Chapter 13.08 - SEWER SERVICE SYSTEM

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13.08.010 - Authority.

This chapter is adopted pursuant to the authority set forth in Article 4 of Chapter 6 of Part 3 of Division 5 of the Health and Safety Code of the state and the constitutional authority of the city.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.101)

13.08.020 - Purpose.

The provisions of this chapter are adopted for the purpose of prescribing and providing for the collection and enforcement of charges for sewer services and charges for the privilege of connecting to sewerage facilities.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.102)

13.08.030 - Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as defined below. Terms relating to wastewater quality are further defined in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

"Ancillary use" means any additional use identified in user group categories beyond the initial and primary use of the facility, as determined by the engineer or public works director, for purposes of sewer service and impact fees.

"Building sewer" means that part of the sanitary sewer system which receives discharge from soil and waste pipes in a building and conveys it to the junction with the service sewer at the property line or sewer easement line.

"BOD" means biological oxygen demand, indicating the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five consecutive days at twenty (20) degrees centigrade.

"Capital surcharge" means a component of the monthly service charge which finances capital projects or debt service and covenant requirements for sewerage system components as specified by the engineer.

"COD" means chemical oxygen demand, a chemical measure of the oxygen-consuming capacity of inorganic and organic matter present in wastewater.

"Collection systems" means all facilities maintained for collecting, pumping, conveying, storing and controlling wastewater.

"Combined sewer" means a sewer that services the purpose of both a sanitary sewer and a storm sewer.

"Commercial user" means any nonresidential user that the engineer or public works director determines does not meet the definition of an industrial user.

"Connection fee" is a previously used term for "sewer impact fee," used to determine the fair share costs to finance planning, design, construction inspection, administrative, debt service, debt covenant and other related costs for wastewater conveyance, treatment and disposal facilities for sewerage system expansion.

"Domestic wastewater" means wastewater originating from residential sources or from sanitary devices in industrial or commercial establishments.

"Easement" means an acquired legal right to the exclusive or joint use of a defined portion of land for construction or maintenance of sewers.

"Engineer" means the city engineer or designee responsible engineer carrying legal and professional duties for oversight and engineering administration of utility systems and facilities.

"Equivalent dwelling unit (EDU)" is a term used to characterize the average wastewater discharge from a single-family dwelling (SFD). For purposes of calculating sewerage system design parameters and comparing wastewater discharge from sewer service users other than SFDs, one EDU equals a domestic wastewater volume of two hundred (200) gallons per day (GPD) and one hundred eighty milligrams per liter (180 mg/l) maximum each, BOD and SS, per day at average dry weather flow rates. One EDU is further considered to generate domestic wastewater, carrying a minimal to moderate load of non-hazardous contaminants such as common household cleaning and maintenance products.

"Federal Act" means the Federal Water Pollution Control Act, PL 92-500 and amendments thereto; as well as regulations and standards promulgated by the Environmental Protection Agency (the EPA) or successor, pursuant to the Act.

"Fiscal year" means the year beginning July 1st and ending June 30th.

"Garbage" means solid wastes from preparation, cooking and dispensing of food and from handling, storage and sale of food products.

"Industrial user" means any user which meets one or more of the following criteria:

1. Any discharge of fifteen thousand (15,000) gallons or more of wastewater per day (excluding the domestic portion of the discharge) or more than 22.5 pounds of biochemical oxygen demand (BOD_5) or suspended solids (SS) per day (fifteen thousand (15,000) gallons at 180 mg/l);
2. Discharges wastewater to a POTW, which contains hazardous materials in sufficient quantity either singly or by interaction with other wastes, to constitute a potential hazard to humans or animals, to potentially cause interference or create a public nuisance or create any hazard in or have an adverse effect on the waters receiving any discharge from the POTW;
3. Is subject to EPA categorical pretreatment standards or any pretreatment standards set by the state;
4. Is required to obtain an industrial wastewater discharge permit pursuant to this chapter.

"Industrial waste" means the waterborne waste and wastewater from any industrial user.

"Infiltration" means groundwater that enters sewers.

"Inflow" means storm and other surface waters that enter the sewers.

"MG" means million gallons.

"MGD" means million gallons per day.

"MMF" means the maximum month wastewater flow occurring during the preceding twelve (12) month period.

"Multiple-family dwelling" means and includes duplexes, triplexes, quadplexes, apartments, mobilehomes, condominiums, townhouses or other combination of multiple living units, transient or permanent, private or public, discharging domestic wastewater primarily from sanitary devices.

"Nuisance" means that which is injurious to health or offensive to the senses or an obstruction to the free use of property so as to interfere with comfortable enjoyment of life or property and any violation of a city ordinance.

"Person" means any individual, firm, company, association, society, partnership, corporation organization, group or public agency.

"POTW" means publicly owned treatment works or wastewater treatment plant.

"Premises" means a parcel of real property or portion thereof, including any improvement thereon, which is determined by the engineer to be a single unit for purposes of receiving, using and paying for sewage disposal service. In making this determination, the engineer shall take into consideration such factors as whether the unit could reasonably be subdivided, number and location of services sewers and whether the unit is being used for a single activity and, if not, what the principal activity is for sewage disposal services, but in any case, the engineer's determination shall be final.

"Public sewer" means any sanitary sewer, which is maintained by a public agency or quasi-public body (homeowners association, property owners association, etc.)

"Residential user" means a user whose premises are used solely for non-transient human habitation.

"Sanitary sewer" means a sewer which carries sewage or industrial wastes and to which inflow and infiltration are not permitted.

"Service sewer" means the extension of the building sewer from the property line or sewer easement line to the public sewer line.

"Sewage" means the wastewater derived from the human habitation and use of buildings for residential, institutional or commercial purposes, excluding storm waters and industrial waste.

"Sewer" means a pipe or conduit (and including pumping facilities and in-line treatment and control facilities appurtenant thereto) that receives and carries wastewater.

"Sewerage system" means all facilities for collecting, pumping, conveying, controlling, treating, storing and disposing of wastewater.

"Single-family dwelling" means any detached residential premise designed to house one family.

"SS" means suspended solids, defined as solids that either float on the surface of or are in suspension in, wastewater and which are largely removable by standard laboratory filtration procedures.

"Storm sewer" means a sewer that carries stormwater and surface water, street wash and other wash waters or drainage, but excludes sewage and industrial wastes.

"Street" means any public highway, road, street, avenue, way, alley or right-of-way.

"Trunk sewer" means a public sanitary sewer receiving wastewater from two or more different users.

"User" means any person discharging sewage or industrial waste to the city's sewerage system, including commercial, industrial and residential users, as defined herein.

"User group" means a category of facilities connected to the city sewerage system, whether public or private, with common characteristics of sewer service usage, as defined herein.

"Waste" means and includes sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation or of human or animal origin or from any commercial, producing, manufacturing or processing operation of whatever nature.

"Wastewater" means all wastes and waters considered for and/or discharged to and carried by the city sewerage system.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.103)

13.08.040 - Use of revenues.

Revenues derived pursuant to the provisions of this chapter shall be used only for the acquisition, construction, reconstruction, maintenance and operation of the sewerage systems and facilities of the city and the planning, engineering and administration related thereto, to repay the principal and interest on bonds issued for the acquisition, construction or reconstruction of such sewerage systems and facilities

and to repay any federal or state loans or advances made for the construction or reconstruction of such sewerage systems and facilities.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.104)

13.08.050 - Appeals.

Any person adversely and directly affected by a determination made by the city manager or his or her designee under the provisions of this chapter may appeal such determination to the city council. A notice of appeal shall be filed in writing with the city clerk not later than fifteen (15) days after the date of such determination or not later than fifteen (15) days after the receipt by the appellant of a notice of such determination, whichever shall last occur. The notice shall specify the basis for the appeal. Any determination not appealed within the fifteen (15) days shall be final and binding.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.105)

13.08.060 - Appeals—Hearings.

At the next regular meeting of the city council following the receipt of the appeal by the city clerk, the council shall set the matter for a hearing within thirty (30) days and shall direct the city clerk to give the appellant written notice of the time, date and place of the hearing. At the time of the hearing, the council shall consider all testimony and evidence presented which is relevant to the subject of the appeal and, within fifteen (15) days thereafter, shall affirm, modify or reverse the determination of the city manager or his or her designee.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.106)

Article II - Connection Permits and Charges

13.08.070 - Purpose.

13.08.080 - Permit and payment of fees required for change of service.

13.08.090 - Sewer impact fee required.

13.08.100 - Impact fee adjustments.

13.08.110 - Payment.

13.08.070 - Purpose.

This article prescribes permit requirements and fees for connecting to or expanding the use of any facility connected to the city sewerage system.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.201)

13.08.080 - Permit and payment of fees required for change of service.

Any person making a new connection to the sewerage system of the city or expanding, modifying, enlarging or conducting any other activity that will increase the volume or change the physical character of the sewage already discharged from the premises shall obtain a permit from the city, prior to any change of service in accordance with the permit procedure set forth in Article VII of this chapter. At the

same time, the user shall pay the appropriate sewer impact fee for connecting to the city sewerage system to pay their share of the capital investment in the city sewerage system as provided in this article.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.202)

13.08.090 - Sewer impact fee required.

