AGENDA

JUNE 8, 2016
SPECIAL PUBLIC HEARING
CITY COUNCIL
CITY OF YUBA CITY

6:00 P.M. – SPECIAL MEETING: COUNCIL CHAMBERS

MAYOR	• John Buckland
VICE MAYOR	• Stanley Cleveland, Jr
COUNCILMEMBER	• Preet Didbal
COUNCILMEMBER	• John Dukes
COUNCILMEMBER	• Kash Gill
CITY MANAGER	• Steven Kroeger
CITY ATTORNEY	• Timothy Hayes

1201 Civic Center Blvd
Yuba City CA 95993

Wheelchair Accessible

If you need assistance in order to attend the City Council meeting, or if you require other accommodations such as signing services or interpreters to make a presentation to the City Council, the City is happy to assist you. Please contact the City offices at (530) 822-4602 at least 72 hours in advance so such aids or services can be arranged.

The Council Chambers are equipped with auxiliary hearing devices so that no prior arrangements need to be made to attend the meeting. ***City Hall TTY: 530-822-4732***

AGENDA
SPECIAL MEETING OF THE CITY COUNCIL
CITY OF YUBA CITY
COUNCIL CHAMBERS
JUNE 8, 2016
6:00 P.M.

Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's office at 1201 Civic Center Blvd., Yuba City, during normal business hours. Such documents are also available on the City of Yuba City's website at www.yubacity.net, subject to staff's availability to post the documents before the meeting.

Special Meeting—Council Chambers

Call to Order

Roll Call: _____Mayor Buckland
_____Vice-Mayor Cleveland
_____Councilmember Didbal
_____Councilmember Dukes
_____Councilmember Gill

Pledge of Allegiance to the Flag

Public Hearings

1. Proposed Water and Wastewater Rate Adjustments – Proposition 218 Public Hearing and Associated Municipal Code Amendments

Recommendation:

A. Conduct a public hearing;

B. Tabulate the protests received; and

C. If a majority protest has not been received for the wastewater rate adjustment, introduce an Ordinance amending Title 6, Chapter 5, Wastewater Collection and Treatment, of the Yuba City Municipal Code, waiving the first reading.

D. If a majority protest has not been received for the water rate adjustment, introduce an Ordinance amending Title 6, Sections 6-6.10, 6-6.18, and 6-6.19 of Chapter 6, Water System, of the Yuba City Municipal Code, waiving the first reading.

Public Communication on Items on the Agenda

2. Appearance of Interested Citizens

Members of the public may address the City Council concerning any item that has been described in the notice of this meeting.

Adjournment

CITY OF YUBA CITY
STAFF REPORT

Date: June 8, 2016

To: Honorable Mayor & Members of the City Council

From: Public Works Department

Presentation by: Diana Langley, Public Works Director

Summary

Subject: Proposed Water and Wastewater Rate Adjustments – Proposition 218 Public Hearing and Associated Municipal Code Amendments

Recommendation:

A. Conduct a public hearing;

B. Tabulate the protests received; and

C. If a majority protest has not been received for the wastewater rate adjustment, introduce an Ordinance amending Title 6, Chapter 5, Wastewater Collection and Treatment, of the Yuba City Municipal Code, waiving the first reading.

D. If a majority protest has not been received for the water rate adjustment, introduce an Ordinance amending Title 6, Sections 6-6.10, 6-6.18, and 6-6.19 of Chapter 6, Water System, of the Yuba City Municipal Code, waiving the first reading.

Fiscal Impact: If approved by Council and rate payers, a rate increase would fund ongoing operation and maintenance expenses, provide adequate debt-service coverage, and fund capital improvement projects identified as Priority 1 & 2 as part of the 5-Year Rate Plan, Option 1.

Purpose:

To ensure adequate revenues in the Water and Wastewater Enterprise Funds for operations and maintenance, debt service coverage, and capital improvement projects.

Background:

The City's last water and wastewater rate studies were completed in 2011 and new rates were adopted by Council in July 2011 through the Proposition 218 process. The adopted rates provided for increases to the City's water and wastewater rates through FY 15/16.

In September 2014, the City Council awarded a contract to NBS for the preparation of updated water and wastewater rate studies. With the historic drought in California, much has changed since 2011. Staff has worked with NBS to gather data, prepare a rate model, and evaluate alternatives to address revenue needs in the Water and Wastewater Enterprise Funds.

To present the information, two workshops were held on January 12 and February 9 2016. The January 12 workshop focused on water and wastewater operational needs, condition of the water and wastewater systems, and major capital improvements required. The February 9 workshop focused on existing water and wastewater rates, three options to increase revenues, and review of the Proposition 218 process.

On March 1, 2016, staff again reviewed the three rate plan options and a public hearing was held. Upon conclusion of the public hearing, Council directed staff to proceed with finalizing the Rate Study using the 5-Year Rate Plan – Option 1. In addition, Council asked staff to consider a modified proposed baseline allocation for water.

On April 5, 2016, Council accepted and adopted the Water and Wastewater Rate Study, utilizing the Modified Proposed Baseline Allocation for the proposed water rates. The protest hearing was set for June 8, 2016, at 6:00 pm, and the Notice for Proposition 218 Protest Hearing was approved.

Under the 5-Year Rate Plan – Option 1, the proposed rates are as follows for water and wastewater:

Water

Table 1 – Proposed Water Rates

Meter Size	Baseline Allocation (HCF)	Year 1	Year 2	Year 3	Year 4	Year 5
1”	11	$28.50	$33.91	$39.49	$41.01	$42.59
1-1/2”	22	$57.00	$67.83	$78.98	$82.03	$85.18
2”	44	$114.01	$135.67	$157.99	$164.07	$170.39
3”	176	$456.02	$542.66	$631.93	$656.26	$681.53
4”	352	$912.05	$1,085.34	$1,263.88	$1,312.54	$1,363.08
6”	660	$1,710.09	$2,035.00	$2,369.76	$2,461.00	$2,555.74
8”	1,540	$3,990.21	$4,748.36	$5,529.46	$5,742.34	$5,963.42
Flow Rate per Excess HCF		$1.430	$1.701	$1.981	$2.057	$2.137

*1 HCF = 748 Gallons

Wastewater

Table 2 – Proposed Wastewater Rates – Residential, Commercial, and Schools

Sewer Rate Schedule	Year 1	Year 2	Year 3	Year 4	Year 5
Single Family	$44.58	$49.04	$53.95	$59.34	$65.27
Multi-Family	$35.67	$39.24	$43.16	$47.48	$52.23
Commercial – C1	$44.58	$49.04	$53.95	$59.34	$65.27
Commercial – C2	$50.16	$55.18	$60.69	$66.76	$73.44
Commercial – C3	$60.75	$66.83	$73.51	$80.86	$88.95
Commercial Volumetric Charge (HCF)	$1.76	$1.93	$2.13	$2.34	$2.57
Schools – Per Student/Year	$20.47	$22.52	$24.77	$27.25	$29.97

Table 3 – Proposed Wastewater Rates – Industrial and Septage Haulers

Sewer Rate Schedule	Year 1	Year 2	Year 3	Year 4	Year 5
Industrial					
Volume (MG)	$2,570.61	$2,827.67	$3,110.44	$3,421.48	$3,763.63
TSS (lbs)	$0.198	$0.218	$0.240	$0.264	$0.290
BOD (lbs)	$0.263	$0.290	$0.319	$0.350	$0.385
Septage Hauler					
$/Gallon	$0.343	$0.378	$0.415	$0.457	$0.502
400 Gallons	$137.28	$151.01	$166.11	$182.72	$200.99
1,000 Gallons	$343.20	$377.52	$415.27	$456.80	$502.48
1,500 Gallons	$514.80	$566.28	$622.91	$685.20	$753.72

Proposition 218 Process

Proposition 218, which was adopted by the electorate in 1996, requires that the City hold a public hearing before adopting rate increases. If the City receives written protests with respect to a majority of parcels affected by the rates, then it may not implement the proposed increases.

The guidelines for the submission and tabulation of protests (Exhibit A) describe who can protest, what information must be provided on the protest, how protests are tabulated, and what constitutes a majority protest. The guidelines were previously adopted by resolution in 2011.

At Council's direction, staff mailed the attached protest hearing notice for water (Exhibit B) and wastewater (Exhibit C) to property owners and utility customers on April 18th, which is more than the required 45 days prior to the protest hearing.

Analysis:

Since the Proposition 218 notices were mailed, protests have been mailed or hand-delivered to the City Clerk. In addition, property owners or customers may provide testimony and submit their protests at the public hearing. If more than 50 percent (50%) of the affected property owners or customers protest in writing before the close of the public hearing, the rate increase will fail. If there is no majority protest, staff has made the necessary changes to Title 6, Chapter 5, Wastewater Collection and Treatment (Wastewater Ordinance), and Chapter 6, Water System (Water Ordinance), of the Yuba City Municipal Code.

Staff is recommending modifications to the Wastewater Ordinance as follows:

- Update the wastewater rates pursuant to approval of the rate increase.
- Update pretreatment requirements.
- Conform to the City's current organizational structure.
- Adjust other service charges, fees, and time of collection of fees.
- Add language for designating property owners as additionally responsible for paying the unpaid water/sewer bills.
- Add language regarding collection of delinquent sewer charges through the general taxes.
- Update requirements related to fats, oils, and grease discharge from food service establishments.
- Other minor changes.

Staff is also recommending modifications to the Water Ordinance as follows:

- Update the water rates pursuant to approval of the rate increase.
- Adjust other service charges, fees, and time of collection of fees.
- Add language for designating property owners as additionally responsible for paying the unpaid water/sewer bills.
- Add language regarding collection of the delinquent water charges through the general taxes.
- Add language restricting lawn watering hours during the emergency water restrictions implementation period.
- Other minor changes.

The Wastewater and Water Ordinances are attached with changes tracked for review as Exhibits D and E, respectively.

Fiscal Impact:

If the rate increases are approved by Council and rate payers, a rate increase will be added to monthly bills to fund ongoing operation and maintenance expenses, provide adequate debt-service coverage, and fund capital improvement projects identified as Priority 1 & 2 as part of the 5-Year Rate Plan – Option 1.

The proposed rate structure provides the maximum that the rates can be raised. With the reduction in the conservation mandate to 15%, it is anticipated that water consumption will increase, which will also increase water revenues. At Council's direction, staff will bring forward at the July 21st Council meeting options for implementation of a water rate increase that take into account the anticipated increase in revenues. Staff will also provide Council with a status update of the Water and Wastewater Funds on an annual basis as part of the budget process, prior to the July 1st implementation of the increase for the following year. Council will retain the ability to set actual rates below the maximum should revenues exceed expectations.

If the rate increases are not approved, reductions to ongoing costs will need to be implemented, the City may default on bond covenants, and capital improvement projects will not be funded.

Alternatives:

If a significant number of protests are received, conduct a public hearing, and then schedule for the City Clerk to report on the number of protests received at the June 21st Council meeting or at a special meeting on a date so determined by the Council.

Recommendation:

A. Conduct a public hearing;

B. Tabulate the protests received; and

C. If a majority protest has not been received for the wastewater rate adjustment, introduce an Ordinance amending Title 6, Chapter 5, Wastewater Collection and Treatment, of the Yuba City Municipal Code, waiving the first reading.

