years, at a fixed rate of interest, which shall be not less than the rate the city would otherwise be able to receive by placing such amount in investment accounts as periodically established by the city manager and adopted by the city council.

2. The sewer connection and related charges which may be deferred, and limitations, if any, on the amounts that may be deferred, shall be as established in the master fee resolution.

3. The agreement shall be of a form and content prescribed by the city manager and approved by the city attorney.

4. The agreement shall be signed by all persons having a record title interest in the real property being served by the city sewer system, to which connection is requested, and shall include the legal description of the property.

5. The agreement shall provide that the whole, or any part of the balance of charges due at any time under the agreement may be accelerated and paid at any time, at the option of the payor.

C. The agreement provided for in subsection B above shall be in the form of a covenant running with the land, and shall establish a lien against the property in favor of the city in the amount of all deferred charges, and shall be recorded in the office of the Kern County recorder.

D. The agreement and lien shall be enforceable by the city in any manner available at law or in equity, including but not limited to private foreclosure and sale of the property in the manner provided by Section 2924 of the California Civil Code. (Ord. 196 §5, 1984).

ARTICLE III
SEWER CONNECTIONS OUTSIDE OF CITY

13.08.070 General requirements.

A. Persons owning or operating premises outside the city limits of the city may be granted permission to connect their property with the city sewer system.

B. Permission to connect to the sewer system will be granted by the director if all provisions of this chapter are complied with.

C. Every permit granted for service outside the city limits of the city shall be subject to the following conditions:

1. That payment of the applicable sewer connection charge, established by this chapter, shall be made before connection of the premises to the sewer;

2. That all regulations of the city will be followed with respect to use of the city sewer system;

3. That drainage from roofs, courts or other areas shall not be allowed to pass into the city sewer system. (Ord. 196 §14, 1984).

ARTICLE IV
SEWER SYSTEM CONSTRUCTION

13.08.080 Sewer system addition--Preliminary investigation--Inspection--Final connection.

Any person desiring to make an addition to the city sewer system to serve property shall make a request in writing to the city manager for preliminary investigation into the feasibility of such addition. If the addition as requested is found to be feasible by the city manager, such addition may be made to the city sewer system in accordance with provisions of this chapter. The city manager shall cause the installation to be inspected, and shall allow the final connection to such system only if it is found that such additions conform in all respects with the standard specifications for sewer facilities of the city, with applicable health laws, and with the lines and grades designated by the city engineer. (Ord. 196 §6 (A), 1984).

13.08.090 Sewer system addition--Right-of-way--Pump station.

If a right-of-way is needed for an addition to the city sewer system, the person constructing the addition shall obtain such right-of-way for the city, or pay the cost to the city of acquiring such right-of-way. If the city engineer determines that a pump station is necessary to serve the property of the person installing the sewer, such person shall install a pump station meeting specifications approved by the city engineer and shall pay the full cost of such installation. (Ord. 196 §6 (B), 1984).

13.08.100 Sewer system addition--Specification and plans.

Specifications and plans for the installation of additions to the city sewer system shall be prepared by a registered civil engineer and shall be approved by the city engineer before a permit for doing the work may be issued. (Ord. 196 §6 (C), 1984).

13.08.110 Sewer main property of city.

When a sewer main has been installed in public streets or easements pursuant to the regulations of the city and has been accepted by the city manager, then the sewer shall become the property of the city and a part of the city sewer system. House branch sewers, including their connection to sewer mains, shall not be considered as city property or become a part of the city sewer system, and their maintenance and repair shall not be provided by the city. (Ord. 196 §6 (D), 1984).

13.08.120 City reimbursement.

The person constructing an addition to the city sewer system shall reimburse the city for its cost of labor (including overhead), equipment and materials for the following:

A. Construction or revision of house branches where the city engineer determines that the site conditions are such that there is a significant hazard to the public convenience, safety and health or to private property in the area, and that such hazard may be mitigated if the city makes arrangements for construction or revision;

B. All connections to pressure sewers after completion of such sewers;

C. Review and approval of specifications and plans submitted by the applicant for the proposed additions to the sewer system;

D. Preliminary investigation of the feasibility of additions to the sewer system;

E. Any design, surveying, inspection or testing performed by the city in connection with an addition to the sewer system. (Ord. 196 §6 CE), 1984).

13.08.130 Connections to mains in other than dedicated and surfaced streets.

Connections to mains in other than dedicated and surfaced streets or alleys shall not be permitted where service can be rendered from dedicated and surfaced streets or alleys by extension or otherwise. (Ord. 196 §6 (F), 1984).

ARTICLE V
PROHIBITED WASTES

13.08.140 Discharge prohibitions.

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the sewage system and treatment plant, whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state or local pretreatment standards or requirements. A user shall not discharge, deposit or throw, or cause, allow or permit to be discharged, deposited or thrown into the city sewer system, or any part thereof the following substances:

A. 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 sewage treatment plant and collection system. At no time shall two successive readings on explosion hazard meter at the point of discharge into the system be over five (5) percent, nor shall any single reading be over ten (10) percent 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, sulfides, and any other substance which the city, the state, or the EPA has notified the user is a fire hazard or a hazard to the system;

B. Solid or viscous substances which may cause obstruction to the flow in a sewer, or other interference with the operation of the wastewater treatment facilities, such as but not limited to, grease, garbage particles greater than one-half inch in any dimension, animal guts or tissue, 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, waste paper, wood, plastics, gas, tar, asphalt residues from the refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes;

C. Any other industrial wastes, unless such wastes have first been passed through screens having openings not

exceeding one-half inch in dimension; provided, however, that the public works director, by written permit, may authorize the discharge into said sewer system of such wastes if they are first passed through screens having larger openings if the director is satisfied that such larger openings will provide screening efficiency and effectiveness equal to or better than that provided by smaller openings;

D. Any wastewater with a pH less than 6 or greater than 9.5 or having any corrosive or detrimental characteristics that may cause injury to wastewater treatment or maintenance personnel, or may cause damage to structures, equipment or other physical facilities of the sewage system. Discharge of wastewater with a pH greater than 9.5 may be allowed with the approval of the public works director;

E. Any wastewater containing any toxic pollutants such as herbicides and insecticides, in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the sewage treatment plant. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307 (a) of the Act.