A. Effective upon the adoption of the ordinance codified in this chapter, the base sewer impact fee shall initially be five thousand eight hundred dollars ($5,800.00).

B. Residential facilities, commercial facilities, institutional facilities and industrial facilities shall be assessed one base sewer impact fee for each equivalent dwelling unit or portion thereof, to the nearest one-tenth unit; provided, however, that a minimum of one base sewer impact fee shall be charged. The number of EDUs assigned to a particular facility shall be determined in accordance with the procedure set forth in Article IV of this chapter.

C. The sewer impact fees for the expansion of existing facilities shall be determined by applying the classification procedure set forth in Article IV of this chapter to the entire facility including the new expansion, subtracting that portion allocated to the original use.

(Ord. 479 (part), 2004: Ord. 475 § 2(b) (part), 2002: prior code § 6-3.203)

13.08.100 - Impact fee adjustments.

The sewer impact fee shall be subject to adjustment to reflect annual increases in construction cost and increases required to fund necessary wastewater system improvements as follows:

A. Annual Construction Cost Adjustment. The sewer impact fee shall be adjusted on July 1st of each year by the city engineer by a percentage equal to the annual percentage of increase or decrease in the San Francisco Bay Area construction cost index, as published in the May Engineering News-Record (ENR) or equivalent ENR data. The adjusted amount shall be published in the city fee schedule.

B. Adjustment for Required Wastewater System Improvements. In addition to the annual adjustment, the council may, from time to time, adjust the sewer impact fee as necessary to reflect cost of necessary improvements to the city wastewater system to accommodate additional connections. Such adjustment shall be made by resolution, after a duly noticed public hearing.

(Ord. 479 (part), 2004: Ord. 475 § 2(b) (part), 2002: prior code § 6-3.204)

13.08.110 - Payment.

A. The sewer impact fees set forth in Section 13.08.090 of this chapter shall be payable prior to the issuance of a building permit.

B. In those cases in which a building permit is not required, the sewer impact fees shall be payable as a condition of any land use approval or business license issuance and, in any event, before connection is made to the city's sewerage system.

C. For mobilehome parks, the sewer impact fees shall be paid prior to the time of the first connection in the mobilehome park for the total number of mobilehome lots or spaces permitted.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.205)

Article III - Sewer Service Charges

13.08.120 - Purpose.

13.08.130 - Basis of charges.

13.08.140 - Sewer service fees.

13.08.150 - Lift station charges.

13.08.160 - Fee adjustments.

13.08.170 - I & I project sewer charge.

13.08.120 - Purpose.

This article prescribes periodic charges for use of the city's sewerage system.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.301)

13.08.130 - Basis of charges.

All users discharging to the city's sewerage system shall pay an appropriate monthly amount for their share of the operation, maintenance and replacement costs of the city's sewerage system. These charges may also include a capital surcharge for capital improvements that benefit existing users.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.302)

13.08.140 - Sewer service fees.

A. Effective January 1, 2003, the base rate per EDU per month shall be twenty-five dollars and forty-six cents ($25.46).

B. The amount of the sewer service charge for a particular user shall be determined based on the classification of the primary use plus any ancillary uses and the accompanying number of EDUs, in accordance with Article IV of this chapter. Users shall be assessed one base sewer service fee for each equivalent dwelling unit or portion thereof, to the nearest one-tenth unit; provided, however, that a minimum of one base sewer service fee shall be charged.

C. Users on premises located outside of the city shall be charged an additional amount per month equal to twenty (20) percent of the total monthly sewer service charge assessed to that user.

D. Each sewer service account established with the city is the responsibility of the property owner of record, regardless of who applied for the sewer permit or connection.

(Ord. 475 § 2(b) (part), 2002: Ord. 456 § 5, 1999; prior code § 6-3.303)

13.08.150 - Lift station charges.

Whenever users are served by one or more sewer lift stations, an additional charge for each lift station shall be added to the sewer service charge otherwise required by this chapter, in an amount determined by resolution of the city council, to cover the costs of the operation, maintenance and replacement of such lift stations.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.304)

13.08.160 - Fee adjustments.

The sewer service fee, including lift station charges, shall be reviewed annually and amended by resolution of the city council when determined necessary.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.305)

13.08.170 - I & I project sewer charge.

A. The city establishes and levies an additional sewer charge to finance the costs of a sewer system infiltration/inflow project (the "I & I project sewer charge"). The I & I project sewer charge shall be levied against the owners of real property that are connected to and receive city sewer service. The charge shall be retroactive to July 1, 1998 and be included on the tax roll of the 1998-99 fiscal year. The I & I project sewer charges shall be determined and levied in accordance with the following rate: seventy-four dollars and forty cents ($74.40) per unit (with "unit" as defined at Section 13.08.030 of this chapter) per year. The city council by resolution adopted from time to time may amend this rate.

B. Commencing with the 1998-99 fiscal year, the I & I project sewer charges shall be billed and collected on the county tax roll in accordance with Article VI of this chapter and Health and Safety Code Sections 5473 to 5473.11. In preparing the report pursuant to Section 13.08.320 of this chapter and Health and Safety Code Section 5473, the city clerk, in consultation with the city manager, shall apply the rate from subsection A of this section to the parcels and uses that receive city sewer service and determine an annual I & I project sewer charge for each such parcel.

C. All I & I project sewer charge revenue collected by the city shall be used by the city solely for the costs of designing, installing and constructing the sewer system infiltration/inflow improvements project, together with related indirect administration and overhead costs. They city shall keep and maintain a separate fund and accounting showing the revenues and expenses concerning this project.

D. The I & I project sewer charge shall remain in effect until May 30, 2018. A property owner may elect to pay the charge in an advance lump sum payment for the full term. Upon such an election and payment that parcel shall be excluded from the levy and collection of the annual I & I project sewer charge on the tax roll.

(Ord. 456 § 4, 1999: prior code § 6-3.306)

Article IV - User Classification

13.08.180 - General.

13.08.190 - Primary facility.

13.08.200 - Ancillary facilities.

13.08.210 - Swimming pools.

13.08.220 - Non-defined facilities.

13.08.180 - General.

The amount determined for sewer impact fees and sewer service charges shall be based on the number of EDUs allocated for the use of the facility in accordance with the criteria set forth in this article and Appendix A, Sewer User Groups.

APPENDIX A
SEWER USER GROUPS

User Group Code	Main Group	Subcategory	EDU Rate Factor Base	EDU Rate Factor Add'l	EDU Basis
100. RESIDENTIAL					
110	Single Family Dwellings		1.0		
	110.1	Additional "Granny House"		0.8	Per Colfax Ordinance
	Ancillary Uses (1)	Non-Commercial Swimming Pool			Exempt from additional charges
		Separate Business Structure			Separate account required.
120	Multiple Family Dwellings (incl.Commercial)		1.0		Minimum 1 EDU for first unit, plus:
	120.1	Apartments, Duplex, Triplex		0.8	Per each additional dwelling unit.
	120.2	Bed & Breakfast, Boarding Houses		0.4	Per each additional rental / sleeping room.
	120.3	Convalescent Homes, Community		0.6	Per each additional rental / sleeping room.
	120.4	Hotels, Motels, Resorts		0.3	Per unit
	120.5	Trailer Parks, Mobile Home Parks		0.8	Per pad or space.
	Ancillary Uses (1)	Examples: Coffee shop or Restaurant (220), Health Studio and/or Spa/Gym (211), Self-serve Laundry facilities (213), Halls / Auditoriums (210), & similar uses other than units for rent. Pool; Sanitary Dump Station = 1 EDU each.			
200. NON-RESIDENTIAL COMMERCIAL					
201	Auto Dealerships (New and Used)		1.0	0.2	1 EDU min., to 1000 sq ft ; 0.2 EDU each additional 1000 sq.ft. gross floor area
	Ancillary Uses (1)	Examples: Garage & Equipment Rental / Service Yards (209), Car Wash (206), Service Stations for vehicle fueling (223), similar commercial services.			
202	Banks & Financial Institutions		1.0	0.3	1 EDU min., to 1000 sq ft ; 0.3 EDU each additional 1000 sq.ft. gross floor area
	Ancillary Uses (1)	Examples:			
203	Bakeries		2.0	1.7	2 EDU min., to 1000 sq ft ; 1.7 EDU each additional 1000 sq.ft. gross floor area
	Ancillary Uses (1)	Examples: Coffee Shop or Restaurant (220).			
204	Bars & Taverns		1.0	1.0	1 EDU min to 1000 sq.ft; 1 EDU each additional 1000 sq ft.
	Ancillary Uses (1)	Examples: Coffee Shop or Restaurant (220).			
205	Bowling Alleys		1.0	0.4	1 EDU minimum, plus 0.4 EDU each additional 1000 sq.ft. gross floor space.
	Ancillary Uses (1)	Examples: Restaurant (220), Bar (204), Retail Store (221).			
206	Car Wash		1.0		1 EDU minimum (if stand alone), plus:
	206.1	Self-Service		1.0	1 EDU per stall
	206.2	Automatic		3.0	3 EDU per wash rack
	Ancillary Uses (1)	Examples: Coffee Shop or Restaurant (220).			