D. If a majority protest has not been received for the water rate adjustment, introduce an Ordinance amending Title 6, Sections 6-6.10, 6-6.18, and 6-6.19 of Chapter 6, Water System, of the Yuba City Municipal Code, waiving the first reading.

Prepared by:

/s/ Diana Langley
Diana Langley
Public Works Director

Submitted by:

/s/ Steven C. Kroeger
Steven C. Kroeger
City Manager

Reviewed by:

Finance RB

City Attorney OK by email

Attachments:

A. Guideline for the Submission and Tabulation of Protests
B. Notice of Proposition 218 Protest Public Hearing Proposed Water Rate Increase
C. Notice of Proposition 218 Protest Public Hearing Proposed Wastewater Rate Increase
D. Wastewater Ordinance with changes tracked
E. Water Ordinance with changes tracked

EXHIBIT A

Guidelines for the Submission and Tabulation of Protests

When notice of a public hearing with respect to a utility or other rate increase has been given by the City pursuant to Article XIIID, Section 6 of the California Constitution, the following shall apply:

Submission of Protests

1. Any property owner or utility customer may submit a written protest to the City Clerk, either by mail or delivery to the City Clerk's Office, 1201 Civic Center Blvd, Yuba City CA 95993 or by submitting the protest at the public hearing. Protests must be received by the end of the public hearing. No postmarks will be accepted.
2. Each protest must state that it is a protest (or indicate opposition to the proposed rates). If the City has given notices for public hearings regarding rates for both sewer and water service, and those hearing are to be held on the same date, then the protest may indicate whether it is made (i) with respect only to water rates, (ii) with respect only to sewer rates, or (iii) with respect to both water and sewer rates. If no limitation is indicated, the City will interpret the protest as covering all rates to be considered on the hearing date. Email or facsimile protests cannot be accepted. Although oral comments at the public hearing will not qualify as a formal protest unless accompanied by a written protest, the City Council welcomes input from the community during the public hearing on the proposed fees.
3. A protest by a property owner that is a trust must be signed by the Trustee and identified as such with the signature (i.e., John Smith, Trustee for Smith Family Trust). Protests by property owners that are corporations, partnerships, or similar entities must be signed by a person authorized to execute documents on behalf of the property owner.
4. If a parcel served by the City is owned by more than one record owner or more than one name appears on the City's records as the customer for the property, or the customer is not the record owner, each owner or customer may submit a protest, but only one protest will be counted per parcel and any one protest submitted in accordance with these rules will be sufficient to count as a protest for that property
5. In order to be valid, a protest must bear date, designation of parcel address or parcel number, printed name, and original signature of the record owner or customer of record with respect to the property identified on the protest. The customer of record is the name of the person whose name is printed on the Utility Bills for the parcel. Except as set forth in paragraph 3 above protests not bearing the original signature of a record owner or customer of record shall not be counted. Protests which have been altered by someone other than the person who signed them shall not be counted.
6. Any person who submits a protest may withdraw it by submitting to the City Clerk a dated written request that the protest be withdrawn. The withdrawal of a protest shall contain sufficient information to identify the affected parcel and the name of the record owner or record customer who submitted both the protest and the request that it be withdrawn.
7. A fee protest proceeding is not an election.
8. To ensure transparency and accountability in the fee protest tabulation, protests shall constitute disclosable public records from and after the close of the public hearing. Records shall be maintained for three years and then may be destroyed.

Tabulation of Protests

1. The City Clerk, or designee, shall determine the validity of all protests. The City Clerk shall not accept as valid any protest if s/he determines that any of the following conditions exist:
    a. The protest does not identify a property that will be subject to the proposed fees.
    b. The protest does not bear an original signature of a record owner or identified as trustee of the parcel identified on the protest or of a record customer of that parcel.
    c. The protest does not state its opposition to the proposed fees or is illegible.
    d. The protest has been altered in any way by someone other than the person who signed it.
    e. The protest was not received by the City Clerk before the close of the public hearing on the proposed fees.
    f. A request to withdraw the protest was received by the City Clerk prior to the close of the public hearing on the proposed fees.
    g. The protest or request for withdrawal is dated prior to the date of mailing of the notices of hearing on the proposed fees.
2. The City Clerk's decision that a protest is not valid shall constitute a final action of the City and shall not be subject to any internal appeal.
3. A majority protest exists if written protests are timely submitted and not withdrawn by the record owners, trustee, or customers with respect to, a majority (50.0% plus one) of the properties subject to the proposed fee. If both water and sewer rates are being considered, a separate determination will be made for with respect to each of these two types of rates.
4. At the conclusion of the public hearing, the City Clerk shall count all protests received, including those received during the public hearing, and shall report the results to the City Council upon completion. If review of the protests received demonstrates that the number received is manifestly less than one-half of the parcels served by the City with respect to the fee which is the subject of the protest, then the City Clerk may advise the Council of the absence of a majority protest without determining the validity of all protests.
5. If, at the conclusion of the public hearing, the Clerk determines that s/he will require additional time to count the protests, s/he shall so advise the Council, which may adjourn the meeting to allow the count to be completed on another day or days. If so, the Council shall declare the time and place of the count, which shall be conducted in a place where interested members of the public may observe the counting, and the Council shall declare the time at which its meeting shall be resumed to receive and act on the report of the Clerk.

EXHIBIT B
Notice of Public Hearing – Proposed Water Rate Increase

Notice is hereby given that a public hearing will be held by the City of Yuba City City Council to consider a proposed water rate increase.

The public hearing will be held on Wednesday, June 8, 2016 at 6:00 pm at the Council Chambers, City Hall, 1201 Civic Center Boulevard, Yuba City, CA. During the Proposition 218 protest hearing, the City Council will hear and consider any objections to the proposed water rate increase.

This notice is being sent to the record owners of parcels that receive water service from the City and existing customers who currently receive water service from the City.

The proposed rates are based upon the estimated cost to keep up with on-going operation and maintenance expenses, provide adequate debt service coverage for existing loans, and fund capitalization at a modest level to rehabilitate/replace deteriorating infrastructure. They are designed to ensure that each customer will only pay their proportional share of the water system costs.

Proposed Water Rates

Each water customer pays a monthly rate, based on the size of their water meter, plus a "flow rate" for each hundred cubic feet (HCF) of metered water use above the baseline use that is included in the monthly rate.

Monthly Water Rates

Meter Size	Baseline HCF's*	Existing Rate**	Year 1	Year 2	Year 3	Year 4	Year 5
≤1"	11	$21.59	$28.50	$33.91	$39.49	$41.01	$42.59
1.5"	22	$43.18	$57.00	$67.83	$78.98	$82.03	$85.18
2"	44	$86.37	$114.01	$135.67	$157.99	$164.07	$170.39
3"	176	$345.47	$456.02	$542.66	$631.93	$656.26	$681.53
4"	352	$690.95	$912.05	$1,085.34	$1,263.88	$1,312.54	$1,363.08
6"	660	$1,295.52	$1,710.09	$2,035.00	$2,369.76	$2,461.00	$2,555.74
8"	1,540	$3,022.89	$3,990.21	$4,748.36	$5,529.46	$5,742.34	$5,963.42

*1 HCF = 748 Gallons
**Existing rate includes a higher baseline allocation than what is proposed for the Year 1-5 rates. Refer to Municipal Code Section 6-6.18(j) for existing allocation.

Water Flow Rates

	Existing Rate	Year 1	Year 2	Year 3	Year 4	Year 5
Per Excess HCF	$1.43	$1.430	$1.701	$1.981	$2.057	$2.137

If approved, the Year 1 rates will go into effect 30 days after their adoption by ordinance of the City Council. Rates for subsequent years will go into effect automatically on July 1 of each year.

Protest

You may submit a written protest against the proposed water rate increase with the City of Yuba City before the close of the public comment portion of the public hearing on June 8, 2016 at 6:00

pm. If written protests against the proposed water rate increase are filed by the record owners or customers of record with a respect to a majority of the parcels to which the proposed water rate increase applies, the rate increase will not be imposed. **Only one water rate protest will be counted per parcel.**

A written protest may be submitted by a record owner or a customer of record and must (i) indicate opposition to the proposed water rates, (ii) be signed and dated, and (iii) indicate the name of the person submitting the protest and the address or parcel number of the parcel for which the protest is submitted. If the protest is to both the proposed water and sewer rates, then the protest must indicate opposition to both. Protests may be mailed or delivered to:

City of Yuba City
Proposed Utility Rate Increase Protest
City Clerk
1201 Civic Center Boulevard
Yuba City, CA 95993

Protests must be *received* by the City Clerk at this address *prior* to the public hearing. Protests may also be submitted to the City Clerk at the public hearing any time prior to the close of public input. Emailed or faxed protests cannot be accepted. Protests will be accepted and tabulated according to procedures adopted by the City Council, which are available for review at www.yubacity.net .

EXHIBIT C
Notice of Public Hearing – Proposed Wastewater Rate Increases

Notice is hereby given that a public hearing will be held by the City of Yuba City City Council to consider a proposed wastewater rate increase.

The public hearing will be held on Wednesday, June 8, 2016 at 6:00 pm at the Council Chambers, City Hall, 1201 Civic Center Boulevard, Yuba City, CA. During the Proposition 218 protest hearing, the City Council will hear and consider any objections to the proposed wastewater rate increase.

This notice is being sent to the record owners of parcels that receive sewer service from the City and existing customers who currently receive sewer service from the City.

The proposed rates are based upon the estimated cost to keep up with on-going operation and maintenance expenses, provide adequate debt service coverage for existing loans, and fund capitalization at a modest level to rehabilitate/replace deteriorating infrastructure. They are designed to ensure that each customer will only pay their proportional share of wastewater system costs.

Proposed Wastewater Rates

The following represents the existing and proposed wastewater rates:

Table 1 – Proposed Wastewater Rates – Residential, Commercial, and Schools

Sewer Rate Schedule	Current Rate	Year 1	Year 2	Year 3	Year 4	Year 5
Single Family	$40.53	$44.58	$49.04	$53.95	$59.34	$65.27
Multi-Family	$32.43	$35.67	$39.24	$43.16	$47.48	$52.23
Commercial – C1	$40.53	$44.58	$49.04	$53.95	$59.34	$65.27
Commercial – C2	$45.60	$50.16	$55.18	$60.69	$66.76	$73.44
Commercial – C3	$55.23	$60.75	$66.83	$73.51	$80.86	$88.95
Commercial Volumetric Charge (HCF)	$1.60	$1.76	$1.93	$2.13	$2.34	$2.57
Schools – Per Student/Year	$18.61	$20.47	$22.52	$24.77	$27.25	$29.97

HCF = Hundred Cubic Feet

Table 2 – Proposed Wastewater Rates – Industrial and Septage Haulers

Sewer Rate Schedule	Current Rate	Year 1	Year 2	Year 3	Year 4	Year 5
Industrial						
Volume (MG)	$2,336.92	$2,570.61	$2,827.67	$3,110.44	$3,421.48	$3,763.63
Total Suspended Solids (lbs)	$0.180	$0.198	$0.218	$0.240	$0.264	$0.290
Biochemical Oxygen Demand (lbs)	$0.239	$0.263	$0.290	$0.319	$0.350	$0.385

Septage Hauler						
$/Gallon	$0.312	$0.343	$0.378	$0.415	$0.457	$0.502
400 Gallons	$124.80	$137.28	$151.01	$166.11	$182.72	$200.99
1,000 Gallons	$312.00	$343.20	$377.52	$415.27	$456.80	$502.48
1,500 Gallons	$468.00	$514.80	$566.28	$622.91	$685.20	$753.72

MG = Million Gallons
lbs = Pounds

If approved, the Year 1 rates will go into effect 30 days after their adoption by ordinance of the City Council. Rates for subsequent years will go into effect automatically on July 1 of each year.