F. 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 sewers for maintenance and repair;

G. Any substance which may cause the sewage treatment plant's effluent or any other product of the sewage treatment plant, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process;

H. Any substance which will cause the sewage treatment plant to violate the waste discharge requirements mandated by the state;

I. Any wastewater with objectionable color not removed in the treatment process;

J. Any wastewater having a temperature of 104 degrees Fahrenheit (40 degrees Centigrade) or higher;

K. Any pollutants, including oxygen-demanding pollutants released at a flow rate and/or pollutant concen-

tration or quantity which a user knows or has reason to know will cause interference to the sewage treatment plant;

L. Any wastewater containing radioactive material in sufficient quantity to interfere with any treatment process or constitute a hazard to humans or animals;

M. Any wastewater containing substances that may precipitate, solidify or become viscous at temperatures between 40 degrees Fahrenheit and 100 degrees Fahrenheit;

N. Any recognizable portions of the human anatomy;

O. Any storm water, surface water, groundwater, roof runoff, or subsurface drainage;

P. Any malodorous substance or any other substance which will cause offensive odors in the sewer system or at the sewage treatment plant;

Q. Any substance which will cause corrosive structural damage to the sewage system. (Ord. 196 §12 (A), 1984).

13.08.150 Substance interference with sewage system.

When the public works director determines that a user is contributing to the sewage system any of the substances enumerated in Section 13.08.140, in such amounts as to interfere with the operation of the sewage treatment plant or sewage system, the director shall:

A. Advise the user(s) of the impact of the contribution on the treatment plant and system; and

B. Develop effluent limitations for such user(s) to correct the interference with the sewage treatment plant or sewage system. (Ord. 196 §12 (B), 1984).

13.08.160 Compliance with Federal Categorical Pretreatment Standards.

Compliance by existing sources with the Federal Categorical Pretreatment Standards shall be within three (3) years of the date the standard is promulgated unless a shorter compliance time is specified in the appropriate subpart of 40 C.F.R., Chapter 1, Subchapter N. Upon promulgation of the Federal Categorical 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 notify all affected users of the

applicable reporting requirements under 40 C.F.R subsection 403.12. (Ord. 196 §12 (C), 1984).

13.08.170 Specific substance limits.

No person shall discharge wastewater containing in excess of:

- 0.3 mg/l arsenic
- 0.7 mg/l cadmium
- 3.5 mg/l copper
- 1.0 mg/l cyanide
- 2.5 mg/l lead
- 0.05 mg/l mercury
- 3.5 mg/l nickel
- 19.0 mg/l silver
- 2.5 mg/l total chromium
- 2.0 mg/l zinc
- 250 mg/l oil and grease

(Ord. 196 §12 (D), 1984).

13.08.180 State requirements take precedence.

State requirements and limitations on discharge shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter. (Ord. 196 §12 (E), 1984).

13.08.190 Reservation of right to establish more stringent limitations.

The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary. (Ord. 196 §12 (F), 1984).

13.08.200 Substitution for adequate treatment prohibited.

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 limitations contained in the Federal Categorical Pretreatment Standards or in any other pollutant-specific limitation developed by the city or state. (Ord. 196 §12 (G), 1984).

13.08.210 Violation.

Any user who intentionally or negligently violates all or part of this article shall be in violation of this

chapter and subject to the provisions of Sections 13.08.560 through 13.08.620. (Ord. 196 §12 (H), 1984).

ARTICLE VI
INDUSTRIAL USERS

13.08.220 Reporting requirements for industrial users.

Within (i) one hundred eighty (180) days after the promulgation of a Categorical Pretreatment Standard under Section 307 (b) or (C) of the Act; or (ii) one hundred eighty (180) days after the effective date of 40 C.F.R., Part 403; or (iii) one hundred eighty (180) days after the promulgation of city discharge limitations: existing industrial users subject to such categorical pretreatment or city standards and currently discharging into or scheduled to discharge into the sewage treatment plant will be required to submit to the public works director a report which contains the information listed in subsections A through G of this section and new sources shall be required to submit to the public works director a report which contains the information listed in subsections A through E of this section:

A. The name and address of the industrial user;
B. The location of such industrial user;
C. The nature, average rate of production, and standard industrial classification of the operation(s) carried out by such industrial user;

D. The measured average daily and maximum daily flow in gallons per day or where approved by the public works director due to cost or feasibility considerations, a verifiable estimate of average daily and maximum daily flow to the sewage treatment plant from each of the following:

1. Regulated process streams, and
2. Other streams as necessary to allow use of the combined waste stream formula of 40 C.F.R. Subsection 403.6;

E. A report of the nature and concentration of pollutants in the discharge from each regulated process, and identification of the applicable pretreatment or city standards;

F. A statement, signed by an authorized representative of the industrial user, and certified by a qualified professional, indicating whether pretreatment or city

standards are being met on a consistent basis and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the industrial user to meet the pretreatment or city standards and requirements;

G. If additional pretreatment of/or operation and maintenance will be required to meet the pretreatment or city standard, the shortest schedule by which the industrial user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment or city standards;

H. Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, an equivalent concentration limit will be derived using the method outlined in 40 C.F.R. Subsection 403.6 (General Pretreatment Regulations). (Ord. 196 §13 (A), 1984).

13.08.230 Conditions applicable to additional pretreatment.

The following conditions shall apply to the schedule required by subsection G of Section 13.08.220:

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 industrial user to meet the applicable pretreatment or city standards.

B. No increment referred to in subsection A shall exceed nine (9) months.

C. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the public works 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 this increment of progress, the reason for delay, and the steps being taken by the industrial 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 public works director.

D. Within ninety (90) days following the date of final compliance with applicable pretreatment or city standards or, in the case of a new source, following com-

mencement of the introduction of wastewater into the sewage treatment plant, any industrial user subject to pretreatment or city standards and requirements shall submit to the public works director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment or city standards and requirements, and the average and maximum daily flow for these process units in the industrial user which are limited by such pretreatment or city standards or requirements. The report shall state whether the applicable pretreatment or city standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment or city standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified by a qualified professional.

E. Any industrial user subject to a pretreatment or city standard, after the compliance date of such pretreatment or city standard, or, in the case of a new source, after commencement of the discharge into the sewage treatment plant, shall submit to the public works director during the months of June and December, unless required more frequently in the pretreatment standard, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment or city standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in subsection D of Section 13.08.220, except that the public works director may require more detailed reporting of flows.

F. The public works director may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment or city standards or requirements, or in other cases where the imposition of mass limitations is appropriate. In such cases, the report required in subsection E of Section 13.08.220 shall indicate the mass of pollutants regulated by pretreatment or city standards in the effluent of the industrial user.

G. The industrial user shall notify the public works director immediately of any slug loading.

H. The reports required in subsection E of Section 13.08.220 and subsections D and E of this section shall comply with the following:

1. Reports shall contain results of sampling and analysis identifying the nature and concentration (or mass, where required by the public works director) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. Sampling shall be representative of daily operations.

2. Where feasible, samples shall be obtained through flow proportional composite sampling techniques specified in the applicable categorical pretreatment standard or in accordance with the techniques approved by the EPA administrator. Where composite sampling is not feasible, a grab sample is acceptable.

3. Where the flow of the stream being sampled is less than or equal to 950,000 liters/day (approximately 250,000 gpd), the user shall take three (3) samples within a two-week period. Where the flow of the stream being sampled is greater than 950,000 liters/day, the user shall take six (6) samples within a two-week period.