User Group Code	Main Group	Subcategory	EDU Rate Factor Base	EDU Rate Factor Add'l	EDU Basis
207	Dry Cleaners, Commercial/Industrial Laundries		1.7	1.7	1.7 EDU per 1000 sq.ft. floor space
	Ancillary Uses (1)	Examples: Self-service Laundry (213).			
208	Fire Stations		1.0	0.6	1 EDU up to 1000 sq ft.; 0.6 EDU each additional 1000 sq.ft.
	Ancillary Uses (1)	Not applicable - Base Rate Factor for Fire Stations includes all rooming and cooking facilities for staff, all equipment and vehicle service and fueling.			
209	Garages & Equipment Rental / Service Yards		1.0	1.0	1 EDU minimum (if stand alone), plus 1 EDU per 10 repair bays.
	Ancillary Uses (1)	Examples: Car Wash (206), Service Station (223), Industrial (400).			
	Note	Production and release of hazardous wastes to sewer very possible; may require mitigation.			
210	Halls, Lodges & Auditoriums		1.0	0.3	1 EDU minimum, plus 0.3 EDU each 1000 sq.ft. floor space
	Ancillary Uses (1)	Examples: Coffee Shop or Restaurant (220), Bars & Taverns (204), Pool.			
211	Health Studios, Beauty Salons, Spas & Gyms		2.0	1.0	2 EDU up to 1000 sq ft.; 1 EDU each additional 1000 sq.ft.
	Ancillary Uses (1)	Examples: Food preparation and service area, equivalent of "Restaurant" (220); Pool.			
212	Hospitals, Medical Clinics, EMT Facilities		2.0	1.0	2 EDU minimum (if stand alone), plus 1 EDU per 10 licensed beds or equivalent care stations.
	Ancillary Uses (1)	Examples: Coffee shop or Restaurant (220), Commercial/Industrial Laundry (207).			
	Note	Wastewater may require treatment for chemical, biological, radiological hazards.			
213	Laundries: Self-Service Laundromats		1.0	0.3	1 EDU minimum (if stand alone), plus 0.3 EDU per washing machine
	Ancillary Uses (1)	Examples:			
	Note	Wastewater may require treatment for high chemical loading.			
214	Markets, & "Mini-marts"		1.0	0.5	1 EDU minimum, plus 0.5 EDU each additional 1000 sq.ft.
	Ancillary Uses (1)	Examples: Coffee shop, food prep and service to public, equivalent of "Restaurant" (220), Bakeries (203).			
215	Medical & Dental Offices		1.0	0.5	1 EDU minimum, plus 0.5 EDU each additional 1000 sq.ft.
	Ancillary Uses (1)	Examples: Hospital (including laboratory preparation area) (212).			
	Note	Wastewater may require treatment for chemical, biological, radiological hazards.			

User Group Code	Main Group	Subcategory	EDU Rate Factor Base	EDU Rate Factor Add'l	EDU Basis
216	Mortuaries		1.0	1.0	1 EDU minimum, plus 1 EDU per "slumber room".
	Ancillary Uses (1)	**Examples:** Hospital (including laboratory / forensics preparation area) (212)			
217	Office Buildings		1.0	0.2	1 EDU minimum (if stand alone); plus 0.2 EDU per 1000 sq ft gross floor area.
	Ancillary Uses (1)	**Examples:** Complex may provide common facilities: pool; gym with showers (211); cafeteria (220)			
	Note	May have high chemical (cleaning product) loading. Rapid change in tenancy can dramatically impact sewage characteristics.			
218	Parks & Fairgrounds		1.0	1.0	1 EDU minimum, plus 1 EDU per restroom ("comfort station") complex: men's, women's and janitorial supply.
	Ancillary Uses (1)	**Examples:** Trailer / RV spaces (120); Spa / Gym w/ Showers (211); Halls, Auditoriums (210) permanent food service area(s), as equivalent of "Restaurant" (220); Equipment service, storage and/or maintenance yards (209). Sanitary dump stations = 1 EDU each; Pool.			
	Note	May include confined animal facilities; if sewered, consider additional impacts.			
219	Places of Worship		2.0	0.2	2 EDU per facility, up to 10,000 sq. ft. gross floor space, plus 0.2 EDU per each additional 1000 sq.ft. 1 EDU additional per each residence on site.
	Ancillary Uses (1)	**Examples:** Full kitchen, for food preparation & service equivalent to "Restaurant" (220); Community Care rooms rented (120).			
220	Restaurants				Base EDU min, (if stand alone), plus:
	220.1	Take-out Only	1.0	1.0	1 EDU per 1000 sq ft gross floor area
	220.2	Full Service	2.0	2.0	2 EDU per 1000 sq ft gross floor space
	Ancillary Uses	**Examples:** Bar (204); Market (214); Retail "gift shop" (221).			
221	Retail Stores		1.0	0.5	1 EDU minimum; 0.5 EDU additional per each 1000 sq ft gross floor area
	Ancillary Uses (1)	**Examples:** Complex may include coffee shop, cafeteria or Restaurant (220).			
	Note	Rapid change in tenancy, as with Office Buildings, can result in dramatic change in sewage			
222	Schools				
	222.1	Elementary	1.0	1.0	1 EDU minimum, 1 EDU per 20 students (ADA) plus Staff.
	222.2	Secondary	2.0	1.0	2 EDU minimum, 1 EDU per 10 students (ADA) plus Staff.
	Ancillary Uses (2)	**Not applicable:** Ancillary facilities weighed in rate factor.			
	Note:	"ADA" = Average Daily Attendance, or the actual number of students attending class.			
223	Service Stations		1.0	0.1	1 EDU minimum, plus 0.1 EDU per pump.
	Ancillary Uses (1)	**Examples:** Car Wash (206); Garage, Equipment service / repair (209); Market or "mini-mart" (214); Food service (220); Industrial: "Paint & Body Shop" (400).			
	Note	Production and release of hazardous wastes to sewer very possible; may require mitigation.			

User Group Code	Main Group	Subcategory	EDU Rate Factor Base	EDU Rate Factor Add'l	EDU Basis
224	Theaters		1.0	0.4	1 EDU minimum, plus 0.4 EDU per 1000 sq.ft. Snack Bar included in base allocation.
	Ancillary Uses (1)	**Examples:** Full Service Restaurant (220); Retail sales area (221); If live production theater: may provide Gym with showers (211).			
225	Warehouses & Storage Facilities		1.0	1.0	1 EDU per 10,000 sq.ft plus 1 EDU if manager's quarters on-site
	Ancillary Uses (1)	**Examples:** Industrial / manufacturing activities (400).			
300	Non-defined Commercial		1.0		1 EDU minimum, plus additional allocation on per-case basis.
	Ancillary Uses (1)	Attempt should be made to assign undefined commercial user to one or more existing User Group, based on assumed sewage characteristics. New User, or significant changes in flow volume/loading at existing facility, will need to be re-characterized and reported at user's expense. Wholly new categories should be considered for addition by amendment to Ordinance.			
400	Industrial & Manufacturing		2.0		2 EDU minimum, plus additional allocation on per-case basis, plus additional applicable industrial wastewater fees.
	Ancillary Uses (1)	**Examples:** Garage, equipment / vehicle repair (209); Storage (225).			
	Note	Production and release of hazardous wastes to sewer very possible; may require mitigation. Industrial Wastewater Discharge Permit may be required.			

(1) Ancillary Uses: EDU allocation increases for each use provided on premises. Ancillary Uses are added to the Base Allocation, according to criteria for each category of use. Minimum requirement in each category does not apply for Ancillary Uses.

(2) EDU Allocations for schools are based on standard strength characteristics and average sewer flows provided by the State Water Resources Control Board.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.401)

13.08.190 - Primary facility.

Each sewer permit and sewer service account shall identify a primary facility sewer service classification by user group code. EDU allocation shall be according to criteria defined in Appendix A, Sewer User Groups, attached to the ordinance codified in this chapter. The account shall be assessed the base EDU rate factor plus additional EDU allocations according to appropriate EDU rate factors per user group. Under no circumstances shall any account be assessed less than one EDU rate factor.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.402)

13.08.200 - Ancillary facilities.

Each account shall identify ancillary facility sewer service usage by user group code, if applicable. For each building, facility, element of equipment or operation accessory to the primary facility usage specified in a sewer service account that constitutes a discrete and additional use, additional EDU allocation shall be determined. The EDU factor for ancillary facilities shall be determined according to the

criteria for additional EDU rate factors shown in Appendix A, Sewer User Groups, attached to the ordinance codified in this chapter and added to the EDU allocation for the primary facility.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.403)

13.08.210 - Swimming pools.