Protest

You may submit a written protest against the proposed wastewater rate increase with the City of Yuba City before the close of the public comment portion of the public hearing on June 8, 2016 at 6:00 pm. If written protests against the proposed wastewater rate increase are filed by the record owners or customers of record with a respect to a majority of the parcels to which the proposed wastewater rate increase applies, the rate increase will not be imposed. **Only one sewer rate protest will be counted per parcel.**

A written protest may be submitted by a record owner or a customer of record and must (i) indicate opposition to the proposed sewer rates, (ii) be signed and dated, and (iii) indicate the name of the person submitting the protest and the address or parcel number of the parcel for which the protest is submitted. If the protest is to both the proposed water and sewer rates, then the protest must indicate opposition to both. Protests may be mailed or delivered to:

City of Yuba City
Proposed Utility Rate Increase Protest
City Clerk
1201 Civic Center Boulevard
Yuba City, CA 95993

Protests must be received by the City Clerk at this address prior to the public hearing. Protests may also be submitted to the City Clerk at the public hearing any time prior to the close of public input. Emailed or faxed protests cannot be accepted. Protests will be accepted and tabulated according to procedures adopted by the City Council, which are available for review at www.yubacity.net.

EXHIBIT D
Wastewater Ordinance

EXHIBIT E
Water Ordinance

ORDINANCE NO. ~~004-11-~~[MC1]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY REPEALING AND REENACTING CHAPTER 5 OF TITLE 6 OF THE YUBA CITY MUNICIPAL CODE REGARDING WASTEWATER COLLECTION AND TREATMENT

THE CITY COUNCIL OF THE CITY OF YUBA CITY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 5 of Title 6 of the Yuba City Municipal Code is hereby repealed.

Section 2. Chapter 5 of Title 6 is hereby added to the Yuba City Municipal Code to read as follows:

Chapter 5

Wastewater Collection and Treatment

Article 1. General Provisions

Sections:

6-5.101 Purpose and Policy
6-5.102 Scope
6-5.103 Administration
6-5.104 Use of Revenues
6-5.105 Abbreviations
6-5.106 Definitions. As used in this Chapter.

Article 2. Rules and Regulations

6-5.201 Discharge into Streams Prohibited
6-5.202 Privies and Septic Tanks Prohibited
6-5.203 Occupancy Prohibited
6-5.204 New Buildings Sewers Required
6-5.205 Existing Buildings Requiring Sewage Disposal
6.5.206 Ownership of the Service Lateral
6-5.207 Private Sewage Disposal Systems
6-5.208 Prohibited Discharge Standards
6-5.209 Pretreatment Local Limits
6-5.210 National Categorical Pretreatment Standards
6-5.211 State Pretreatment Standards
6-5.212 Right of Entry~~:~~: Inspection and Sampling
6-5.213 Search Warrants
6-5.214 City of Yuba City's Right of Revision
6-5.215 Dilution

6-5.216 Excessive Sewer Maintenance Expense
6-5.217 Outside Sewers
6-5.218 Containment and notification of prohibited discharge
6-5.219 Disclaimer of liability
6-5.220 Interceptor for other businesses
6-5.221 Discharge of groundwater into the City Sewer System
6-5.222 Food Service Establishments (FSE) requirements
6-5.223 Operations and Maintenance of Sanitary Sewer System assets located within sewer easements.

Article 3. Sewer Construction

6-5.301 Building Sewers, Lateral Sewers, and Connections
6-5.302 Public Sewer Construction
6-5.303 Sanitary Sewer Design Requirements
6-5.304 Sewer Construction Inspections

Article 4. Industrial Wastewaters

6-5.401 Industrial User Defined
6-5.402 Wastewater Discharge Permit
6-5.402.A Reserved
6-5.402.B Wastewater Discharge Permit Requirement
6-5.402.C Wastewater Discharge Permit~~:~~: Existing Connections
6-5.402.D Wastewater Discharge Permit~~:~~: New Connections
6-5.402.E Wastewater Discharge Permit Application Contents
6-5.402.F Wastewater Discharge Permit Application Signatories and Certification
6-5.402.G Wastewater Discharge Permit Decisions
6-5.402.H Confidential Information
6-5.403 Procedure for Obtaining City Permits for Industrial Wastewater Discharges
6-5.403.A Wastewater Discharge Permit Duration and Fees
6-5.403.B Wastewater Discharge Permit Contents
6-5.403.C Wastewater Discharge Permit Appeals
6-5.403.D Wastewater Discharge Permit Modification
6-5.403.E Wastewater Discharge Permit Transfer
6-5.403.F Wastewater Discharge Permit Revocation
6-5.403.F Wastewater Discharge Permit Reissue
6-5.404 Industrial Wastewater Sampling, Analyses, and Flow Measurements
6-5.405 Discrepancies ~~Between~~between Actual and Reported Industrial Wastewater Discharge Quantities
6-5.406 Pretreatment of Industrial Wastewater
6-5.406.A Pretreatment Facilities
6-5.406.B Additional Pretreatment Measures

6-5.406.C Accidental Discharge/Slug Control and Countermeasures Plans
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Article 1. General Provisions.

Section 6-5.101. Purpose and Policy.

The purpose of this chapter is to provide for the maximum possible beneficial public use of City facilities through the adequate regulation of sewer construction, sewer use, and industrial wastewater discharges to provide for the equitable distribution of City costs and to provide for procedures for complying with the requirements placed upon the City by other regulatory agencies.

This chapter sets forth uniform requirements for dischargers to the Publicly Owned Treatment Works and enables the City to comply with the administrative provisions of the Clean Water Grant Regulations, water quality requirements of the Regional Water Quality Control Board and the applicable effluent limitations, State Water Resources Control Board's Sanitary Sewer Systems Waste Discharge Requirements (WDR) and Monitoring and Reporting Requirements for the Sanitary Sewer System in reference to the City's Sewer System Management Plan (SSMP), national standards of performance, toxic and pretreatment effluent standards and all other applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq*.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). In the event that state and/or federal wastewater discharge or treatment regulations and/or standards exist or are subsequently adopted which are more stringent and/or restrictive than the requirements of this chapter, the more stringent and more restrictive regulations shall apply. Among other things, the objectives of this chapter are:

(a) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;

(b) To prevent illicit discharges (examples - i~~I~~nfiltration and i~~I~~nflow, chemical dumping, unauthorized debris and cut roots, etc.) into the sanitary sewer system;

(c) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately~~—~~treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;

(d) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

(e) To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;

(f) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works;

(g) To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject;

(h) To require that sanitary sewers and connections are properly designed, constructed, and maintained;

(i) To ensure access in easements, right-of-ways, and any other areas where sanitary sewer system facilities are installed for maintenance, inspection or repairs of the sanitary sewer system and any portions of the service laterals and satellite collection system;

(j) To limit discharge of roots, fats, oils, and grease, and other debris that may cause blockages; and

(k) To enforce any violations of this ordinance.

This ordinance shall apply to all users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, inspections, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

Revenues derived from the application of this chapter shall be used to defray the City's cost of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, bond service cost, capital improvements, depreciation, and/or capital replacement.

Section 6-5.102. Scope.

This chapter shall be interpreted in accordance with the definitions set forth in Section 6-5.106. of this article.

The provisions of this chapter shall apply to the direct or indirect discharge of all liquid-carried wastes to the facilities of the City. This chapter, among other things, provides for the regulation of sewer construction in areas within the City, the quantity and quality of discharged wastes, the degree of waste pretreatment required, the setting of waste discharge fees to provide for the equitable distribution of costs, the approval of plans for sewer construction, the issuance of permits for industrial wastewater discharges and of other miscellaneous permits, and the establishment of penalties for violations of this chapter.

Section 6-5.103. Administration.

Except as otherwise provided in this chapter, the City Manager shall administer, implement, and enforce the provisions of this chapter by coordinating the actions of the Assistant City Manager, the Public Works Director, and any other City department concerned. The primary responsibility for the administration, implementation, and enforcement of the parts of this chapter which relate to billing, collecting, and accounting for the fees and charges established by this chapter is assigned to the Finance Director. The primary responsibility for the administration, implementation, and enforcement of the parts of this chapter related to the operations of the Wastewater Treatment Facility, Wastewater Collection System, Sewer System Management Plan, Pretreatment Program, and Water Treatment Facility is assigned to the Public Works Director. The primary responsibility for the administration, implementation, and

enforcement of all other parts of this chapter is assigned to the Director of Public Works. Any powers granted to, or duties imposed upon, the City Manager, Assistant City Manager, or Public Works Director may be delegated by them to persons acting in the beneficial interests of or in the employ of the City.

Section 6-5.104. Use of Revenues.

The revenues derived under the provisions of this chapter shall be placed in a fund entitled "Sewer Fund.". The accounting of revenues shall be in accordance with the applicable State and/or Federal laws and regulations, and revenues may be used for any purpose so authorized.

Section 6-5.105. Abbreviations.

The following abbreviations, when used in this ordinance, shall have the designated meanings:

AHL	Allowable Headworks Loading
BMP	Best Management Practices
BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
EPA	U.S. Environmental Protection Agency
FOG	Fats, Oils, and Grease
FSE	Food Service Establishment
gpd	Ggallons per Dday
GRD	Grease Removal Device(s)
MAHL	Maximum Allowable Headworks Loading
MAIL	Maximum Allowable Industrial Loading
mg/l	Mmilligrams per Lliter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
SSMP	Sewer System Management Plan
SSO	Sanitary Sewer Overflow
TBLLDD	Technically Based Local Limit Development Document
TSS	Total Suspended Solids
U.S.C	United States Code

Section 6-5.106. Definitions. As used in this Chapter.

Act or "the Act". The term Act means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq.*

Administrative Order. For the purposes of this section, an order issued by either The City of Yuba City, City Attorney or by an Administrative Judge of the Superior

Court of California, County of Sutter, compelling a user of the City's P~~p~~ublicly O~~o~~wned T~~t~~reatment W~~w~~orks to perform in some manner. Administrative Orders are ~~e~~ issued in response to a violation of the City's M~~m~~unicipal C~~c~~ode and S~~s~~tate water or health and safety laws with the legal jurisdiction dictating which legal official issues the order. The orders are generally issued in the form of show cause, compliance, or consent orders depending on the nature and circumstance of non-compliance.

Allowable Headworks Loading (AHL). The estimated maximum loading of a pollutant received at a POTW's headworks that should not cause the POTW to violate a particular treatment plant or environmental criterion. AHLs are developed to prevent interference or pass through.

Approval Authority. The State of California, Regional Water Quality Control Board, Central Valley Region.

Assistant City Manager. The Assistant City Manager of the City of Yuba City.