4. Samples shall be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user shall measure the flows and concentrations necessary to allow use of the combined waste stream formula of 40 C.F.R. Subsection 403.6 in order to evaluate compliance with the pretreatment or city standard. Where an alternate concentration or mass limit has been calculated in accordance with 40 C.F.R. Subsection 403.6, this adjusted limit, along with supporting data, shall be submitted to public works director. All analysis shall be performed in accordance with the procedures established by the EPA administrator pursuant to Section 304 (g) of the Act and contained in 40 C.F.R., Part 136, and amendments thereto, or with any other test procedures approved by the EPA administrator. Where 40 C.F.R., Part 136, does not include a sampling or analytical technique for the pollutant in question, or where the EPA administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be

performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April 1977, and amendments thereto, or with any other validated sampling and analytical procedures suggested by the public works director and approved by the EPA administrator.

5. Reports shall contain the time, date and place of sampling, and methods of analysis, and shall certify that such sampling and analysis are representative of normal work cycles and expected pollutant discharges to the sewage treatment plant and system. (Ord. 196 §13 (B), 1984).

13.08.240 Reports to be signed.

The reports required by Sections 13.08.220 and 13.08.230 shall be signed by an authorized representative of the industrial user. (Ord. 196 §13 (C), 1984).

13.08.250 Fraud and false statements.

The reports required by Sections 13.08.220 and 13.08.230 shall be subject to the provisions of U.S.C. Subsection 1001, relating to fraud and false statements, and the provisions of Section 309 (C) (2) of the Act, governing false statements, representations or certifications in reports required under the Act. (Ord. 196 §13 CD), 184).

13.08.260 Records--Contents.

Any industrial user subject to the reporting requirements established in Sections 13.08.220 and 13.08.230 shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

- A. The date, exact place, method, and the time of sampling and the names of the person or persons taking the samples;
- B. The dates analyses were performed;
- C. Who performed the analysis;
- D. The analytical techniques/methods used; and
- E. The results of such analyses. (Ord. 196 §13 (E), 1984).

13.08.270 Records--Period of retention.

Any industrial user subject to the reporting requirements established in Sections 13.08.220 and 13.08.230 shall be required to retain for a minimum of three (3) years any records of monitoring activities and results, and shall make such records available for inspection and copying by the public works director. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user. (Ord. 196 §13 (F), 1984).

13.08.280 Upset--Affirmative defense.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment or city standards because of factors beyond the reasonable control of an industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

A. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment or city standards if the requirements of Subsection B are not met.

B. An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

1. An upset occurred and that the user can identify the specific cause(s) of the upset;

2. The facility was, at the time, being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

3. The industrial user had submitted the following information to the public works director within twenty-four (24) hours of the upset (if this information is provided orally, a written submission must be provided within five (5) days:

a. A description of the indirect discharge and cause of noncompliance,

b. The period of noncompliance, including exact dates and times, and, if not corrected, the anticipated time the noncompliance is expected to continue,

c. The steps being taken and planned to reduce, eliminate and prevent recurrence of the noncompliance.

C. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

D. In the usual exercise of prosecutorial discretion, the city's enforcement personnel will ordinarily review any claims that noncompliance was caused by an upset. No determinations made in the course of the review constitute final city action subject to judicial review. Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment or city standards.

E. The industrial user shall control production and all discharges upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies to the situation, among others, where the primary source of power of the treatment facility is reduced, lost or fails. (Ord. 196 §13 (G), 1984).

ARTICLE VII WASTEWATER DISCHARGE PERMITS

13.08.290 Required.

All industrial and high strength users proposing to connect to or to contribute to the sewer system shall obtain a wastewater discharge permit before connecting to or contributing to the sewer system. All existing industrial and high strength users connected to or contributing to the sewage system on the effective date of this section must obtain a wastewater discharge permit within sixty (60) days of such date. (Ord. 196 §15 (A), 1984).

13.08.300 Application.

Users required to obtain a wastewater discharge permit shall complete and file with the director an application in the form prescribed by the director, and accompanied by the application fee designated in the master fee resolution. Existing users shall apply for a wastewater discharge permit within thirty (30) days after the effective date of this chapter, and proposed new users shall apply at least ninety (90) days prior to the connecting to

or contributing to the sewage system. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

A. Name, address, and location (if different from the address);

B. Standard Industrial Classification (SIC) number according to the SIC Classification Manual, Bureau of the Budget, 1972, as amended;

C. Wastewater constituents and characteristics including, but not limited to, those mentioned in Sections 13.08.140 through 13.08.210 of this chapter, as determined by a state certified laboratory. Sampling and analyses shall be performed in accordance with the techniques described in Sections 13.08.220 through 13.08.280;

D. Time and duration of discharge;

E. Average daily and thirty-minute peak wastewater flow rates, including daily, monthly and seasonal variations;

F. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by their size, location and elevation;

G. Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;

H. Where known, the nature, and concentration of any pollutants in the discharge which are limited by any city, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment or city standards;

I. If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment or city standards, the schedule and conditions of scheduling shall be in accordance with those described in Sections 13.08.220 through 13.08.280;

J. Each product produced by type, amount process or processes, and rate of production;

K. Type and amount of raw materials processed (average and maximum per day).

L. Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

M. Any other information as may be deemed by the public works director to be necessary to evaluate the permit application. The director will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the director shall issue a wastewater discharge permit, subject to the terms and conditions provided herein. (Ord. 196 §15 (B), 1984).

13.08.310 Modifications.

Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user subject to a National Categorical Pretreatment Standard has not previously submitted an application for a wastewater discharge permit as required by Section 13.08.300, the user shall apply for a wastewater discharge permit within one hundred eighty (180) days of such promulgation, and shall comply with the requirements of Sections 13.08.220, 13.08.230 and 13.08.240. In addition, a user with an existing wastewater discharge permit shall also comply with the requirements of Sections 13.08.220, 13.08.230 and 13.08.240. (Ord. 196 §15 (C), 1984).

13.08.320 Permit conditions.

Wastewater discharge permits shall be expressly subject to all provisions of this code and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

- A. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- B. Limits on the average and maximum wastewater constituents and characteristics;
- C. Limits on the average and minimum rate and time of discharge or requirements for flow regulations and equalization;
- D. Requirements for installation and maintenance of inspection and sampling facilities;
- E. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;

- F. Compliance schedules;
- G. Requirements for submission of technical reports;
- H. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the director, and affording the director access thereto;
- I. Requirements for notifying of the director of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- J. Requirements for notifying the director of slug discharges;
- K. Other conditions as deemed appropriate by the director to ensure compliance with this chapter. (Ord. 196 §15 CD), 1984).