Swimming pools are usually ancillary to a primary facility usage (apartment, hotel, spa/gym, etc.) Each standard size swimming pool connected to the city's sewerage system shall constitute three-tenths EDU, in addition to other allocations on the premises. Private (noncommercial) swimming pools ancillary to single-family residences are excluded from additional EDU allocation.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.404)

13.08.220 - Non-defined facilities.

If in the opinion of the engineer or public works director, specific equipment, operational methods and/or facilities that significantly impact sewer service usage of a primary facility, yet are not defined by Appendix A, Sewer User Groups, attached to the ordinance codified in this chapter, additional EDU allocation may be made on a per-case basis.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.405)

Article V - Sewer Service Charges— Collection Procedures

13.08.230 - Billing period.

13.08.240 - Due date—Delinquencies—Collection.

13.08.250 - Delinquencies—Charged against the property and owner.

13.08.260 - Penalties and interest.

13.08.270 - Liens.

13.08.280 - Civil actions—Costs.

13.08.290 - Disconnections.

13.08.300 - Disconnections—Habitation—Public nuisances—Abatement.

13.08.230 - Billing period.

A. Sewer service charges to a property shall begin for a pre-existing structure when the owner of the property notifies the city to activate such sewer service. If service to the property had been previously discontinued, new connection charges may apply, in accordance with the requirements of Article II of this chapter.

B. Sewer service charges shall begin for a new service at the completion and acceptance of all the work required in the sewer permit for such property, but no later than the city's final inspection or issuance of the certificate of occupancy.

C. Unless action is taken pursuant to Article VI of this chapter to collect current sewer service charges on the tax roll, the city shall bill users directly for such charges. The regular billing period shall be bi-

monthly; provided, however, the council may establish semiannual or annual billing periods for public schools and other public institutions.

D. All sewer service charges shall be billed in advance to the property owner of record who shall be responsible for payment. Where more than one person owns the property or any interest therein, each such owner shall be responsible jointly and severally for all of such charges irrespective of the relative rights as between themselves.

E. Opening and closing bills for sewer service charges less than the normal billing period shall be for not less than one month.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.501)

13.08.240 - Due date—Delinquencies—Collection.

A. Sewer services charges shall be due and payable upon presentation. The charges for sewer service between the time of the connection and the thirtieth day of the same month or the close of the other established billing period, shall be added to the next billing period. If the charge remains unpaid thirty (30) days after the billing date, the sewer service to the subject property may be disconnected.

B. At least ten (10) days prior to the disconnection of service, the city shall notify the property owner of record and the tenant by mail of the proposed service disconnection. At least two days prior to the disconnection of service written notice that the service will be disconnected shall be delivered to the service address.

C. When an account becomes delinquent, the full amount of the both the delinquent and current bill must be paid to avoid disconnection of the service.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.502)

13.08.250 - Delinquencies—Charged against the property and owner.

In addition to any other remedy provided in this title for the enforcement and collection of any sewer impact fee, connection charge and service charge, all rates or other charges provided for in this chapter shall be charged against the property on which furnished and against the owner of record thereof and shall be deemed delinquent at the same time and in the same manner as the next regular sewer bill. No change of ownership or occupation shall affect in any way the application of this section.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.503)

13.08.260 - Penalties and interest.

A penalty of ten (10) percent shall be imposed on all charges imposed by this chapter that are not paid on or before the first day of the second month following the date such charges were due. An additional penalty of one percent per billing period shall be imposed on the first day of the second month following the date such charge was due and payable and on each due date thereafter until there is payment in full of the charge, plus all penalties. The percentage shall be calculated on the aggregate of the delinquent charge and the ten (10) percent penalty. This does not include sewer service charges for which provision is made, prior to delinquency, for the collection thereof on the tax rolls on which general city property taxes are collected.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.504)

13.08.270 - Liens.

If any charge imposed by this chapter remains delinquent for a period of sixty (60) days, such charge shall constitute a lien against the lot or parcel of land against which the charge was imposed upon the recording thereof with the county recorder. Such lien shall have the force, effect and priority of a judgment lien and shall continue for three years after the time of recording, unless sooner released or otherwise discharged. The city shall include a statement on its bill to each property owner, which shall give notice of the lien provided by this section.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.505)

13.08.280 - Civil actions—Costs.

The sewer service charges and connection charges imposed by this chapter shall constitute a debt to the city and the city may institute a civil action to recover delinquent charges, in which event the city shall have a judgment for the costs of the suit and reasonable attorneys' fees.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.506)

13.08.290 - Disconnections.

The city may disconnect any premises from the sewer system if the charges imposed by this chapter are not paid after they shall have become delinquent. The city manager or his or her designee shall estimate the cost of disconnection and the cost of reconnecting the facility to the sewer system. The owner of the premises shall deposit the estimated costs of disconnection and reconnection before such premises are reconnected to the sewer system. In the event such arrearages are paid and the premises are reconnected to the sewer system, the city manager or his or her designee shall refund any part of the deposit remaining after the payment of all costs of disconnection and reconnection.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.507)

13.08.300 - Disconnections—Habitation—Public nuisances—Abatement.

During any period of non-connection or disconnection, the habitation of the premises required to be connected to the sewer system shall constitute a public nuisance and the council shall cause proceedings to be brought for the abatement of the occupancy of such premises for human habitation. In the event such action is commenced, there shall be paid to the city, as a condition of connection or reconnection, reasonable attorneys' fees and costs of suits arising in such action.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.508)

Article VI - Collection of Sewer Fees with Property Taxes

13.08.310 - Collection with property taxes—Decisions.

13.08.320 - Collection with property taxes—Reports.

13.08.330 - Collection with property taxes—Notices.

13.08.340 - Collection with property taxes—Hearings.

13.08.350 - Collection with property taxes—Final determinations.

13.08.360 - Collection with property taxes—Filing reports with county auditor.

13.08.370 - Collection with property taxes—Parcels not on assessment roll.

13.08.380 - Collection with property taxes—Liens.

13.08.390 - Collection with property taxes—Tax bills.

13.08.400 - Collection with property taxes—Payments under protest.

13.08.410 - Collection with property taxes—Application of state laws.

13.08.420 - Collection with property taxes—Compensation of county.

13.08.430 - Collection with other utility service charges.

13.08.440 - Collection procedures.

13.08.310 - Collection with property taxes—Decisions.

The council, by ordinance approved by a two-thirds vote, may elect to have the sewer service charges for any forthcoming fiscal year or delinquent sewer service charges which have accrued, together with the interest thereon or both, collected on the secured tax roll in the same manner and at the same time, as general property taxes.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.601)

13.08.320 - Collection with property taxes—Reports.

In the event of an election pursuant to the provisions of Section 13.08.310 of this article, a written report shall be prepared and filed with the city clerk. The report shall contain a description of each parcel of real property receiving sewer services and facilities and the amount of the current and/or delinquent sewer service charges for each parcel, computed in conformity with the provisions of Article III of this chapter. The real property may be described by reference to the maps of the county assessor or by such other reference sufficient to identify the property affected.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.602)

13.08.330 - Collection with property taxes—Notices.

The city clerk shall cause notice of the filing of the report required by the provisions of Section 13.08.320 of this article and notice of the time and place of the hearing thereon by the council. The notice shall be published once each week for two successive weeks prior to the date set for the hearing in the Colfax Record, a newspaper of general circulation printed and published in the county. Prior to collection of the sewer service charges on the tax roll for the first time, the city clerk shall cause notice in writing to be mailed to each person to whom any part or parcel of real property described in the report is assessed on the last equalized assessment roll. The notice shall be mailed to the address shown on such roll or as known to the city clerk. The notice shall include the filing of the report and the time and place of the hearing thereon.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.603)

13.08.340 - Collection with property taxes—Hearings.

At the time of the hearing on the report described in Section 13.08.320 of this article, the council shall hear and consider all objections or protests, if any, to such report and may continue the hearing from time to time. If the council finds that protests are made by the owners of a majority of the separate parcels

of property described in the report, the report shall not be adopted and the sewer service charges shall be collected separately from the tax roll and shall not constitute a lien against any parcel of property.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.604)

13.08.350 - Collection with property taxes—Final determinations.

Upon the conclusion of the hearing on the report described in Section 13.08.320 of this article, unless protests are made by the owners of a majority of the separate parcels of property described in the report, the council may adopt, revise, change, reduce or modify any sewer service charge or overrule any or all objections and shall make its determination upon each charge as described in such report, which determination shall be final.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.605)

13.08.360 - Collection with property taxes—Filing reports with county auditor.

On or before July 1st of each year following the final determination of the council as set forth in Section 13.08.350 of this article, the city clerk shall file with the county auditor a copy of such report with a statement endorsed thereon over the nature of the city clerk that the report has been finally adopted by the council. The county auditor shall enter the amounts of the sewer service charges against the respective lots or parcels of land as they appear on the current assessment roll. Where any such parcels are outside the boundaries of the city, such parcels shall be added to the assessment roll of the city for collecting such charges.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.606)

13.08.370 - Collection with property taxes—Parcels not on assessment roll.

If the property described in the report of the city clerk, as set forth in Section 13.08.360 of this article, is not described on the assessment roll, the county auditor shall enter the description thereon, together with the amounts of the sewer service charges, as shown on the report.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.607)

13.08.380 - Collection with property taxes—Liens.