Authorized Representative of the User.

a. If the User is a corporation:

1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

2. The manager of one or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

c. If the User is a Federal, State, or local governmental facility~~:~~ : a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

d. The individuals described in paragraphs 1 through 2, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or ~~having~~ overall responsibility for environmental matters for the ~~company,~~company, and the written authorization is submitted to the City.

Beneficial U~~u~~ses. Uses of the waters of the State which will be protected against quality degradation, including domestic, municipal, agricultural, and industrial supply, power generation, recreation, aesthetic enjoyment, navigation, and the preservation and enhancement of fish, wildlife, and other aquatic resources or reserves, and other uses, both tangible or intangible, as specified by Federal or State law.

Best Management Practices (BMP). The term Best Management Practices or BMP~~s~~ means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMP~~s~~ also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. In addition, Best Management Practices (BMP) ~~—~~means activities, prohibitions, maintenance procedures, and other management practices to prevent or reduce the direct or indirect introduction of FOG into the public sewer.

Biochemical Oxygen Demand (~~or~~ BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g., mg/l).

Building S~~s~~ewer or L~~l~~ateral S~~s~~ewer. A sewer conveying the wastewaters of a discharger from a residence, building, or other structure to a community sewer~~,~~ ~~including~~, including direct connections to a community sewer where permitted by the City.

Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) ~~and~~ of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Cesspool. A tank, box, or sump used for the receipt of crude sewage, containing no provision for the nitrification, clarification, or disposal of the ~~sewage,~~sewage, or which discharges such sewage upon the open ground.

Chemical Oxygen Demand (COD). The measure of chemically-decomposable materials in domestic or industrial wastewaters as represented by the oxygen utilized as determined by the appropriate procedure described in "Standard Methods."

Chlorine D~~d~~emand. The amount of chlorine required to produce a free chlorine residual of 0.1 mg/l after a contact time of fifteen (15) minutes as measured by the Idiometric Method on a sample at a temperature of twenty (20°) degrees Centigrade in conformance with "Standard Methods~~".~~."

City or Council. The City of Yuba City or the City Council of Yuba City.

City Manager. The City Manager of the City of Yuba City.

Collecting Sewer. Any City-owned sewer line discharging to another City-owned sewer line such as trunk line.

~~City/Council. The City of Yuba City or the City Council of Yuba City.~~

~~COD or Chemical Oxygen Demand. The measure of chemically decomposable materials in domestic or industrial wastewaters as represented by the oxygen utilized as determined by the appropriate procedure described in "Standard Methods".~~
~~Collecting Sewer. Any City owned sewer line discharging to another City owned sewer line such as trunk line.~~

Collection System. The portions of the public sewer/collecting sewer consisting of all pipes, sewers, and conveyance systems conveying wastewater to the P~~p~~ublicly O~~o~~wned T~~t~~reatment W~~w~~orks (POTW), excluding sewer~~-~~-service lateral line connections which are not owned by the City.

Commercial Building. Any structure, building, or enclosure designed primarily for commercial use other than residential or industrial.

Commercial U~~u~~ser. Any user not defined as a residential or industrial user.

~~Commercial building. Any structure, building, or enclosure designed primarily for commercial use other than residential or industrial.~~

Community ~~s~~Sewer S~~s~~ystem. The sewers owned and operated by the City. "Community sewer" shall mean that portion of the community sewer system~~,~~ which receives wastewaters from the service lateral of a discharger.

Compatible P~~p~~ollutant. The biochemical oxygen demand, suspended solids, and pH and fecal coliform bacteria, plus additional pollutants~~l pollutants~~ identified in the City's National Pollutant Discharge Elimination System (NPDES) Permit.

Connection. The joining of any structure, building, or facility to any sewer line entering the sewer system of the City for the purpose of discharging sanitary or industrial sewage or wastes.

Contamination. Any impairment of the quality of the waters of the State by wastes to a degree~~,~~ which creates a hazard to the public health through poisoning or ~~through~~ the spread of disease.
~~.~~

Council or City Council. City Council of the City of Yuba City.

~~Council/City Council. City Council of City of Yuba City.~~

County. The County of Sutter.

CPC. California Plumbing Code book, California Code of Regulations Title 24, Part 5

Daily Discharge. Daily discharge is defined as either: (1) the total mass of the constituent discharged over the calendar day (12:00 am through 11:59 pm) or any 24-hour period that reasonably represents a calendar day for purposes of sampling, for a constituent with limitations expressed in units of mass or; (2) the unweighted arithmetic mean measurement of the constituent over the day for a constituent with limitations expressed in other units of measurement (e.g., concentration).

The daily discharge may be determined by the analytical results of a composite sample taken over the course of one (1) day (a calendar day or other 24-hour period defined as a day) or by the arithmetic mean of analytical results from one or more grab samples taken over the course of the day.

For composite sampling, if one (1)~~1~~ day is defined as a 24-hour period other than a calendar day, the analytical result for the 24-hour period will be considered as the result for the calendar day in which the 24-hour period ends.

Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Director of Public Works or Public Works Director. The Director of Public Works or Public Works Director of the City or such other person as may be designated by the Director of Public Works to perform the services or make the determinations permitted or required under this chapter to be made by the Director of Public Works.

Discharger. Any person who discharges or causes a discharge to a public sewer.

Dissolved ~~-S~~solids. The solid matter in solution in the wastewaters and shall be obtained by the evaporation of a sample from which all suspended matter has been removed by filtration as determined by the procedures in "Standard Methods."

Dwelling U~~u~~nit. Each suite of one or more rooms, which includes bathroom, kitchen, and sleeping facilities, intended to be used as separate living quarters.

Effluent. The liquid outflow of any facility designed to treat, convey, or retain wastewaters.

Environmental Protection Agency (~~or~~ EPA). The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of the agency.

Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

Fats, Oils, and Grease (FOG). Any substance such as a vegetable or animal product that is used in or is a byproduct of the cooking or food preparation process and that becomes or may become viscous, or solidifies or may solidify, with a change in temperature or other conditions.

FOG Control Program. A document prepared and implemented by the City to control FOG (Fats, Oils, and/or Grease).

Food Service Establishment (FSE). Any facility which prepares and/or packages food or beverages for sale or consumption, on or off site, with the exception of private residences, including but not limited to food courts, food manufacturers, food packagers, restaurants, grocery stores, bakeries, lounges, hospitals, hotels, nursing homes, churches, and schools.

~~FOG Control Program. A document prepared and implemented by the City to control FOG (Fats, Oils and/or Grease).~~

Garbage. Any solid wastes from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

Grab Sample. A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

Grease Removal Device(s).~~:~~ All Food Service Establishments that discharge wastewater to the City's Wastewater Collection System are required to have City-approved and properly-~~-~~sized grease removal devices, also commonly referred to as "grease traps" or "grease interceptors"~~.~~."

Both devices are primary grease removal devices that~~ are designed and work in the same way, by~~ separate~~ing~~ and retain~~ning~~ free-floating fat, ~~oil and grease~~oil, and grease (FOG). The differences between the two types of grease removal devices ~~is basically~~ are primarily the size and physical location of the unit.

Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.

Industrial W~~w~~astewater or I~~/i~~ndustrial U~~u~~ser. Shall mean as defined in Article 4 of this chapter.

Inspector. A person authorized by the Public Works Director to inspect~~ the~~ wastewater generation, conveyance, processing, and disposal facilities.

~~Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.~~

Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's NPDES permit (including an increase in the magnitude or duration of a violation) or causes the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued hereunder, or any more stringent State or local regulations~~:~~: Section 405 of the Act; the Solid Waste Disposal Act (SWDA), ~~(~~including Title II, commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act); the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Lot or P~~p~~arcel. A lot or parcel of land consisting of one lot of record in one ownership.

Main S~~s~~ewer. A sewer located in a street or public easement and designated to accommodate more than one service lateral.

Maximum Allowable Concentration. The maximum concentration of a pollutant which may be discharged from an Industrial User (IU) into the City's collection system. Unless dictated by superseding regulations (i.e. national pretreatment or categorical standards), the maximum allowable concentration may be taken as grab or composite sample at the discretion of the Utilities Director.

Maximum Allowable Headworks Loading (MAHL). The estimated maximum loading of a pollutant that can be received at a POTW's headworks without causing pass through or interference. The most protective (lowest) of the AHLs (see definition) estimated for a pollutant.

Maximum Allowable Industrial Loading (MAIL). The estimated maximum loading of a pollutant that can be received at a POTW's headworks from all permitted industrial users and controlled sources without causing pass through or interference. The MAIL is usually calculated by applying a safety factor to the MAHL and discounting for uncontrolled sources, hauled wastewater, and growth allowance.

~~Maximum Allowable Concentration. The maximum concentration of a pollutant which may be discharged from an Industrial User (IU) into the City's collection system. Unless dictated by superseding regulations (i.e. national pretreatment or categorical standards), the maximum allowable concentration may be taken as grab or composite sample at the discretion of the Utilities Director.~~

Medical Waste. Isolation wastes, infectious agents, human blood and blood products pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Monthly Average. The sum of all "daily discharges" measured during a calendar ~~month divided~~month divided by the number of "daily discharges" measured during that month.

Monthly Average Limit. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

New Source.

1. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
   a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
   b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
   c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)~~)(~~) (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
   ~~)~~ Begun, or caused to begin, as part of a continuous onsite construction program~~:~~

a.

~~i)~~ any placement, assembly, or installation of facilities or equipment; or

(a)

~~ii)~~(b) ~~-~~significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

b. Entered into a binding contractual obligation for the purchase of facilities or equipment which ~~are~~is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Non-contact Cooling Water. Water used for cooling, which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

North American Industrial Classification System (NAICS). US Census Bureau business classification system.

Outside U~~u~~ser. Any person responsible for the payment of sewer service fees for premises served outside the City limits.

Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.

Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural, and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Premises. Any lot, piece, or parcel of land, any building or other structure, or any part of any building or structure used or useful for human habitation or gathering or carrying on any business or occupation.

Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User~~,~~.

Pretreatment Standard or Standard. The terms National Pretreatment Standard, Pretreatment Standard, or Standard mean~~s~~ any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to §403.5.

Private S~~s~~ewer. That portion of a sewer serving an independent sewage disposal system, not connected with a public sewer, and which accommodates one or more buildings or industries.

Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 6-5.207.

Publicly Owned Treatment Works (~~or~~ POTW). A "treatment works," as defined by Section 212 of the Act (33 U.S.C. §1292) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

Public S~~s~~ewer. The main line sewer constructed in a street, highway, alley, place, or right-of-way dedicated to public use. Public sewer shall not include a house connection sewer or sewer lateral or service lateral.

Public Works Director or Director of Public Works. The Public Works Director or Director of Public Works of the City or such other person as may be designated by the Public Works Director to perform the services or make the determinations permitted or required under this chapter to be made by the Director of Public Works.

Radioactive M~~m~~aterial. A material containing chemical elements that spontaneously change their atomic structure by emitting any particles, rays, or energy forms.

Receiving W~~w~~ater Q~~q~~uality S~~s~~tandards. The requirements for City treatment plant effluent established by law or by State or Federal regulatory agencies for the protection

of receiving water quality. "Standards" shall include effluent limitations and waste discharge standards, requirements, limitations, or prohibitions which may be established or adopted from time to time by State or Federal laws or regulatory agencies.

Residential U~~u~~ser. Any user whose premises are used solely for residential purposes.