13.08.330 Liquid waste haulers.

Wastewater discharge permits for liquid waste haulers shall contain the following additional permit conditions:

- A. A liquid waste hauler shall prepare a manifest before transporting the waste off-site.
- B. The manifest shall contain all the following information:
 - 1. The transporter's wastewater discharge permit number, name and address;
 - 2. The generator's name, mailing address, telephone number, and waste discharge permit number, if any exists;
 - 3. The name and address of the disposal site;
 - 4. Description of the waste;
 - 5. The total quantity of waste hauled from each site.
- C. The generator shall sign and date the manifest by hand.
- D. The manifest shall consist of at least three (3) copies, one copy for the generator, one copy for the transporter, and one copy to be mailed to the public director by the transporter within thirty (30) days of acceptance of the waste. (Ord. 196 §15 (E), 1984).

13.08.340 Duration.

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a

specific date. The user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the director during the term of the permit as limitations or requirements identified in Sections 13.08.140 through 13.08.210 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. (Ord. 196 §15 (F), 1984).

13.08.350 Transfer.

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, a new or changed operation, or remodel of an existing facility which is retained by the current owner. (Ord. 196 §15 (G), 1984).

13.08.360 Revocation.

Any user who performs the following actions, or who violates any condition of the permit, of this chapter, or of applicable state and federal regulation, is subject to having his permit revoked in accordance with the procedures of Sections 13.08.550 through 13.08.620:

- A. Failure of a user to factually report the sewage constituents and characteristics of his discharge;
- B. Failure of a user to report significant changes in operations, site plans, floor plans, mechanical and plumbing plans or sewage constituents and characteristics; or
- C. Refusal of reasonable access to a user's premises for the purpose of inspection or monitoring. (Ord. 196 §15 (H), 1984).

ARTICLE VIII
DISCHARGE, PRETREATMENT AND INSPECTION

13.08.370 Monitoring facilities.

The public works director shall require the user to construct, at his own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the

sewer or internal drainage systems and shall also require sampling or metering equipment to be provided, installed, and operated at the user's expense. The monitoring facility should normally be situated on the user's premises, but the director may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public right-of-way and located so that it will not be obstructed by landscaping or parked vehicles. If the monitoring facility is inside the user's fence, there shall be accommodations to allow access for city personnel, such as a gate secured with a city lock. There shall be ample room in or near such sampling manhole to allow accurate sampling and compositing of samples for analysis. The manhole, and sampling or monitoring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. 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 construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the director unless extension is granted by the director. (Ord. 196 §15 (I), 1984).

13.08.380 Inspection and sampling.

The public works director shall have the right to inspect the facilities of any user to ascertain whether the purposes of this chapter and all requirements are being met. Owners or occupants of premises where wastewater is created or discharged shall allow the EPA, the state, the city or the city's representative ready access at all reasonable times to all parts of the premises for the purpose of inspection sampling or record examination, or in the performance of any of their duties. The city shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspections, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry onto the premises, the user shall make necessary arrangements with his security guards so that, upon presentation of suitable identification, personnel from the city will be permitted to enter without delay for purposes of performing their specific responsibilities. (Ord. 196 §15 (J), 1984).

13.08.390 Pretreatment.

Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all federal categorical pretreatment standards within the time limitations specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the director shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the director before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or operating procedures shall be reported to and be acceptable to the director prior to the user's initiation of the changes. The director shall annually publish in a newspaper of general circulation in the Arvin area a list of the users which significantly violated applicable pretreatment requirements or standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months. All records relating to compliance with pretreatment standards shall be made available to the director upon request. (Ord. 196 §15 (K), 1984).

13.08.400 Protection from accidental discharge.

A. Each user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this chapter. Such facilities shall be provided and maintained at the user's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the director for review, and shall be acceptable to the director before construction of the facility. All existing users shall complete such a plan as required by the director. No user who commences contribution to the sewage system after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city. Review and ap-

proval of such plans and operating procedures shall not relieve the industrial user from the responsibility of modifying the facility as necessary to provide the protection to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the public works director of the incident. The notification shall include location of discharge, type of waste concentration and volume, and corrective actions. Within five (5) days following an accidental discharge, the user shall submit to the director a detailed written report describing the cause 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 sewage system, or any other damage to person or property, nor shall such notification relieve the user of any fines, civil penalties or liability which may be imposed by this chapter or other applicable law.

B. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (Ord. 196 §15 (L), 1984).

13.08.410 Confidential information.

All information and data concerning a user obtained from reports, questionnaires, permit applications, permits, monitoring programs, and inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests otherwise, and is able to demonstrate to the satisfaction of the director that the release of such information would divulge information, processes or methods which would be detrimental to the user's competitive position. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for use in making studies; provided, however, that such portions of a report shall also be available for use by the state or any state agency

in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the city as confidential shall not be transmitted to any governmental agency by the city until and unless prior and adequate notification is given to the user. (Ord. 196 §15 (M), 1984).

13.08.420 Discharge reports.

Reporting requirements shall be in accordance with Sections 13.08.220 through 13.08.280. (Ord. 196 §15 (N), 1984).

ARTICLE IX
SEWER SERVICE CHARGES

13.08.430 Adoption.

The city shall adopt, by ordinance, regulation, or both, a sewer service charge system in accordance with Section 204 (b) (1) (A) of the Act, 40 C.F.R. 35.939-3, Section 307 (b) and (c) of the Act and C.F.R. 403.9. (Ord. 196 §7(part), 1984).

13.08.440 Annual sewer charge.

The annual sewer service charge for use of the wastewater system and treatment facilities, whether the premises are located within or outside the city, shall be designated in the master fee resolution. (Ord. 196 §7 (A), 1984).

13.08.450 High strength users.

Users discharging high strength wastewater and high strength users requiring pretreatment shall comply with the following:

A. Industrial users discharging waste which is suspected by the plant II operator to be above 265 mg/l BOD or 300 mg/l suspended solids, or to have an effluent volume greater than twenty-five (25) thousand gallons per day, are defined as high strength users. For high strength users, the city manager shall determine the strength for billing purposes by utilizing one of the following methods:

1. By taking the average of the four most recent analysis made by the city. A minimum of two measurements

of waste strength shall be made in each billing period. Where an industry operates on a seasonal basis, charges will be based upon analysis made during the periods of operation;

2. When requested in writing, the city manager may authorize an additional two tests per billing period if the city manager finds that the additional testing will give a more representative average. All costs, including overhead associated with the sampling and testing of the additional two samples, will be charged directly to the industrial user.

B. An industry which has high strength wastewater shall provide an observation manhole or accessible sampling station for sampling wastewater and it shall be capable of housing a totalizing flow meter, and a flow-proportioned, twenty-four-hour composite sampler. The construction of the manhole shall be approved by the city engineer and maintained in a safe manner, satisfactory to the city manager. Access to the manhole or sampling station shall be provided at all times.