The amount of the sewer service charges shall constitute a lien against the lot or parcel of land against which the sewer service charge was imposed as of noon on the first Monday in March immediately preceding the date of the levy. The tax collector shall include the amount of the sewer service charges on bills for taxes levied against the respective lots and parcels of land.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.608)

13.08.390 - Collection with property taxes—Tax bills.

The amount of the sewer service charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the city and shall be delinquent at the same time and thereafter be subject to the same penalties for delinquency.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.609)

13.08.400 - Collection with property taxes—Payments under protest.

Whenever provisions are made for the collection of sewer service charges on the tax roll on which general taxes are collected, any person may pay such charges under protest and the provisions of Article 2 of Chapter 5 of Part 9 of Division I of the Revenue and Taxation Code of the state shall apply.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.610)

13.08.410 - Collection with property taxes—Application of state laws.

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, shall be applicable to such sewer service charges, except as provided by Section 5473.8 of the Health and Safety Code of the state.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.611)

13.08.420 - Collection with property taxes—Compensation of county.

The tax collector, in his or her discretion, may issue separate bills for such sewer service charges and separate receipts for collections because of such charges. The county shall be compensated for services rendered in connection with the levy, collection and enforcement of such charges for the city in an amount to be fixed by an agreement between the board of supervisors and the council. The compensation shall not exceed five dollars ($5.00) for each account handled or one percent of all money collected, whichever is greater. The compensation shall be paid into the county salary fund.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.612)

13.08.430 - Collection with other utility service charges.

The council may provide that sewer service charges shall be collected with the rates and charges for any other utility service furnished by the city and that any or all such charges may be itemized and billed upon the same bill and collected as one item.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.313)

13.08.440 - Collection procedures.

Ordinance No. 453, "An Ordinance Transferring Collection of Assessments, Fees and Charges to County Tax Roll and Establishing Procedures for Transfer to County Tax Rolls" is applicable to this chapter if such charges are transferred to the tax rolls.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.314)

Article VII - Sewer Construction and Sewer Use

13.08.450 - Building sewers and connections.

13.08.460 - Use of public sewers.

13.08.470 - Violation—Penalty.

13.08.450 - Building sewers and connections.

A. With the exception of duly authorized city employees, no person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a permit from the city.

B. There are established two classes of building sewer permits, as follows:

1. For residential and commercial service; and

2. For service to establishments producing industrial wastes (i.e. "industrial users"). An application for either class of permit shall be made by the property owner or his or her agent on a form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information, which the city may require.

C. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify and hold harmless the city from any loss or damage that may directly or indirectly result from the installation of the building sewer.

D. A separate and independent building sewer shall be provided for every building.

E. Old building sewers may be used in connection with new buildings only when they are found, on examination and through testing by the city, to meet all the requirements of this chapter.

F. The size, slope, alignment and materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of this code or other applicable rules and regulations of the city.

G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

H. No person shall make connections of roof downspouts, exterior foundation drains, area drains or other sources of surface runoff or groundwater to a building sewer or building drain, which, in turn, is connected directly or indirectly to a public sanitary sewer.

I. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes and other applicable rules and regulations of the city. All connections shall be made gastight and watertight. A cleanout shall be installed at the point of connection with the public sewer. The cleanout shall be an approved box and shall be easily accessible. The building sewer and cleanout shall be maintained by the owner.

J. The applicant for the building sewer permit shall notify the city when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the city.

K. All excavations for a building sewer installation shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.701

13.08.460 - Use of public sewers.

A. No person shall discharge or cause to be discharged, any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process water to any sanitary sewer.

B. No person shall discharge or cause to be discharged, any of the following described waters or wastes to any public sewer:

1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

2. Any water or waste containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant;

3. Any water or waste having a pH lower than five and one-half or having any other corrosive property capable of causing damages or hazards to structures, equipment and personnel of the sewage works; or

4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewer works; such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers and the like, either whole or ground by garbage grinders.

C. No person shall discharge or cause to be discharged, the following described substances, materials, waters or wastes, if it appears likely, in the opinion of the city, that such wastes can harm either the sewers or sewage treatment process or equipment, have an adverse effect on the natural outlet or otherwise endanger life, limb, public property or constitute a nuisance. In forming its opinion as to the acceptability of such wastes, the city will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are as follows:

1. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit;

2. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit;

3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the city;

4. Any water or waste containing strong acid, iron, pickling wastes or concentrated plating solutions, whether neutralized or not;

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

6. Any water or waste containing phenols or other taste or odor-producing substances in such concentrations exceeding limits which may be established by the city as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters;

7. Any radioactive waste or isotopes of such half-life or concentration as may exceed limits established by the city in compliance with applicable state or federal regulations;

8. Any water or waste having a pH in excess of nine and five-tenths;

9. Materials which exert or cause:

a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

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

c. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; and

d. Unusual volumes of flow or concentrations of wastes constituting slugs.

10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over the discharge to the receiving waters.

D. If waters or wastes are discharged or are proposed to be discharged to the public sewers contain the substances or possess the characteristics enumerated in subsection C of this section and which, in the judgment of the city, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the city may:

1. Reject the wastes;

2. Require pretreatment to an acceptable condition for discharge to the public sewers;

3. Require control over the quantities and rates of discharge; and/or

4. Require payment to cover the added costs of handling and treating the wastes not covered by sewer charges under the provisions of this section.

If the city permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the city and subject to the requirements of all applicable codes ordinances and laws.

E. Grease, oil, grit and sand interceptors, traps and similar systems (FOG Systems) shall be provided as set forth in Title 13, Chapter 13.08, Article X commencing with Section 13.08.600

F. Where preliminary treatment or rate-of-flow controller facilities are provided for any water or waste, they shall be maintained continuously, in satisfactory and effective operation, by the owner at his or her expense.

G. When required by the city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate the observation, sampling and measurement of wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the city. The manhole shall be installed by the owner, at his or her expense and shall be maintained by him or her to be safe and accessible at all times.

H. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association and shall be determined at the control manhole provided or upon suitable samples taken at such control manhole. In the event no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out in the customarily accepted methods to reflect the effect of constituents upon the sewer works and to determine the existence of hazards to life, limb and property.

I. Nothing in this chapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the council for treatment, subject to payment therefor by the industrial concern.

(Amended during 2004 codification; Ord. 475 § 2(b) (part), 2002: prior code § 6-3.702)

(Ord. No. 501, § I, 12-16-09)

13.08.470 - Violation—Penalty.

A. Any person found to be violating any provision of this chapter shall be served by the city with a written notice stating the nature of the violation, which notice shall provide a reasonable time limit for the satisfactory correction thereof. The offender, within the time period stated in such notice, shall permanently cease all such violations.

B. Any person who shall continue any violation beyond the time limits provided for in subsection A of this section shall be guilty of an infraction and the penalty shall be that penalty provided in the laws of the state for the commission of an infraction. Each day in which any such violation shall continue shall be deemed a separate offense.

C. Any person violating any provision of this chapter shall be liable to the city for any expense, loss or damage occasioned by the city because of such violation.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.703)

Article VIII - Industrial Users

13.08.480 - Industrial wastewater permit requirements.

13.08.490 - Industrial wastewater fees.

13.08.480 - Industrial wastewater permit requirements.

A. Any user whose facility may generate wastewater meeting the standards for an "industrial user" set forth in Section 13.08.030 of this chapter must apply for an industrial wastewater permit prior to connection to the city sewer system and pay the industrial wastewater fee set forth in Section 13.08.490 of this article.

B. An industrial wastewater discharge permit shall be approved by the city manager if he or she finds that the application satisfies all of the following:

1. The applicant has submitted a letter of authorization from the Placer County department of environmental health;

2. The applicant has submitted satisfactory proof of compliance (e.g., laboratory analysis or report) to show that the wastewater discharge will meet the requirements, limitations and conditions contained in the current city wastewater discharge permit issued by California Regional Water Quality Control Board;

3. The application and the quality, quantity and condition of the proposed discharge have been approved by the director of public works and the engineer as satisfying the provisions of this chapter, applicable federal and state laws, the city wastewater discharge permit and other city policies and regulations concerning sewer service; and

4. The city's POTW has available, unallocated capacity to accommodate the proposed discharge.

C. As part of issuance of any industrial wastewater permit, the city may require installation of inspection ports, additional cleanouts and other facilities as the engineer may require to handle or pre-treat the wastewater flow.

D. Industrial users facilities and flows shall be subject to periodic inspection by the city and testing of wastewater constituents. As a condition of grant of a permit, the industrial user shall agree to such conditions, including the right to make surprise inspections and testing at any time.

E. The conditions imposed by this article on industrial users shall be in addition to all of the other requirements of this chapter applicable generally to all users.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.801)

13.08.490 - Industrial wastewater fees.

In addition to the other fees and charges required by this chapter, industrial wastewater disposal permit applicants and permittees shall pay the following fees to the city:

A. A two hundred fifty dollar ($250.00) application processing fee due at time of submitting application for industrial wastewater discharge permit together with any additional amounts required by the city engineer for testing and other city costs.