Sanitary S~~s~~ewage. The waste discharging into the City sewage system ~~and~~ which contains human or animal excreta.

Sanitary Sewer Overflow (SSO). Any overflow, spill, release, discharge, or diversion of untreated or partially-treated wastewater from a sanitary sewer system, including overflows or releases that reach waters of the United States, overflows or releases that do not reach the waters of United States, and backups into buildings and/or private property caused by conditions within the publicly owned portion of the sewer system.

Septic T~~t~~ank S~~s~~ystem. A system of reservoirs or tanks which receive sanitary sewage and by septic bacterial action a~~e~~ffect the decomposition and settlement of settleable solids and the diversion of the septic liquid for clarification and purification which take~~s~~ place by further bacterial action in percolation ducts extending into natural or prepared porous subsoil beds.

Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Service L~~l~~ateral. A sewer conveying the wastewaters of a discharger from a residence, building, or other structure(s) to a community sewer, including direct connections to a community sewer where permitted by the City.

Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

Sewage L~~l~~ift S~~s~~tation. Any facility designed and constructed to raise wastewaters in elevation or to overcome head losses due to pipeline friction.

Sewage Treatment Plant. Any arrangement of devices and structures for treating sewage.

Sewer M~~m~~ain. Portion of the community sewer system~~,~~ which receives wastewaters from the service lateral of a discharger.

Sewer System Management Plan (SSMP). A document prepared by the City that describes the activities to manage the wastewater collection system effectively.

Sewerage S~~s~~ystem. The services and facilities for the treatment and disposal of industrial wastes and sanitary sewage.

Shall and M~~m~~ay. Shall is mandatory and may is permissive.

~~Sewage treatment plant. Any arrangement of devices and structures for treating sewage.~~

Side S~~s~~ewer or L~~l~~ateral S~~s~~ewer or S~~s~~ervice L~~l~~ateral. A sewer conveying the wastewaters of a discharger from a residence, building, or other structure to a community sewer, including direct connections to a community sewer where permitted by the City.

Significant Industrial User.

~~1)~~ A user subject to categorical pretreatment standards; or a user that:

1.

~~1)~~ Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler ~~blowdown~~blow-down wastewater);

a.

~~2)~~ Contributes a process waste stream which makes up five ~~(5)~~ percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

b.

~~(a)~~ Is designated as such by the City on the basis that it has a reasonable potential for adversely

~~(b)~~c. ~~potential~~Potential ~~for adversely~~ affecting the POTW's operation or for violating any pretreatment standard or requirement.

~~c.~~2. The City may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than one hundred~~100~~ ~~gallons per day~~ (100) gpd~~gpd)~~ of total categorical wastewater (excluding sanitary, non-contact cooling, and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

~~1)~~a. The Industrial User, prior to the City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

~~2)~~b. The Industrial User annually submits the certification statement required in Section 6-5.402.~~E~~F(~~c~~b), together with any additional information necessary to support the certification statement; and

c. The Industrial User never discharges any untreated concentrated wastewater.

~~3)~~

~~4)~~3. Upon a finding that a user meeting the criteria in Subsection a. has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f~~)(~~) (6), determine that such user should not be considered a S~~s~~ignificant I~~i~~ndustrial U~~u~~ser.

Slug Load or Slug Discharge. Any discharge at a flow rate or concentration ~~which,~~which could cause a violation of the prohibited discharge standards in Article 2 of this Ordinance. A Slug Discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause i~~I~~nterference or p~~P~~ass t~~T~~hrough, or in any other way violate the POTW's regulations, local limits, or p~~P~~ermit conditions.

~~Sewer System Management Plan – A Sewer System Management Plan also called SSMP is a document prepared by the City that described the activities to manage the wastewater collection system effectively.~~

~~Sanitary Sewer Overflow (SSO) – Any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system, including overflows or releases that reach waters of the United States, overflows or releases that do not reach the waters of United States, and backups into buildings and/or private property caused by conditions within the publicly owned portion of the sewer system.~~

Standard Industrial Classification ~~(SIC)~~ Code (SIC). A classification pursuant to the Standard *Industrial Classification Manual* issued by the United States Office of Management and Budget.

Standard Methods. The procedures described in the latest edition of "Standard Methods for the Examination of Water and Wastewater" as published by the American Public Health Association, the American Water Works Association, and the Water Environment Federation. Elements of wastewater strength shall be measured by "Standard Methods" unless otherwise expressly stated.

Standard Specifications. A set of documents including Standard Details and Special Provisions containing design and construction standards for all sewerage works within the City.

Storm Water or Stormwater. Any flow occurring during or following any form of natural precipitation~~,~~ and resulting from such precipitation, including snowmelt.

Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

Trade S~~s~~ecrets. Any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented and is ~~, which~~ known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value, and which give its user an opportunity to obtain a business advantage over competitors who do not know or use it.

Trailer C~~c~~ourt. Any parcel of land designed for residential use with two (2) or more mobile homes, travel trailers, pickup campers, or motor homes.

Trunk Ssewer. A sewer constructed, maintained, and operated by the City which conveys wastewaters to the City's treatment facilities and into which service lateral s and collecting sewers discharge.

Uncontaminated Wwater. Any wasted water of the community not contaminated or polluted with wastewaters and which is suitable or could readily be made suitable for discharge to the municipal storm-water drainage system.

User or Industrial User. A source of indirect discharge. Also defined as any person responsible for the payment of the sewer service charges for premises served as provided in this chapter.

Waste. Sewage and any and all other waste substances, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature.

Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Wastewater Sstrength. The quality of wastewaters discharged as measured by its elements, including its constituents and characteristics.

Wastewater Treatment Plant, Wastewater Treatment Facility, or Water Reclamation Facility Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage/wastewater and industrial waste.

Article 2. Rules and Regulations.

Section 6.5.201. Discharge into Streams Prohibited.

Treatment of waste is required. It shall be unlawful to discharge to any stream or watercourse any sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this chapter.

Section 6.5.202. Privies and Septic Tanks Prohibited.

Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit, or other facility intended or used for the disposal of sewage.

Section 6.5.203. Occupancy Prohibited.

No building, industrial facility, or other structure shall be occupied until the owner of the premises has complied with all the rules and regulations of the City and this chapter.

Section 6.5.204. New Buildings Requiring Sewers ~~Required~~.

Before a building permit may be issued for any new building to be situated within the City~~,~~ which requires sewage disposal, provisions shall be made by the applicant and/or the property owner to connect the building with the City public sewer system, all in accordance with the requirements of this chapter. Provisions to connect the building to the public sewer may include extension of the main sewer line at the property owner's expense if necessary to adequately serve the building as determined by the Public Works Director. The property owner shall be responsible for the proper maintenance of the service lateral, at property owner's expense, from the building(s) to the collecting sewer/community sewer, including the connection of the service lateral to the collecting sewer/community sewer.

Section 6.5.205. Existing Buildings Requiring Sewage Disposal.

Existing buildings situated within the City and requiring sewage disposal shall be required to be connected to the public sewer system of the City at the property owner's expense provided such public sewer is within two hundred (200) feet of the nearest point of the structure. Exceptions to this requirement may be permitted when the County Health Official finds that an existing septic tank system and/or private sewage disposal system is properly and adequately functioning. However, once the private sewage disposal system and/or septic tank system fails, for the structure which is within two hundred (200) feet of the serviceable public sewer line, a connection shall be required to the public sewer system at the property owner's expense. All fees shall be paid prior to issuance of a building permit. The property owner shall be responsible for the proper maintenance of the service lateral, at property owner's expense, from the building(s) to the collecting sewer/community sewer, including the connection of the service lateral to the collecting sewer/community sewer.

Section 6.5.206. Ownership of the Service L~~l~~ateral.

Every user of the community sewer system shall be connected to the City sewer main by a sewer service lateral. Sewer service laterals shall be installed, properly maintained, and repaired by the owner of the property which the lateral serves. The entire sewer service lateral from the building connection to and including the wye connection to the sewer main shall be the owner's responsibility to install, properly maintain~~,~~ and repair.

All persons using the community sewer system of the City shall pay for such service and for the privilege of connecting to the sewer at the rates, at the times, and under the conditions set forth in this ordinance and shall comply with all of the regulations set forth in this ordinance relating to the use of such sewer system

All sewer service laterals connecting a user, whether a single-family residence, commercial building, or other structure, to a City-owned sewer main located in the public right-of-way or easement shall be owned, maintained and repaired by the owner

of the property being served, from and including the lateral's connection point at the City sewer main to the building or other point of use on the property. This includes both the portion on private property and the portion located beneath the sidewalk and street or any other public right-of-way or easement areas such as alleys, trails, and landscape areas, up to and including the point where the lateral connects to the City sewer main.

The City shall have the right to conduct maintenance inspection~~,~~ and/or repairs to the s~~S~~ide s~~S~~ewer or s~~S~~ervice l~~L~~ateral if needed, and it shall be the property owner's obligation to reimburse the City for the actual cost of such repair and inspection.

Section 6-5.207. Private Sewage disposal Systems.

a. *Private S~~s~~ewer S~~s~~ystem A~~a~~llowed*. When it has been determined by the Public Works Director that a building may be connected to a private sewage disposal system, the private system shall comply with the provisions of this chapter.
b. *Permits Required*. Before the commencement of the construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Director of Public Works, the County Health Department, and any other permit required.
c. *Inspections Required*. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Director of Public Works and the County Health Department. The City shall be allowed to inspect the work at any stage of the construction, and, in any event, the applicant for the permit shall notify the City and County Health Department when the work is ready for final inspection and before any underground portions are covered.
d. *Design Requirements*. The type, capacities, locations, and layout of a private sewage disposal system shall comply with all the recommendations of the Department of Public Health of the State and the County Health Department. No septic tank or cesspool shall be permitted to discharge to any public sewer or any stream or water~~-~~course. In addition, the private sewage disposal system shall meet all the applicable Local, State, and Federal design requirements at the time of construction.
e. *Abandonment of Facilities*. At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with the laws, rules, and regulations of the City, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material as determined by the Director of Public Works and County Health Department. In addition, all other applicable Local, State, and Federal requirements shall apply to appropriately abandon the facility.
f. *Costs of Maintenance by Owners*. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the City.

g. *Additional Requirements*. No statement contained in this chapter shall be construed to interfere with any additional requirement that may be imposed by any law, ordinance, rule, or regulation, or by the City or the County Health Department or the State.