C. New industrial users or existing users planning a remodel of existing process facilities and/or pretreatment system which contribute high strength wastewater to the POTW shall install a totalizing effluent meter if their waste meets the criteria of Class I as defined in this subdivision. Industrial users meeting the criteria of Class II as defined in this subdivision shall install a totalizing effluent meter and flow-proportioned composite sampler which is controlled by a flow meter.

Class I Discharge--Flow--25,000 to 50,000 gallons per day;

Class II Discharge--Flow--Greater than 50,000 gallons per day.

D. Detailed plans showing the operation and proposed installation of the effluent meter and/or composite sampler shall be submitted to the city engineer for review and shall be acceptable to the city manager before installation of the equipment. Any subsequent changes in sampling or metering site, type of meter or sampler shall be reported to, and be acceptable to, the city manager.

E. Industrial users that contribute high strength wastewater to the POTW may be required to provide traps, screens, catch basins and such other pretreatment as may

be deemed necessary by the city engineer to prevent adverse effects on the city's POTW. (Ord. 196 §7 (B), 1984).

13.08.460 Determination of charges.

The following provisions shall be applied when appropriate in determining charges for sewer services and responsibility therefor:

A. Any person charged for sewer service may, upon request to the city manager, have his sewer service charges calculated pursuant to, and subject to, the conditions set forth in subsection B.

B. The quantities of wastewater produced shall be determined in one of the following ways:

1. By use of an effluent wastewater meter which has flow totalizing capability, installed and maintained at the expense of the owner or occupant of the premises and approved by the city manager;

2. If no effluent wastewater meter is used, then as determined by guidelines established by the city manager which shall be conclusive. Such determinations of the city manager shall be effective not more than one year. Where the volume of wastewater produced by any premises is determined by the city manager instead of by installation of an effluent wastewater meter, the owner or occupant of such premises shall pay to the city the cost of making the original and each subsequent annual estimate, subject to a minimum charge designated in the master fee resolution;

3. In lieu of the above, public and parochial schools may be charged for sewer service on the basis of average daily attendance as designated in the master fee resolution provided the premises so charged for sewer service are used exclusively for school purposes with no residential uses thereon. Such charges shall be calculated on an annual basis, based on the previous school year's attendance divided by twelve to determine the monthly rate.

C. Where two or more users are located on the same premises and each has a separately metered water service, the sewer service charge shall be calculated and billed in the same manner as if each user were located on a separate premises.

D. Where several users are served with a single metered water service and sewer service charge for one or more of such users is based upon the volume of potable wa-

ter delivered to such user, then a single service charge shall be made, based upon the total volume of water delivered through such meter, which charge shall be the responsibility of the water service customer.

E. Where a single business occupies contiguous premises served by more than one metered water service, and sewer service charge for such use is based upon the volume of potable water delivered to such user, then a separate sewer service charge shall be made for the water used through each meter.

F. Where there are mixed commercial and residential uses on the same premises and the commercial use has separate sewer facilities to serve employees or customers, the sewer service charge shall be as specified in this section for the residential use, plus the monthly sewer service charge referred to in Section 13.08.440 and designated in the master fee resolution, for the commercial use.

G. Where there are mixed commercial and residential uses on the same premises and the commercial use does not have separate sewer facilities to serve employees or customer, the sewer service charge shall be calculated based upon the highest economic use.

H. Upon annexation to the city of property which has been connected to the sewer without payment, either directly or indirectly, of the cost of constructing the lateral sewer to which the property is connected, or without payment of the lateral sewer charge, oversize sewer charge, and house branch sewer charge required by this chapter, then the lateral sewer charge, oversize sewer charge, and house branch sewer charge imposed by this chapter shall be due and payable to the city. Until such charges have been paid, the fees prescribed for sewer service outside the city shall continue to be applicable to the property. (Ord. 196 §7 (C), 1984).

13.08.470 Special disposal site, contract disposal charges.

Whenever special disposal sites are constructed therefor, the city manager may allow the disposal therein of the contents of trucks designed and used for the pumping out and removal of waste from septic tanks and chemical toilets. The city manager is authorized to enter into agreements with septic waste disposal companies regulating such disposal, and providing for charges to recover the

cost of the sites and other city expenses including wastewater treatment at the rates designated in the master fee resolution. (Ord. 196 §7 (D), 1984).

13.08.480 Vacant premises--Charge determination--
Disconnection.

While any premises connected to the sewer system are vacant, the regular minimum sewer charge shall be payable for such premises by the owner thereof, whether or not sewer service is used, if water is connected to or available for use on the premises, unless such premises are physically disconnected from the sewer system. Applications for determination by the director of public works that the premises have been physically disconnected from the sewer system shall be made to the city manager accompanied by the disconnection inspection fee designated in the master fee resolution. Premises so disconnected shall not be reconnected to the city sewer system by any person except with permission of the director of public works. If approval for reconnection to the sewer system is desired, an application for reconnection shall be filed with the city manager, accompanied by the reconnection inspection fee designated in the master fee resolution. (Ord. 196 §8, 1984).

13.08.490 Violation.

Failure to pay sewer service charges shall be deemed a violation of this chapter and subject to the provisions of Chapter 1.08, Section 1.08.010 and Chapter 1.12, Section 1.12.010, 1.12.020 and 1.12.030 of this code. (Ord. 196 §7 (E), 1984).

ARTICLE X
SEWER SERVICE FUNDS

13.08.500 Established.

A sewer service fund is established. It shall consist of revenue from sewer service fees and revenue from sewer connection charges as defined in this chapter. (Ord. 196 §16 (A), 1984).

13.08.510 Source of moneys--Purpose.

All revenue obtained from sewer service fees shall be deposited into said fund, shall be accounted for sepa-

rately, and shall be expended for the acquisition, construction, reconstruction, maintenance, and operation of wastewater facilities, including payment of interest and principal on bonds issued for such purposes, and for the implementation of the city's pretreatment program. Such funds shall not be expended for new sewers less than ten inches in diameter. (Ord. 196 §16 (B), 1984).

13.08.520 Payment of bonds--Capital reserve.

All revenue obtained from sewer connection charges shall be deposited into said fund, shall be accounted for separately and shall be expended for the acquisition, construction and reconstruction of the wastewater system and pretreatment facilities, including payment of interest and principal on bonds issued for such purposes. Said fund may also provide a capital reserve for depreciation and enlargement of the wastewater system and pretreatment facilities. (Ord. 196 §16 (C), 1984).

13.08.530 Fees and charges not applicable to plumbing permit fees--Loans.

The terms "sewer service fees" and "sewer connection charges" as used in this chapter shall apply only to those funds collected for the use of the wastewater system and shall not be construed to affect revenues derived from the plumbing permit fees; provided, however, that nothing contained in this section shall be construed to restrict or prohibit the making of transfers from said sewer service fund for the purpose of making temporary loans to one or more of the various departments of the city; and provided further, that all such temporary loans shall be restored annually to the sewer service fund on or before the last day of each fiscal year. (Ord. 196 §16 (D), 1984).