B. Industrial wastewater disposal user fee calculated at five cents ($0.05) per gallon of wastewater discharge, due and payable bi-monthly, with a minimum fee of one hundred dollars ($100.00) bi-monthly.

C. Reimbursement of the costs of any testing undertaken by the city of the industrial wastewater generated by the industrial user as authorized by this article.

D. Industrial wastewater discharge permit triennial review and renewal fee of two hundred dollars ($200.00) due every three years from the date of issuance of the permit.

(Ord. 475 § 2(b) (part), 2002: prior code § 6-3.802)

Article IX - Private Sewer Laterals

13.08.500 - Purpose.

13.08.505 - Definitions.

13.08.510 - Testing of new building sewer laterals.

13.08.520 - Testing of existing building sewer laterals.

13.08.530 - Building sewer lateral certification.

13.08.540 - Notices to correct violations.

13.08.550 - Coordination of lateral repairs with city utility and street improvement projects.

13.08.560 - Regulations to implement this chapter.

13.08.570 - Nuisance.

13.08.580 - Right of entry.

13.08.500 - Purpose.

The purposes of this article are (i) to provide for operation and maintenance of the city's sewer system in a reliable and serviceable condition, (ii) to eliminate or minimize sewage overflows by eliminating or minimizing stoppages and reducing sources of infiltration and inflow into the city's sewer system, (iii) to comply with applicable legal requirements pertaining to the city's sewer system and (iv) to protect the public health and safety by establishing and providing a mechanism for enforcing performance standards for private sewer laterals that connect or are connected to the city sanitary sewer system.

(Ord. No. 499, 12-9-09)

13.08.505 - Definitions.

As used in this article, the following words, phrases and terms shall have the following definitions:

A. "Air testing" or "air tested" shall mean and refer to a method whereby a building sewer lateral is pressurized with air for the purpose of detecting leaks or defects in the pipe being tested. An air tested building sewer lateral will be deemed defective for purposes of this article if it does not hold three and five-tenths pounds per square inch of air pressure (psi-air) for at least two minutes with at least two and five-tenths psi-air remaining at end of the air test.

B. "Building drain" shall mean and refer to that part of the lowest piping of a building drainage system which receives the discharge of waste and other drainage pipes inside the walls of the building or structure and conveys it to the building sewer lateral beginning two feet outside the building wall.

C. "Building sewer lateral" or "lateral" shall mean and refer to that part of the generally horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage disposal system or other point of disposal. The building sewer lateral begins at the wye or point of connection with the public sewer, private sewer, individual sewage disposal system or other point of disposal and terminates at the point of connection to the building drain two feet outside the building wall.

D. "Building wall" shall mean and refer to a component part of a structure built, erected, framed and designed for the housing, shelter, enclosure or support or persons, animals, or property of any kind.

E. "Certificate of compliance" shall mean and refer to a written certificate issued to a property owner by the city engineer or his/her designee certifying that a building sewer lateral is properly equipped, structurally sound complies with all standards established by the city.

F. "Closed circuit TV inspection" (CCTVI) shall mean and refer to a process whereby a camera is placed into, run through and videotapes the inside of a building sewer lateral for the purpose of detecting leaks or other obvious defects.

G. "Common sewer lateral" shall mean and refer to a lateral serving more than one building, dwelling or premises.

H. "Defective sewer lateral" shall mean and refer to any building sewer lateral that displays obvious leaks or defects upon the completion of CCTVI or that is deemed by the city, in its discretion, to be defective upon completion of air testing or any other testing method required by the city.

I. "Property owner" shall mean and refer to any individual or entity owning property within the boundaries of the city that is connected to the city public sewer main.

J. "Public sewer main" shall mean and refer to the sewers owned or maintained by the city lying within the limits of the public streets, roads, easements, reserves, nonexclusive easements or other public rights-of-way serving or intended to serve two or more separate properties, persons, or parcels. That

portion of the building sewer lateral which may lie within any public street or right-of-way is not a public sewer main in the city.

(Ord. No. 499, 12-9-09)

13.08.510 - Testing of new building sewer laterals.

All new building sewers laterals shall be tested in accordance with provisions of this article and all other rules and regulations established the city as of the effective date of this article or thereafter. The method of testing used shall be at the discretion of the city. The test section shall be throughout the full length of the building sewer lateral.

(Ord. No. 499, 12-9-09)

13.08.520 - Testing of existing building sewer laterals.

A. General. Every property owner shall keep and maintain every building sewer lateral(s) connecting the property owner's premises to the public sewer main in good condition and repair. It shall be unlawful for any property owner of a house, building, property or other structure connected to the city's public sewer main to maintain a building sewer lateral in a defective condition. As used in this article, "defective condition" includes, but is not limited to:

1. Displaced joints;
2. Root intrusion;
3. Substantial deterioration;
4. Damaged or missing cleanout;
5. Damaged or missing backflow prevention device;
6. In a condition that will allow infiltration and inflow of extraneous water or exfiltration of sewage;
7. In a condition that materially increases the possibility of a blockage or overflow;
8. Constructed without a proper permit or with materials not approved by the city;
9. Lack of an approved manufactured connection to the city's public sewer main;
10. Otherwise in violation of city requirements; or
11. In such a condition that the tests required by this article cannot be accomplished to the satisfaction of the city.

B. Conditions Requiring Cleaning and Testing of Building Sewer Laterals. All building sewer laterals, including but not limited to those serving residential, multiple residential, industrial, retail and commercial properties connected to the city's public sewer main shall be cleaned and tested, at the property owner's expense, when any of the following events occur:

1. The installation of additional plumbing facilities that produce a major increase, in the judgment of the city, in sewage flow from the house, building, property or other structure served;
2. Whenever property located in the city is remodeled or modified with an estimated or actual remodel or modification cost or value in excess of twenty thousand dollars ($20,000.00) as determined by the city. Before final building inspection, all repairs or replacements necessary to bring the building sewer lateral(s) serving the remodeled or modified premises into compliance shall be completed;
3. A change of use of the house, building, property or other structure served from residential to business, commercial, or other nonresidential, or from

nonresidential/nonrestaurant/nonindustrial to restaurant or industrial uses such as carwashes, cleaners and laundries;

4. Upon repair or replacement of any portion of the building sewer lateral;

5. Upon a determination by the city that the cleaning, testing, repair or replacement is required for the protection of the public health, safety and welfare;

6. Prior to the close of escrow upon a sale or other transfer of the house, building, property or other structure served or, if there is no escrow, prior to recording a deed or other document transferring title to the house, building, property or other structure served;

7. In a probate or other testamentary proceeding or in the event of a transfer pursuant to the terms of a revocable living trust, joint tenancy termination or other similar instrument, within one hundred eighty (180) days after the sale, transfer or conveyance of the house, building, property or other structure connected to the city's public sewer main.

C. Testing Criteria for Existing Building Sewer Laterals. The property owner or an agent of the property owner of a house, building, property or other structure connected to the city's public sewer main shall notify the city at least forty-eight (48) hours prior to testing so the city has the opportunity to witness the testing. All building sewer laterals shall be tested by closed circuit television video (CCTV) inspection method in accordance with all requirements imposed by the city. When cleaning and testing of an existing building sewer lateral is required, the building sewer lateral shall first be cleaned, and then tested via an internal CCTV inspection for the full length of the building sewer lateral. The internal CCTV inspection shall be performed by qualified individuals or entities with a minimum of three years' experience in the performance CCTV inspection. An individual or entity with less than three years' experience may perform the work if they can demonstrate to the satisfaction of the city that they have the capabilities and overall experience, equipment, and expertise to perform the work. Video recordings of the inspection shall be submitted to the city for verification of the condition of the building sewer lateral. A building lateral will comply with the provisions of this article if CCTV inspection verifies all of the following conditions as approved by the city:

1. The building sewer lateral is free of roots, grease deposits, and other solids which may impede or obstruct the transmission of sewage.

2. There are no illicit or illegal connections to the building sewer lateral such as roof or yard drainage facilities.

3. All joints in the building sewer lateral are tight and sufficiently sound to prevent the exfiltration of sewage or the infiltration of groundwater.

4. The building sewer lateral is free of structural defects, cracks, breaks, or missing portions and the grade is reasonably uniform without major sags or offsets.

5. The building sewer lateral is equipped with at least one cleanout located within five feet of the building footprint; and with a backflow protection device if required by the city.

A video inspection shall be valid for a period of six months from the date of the video. If a CCTV inspection cannot be performed on a building sewer lateral, that building sewer lateral shall be air tested, smoke tested or tested by any other method required by the city.

D. Testing Failure Mitigation. When an existing building sewer lateral fails to comply with the provisions of this chapter, the property owner shall cause all repairs necessary to bring the building sewer lateral(s) to be made to the satisfaction of the city, or replace the building sewer lateral(s) in accordance with all city requirements. When replacement of a building sewer lateral(s) is required, the property owner shall install a cleanout at the property line nearest to the connection between the building sewer lateral and the public sewer main and, if required by the city, a backflow prevention device at the point within five feet of the building footprint, unless otherwise approved by the city to

be placed in another location. All costs of repair or replacement of the building sewer lateral(s), cleanouts, and backflow prevention devices shall be borne by the property owner.