Section 6-5.208. Prohibited Discharge Standards.

a. ~~a. *General*~~a. *General Prohibitions*. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through, interference or cause blockage(s) in the sanitary sewer system. These general prohibitions and the specific prohibitions in paragraph (b) below apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

b. ~~b. *Specific*~~b. *Specific Prohibitions*. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, ~~wastestreams~~waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
2. ~~Wastewater having a pH less than 5.0 or more than 11.5 or otherwise causing corrosive structural damage to the POTW or equipment as determined by the City;~~Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0 or more than 11.5, unless the works is specifically designed to accommodate such discharges;
3. Solid or viscous ~~substances~~ pollutants in amounts, as determined by the City, which will cause obstruction of the flow in the POTW resulting in interference but in no case solids with a diameter greater than one-quarter inch (1/4").
4. Any ~~P~~pollutant~~s~~, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
5. Wastewater having a temperature at the point of discharge which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);
6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
8. Trucked or hauled pollutants, except at discharge points designated by the Public Works Director in accordance with Section 6-5.406.D of this ordinance;
9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a

public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

10. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit;
11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
12. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Public Works Director;
13. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
14. Medical wastes, except as specifically authorized by the Public Works Director in a wastewater discharge permit;
15. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
16. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
17. Fats, Oils, or Greases (FOG) of animal or vegetable origin in concentrations greater than one hundred (100) mg/l; or which will cause interference or pass through at the POTW or which will cause (i) any visible sheen on the surface of the discharged wastewater; (ii) any buildup of fats, oils, or grease in any portion of the POTW; or (iii) any obstruction of the POTW.
18 FOG, as defined by the City's FOG Control Program and/or Public Works Director.
19. Wastewater causing two readings on an explosion hazard meter at the point of discharge, or at any point in the POTW, of more than five ~~percent (~~percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter.
20. Releases of Pollutants which, either singly or by interaction with other pollutants, causes contamination of sludge which prevents its use or disposal in accordance with the City's NPDES permit.
21. Cementitious materials.
22. Any solid or viscous substance or particles in a quantity, either by itself or in combination with other wastes, that is capable of obstructing flow or impairing the performance of the POTW.
23. Any wastewater containing strong acid iron pickling, or concentrated plating solutions, whether neutralized or not.
24. The discharge of any radiological, chemical or biological warfare agent or high-level, radiological waste.

c. The foregoing discharge prohibitions are not exclusive and shall be in addition to any prohibitions or requirements specified in any other provision of this code or any other applicable statue, regulation, ordinance or other governmental requirement.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW or storm water collection system.

Section 6-5.209. Pretreatment Local Limits.

a. The Public Works Director is authorized to establish Local Limits pursuant to 40 CFR 403.5 (c).
b. In addition to general and specific prohibitions and other regulatory requirements listed in Chapter 5 of Title 6 of the Yuba City Municipal Code, pretreatment local limits are established to protect against pass through and interference. These constituents and their MAIL limit can be found in the latest Technically Based Local Limit Development Document (TBLLDD). Constituents listed in the TBLLDD will be apportioned according to flow volume discharge limitations defined in individual wastewater discharge permits. All loadings for metals are for "total" metals unless indicated otherwise. Categorical discharge limits apply at the discharge point from each specified regulated process. The Public Works Director will impose mass based, concentration-based and/or production based limitations for controlling pollutant loading to the POTW. Maximum allowable quantities of pollutants not listed in this subsection may be determined by the Public Works Director based on applicable water quality criteria or as determined by legally established and approved scientific methods.
c. The Public Works Director may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of Section 6-5.208.

Section 6-5.210. National Categorical Pretreatment Standards.

The categorical pretreatment standards found in 40 CFR Chapter 1, subchapter N, Parts 405-471 are hereby incorporated.

a. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Public Works Director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
b. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Public Works Director shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

c. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
d. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
e. Discharging Categorical Industrial Users (CIUs) shall monitor for all constituents listed in the Code of Federal Regulations (40 CFR Chapter I, subchapter N, Parts 405-471). Wastewater discharged from such users shall be subject to any limitations therein which are not included in the local limits section of this ordinance.
f. Any non-discharging (excluding sanitary, non-contact cooling and boiler blow down wastewater, unless specifically included in the Pretreatment Standard) industrial user subject to the National Categorical Pretreatment Standards found at 40 CFR Section 403 et. seq. may be issued Zero discharge permits.

Section 6-5.211. California State Pretreatment Standards.

California State pretreatment standards located at CCR Title 23 Division 7, Chapter 5.5 Sections 13370 through 13389 of the Porter Cologne Water Quality Control Act are hereby incorporated.

Section 6-5.212. Right of Entry: Inspection and Sampling.

The Public Works Director and/or designee shall have the right to enter the premises of any user, upon providing proper credentials and identification, to determine whether the user is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the Public Works Director or designee ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties. Access shall be provided at any time the premises are staffed with production underway.

a. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Public Works Director and/or designee will be permitted to enter without delay for the purposes of performing specific responsibilities.
b. The Public Works Director and/or designee shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
c. The Public Works Director and/or designee may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually or more often as deemed necessary by the POTW.

d. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Public Works Director and/or designee and shall not be replaced. The costs of clearing such access shall be ~~born~~borne by the user.
e. Unreasonable delays in allowing the Public Works Director and/or designee access to the user's premises shall be a violation of this ordinance.

Section 6-5.213. Search Warrants.

If the Public Works Director and/or designee has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause indicating a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Public Works Director may seek issuance of a search warrant from the Superior Court of California, County of Sutter.

Section 6-5.214. City of Yuba City's Right of Revision and Right to Deny or Condition Increased Contribution of Changes in Nature of Pollutants.

The City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW. Additionally, the City reserves the right to deny or condition new or increased contributions of pollutants flow, or changes in the nature of pollutants to the POTW by Industrial Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions may cause the POTW to violate its NPDES permit.

Section 6-5.215. Dilution.

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Public Works Director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or ~~requirements,~~requirements or in other cases when the imposition of mass limitations is appropriate.

Section 6-5.216. Excessive Sewer Maintenance Expense.

No person shall discharge, or cause to be discharged either directly or indirectly, any waste that creates a stoppage, plugging, breakage, any reduction in sewer capacity, or any other damages to the sewers or sewerage facilities of the City. Any excessive

sewer or sewerage maintenance expense, or any other expense attributable thereto, will be charged to the offending discharger by the City.

Any refusal to pay excessive maintenance expenses duly authorized by the Director of Public Works shall constitute a violation of this chapter.

Section 6-5.217. Outside Sewers.

a. *Permits and Fees*. Permission shall not be granted to connect any lot or parcel outside the City to any public sewer in or under the jurisdiction of the City unless a permit therefore is obtained from the City. Such permits shall be approved by the Council. The connection impact fees shall be paid at the option of the developer/applicant at either the issuance of the building permit or at certificate of occupancy for a proposed development project – not at the date of application for a permit. The amount of the impact fees to be paid shall be those fees in effect at the time the fees are paid at either the issuance of a building permit or certificate of occupancy. Exceptions to this requirement may be negotiated between the developer and the City as part of the entitlement and agreement process, subject to City Council approval. The City may require the developer/applicant to pay, as determined by the Public Works Director, inspection fees at the time of building permit.
b. *Connection Agreements*. In no event shall such permission be granted unless the applicant shall first enter into a contract in writing whereby they shall bind themself, and their heirs, successors, and assigns, to abide by all laws, rules, and regulations in regard to the manner in which such sewer shall be used and the manner of connecting therewith, and also shall agree to pay all fees required for securing the permit and a monthly fee in the amount set forth by the City for the privilege of using such sewer.
c. *Special Outside Agreements*. Where special conditions exist relating to an outside sewer, they shall be the subject of a special contract between the applicant and the City.
d. *Reserved*.

Section 6-5.218. Containment and N~~n~~otification of P~~p~~rohibited D~~d~~ischarge

Any person owning or occupying premises in the City who has knowledge of any discharge from the premises that is prohibited by the provisions of this article and that has entered or will enter the public sewer system, shall immediately take all reasonable action to contain and abate the discharge and shall notify the City immediately.

Section 6-5.219. Disclaimer of L~~l~~iability

The requirements set forth herein are minimum standards and this ordinance does not imply that a wastewater discharge that complies with this ordinance will necessarily comply with all other applicable statutes, regulations, ordinances or other governmental requirements. This ordinance shall not create or impose any liability on

the City, its officers or employees for any damages that result from reliance on this code or any administrative decision lawfully made hereunder.

Section 6-5.220. Interceptor for O~~o~~ther B~~b~~usinesses.

The Public Works Director and/or designee may require businesses other than Food Service Establishments to install fat, oil, or grease and/or sand interceptors in accordance with City's FOG Control Program and/or when, in the opinion of the Public Works Director, an interceptor or interceptors or clarifier(s) are necessary for the proper handling of liquid wastes containing fat, oil, or grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients. Such interceptor(s)/clarifier(s) shall be installed, operated and maintained at no costs to the City, shall be of a type and capacity approved by the Public Works Director and/or designee, and shall be located as to be readily and easily accessible for cleaning and inspection.

Clarifier(s) and/or interceptor(s) utilized at a Commercial Automotive Service Facility or Commercial Vehicle Washing Facility or Automotive Wash Rack shall be pumped out by a licensed hauler at a minimum of every three hundred sixty-five (365) days. The Public Works Director or designee may require an increased pump out frequency as deemed necessary.

Section 6-5.221. Discharge of G~~g~~roundwater into the City Sewer System.

The Public Works Director may at~~in~~ his or her sole discretion approve a request to discharge groundwater into the City sewer system, upon execution by the person proposing the discharge of a written agreement signed and approved by the Public Works Director, specifying the terms and conditions that apply to the discharger and the discharge, and subject to the payment of any applicable charges and fee and such other requirements as may be imposed by the City or any other public agency. Any person violating any provision of the agreement shall be subject to administrative penalties pursuant to appropriate Article/Section of this Code, in addition to any other penalty or remedy provided by the agreement, this code or any other provision of any applicable statute, regulation or ordinance.

Section 6-5.222. Food Service Establishment (FSE) R~~r~~equirements

All FSEs shall comply with such best management practices (BMP~~s~~) requirements as outlined in the FOG Control Program and/or may be established from time to time by resolution of the City Council and/or Public Works Director.

Section 6-5.223. Operations and Maintenance of Sanitary Sewer System A~~a~~ssets L~~l~~ocated within S~~s~~ewer E~~e~~asements.

The City shall have the right to Operate, inspect, maintain and repair sewer system assets located within the sewer easements.

Article 3. Sewer Construction.

Section 6-5.301. Building Sewers, Lateral Sewers/Sservice Llateral, and Connections.

a. *Permits Required*. No person shall construct a building sewer or lateral sewer/service lateral or make a connection with any public sewer without first obtaining a written permit from the City and paying all the fees and connection charges as required therein.
b. *Design aAnd Construction Requirements*. The design and construction of building sewers and lateral sewers including the connections shall be in accordance with the requirements of the City, latest edition of International Building Code and California Plumbing Code, and in accordance with the Standard Specifications.
c. *Separate Sewers*. No two (2) adjacent buildings fronting on the same street shall be permitted to join in the use of the same side sewer. Every building or industrial facility shall be separately connected with a public sewer if such public sewer exists in the street upon which the property abuts or in an easement which will serve such property. However, one or more buildings located on property belonging to the same owner may be served, upon approval of the Public Works Director, with the same side sewer during the period of such ownership. Upon the subsequent subdivision and sale of a portion of such lot, the portion not directly connected to such public sewer shall be separately connected to a public sewer after obtaining appropriate permit from the City, and it shall be unlawful for the owner thereof to continue to use or maintain such indirect connection. All fee and charges associated with the separation shall be paid prior to any construction work related to the separation.
d. *Old Building Sewers*. Old building sewers may be used in connection with new buildings only when they are found, upon inspection and test, to meet all the requirements of the City. Anyone wishing to utilize existing or old sewer laterals must submit supportive documentation such as pipe TV analysis and any other tests required by the City. The applicant shall be responsible for all costs associated with this application including preparation of the required supportive documents.
e. *Cleanouts*. Cleanouts in building sewers shall be provided in accordance with the latest edition of California Plumbing Code, additional City requirements and the Standard Specifications. All cleanouts shall be maintained watertight.
f. *Sewers Too Low*. In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, the sanitary sewage carried by such building sewer shall be lifted by artificial means approved by the Director of

Public Works through an agreement with the conditions and discharged to the public sewer at the expense of the owner. The Owner shall be responsible for the proper operation and maintenance of such system at his/her own expense.

g. *Connections to Public Sewers*. The connection of the lateral sewer/service lateral into the public sewer shall be made in accordance with the Standard Specifications and other City requirements and at the applicant's expense. The property owner shall be obligated to install and maintain the sewer lateral at his/her sole expense from the sewer main to the building being served~~.~~. Where the City has partially constructed the service lateral from the main to the property line in order to avoid the further or future tearing up of the streets, it shall be the property owner's obligation to reimburse the City for the actual cost of that portion of the sewer service lateral constructed by the City. Property owners shall be solely responsible for the entire cost of the sewer service lateral from the main to the building being serviced, which shall be collected at the time of the connection to the public sewer system. The connection to the public sewer shall be made in the presence of a City inspector and under their supervision and direction. Any damage to the public sewer shall be repaired in conformance with the Standard Specifications and other City requirements at the cost of the applicant.

h. *Maintenance of Side Sewers*. Side sewers shall be maintained by the owner of the property served thereby. The City shall have the right to conduct maintenance inspection, and/or repair to the Side Sewer or Lateral if needed, and it shall be the property owner's obligation to reimburse the City for the actual cost of such repair and inspection.