ARTICLE XI

ENFORCEMENT--VIOLATION--PENALTY--APPEAL

13.08.540 Inspection.

The officers, employees and inspectors of the public works department shall have the right to enter upon the premises of any person at reasonable hours to inspect and to determine whether this chapter is being violated. (Ord. 196 §10, 1984).

13.08.550 Duty of enforcement.

The public works director is charged with the duty of enforcing this chapter. The provisions of this chapter shall be applicable to any building, structure or property connected to the city sewer system, whether the same is owned, operated or controlled by a private party or by a public or quasi-public agency, corporation or association, other than the city. (Ord. 196 §11(part), 1984).

13.08.560 Violation--Time schedule of specific remedial action.

In addition to such other penalties as may be prescribed for a violation of this chapter, whenever the public works director finds that a discharge of wastewater has been taking place in violation of any prohibitions or limitations prescribed herein or any of the city's effluent limitations or pretreatment standards promulgated in accordance herewith, he shall serve a written notice upon such person requiring the submission for his approval of a detailed time schedule of specific actions which the user is required to take in order to prevent or correct such violation. The reporting schedule and sampling and analysis shall be in accordance with Sections 13.08.140 through 13.08.210. Any failure to comply with such an approved time schedule, or sampling any analysis, shall likewise be deemed a violation of this chapter. (Ord. 196 §11 (A), 1984).

13.08.570 Violation--Termination of service.

If a violation is not corrected by timely compliance, the public works director may order any user to show cause before the council why service should not be terminated, in accordance with the following:

A. A notice shall be served on the user, specifying the time and place of a hearing to be held by the council regarding the violation, and directing the offending party to show cause before the council why an order should not be made directing the termination of water service and/or severance of sewer connection. The notice of hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten (10) days before the hearing. Service may be made on an authorized representative of an industry, or the occupant(s) and/or owner(s) of record of the property.

B. The council may itself conduct the hearing and take the evidence, or may designate any of its members or the director of public works to:

1. Issue, in the name of the council, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved to such hearings;

2. Take the evidence;

3. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the council for action thereon.

C. At any public hearing, testimony taken before the council or any person designated by it must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon request.

D. After the council has reviewed the evidence, it may issue an order to the user responsible for the violation, directing that, following a specified time period, the sewer connection be severed unless adequate treatment facilities, devices or other related opportunities are properly operated, and such further orders and directives as are necessary and appropriate to ensure compliance with this chapter. (Ord. 196 §11 (B), 1984).

13.08.580 Disconnection--Reinstatement.

A. It is hereby declared to be a policy of the council that any user of the city sewage disposal system and treatment plant who violates any provision of this chapter shall upon due process, be disconnected from the sewer disposal system.

B. The public works director shall reinstate sewer service upon proof of the elimination of the noncomplying discharge. (Ord. 196 §11 (C), 1984).

13.08.590 Imminent hazard--Suspension of service.

Whenever the public works director finds that a discharge of wastewater produces an imminent hazard to public health or safety or endangers public or private property, he may act immediately to suspend water service and sever all pertinent connections to the sewer without giving advance notice or warning whatsoever to said person or persons. (Ord. 196 §11 (D), 1984).

13.08.600 Grievance--Appeal--Determination.

Any person aggrieved by any decision, action or determination made by the public works director, interpreting or implementing the provisions of this code, including but not limited to charges required to be paid, may file with the public works director a written request for reconsideration within ten (10) days of such decision, action or determination, setting forth in detail the facts supporting the request for reconsideration. If the ruling made by the public works director on such request for reconsideration is not satisfactory to the person requesting the same, he may, within ten (10) days after written notification of the public works director ruling, appeal the same to the council by filing a written notice of appeal with the city clerk. The appeal shall be heard by the council within thirty (30) days from the date of filing. After hearing the appeal of such person and giving due consideration thereto, the council shall make its determination and notify the aggrieved party of such determination within ten (10) days of the hearing. The appeal shall be based on the appellant's written request to the public works director and the director's ruling thereon. The ruling of the public works director shall be final and conclusive for all purposes, except for any ruling by the director found to be arbitrary, capricious, or not based on substantial evidence by the city council. The public works director's decision, actions or determination shall remain in full force and effect during such periods of reconsideration and/or appeal. (Ord. 196 §11(E), 1984).

13.08.610 Violation--Penalty--Generally.

Pursuant to the provisions of 18 U.S.C. subsection 1001, relating to fraud and false statements, and the provisions of Section 309(c)(2) of the Act governing false statements, representations, or certification in reports required under the Act, any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained for this chapter or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall upon conviction, be punished by a fine of not more than twenty thousand dollars (\$20,000.00) or by imprison-

ment for not more than six (6) months, or by both. (Ord. 196 §11(F), 1984).

13.08.620 Council order or chapter violation--Penalty.

Any user who is found to have violated an order of the council, or who wilfully or negligently fails to comply with any provisions of this chapter, or the orders, rules and regulations shall be fined not more than twenty-five thousand dollars (\$25,000.00) for each offense (California Government Code, Section 54740). Each day on which a violation may occur or continue shall be deemed a separate and distinct offense. The city may petition the Superior Court to impose, assess and recover such sums or to issue a preliminary or permanent injunction, or both, as may be appropriate in restraining the continuance of such violation. In addition to the penalties provided herein, the city may recover reasonable attorneys' fees, court costs, court reporter fees and other expenses of litigation by appropriate suits at law against the person found to have violated this chapter or the orders, rules and regulations hereunder. (Ord. 285, 1996: Ord. 196 §11(G), 1984).

13.08.630 Contracting wastewater treatment plant management.

The city, in order to more effectually promote and protect the public health and safety and to reduce the presently existing and anticipated future dangers to the health and safety of its citizens, reserves unto itself or its designated city agent, the exclusive right or, in the discretion of the exclusive or nonexclusive right, in the city's discretion, to collect, transport, treat and dispose of, or cause to be collected, treated and disposed of, all, or a portion of, the city's wastewater collection and treatment system, including as set forth in Title 13, Chapter 13.08 thereof, reserving unto itself the ownership of the wastewater treatment facilities and establishment of fees and charges for same within the corporate limits of the city. (Ord. 310 §1, 1998).

Chapter 13.12

YEARLY SEWAGE DISPOSAL RATES AND CHARGES

Sections:

- 13.12.010 Definitions.
- 13.12.020 City service charge fee.
- 13.12.030 Sewer user ESFD schedule.
- 13.12.040 Miscellaneous sewer user fees.
- 13.12.050 Miscellaneous parcels.
- 13.12.060 Billing.
- 13.12.070 Collections.
- 13.12.080 Lien for delinquent charges.
- 13.12.090 Disconnection and abatement conditions.
- 13.12.100 Relief from unjust rates.