E. Repair or Replacement of Building Sewer Laterals Upon Sale or Transfer of Property. The repairs or replacement of building sewer laterals that result from the testing required as a result of the sale or transfer of property in a nonprobate transaction shall be completed prior to the close of escrow of the sale or, if there is no escrow, prior to recording the deed or other document transferring title. For properties sold or transferred in a probate other testamentary proceeding, pursuant to the terms of a revocable living trust or similar instrument, or pursuant to the termination of a joint tenancy or similar proceeding, any repair or replacement of a building sewer lateral shall be completed within one hundred eighty (180) days after the probate sale or other transfer.

F. Hardship Deferrals for Building Sewer Lateral Repair or Replacement. In the event that the property owner establishes to the satisfaction of the city that repair or replacement of the building sewer lateral(s) before the close of escrow in a nonprobate sale will result in undue hardship inconsistent with the purpose or intent of this chapter, a request for hardship status may be submitted to the city manager. The city manager shall make a hardship recommendation to the city council only if the requesting property owner presents facts that clearly demonstrate, in the city manager's sole discretion, that the property owner's payment for and completion of a building sewer lateral(s) repair or replacement at the required time would result in an undue hardship. The city manager shall submit his/her hardship recommendation to the city council which may grant or deny hardship status in its sole discretion. If hardship status is granted, the property owner who is selling the property (or the property owner who is purchasing the property) shall have up to one hundred eighty (180) days after the close of escrow or other transfer of the property to repair or replace the building sewer lateral(s).

1. For purposes of this section, undue hardship shall be defined as (1) the severe illness or incapacitation of the property owner; (2) the immediate transfer or removal of the property owner from the state, thereby making the hiring of a contractor to repair or replace the building sewer lateral(s) impractical or overly burdensome; or (3) any physical or financial situation that would render compliance with the time limits for the repair or replacement of building sewer lateral(s) extraordinarily difficult or impractical. The property owner shall bear the burden of submitting documentation and proving the existence of such a bona fide hardship to the satisfaction of the city council.

2. Any property owner to whom a hardship finding is granted shall be given written notice of the finding. Said notice shall inform the property owner that the building sewer lateral(s) repair or replacement requirement is only deferred up to one hundred eighty (180) days after the close of escrow—not waived entirely. A copy of the notice shall be sent to both the property owner who is selling the property and to the purchaser of the property.

3. In the event of a failure to comply with the this article within the allotted time, the city may bring an enforcement action and exercise any other remedy provided by the Code or other applicable law against the property owner and any other responsible party. In addition thereto, any property owner who fails to fully comply with this article shall be responsible for all damages that arise from or relate to such failure. For purposes of this section, "damages" include all compensatory damages, fines, penalties, assessments and other monetary exactions that may be awarded to, levied or assessed by any person, firm, corporation, company or public entity.

G. Extension of Time for Building Sewer Lateral(s) Repairs and Replacements. A property owner may request that an extension of time be granted for repairs or replacements that are required as a result of testing associated with the sale or transfer of property in a nonprobate transaction. Extension requests shall be in writing and must include at the time of the extension request the name and contact information of the party responsible for accomplishing the repair or replacement of the building sewer lateral(s). The city will review the request and may grant a time extension of up to, but no more than, one hundred eighty (180) days after the close of escrow on the subject property.

H. Common Interest Developments. The homeowners association of a common interest development shall provide closed circuit TV inspection of all building sewer lateral(s) within the common interest areas at least once every fifteen (15) years for compliance with the duties and obligations imposed by this article in relation to any building sewer lateral(s) located within a common area of the development. If no homeowners association exists, then the individual unit owners, both jointly and individually, shall be liable for compliance with the duties and obligations with respect to building sewer lateral(s) established by this the article.

(Ord. No. 499, 12-9-09)

13.08.530 - Building sewer lateral certification.

After a building sewer lateral(s) passes the testing procedure required by this article, and upon payment of the fees required by the city, the city engineer, or his or her designee, shall issue a signed certificate of compliance to the property owner specifying the address of the property served by the compliant building sewer lateral. A certificate of compliance shall be valid for no less than ten (10) and no more than twenty (20) years in the discretion of the city. The certificate of compliance shall be valid only for the building sewer lateral at the address(s) specified in the certificate of compliance. The city engineer shall maintain records of all certificates of compliance issued. No certificate of compliance shall be issued for laterals that serve more than one property.

(Ord. No. 499, 12-9-09)

13.08.540 - Notices to correct violations.

If the city engineer receives notice that a building sewer lateral does not or may not meet the standards set forth in this chapter and the property owner does not agree in writing to perform the repairs or replacements necessary to bring the building sewer lateral into compliance, then the city engineer shall give written notice to the property owner of any conditions that violate this chapter. Such notice shall specify the repair or replacement necessary to correct the condition and the time in which to make the correction, and shall advise the property owner of the enforcement provisions of this chapter. If the repairs are not completed within the time allowed by the city, or if the city determines that the property may be transferred before the required testing or repairs can be completed, the city shall record a notice of violation in the Official Records of Placer County specifying the nature of the violation and the action needed to correct it. The notice shall only be rescinded when the building sewer lateral serving such property has been repaired or replaced to the satisfaction of the city. Recording a notice of violation is in addition to all other remedies available to the city.

(Ord. No. 499, 12-9-09)

13.08.550 - Coordination of lateral repairs with city utility and street improvement projects.

Whenever the city plans a project to maintain, repair or replace a public sewer main that involves excavation of a street, the city shall notify all property owners whose laterals connect to that public sewer main where the project is to be performed. The city shall work with interested property owners to develop a comprehensive program for repair/replacement of building sewer laterals needing replacement at the same time the city's project is performed. The city may seek federal and/or state grants and available loan programs to assist affected property owners with the cost of their building sewer lateral repairs, but property owners who agree to participate shall bear the cost of such building sewer lateral repairs or replacement not funded by grants or loans. If a building sewer lateral needs repair or replacement within five years after a public right-of-way is newly paved, the property owner repairing or replacing the building

sewer lateral shall comply with all requirements of this chapter and any other requirements imposed by the city to repair or replace the paving on the public right-of-way.

(Ord. No. 499, 12-9-09)

13.08.560 - Regulations to implement this chapter.

The city shall establish rules, regulations, guidelines and policies for implementing and enforcing this chapter.

(Ord. No. 499, 12-9-09)

13.08.570 - Nuisance.

Any building sewer lateral or appurtenance thereto that is in violation of this chapter is hereby declared to be unlawful and a public nuisance and subject to abatement pursuant to Colfax Municipal Code, title 8, chapter 8.16 as currently in effect or as hereafter amended. Such nuisance conditions include, but are not limited to, any defective sewer lateral, any building sewer lateral with or sewer cleanouts which contain leaks or breaks; uncapped or improperly capped sewer cleanouts; sump pumps, downspouts or yard drains or other sources which discharge into the city's public sewer main; and all other sources of accidental, negligent or intended introduction of stormwater runoff or similar waters into the city's public sewer main.

(Ord. No. 499, 12-9-09)

13.08.580 - Right of entry.

As a condition of receipt of city sewer services and use of the public sewer main, the city engineer, or his or her designee, may enter, inspect, collect wastewater samples, and test any buildings, structures, or premises to secure compliance or prevent a violation of this chapter. Unless there is an emergency threatening the public health, safety or welfare, the city engineer shall provide at least ten (l0) business days' notice to the property owner of intent to enter upon property. The city engineer may also request that a property owner provide all written records of building sewer lateral inspection, maintenance, repair and replacement at the time of inspection or within ten (l0) or more business days after receipt of the request.

(Ord. No. 499, 12-9-09)

Article X - Fats, Oils and Grease

13.08.600 - FOG Systems required.

13.08.610 - Inspections.

13.08.620 - Grease and oil interceptors and separators (FOG Systems).

13.08.630 - Maintenance of FOG Systems.

13.08.640 - Enforcement.

13.08.650 - Reimbursement of city costs.

13.08.660 - Appeals.

13.08.600 - FOG Systems required.

A. All food service establishments ("FSE's") and all nonresidential sewer users shall be required to install and maintain a grease, oil, grit and sand interceptor, trap or similar system (collectively a "FOG System") when the city manager or his/her designee finds that a FOG System is necessary for the proper collection, handling and disposal of (i) fats, oil or grease, (ii) flammable substances, (iii) grit, sand or dirt or (iv) other harmful constituents (collectively, "FOG") and will prevent or minimize the discharge of FOG into the city's sewer system. A FOG System shall be installed when the wastewater flow from an FSE or any nonresidential user is anticipated to contain FOG in amounts or concentrations which the city determines, in its discretion, present the possibility of causing or contributing to the fouling of, blockage of or other damage to the city's sewer system.