Testing. All building sewers and lateral sewers shall be tested in accordance with the Standard Specifications.

i.

Prohibited C~~c~~ross C~~c~~onnections.

j. Sanitary sewer pipes shall not be connected to the storm drain system. The discharge of sanitary sewer/wastewater to the storm drain system is prohibited. It shall be the property owner's responsibility to avoid any cross connections during construction. This condition is applicable in all the circumstances, unless exceptions are approved by the Public Works Director, even if the improvement plans/drawings and construction work are approved by the City. The Public Works Director reserves the right to notify the property owner(s), after the date of adoption of this ordinance, where the cross connection do exist, to eliminate the cross connections if necessary in the opinion of Public Works Director. The discharge of sanitary sewer/~~wastewater to~~wastewater to the storm drain system is prohibited.

k. *Maintenance and R~~r~~epair; Indemnity*.

A. The property owner shall maintain in good condition, and shall be responsible, regardless of the cause, for all required repairs to the customer's private sewer line and all other sewer pipe(s) and appurtenances on property owner's premises. Property owner shall comply with all requirements under this code prior to excavating

anywhere within the public right-of-way for the purpose of maintaining and/or repairing the private sewer line.

B. The property owner shall indemnify, defend and hold harmless the City, its officers and employees from and against any and all claims, actions, costs (including attorney fees), damages or other liability arising from the condition, operation, maintenance or repair of any sewer line, pipe or appurtenance that the owner is required to maintain and repair hereunder.

l. *Private Ssewer -Llines—No Iinfiltration or Lleaks.*

A. If any private sewer line/sewer lateral is found to have a leak or defect that could result in infiltration and/or contamination of ground water or storm runoff, or a result in a wastewater leak or overflow, and the Public Works Director determines that the leak or defect should be repaired to protect the public health, welfare or safety, or any regulatory agency requires the leak or defect to be repaired, the Public Works Director may notify the owner of the property where the private sewer line is located that the owner must repair the line, and the owner of the line shall promptly upon notification repair the line to the satisfaction of the City. The City may require reasonable inspection of work performed and the property owner shall be responsible to pay fee/costs associated with these inspections.

B. If the owner of the property where the private sewer line is located fails to do so, the condition resulting from the leak or defect in the private sewer line shall be deemed to constitute a public nuisance, and the Public Works Director shall be authorized to commence and carry out proceedings for abatement of the condition and repair of the leak or defect. When, in the opinion of the Public Works Director, the leak or defect causes or threatens to cause a condition that presents an imminent danger to the public health, safety, or welfare, or the environment, or a violation of a NPDES permit, the Director may summarily abate the condition and repair the leak or defect. The owner shall be liable for the costs incurred by the City for any abatement and repair, including any related inspection and testing costs, arising from the leak or defect, and the cost therefor shall be invoiced to the owner. If the invoice is not paid within sixty (60) days, the Public Works Director may commence proceedings for recovery of these costs in accordance with the provisions of this Code.

m. ~~m.~~ *Private Ssewer Llines.*

Private sewer lines serving two or more buildings or structures located on the same lot or parcel, and all appurtenances thereto, that are not maintained by the City, shall be constructed to meet the City Standards of construction of public sewer lines, unless different standards are approved by the Public Works Director .

n. *Separate Connection Requirement for Eeach Ceommercial and Industrial Bbusiness.*

Separate Sewer connection is required for each commercial and industrial business regardless of the single and/or multiple ownership of the property location of the business. For example, if there are four businesses on one property owned by one Owner then four separate sewer connections are required. Calculation and payment of connection impact fee/charge may be paid if business were a single business. Total fee shall be paid prior to any connection to the POTW pipelines.

o. *Warranty; Indemnity.*

In addition to other applicable conditions and requirements, the Applicant and/or Contractor shall comply with the City's Standard Specification and Special Provisions for Warranty and Indemnity.

Section 6-5.302. Public Sewer Construction.

a. *Permits Rrequired*. No person shall construct, extend or connect to any public sewer without first obtaining a written permit from the City and paying all the fees and connection charges and furnishing the bonds as required therein. Such fees shall include, but not be limited to, plan check and inspection fees, which plan check and inspection fees shall be based upon City's adopted fee schedule. Costs shall be based upon engineer's estimate as approved by the City and deducting therefrom the amount of any City contribution to the work of construction for oversizing or over-width. The provisions of this section requiring permits shall not be construed to apply to contractors constructing sewers and appurtenances under contracts awarded and entered into by the City.

b. *Design and Cconstruction Sstandards*. The minimum standards for the design and construction of sewers within the City shall be in accordance with the Standard Specifications and this article. The Director of Public Works may permit modifications or may require higher standards where unusual conditions are encountered.

c. *Plans, Pprofiles, and Sspecifications Rrequired*. The application for a permit for public sewer construction shall be accompanied by a complete set of plans, profiles, and specifications, complying with all applicable laws, rules, and regulations of the City, prepared by a Civil Engineer registered in the State of California, showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles, and specifications, shall be examined by the Director of Public Works who shall approve them as filed or require them to be modified as he deems necessary for proper installation. When the Director of Public Works is satisfied that the proposed work is proper and the plans, profiles, and specifications are sufficient and correct, he shall order the issuance of a permit predicated upon the payment of all connection charges and fees and furnishing the bonds and deposits as required by the City. The permit shall prescribe such terms and

conditions as the Director of Public Works finds necessary in the public interest.

d. *Subdivisions*. The requirements of this chapter shall be fully complied with before any final subdivision map shall be approved by the City. The final subdivision map shall provide for the dedication for public use of streets, easements, or rights-of-way in which public sewer lines are to be constructed.

e. *Easements or R~~r~~ights-of-W~~w~~ay*. In the event an easement is required for the extension of the public sewer or the making of connections, the applicant shall procure and have accepted by the City a proper easement or grant of right-of-way having a minimum width sufficient in law to allow the laying and maintenance of such extension or connection.

f. *Persons A~~a~~uthorized to P~~p~~erform W~~w~~ork*. Only properly licensed contractors with all required permits shall be authorized to perform the work of public sewer construction within the City. All terms and conditions of the permit issued by the City to the applicant shall be binding on the contractor. The requirements of this section shall apply to side sewers installed concurrently with public sewer construction.

g. *Compliance with O~~o~~ther R~~r~~egulations*. Any person constructing a sewer within a street shall comply with all State, County, or City laws, ordinances, rules and regulations pertaining to the cutting of pavement, the opening, barricading, lighting, and protecting of trenches and the backfilling and repaving thereof and shall obtain all permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit by the City.

h. "*As-built*" D~~d~~*rawings*. As a condition of final acceptance by the City, copies of "as-built" drawings showing the actual locations and depth of all mains, structures, wyes, laterals, and other changes to the construction drawings shall be filed with the City.

i. *Completion of S~~s~~ewerage W~~w~~orks R~~r~~equired*. Before accepting any sewerage works by the City and prior to the admission of any sewage into the system, the sewerage works shall be tested and shall be completed in full compliance with all the requirements of the Standard Specifications and to the satisfaction of the Director of Public Works.

j. *Reimbursement A~~a~~greements*. Where the cost of the public sewer main extension has been deposited or paid by the person making such extension, the City may thereafter collect from any person connecting to such extension, except the person originally installing such extension, that portion of the cost of such extension as approved by the City in the reimbursement agreement. Such sums as are thus actually received by the City shall be paid by the City to the person originally making such extension, but the City shall in no way be obligated to assure that the person making such extension is paid the total cost thereof nor to initiate any action nor incur any expense to collect any sum to be paid such person; nor shall such refund be made from any other revenues of the City. Where more than one person contributes toward the making of the extension, such sums as are actually collected shall be refunded to such persons, pro rata, according to the amounts which they severally contribute towards the cost of the extension and pursuant to the preceding plan.

Reimbursement agreement(s) shall not exceed fifteen (15) years in duration or as approved by the City Council.

k. *Special Rreimbursement Aagreement*. Where special conditions exist, in the opinion of the City, relating to any agreement pursuant to this Ordinance, they shall be the subject of a special contract between the City and the person making the public sewer main extension.

Section 6-5.303. Sanitary Sewer Design Requirements.

a. *Design Ccalculations*. Design calculations submitted for City review shall be in a neat, acceptable form and shall indicate the date and the signature of the supervising engineer and State registration number.

1) *When Rrequired*. Design calculations will be required for all subdivision sewers with a total ultimate tributary area of fifty (50) acres or more or where, in the judgment of the Director of Public Works, they are necessary. Design calculations shall include all possible sewage flows.

2) *Sewers and Ppipelines*. Design calculations for sewers and pipelines shall be presented in tabular form and shall include the following information for each section of sewer: the terminal manhole designation, ground elevations at the terminal manholes, incremental and cumulative tributary areas, incremental and cumulative tributary population, incremental average and maximum domestic sewage flow, incremental infiltration allowance, cumulative design flow, invert elevations or terminal manholes, length of sewer run, and sewer size, slope, capacity, and velocity.

3) *Pumping Sstations*. Design calculations for pumping stations shall include soils data, structural design calculations, hydraulic calculations, including the basis for average and peak flows, calculations for wet well volumes, curves indicating force main characteristics, and individual and combined pump head capacity curves.

b. *Unit Ddesign Ffactors*.

1. *Sewage Fflow*.

(a) *Per capita domestic sewage flow*. The following criteria shall be used to estimate the average daily flows.

i. *110 gallons per person per day*
ii. *3 persons per Dwelling Unit (DU)*
iii. *6 dwelling Units per Acre or*
iv. *2,000 gallons per acre*

(b) *Approval of Eestimated Fflows*. All the estimated daily average flows for any design work should be approved by the Public Works Director. Public Works Director shall have the right to change the

above listed criteria to estimate the daily average flows depending on the development/project type.

c. *Gravity Ssewers*.