13.12.010 Definitions.

As used in this chapter:

A. "Sewer user" means any individual firm, corporation, business, partnership or association that discharges or causes a discharge to a public sewer.

B. "City" means the city of Arvin.

C. "Council" means the city council of the city of Arvin.

D. "Sewer service charges" means fees, tolls, rates, rentals or other charges for services and/or facilities furnished by the city in connection with its sanitation or sewerage system, either within or without the city's territorial limits.

E. "ESFD" means equivalent single-family dwellings and is proportionally related to the sewer use made by an average single-family residence, with that use constituting 1.00 ESFD.

F. "Single-family dwelling (SFD)" means the sewer use made by an average single-family residence at a quantity of two hundred eighty (280) gallons per day, containing two hundred (200) mg/l suspended solids, two hundred (200) mg/l biochemical oxygen demand, and ten (10) ml/l settleable solids, electrical conductivity of seven hundred (700) uhmo's and a pH of 7.2.

G. "Multiple-unit dwellings" means the sewer use made by buildings containing more than one single-family living unit.

H. "Commercial, industrial and miscellaneous users" shall be as they are defined in the building code, adopted by Section 4288 of the Ordinance Code of the county of Kern. (Ord. 256 §2, 1992).

13.12.020 City service charge fee.

The annual sewer service charge per equivalent single-family dwelling of 1.00 ESFD shall be as adopted by resolution, by the council for each fiscal year, and as set forth in attachment A, attached to the ordinance codified in this chapter. The city clerk shall file with the auditor-controller of the county of Kern a copy of the ordinance codified in this chapter, and the auditor-controller shall enter the amount of said charge against the respective lots or parcels of land as they are listed on the current special assessment roll. The amount shall be limited to that which will be sufficient for the city to meet financial obligations and indebtedness pursuant to the operations of the sanitation of sewerage system in accordance with the laws of the state of California. (Ord. 256 §3, 1992).

13.12.030 Sewer user ESFD schedule.

A. Residential Sewer Users.

1. 1.00 ESFD for a Single-Family Residence. The city may charge 0.60 ESFD for a second unit where it is obvious upon inspection by the city that the unit is either a guest house or a rental unit intended for use by one (1) person only, with minimal sewer usage;
2. 1.00 ESFD per living unit for duplexes;
3. 0.90 ESFD per living unit for triplexes, and for condominiums with different owners for each unit;
4. 0.80 ESFD per living unit for multiple unit dwellings of more than three (3) units, with this same charge to apply to trailer courts and mobilehome parks where all units have the same owner;
5. 0.30 ESFD per living unit for motels, hotels and roominghouses;
6. 0.30 ESFD per bed for hospitals, convalescent hospitals, sanitariums and rest homes; county assessor's use codes 1701, 1702, 1703 or 1712. 0.06 ESFD may be charged per living unit where such unit constitutes the equivalent of an apartment unit if so determined by the city. Additional charges shall be made for functions such

as mental health facilities and laboratory operations that are in addition to the medical functions of a hospital, with said charges based on equivalent sewer uses established elsewhere herein.

B. Commercial and Industrial Sewer Users.

1. 1.00 ESFD for businesses, small stores, shops, small markets and office buildings, including public buildings used primarily as offices; county assessor's use codes 1100 through 1119, 1121, 1122, 1300 through 1307, 1309, 1403 through 1407, 1600 through 1604, 1608 through 1612, 1705, 2100 through 2103, and 2401 through 2490;

2. 0.48 ESFD per washing machine for laundries and dry cleaners; county assessor's use code 1120;

3. 36.00 ESFD for supermarkets; county assessor's use code 1401;

4. 3.70 ESFD for large or multiple-use markets and grocery stores; county assessor's use code 1402 or 1490;

5. 2.50 ESFD for medical, dental and veterinary offices, medical and laboratory facilities; county assessor's use codes 1605, 1606, 1607, 1613 or 1704;

6. 1.50 ESFD for mortuaries, kennels and pet grooming; county assessor's use code 1708 or 2202;

7. 3.90 ESFD for restaurants, cafes, coffee shops, catering services and drive-in restaurants where sewage discharge is estimated by the city to be equivalent to or less than that of a thirty-five (35) seat restaurant, or 5.70 ESFD where sewage discharge is estimated to be substantially greater than that of a thirty-five (35) seat restaurant; county assessor's use codes 1800 through 1803 and 1806 through 1980;

8. 3.60 ESFD for cocktail lounges, bars and taverns where there is minimal food preparation; where there is substantial food preparation, the charge shall be the same as the charge for restaurants; county assessor's use code 1804 or 1805;

9. 4.00 ESFD for recreational facilities; county assessor's use codes 1900 through 1990;

10. 1.75 ESFD per wash stall for car washes or 1.00 ESFD per two hundred eighty (280) gallons per day discharge as estimated or calculated by the city; county assessor's use code 2201;

11. 1.40 ESFD for repair shops, service stations and storage facilities; county assessor's use codes 2203

through 2208, 2301, 3600 through 3690, and 3700 through 3790;

12. 1.00 ESFD for light manufacturing businesses, timber producers and produce plants; county assessor's use codes 3100 through 3190, 3300 through 3390 and 3400 through 3490;

13. 5.70 ESFD for food processing facilities; county assessor's use codes 3500 through 3590.

C. Miscellaneous Sewer Users.

1. 1.00 ESFD plus the corresponding ESFD charge for commercial sewer use for a single-family residence combined with a structure where its sewer use is other than residential;

2. 1.10 ESFD for churches, plus 1.00 ESFD for a single-family residence included on the same property; county assessor's use code 1706;

3. 0.031 ESFD per student (average daily attendance) for colleges, schools, preschools and day care centers, except that the charge shall not be less than 1.00 ESFD; county assessor's use code 1710.

D. Public or Private Sewer Users Not Otherwise Classified.

1. 1.00 ESFD for up to fourteen (14) employees and 0.50 for each seven (7) employees, or fraction, thereafter;

2. 0.33 ESFD per fireman for fire stations, except that the charge shall not be less than 1.00 ESFD;

3. 0.40 ESFD for chemical, biological or bacteriological laboratories.

E. For premises having a sewer connection, but for which a specific occupancy classification and ESFD charge has not been set forth elsewhere herein, the city shall determine the ESFD, as in its sole discretion it deems applicable for the type of sewer discharge in relation to other classifications specified herein.

F. For discharge of dissolved inorganic solids, other sewer-user ESFD specified herein notwithstanding, the district may assess an ESFD for discharge to the sewer of dissolved inorganic solids in either quantity and/or concentration exceeding that of normal sewerage discharge from an average single-family residence, with the ESFD to be proportional to that of a typical single-family residence for such quantity and/or concentration. (Ord. 277 §1, 1995; Ord. 256 §4, 1992).