B. All FSEs connected to the city's sewer system that use grease traps prior to the effective date of this article shall upgrade to grease interceptors if after an inspection the city determines that the FSE is not complying with the city's operation, repair and maintenance requirements or if the city determines, in the city's discretion, that a grease trap alone is or is likely to be ineffective at preventing the discharge of FOG into the city's sewer system.

C. The type of FOG System to be installed shall be at the discretion of the city. Installation, maintenance and repair of the FOG System shall be the responsibility of (1) the owner of the property upon which the FOG System is installed, and (2) the person/entity that applies for connection to or use of the city's sewer system, and (3) the person/entity connecting to or using the city's sewer system, even if the property is leased, rented or otherwise occupied by a person or entity that is not the property owner. It shall be the responsibility of the owner of the property upon which a FOG System is installed to assure compliance by tenants or occupants of such property with the requirements of this article. The city shall establish a FOG System permitting process.

(Ord. No. 501, § II, 12-16-09)

13.08.610 - Inspections.

A. Initial Inspection of Food Service Establishments.

The city shall make a diligent effort to conduct FOG compliance inspections of all existing FSEs in its jurisdiction within ninety (90) days of the effective date of this article using the criteria in Subsection 13.08.610D. If after making such inspection the city determines that a FOG System needs to be installed or upgraded on the inspected property, the city shall require the installation of an appropriate new or upgraded FOG System. The new or upgraded FOG System shall be installed to the city's satisfaction within a reasonable time, not to exceed one hundred eighty (180) days or such additional time as the city in its discretion may approve in writing upon a showing of good cause.

B. New FSE's and Commercial and Industrial Users. Prior to issuance of a building permit or other entitlement, all new FSE's and other new nonresidential users of the city's sewer system shall be evaluated to ascertain whether they warrant installation of a FOG System. If the city in its discretion determines that a FSE or other nonresidential user of the city's sewer system warrants installation of a FOG System, the FOG System shall be installed and must pass inspection prior to issuance of a certificate of occupancy.

C. Other Inspections. The city may inspect any FSE or nonresidential user of the city's sewer system and require the installation or upgrade of a FOG System at anytime. If the city in its discretion determines that a FOG System should be installed or upgraded, the responsible parties shall complete the installation within such time as the city shall allow which shall in no case exceed one hundred eighty (180) days except upon the written consent of the city for good cause shown.

D. Criteria for Determining Need for Installation or Upgrading of a FOG System. The city shall determine whether a FOG System is required to be installed or upgraded on a case-by-case basis based on an evaluation of objective criteria including, but not limited to, the following factors:

1. The type of facility (for example: a restaurant, bakery, ice cream shop, gas station, etc.);
2. The volume of the user's business or operation (such as number of meals served, number of seats, hours of operation);
3. Size and nature of facilities (including kitchen facilities) based on size, type, number of fixtures, and type of processing or cooking equipment used;
4. The type of service provided or operation undertaken (such as dine-in meal service versus carry-out meal service);
5. The type of foods or other materials used in the cooking, processing, or manufacturing operations carried on within the user's facility;
6. The overall potential for FOG-laden discharges;
7. The existence of devices, procedures, or processes which are designed to minimize the amount of FOG from entering the sewer system; and
8. Such other factors as the city may establish from time to time.

(Ord. No. 501, § II, 12-16-09)

13.08.620 - Grease and oil interceptors and separators (FOG Systems).

A. The design, size, location and procedures for operating a FOG System shall be approved by the city and shall meet at least the minimum requirements of the latest edition of the Uniform Plumbing Code and this article, as well as satisfying all requirements established by the city engineer. The minimum interceptor size shall be determined by the city engineer, shall have a retention time of not less than fifteen (15) minutes and shall be located to be easily accessible for cleaning and inspection.

B. All FOG Systems shall be constructed of impervious materials capable of withstanding abrupt and extreme changes of temperature and conditions. They shall be of substantial construction and equipped with easily removable covers.

C. Dishwashers and food grinders shall not discharge through a FOG System as prohibited by the California Plumbing Code.

(Ord. No. 501, § II, 12-16-09)

13.08.630 - Maintenance of FOG Systems.

A. A FOG System maintenance and management program ("FOG Program") shall be prepared and submitted to the city for approval prior to construction or upgrade of a FOG System. The FOG Program shall provide:

1. All FOG Systems shall be operated, maintained, repaired in continuous and good working order at all times.
2. FOG Systems shall be cleaned by a licensed and permitted waste hauler on a periodic basis so the FOG System will operate as designed at all times.
3. Generally, the minimum cleaning frequency of any outdoor grease interceptor shall be once every six months, or as otherwise directed by the city, or whenever the combined layer of settled solids and the layer of floating solids in the interceptor reaches twenty-five (25) percent

of the depth of the interceptor, whichever occurs earlier. Grease traps may require more frequent maintenance to stay below the twenty-five (25) percent limit.

4. Best management practices (BMP's) for FOG System operation, maintenance and repair shall be established and enforced by the city and shall include, where appropriate, adoption of kitchen practices to minimize the FOG-laden waste which ultimately enters the FOG System and/or other such procedures as may be required for the proper operation of the FOG System. Decanting or discharging removed waste back into a FOG System for the purpose of reducing the volume to be hauled shall be prohibited.

5. The use of chemicals, enzymes, grease solvents or emulsifiers to temporarily dissolve FOG in lieu of physical cleaning is not acceptable interceptor or trap maintenance and is prohibited.

6. The use of biological additives as a supplement to FOG System maintenance, including the addition of micro-organisms, may be authorized in writing by the city prior to the use of such additives.

7. Maintenance records indicating date and type of service, volume pumped, name of waste hauler and waste disposal location for each pumping of a FOG System shall be kept for by the property owner for a minimum of three years. The records shall be provided to the city upon request.

8. All waste removed from a FOG System must be disposed at a duly permitted facility authorized to receive such waste. The waste shall not be returned to the public sewer system or manhole, any private wastewater system or any storm drain.

9. Such other information as the city may require.

10. The FOG Program shall contain the following statement signed by the responsible parties:

I (We) the undersigned property owners/tenants/business operators agree to comply with the terms of this FOG Program and will reimburse all city costs of inspection and enforcement of this FOG Program and any damages arising out of violation of this FOG Program or any applicable ordinance.

B. The FOG System shall be inspected at least once each year by the city. City personnel shall have the right to enter the premises to be inspected at all reasonable times for the purpose of FOG System inspection, sampling, records examination and copying, or other performance of their duties.

C. If significant grease accumulation (e.g. a partial blockage) is found downstream or if significant grease wicking is found upstream of FOG System, a special inspection of the premises may occur. The inspection will include a review of the FOG System, the FOG Program, waste storage area, drains not flowing to the FOG System and such other investigation as the city deems necessary.

D. If an FSE or other nonresidential user of the city's sewer system causes, or is a substantial factor in causing, a FOG-related sanitary sewer overflow, the operator of the FSE or other nonresidential user, and the owner of the property will be responsible for all related costs, fines, penalties and other expenses.

(Ord. No. 501, § II, 12-16-09)

13.08.640 - Enforcement.

A. Failure of any user of the city's sewer system to comply with the requirements of this chapter shall be subject to each of the enforcement provisions set forth in Section 13.08.470. In addition, any violation of this chapter shall constitute a public nuisance, abatable pursuant to Chapter 8.16, by civil action or other remedy allowed by law and an infraction enforceable as permitted by this Code and by applicable California law.

B. In addition to the foregoing, any user of the city's sewer system subject to the provisions of this chapter who is subject to any enforcement action for violating any provision of this chapter shall pay all related city fees, costs and expenses including, but not limited to, staff costs, attorneys fees, consultant costs and out-of-pocket expenses established pursuant to the procedures set forth in Title 8, Chapter 8.16, Article III as amended from time to time.

(Ord. No. 501, § II, 12-16-09)

13.08.650 - Reimbursement of city costs.

All users of the city's sewer system subject to the provisions of this chapter shall pay a fee established by city resolution, as amended from time to time, for all approvals, inspections and appeals allowed by this chapter.

(Ord. No. 501, § II, 12-16-09)

13.08.660 - Appeals.

Notwithstanding any other provision of this Code, all determinations regarding FOG Systems shall initially be made by the city engineer or his/her designee. Any person adversely and directly affected by a determination made by the city engineer or his/her designee under the provisions of this article may appeal such determination to the city manager. A notice of appeal shall be filed in writing with the city clerk not later than fifteen (15) days after the date of such determination or not later than fifteen (15) days after the receipt by the appellant of a notice of such determination, whichever shall last occur. The notice shall include the name and address of the appellant(s), the decision that is being appealed, a detailed description of the factual, legal and other basis for the appeal and all applicable filing and other fees. The city manager or his/her designee shall decide all appeals. Any determination not appealed within the allowed fifteen (15) days shall be final and binding. The city manager's decision of the appeal shall be final and conclusive and shall be the final step in the administrative process. There shall be no right to appeal a decision of the city manager under this article to the city council.

(Ord. No. 501, § II, 12-16-09)