13.12.040 Miscellaneous sewer user fees.

A. Difficult-to-Treat Wastes. Where the city has issued a permit or other written authorization for discharge to the sewer of materials with the potential to cause added expense to the city, or injury or harm to the sanitation or sewerage system or city personnel and the general public, the city may establish ESFD charges for said discharge that may, or may not, be related to other ESFD charges established by this chapter. The ESFD rates so charged will be based on standard engineering taxes, accepted engineering practices or technical manuals, and at the sole discretion and judgment of the city. The ESFD charges shall include, but not be limited to, monitoring of waste discharge, a ten-percent (10%) administration charge and costs incurred by the city for enforcement action against a specific waste discharger.

B. Stoppage-Causing Wastes. Where it is found that discharge to the sewer of material, or that a grease trap, grit trap or sand trap is not being properly maintained, so as to require repeated corrective action by the city, the ESFD charge for the sewer user shall be increased by fifty percent (50%) as compensation to the city for the added maintenance required to remove said materials, grease, grit or sand from the collection system.

C. Sewer Availability Charge. Where any structure is not connected to the sewer and is served by private disposal system, when connection to the sewer is otherwise required, a sewer availability or standby charge shall be assessed, with the charge being one-half of the ESFD charge as established by this chapter. The sewer availability charge shall remain in effect until such time as the private disposal system becomes "in an unsanitary condition" as defined by the Uniform Plumbing Code; thereafter the full ESFD charge shall be applied.

D. Multiple and Combined Sewer Users. Where two (2) or more sewer users or classified dischargers are located on one (1) parcel, the district may charge a lower ESFD charge than the ESFD charge that would be assessed if each sewer discharger were charged separately. (Ord. 256 §5, 1992).

13.12.050 Miscellaneous parcels.

A. Parcels Outside the City. Where parcels to be assessed sewer service charges are outside the boundaries of the city, they shall be added to the assessment roll of the city for the purpose of collecting such charges.

B. Parcels Not On Roll. If the property to be assessed sewer service charges is not described on the roll, the clerk shall enter the description thereon together with the amounts of the charges, as shown on the assessment roll. (Ord. 256 §10(a), (b), 1992).

13.12.060 Billing.

A. Billing Period. The regular billing periods for sewer service charges may be for each calendar month, bi-monthly, semiannually or each fiscal year, beginning July 1st and ending June 30th. Schools and other public institutions shall pay annually on bills rendered in July of each year for the preceding fiscal year.

B. Opening and Closing Bills. Opening and closing bills for less than the normal billing period shall be for not less than one (1) month.

C. Billing Time. Bills for sewer service shall be rendered at the beginning of each billing period and are payable upon presentation, except as otherwise provided herein.

D. Penalties and Interest. All bills not provided, prior to delinquency, to be collected on the tax rolls on which the city's real property taxes are collected that are not paid on or before twenty (20) days from the date the bill was rendered shall be delinquent, and a penalty of ten percent (10%) of the bill amount due plus one percent (1%) per month from the first day of delinquency shall accrue for the period of said nonpayment and be collected as a part of the principal amount, including penalty, thereof.

E. Inclusion on General Tax Bill. The city may elect to have the sewer service charges herein set forth, or any other fees, tolls, rates, rentals, levies or other charges established by council ordinance, or resolution, included on the bills levied for its general taxes. (Ord. 256 §6, 1992).

13.12.070 Collections.

A. Use of Tax Rolls. The city council may elect to use the county tax roll on which general city taxes are collected for the collection of current or delinquent fees, tolls, rates, rentals, levies or other charges established by the city; proceedings therefor shall be had as now or thereafter provided therefor in Article 4, Chapter 6, Part 3, Division 5, of the Health and Safety Code.

B. Time of Collection. When the city elects to use the county tax roll on which general city taxes are collected as aforesaid, the amount of the sewer service charges shall be collected at the same time and in the same manner by the same person as, together with and not separately from, the general taxes for the city, and shall be delinquent at the same time and thereafter be subjected to the same delinquency penalties.

C. Application of Laws Governing Levy, Collection and Enforcement of General Taxes. All laws applicable to the levy, collection and enforcement of general taxes of the city, including, but not limited to, those pertaining to the matters of delinquency correction, cancellation, refund and redemption, are applicable to such charges.

D. Applicable Laws. All the provisions of the laws of the state as to the collection of taxes and delinquent taxes and the enforcement of their payment, so far as applicable, apply to the collection of the charges herein set forth.

E. Collection by Suit. As an alternative to any of the other procedures herein provided, the city may collect said unpaid charges by suit, in which event it shall have judgement for the cost of suit and reasonable attorney's fees.

F. Collection System. The council may, at any time, by order entered in its minutes, provide a system of collection of delinquent sewer service charges, or make any change in the manner of their collection.

G. Alternative. The powers authorized by this section shall be alternative to all other powers of the city and alternative to procedures adopted by the council thereof for the collection of such charges.

H. Other Remedies. The city may provide otherwise for the collection of such delinquent charges. All remedies herein provided for their enforcement and collection

are cumulative and may be pursued alternatively or collectively as the city determines. (Ord. 256 §7, 1992).

13.12.080 Lien for delinquent charges.

The amount of the delinquent sewer service charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of noon the first Monday in March of each year. The tax collector shall include the amount of the charges on bills for taxes levied against the respective lots and parcels of land. (Ord. 256 §8, 1992).

13.12.090 Disconnection and abatement conditions.

A. Disconnection. As an alternative method of collecting such delinquent sewer service charges, the city may disconnect any premises from the sewer system if the user fails to pay the service charge for his premises after they shall have become delinquent. The city manager or his designee in charge of the sewer system shall estimate the cost of reconnecting it thereto, and such user shall deposit the cost, as estimated, of disconnection and reconnection before such premises are reconnected to the sewer system. The city manager or his designee shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

B. Abatement. During the period of nonconnection or disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the council shall cause proceedings to be brought for the abatement of the occupancy of said premises by the human beings. In such event, and as a condition of connection or reconnection, there shall be paid to the city reasonable attorney's fees and costs of suits arising in said action. (Ord. 256 §9, 1992).

13.12.100 Relief from unjust rates.

The owner or occupant of any premises who by reason of special circumstances finds that the foregoing rates are unjust or inequitable as applied to his premises, may make written application to the council, stating the circumstances and requesting a different basis of charges for sewer services to his premises. If such application is approved, the council may by resolution fix and establish fair and equitable rates for such application and continu-

ing during the period of such special circumstances. The council may on its own motion find that by reason of special circumstance the foregoing rates are unjust and inequitable as applied to particular premises and may be fixed by resolution and establish fair and equitable rates for such premises during the period of such special circumstances or any part thereof. (Ord. 256 §10(c), 1992).