1. *Minimum Ssize: Main Ssewers*. The minimum diameter for the main sewer shall be six (6") inches. The use of six (6") inch pipe shall be limited, however, to the following conditions:

(a) No possibility of future extension;
(b) Maximum tributary population of 260; and
(c) Minimum slope on dead-end runs of five-tenths (0.5%) percent.

2. *Minimum Ssize: Side Ssewers*. The minimum diameter for sewer services shall be four (4") inches. For side sewers serving commercial or industrial buildings or multiple family living units, the minimum diameter shall be as required by the applicable sections of the currently adopted Uniform Plumbing Code.

3. *Minimum Sslopes*. For side sewers, the minimum slope shall be two (2%) percent for four (4") inch and one percent for six (6") inch. For main sewers, the minimum slope shall be that required to obtain a velocity of two (2) feet per second when the sewer is flowing full or one-half (1/2) full. For the purposes of computing velocity, the Manning's coefficient of roughness "n" shall be thirteen one-thousandths (.013).

4. *Steep Sslopes*. For main sewers installed on steep slopes, special design features may be required. Depending upon conditions of the specific installation, such items as underdrains, check dams, special anchorage, or special pipe material may be required. Based upon the data supplied, the Director of Public Works will assess each case and recommend certain special requirements.

5. *Minimum Ddepth*. The minimum depth of cover for any public sewer shall be three (3') feet. If it is impossible to obtain the specified minimum depth, the sewer shall be encased in concrete, or other acceptable protective measures shall be taken. For sewer services, the minimum depths of cover shall be three (3') feet at the property line. Where the minimum depths of cover set forth in this subsection are impossible to obtain, concrete encased pipe or other suitable protection shall be required.

6. *Manholes*. Manholes shall be provided at every line or grade change and at every point where the sewer changes size. In addition, manholes shall be provided at maximum intervals of 400 feet, in sewers twelve (12") inches in diameter and smaller, and 500 feet in sewers larger than twelve (12") inches in diameter.

7. *Cleanouts*. Cleanouts will be permitted only on dead-end runs where the length of sewer downstream to the next manhole is less than 300 feet.

8. *Types of Ppipe Ppermitted*. The types of pipe permitted for sanitary sewers shall be as indicated in Section 15 of the Standard Special Provisions or as

approved by the Public Works Director. The Director of Public Works shall be the sole judge as to what types of pipe may or may not be used for each specific project.

9. *Cleanouts and Ssewer Sservices*. Each sewer service shall have a cleanout installed as set forth in the current Uniform Plumbing Code.

d. *Force Mmains.* Force mains shall be designed using a Hazen-Williams coefficient of roughness "C" of 100.

e. *Pumping Sstations*. Pumping station designs vary according to the location and nature of flows. Each specific design shall be in general accordance with similar designs of existing pumping stations. The design parameters shall be thoroughly reviewed with the Director of Public Works prior to commencing with the detailed design. The Director of Public Works shall be the sole judge as to all design features for pumping stations.

f. *Construction Sspecifications and Ddetails*. The construction of sanitary sewers and related facilities shall be in accordance with Sections 13 and 15 of the latest edition of the City Standard Special Provisions and with the applicable City Standard Drawings.

(1) *Ratio of peak to average flow*. Following factors shall be used for the peaking factors.

(i) Peak hour = 2.0 (ratio of peak hour to average day flow = 2.0)
(ii) Peak Day = 1.3 (ratio of peak day to average day flow = 1.3)
(iii) Peak day peak hour = 2.6 (peak day peaking factor x peak hour peaking factor)

The Public Works Director shall have the right to approve the new peaking factors depending on the project type, location and other appropriate factors.

(2) *Industrial Ssewage Fflow*. Sewage flow for industrial areas shall be determined by the proposed type of industry. If the type of industry is unknown, 2,000 gallon per acre per day average design flow shall be used. In addition, above listed peaking factors and 1,000 gallon per acre per day of infiltration and stormwater inflow shall be used.

(3) *Infiltration and Sstorm-water Iinflow*. An allowance ~~of 1,000~~of 1,000 gallons per acre per day shall be made for infiltration.

g. *Public Works Director's Approval:* Public Works Director shall have the right to change any sanitary sewer design criteria and/or to add additional requirements.

Section 6-5.304. Sewer Construction Inspections.

a. *All W~~w~~ork to be I~~i~~nspected*. All sewer construction work shall be inspected by an inspector acting for the City to insure compliance with all the requirements of the City. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the City's public sewer until the work covered by the permit has been completed, inspected, and approved by the inspector. At a minimum, inspections shall take place at the stages listed below:

i. Installation of bedding material
ii. Installation of pipe prior to initial backfill (including sewer laterals)
iii. Installation of initial backfill
iv. Installation of final backfill
v. Installation of manholes and cleanouts

All sanitary sewer lines shall be tested between manholes or between manholes and cleanouts by the test methods specified in the City's Standard Specifications and/or Special Provisions. Tests for final acceptance shall be made after the line has been backfilled and subgrade compaction requirements have been obtained within the street section. After pressure testing has been completed, all gravity sewer mains shall be cleaned and televised before permanent paving is applied. In addition, sewer manholes shall be vacuum tested for leakage. Before the sewer lines are accepted, they shall be cleaned and flushed of all foreign ~~matter to~~matter to the satisfaction of the City. In addition to these requirements, the City reserves the right to perform final cleaning and televised inspection(s), and the applicant shall be responsible to pay all the costs associated with final cleaning and televised inspections. The applicant shall be responsible to correct all the defects to the satisfaction of the City and at no cost to the City before the acceptance.

Failure to comply with the specifications or meet the minimum requirements may result in rejection of the work.

If the test proves satisfactory to the City and the sewer has been cleaned of all debris accumulated from construction operations, the Director of Public Works shall issue a certificate of satisfactory completion.

b. *Time L~~l~~imits on P~~p~~ermits.* If work under a permit is not commenced within six (6) months after the date of the issuance of the permit, or if, after partial completion, the work is discontinued for a period of six months without obtaining time extension or one year with 2-six month time extensions, the permit shall thereupon become void, and no further work shall be done until a new permit shall have been secured. A new permit, with fee in-effect at the time of issuance of new permit, shall be obtained prior to any additional work.

c. *Notification*. It shall be the duty of the person doing the work authorized by the permit to notify the Public Works Department that such work is ready for

inspection. It shall be the duty of the person doing the work to make sure that the work will stand the tests required by the City before giving such notification.

d. *Condemned W~~w~~ork*. When any work has been inspected and the work condemned and no certification of satisfactory completion given, a written notice to that effect shall be given instructing the owner of the premises, or the agent of such owner, to repair the sewer or other work authorized by the permit in accordance with the laws, rules, and regulations of the City.

e. *All C~~c~~osts P~~p~~aid by O~~o~~wners*. All costs and expenses incident to the installation and connection of any sewer or other work for which a permit has been issued shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the work.

f. *Street E~~e~~xcavation P~~p~~ermits.* A separate permit shall be secured from the City, County and/or State as required by owner(s) or contractor(s) intending to excavate in a public street for the purpose of installing sewers or making sewer connections.

g. *Liability*. The City and its officers, agents, and employees shall not be answerable for any liability or injury or death to any person or damage to any property arising during or growing out of the performance of any work by such applicant. The applicant shall be answerable for, and shall save the City and its officers, agents, and employees harmless from, any liability imposed by law upon the City or its officers, agents, or employees, including all costs, expenses, fees, and interest incurred in defending the same or in seeking to enforce this provision. The applicant shall be solely liable for any defects in the performance of their work or any failure which may develop therein.

Article 4. Industrial Wastewaters.

Section 6-5.401. Industrial User Defined.

"Industrial user" shall mean any ~~non-governmental~~ user of publicly owned treatment works identified in the 2007 North American Industrial Classification System (NAICS) or latest edition of that manual (US Census Bureau). The NAICS replaced the SIC Code system in 1997. Industrial Users include but are not limited to businesses listed in the following sections of the NAICS:

a. Agriculture, Forestry, and Fishing and Hunting (Sector 11).
b. Mining (Sector 21).
c. Utilities (Sector 22)
d. Construction (Sector 23).
e. Manufacturing (Sector 31-33).
f. Transportation and ~~Wherehousing~~Warehousing (Sector 48-49),
g. Professional, Scientific and Technical Services (54)

A user in the division listed may be excluded if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

Industrial User" shall also mean any discharging "non-domestic source of pollutants into the POTW regulated under Section 307(b), (c) or (d) of the Clean Water Act" or any other indirect discharger regulated under alternative water quality standards.

Section 6-5.402. Wastewater Discharge Permit.

No person shall discharge, or cause to be discharged, any industrial wastewaters directly or indirectly to sewerage facilities owned by the City without first obtaining a City permit for industrial wastewater discharge.

The permit for industrial wastewater discharge may require the pretreatment of industrial wastewaters before discharge, the restriction of peak flow discharges, the discharge of certain wastewaters only to specified sewers of the City, the relocation of the point of discharge, the prohibition of the discharge of certain wastewater components, the restriction of discharge to certain hours of the day, the payment of additional charges to defray the increased costs of the City created by the wastewater discharge, and such other conditions as may be required to effectuate the purposes of this chapter.

Section 6-5.402.A. Reserved.

Section 6-5.402.B. Wastewater Discharge Permit Requirement.

a. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Public Works Director and/or designee, except that a significant industrial user that has filed a timely application pursuant to Section 6-5.402(D) of this ordinance may continue to discharge for the time period specified therein.
b. The Public Works Director and/or designee may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.
c. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Articles 6 & 7 of this chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

Section 6-5.402.C. Wastewater Discharge Permit~~:~~ Existing Connections.

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) days after the date,

apply to the Public Works Director and/or designee for a wastewater discharge permit in accordance with Section 6-5.402.E. of this ordinance, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Public Works Director and/or designee.

Section 6-5.402.D. Wastewater Discharge Permit~~:~~: New Connections.

Any user required to obtain a wastewater discharge permit that proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 6-5.402.E of this ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

Section 6-5.402.E. Wastewater Discharge Permit Application Contents.

All users required to obtain a wastewater discharge permit must submit a permit application. The Public Works Director and/or designee may require all users to submit as part of an application the following information:

a. All information required by Section 6-5.801.B of this ordinance;
b. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
d. Each product produced by type, amount, process or processes, and rate of production;
e. Type and amount of raw materials processed (average and maximum per day);
f. Site plans, floor plans, mechanical and plumbing plans. Details to show all sewers, floor drains and appurtenances by size, location, and elevation. All points of discharge and the location of all chemical and/or hazardous materials storage areas.
g. Time and duration of discharges; and
h. Any other information as may be deemed necessary by the Public Works Director to evaluate the wastewater discharge permit application.
i. The location for monitoring all wastes covered by the permit;

j. An application fee of shall be filed with the completed application. The application fee is listed within the City Fee Schedule document.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

Section 6-5.402.F. Wastewater Discharge Permit Application Signatories and Certification.

All wastewater discharge permit applications, user reports and certification statements must be signed by an authorized representative of the user as defined in Section 6-5.106, and contain the following certification statement:

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

a. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to Public Works Director and/or designee prior to or together with any reports to be signed by an Authorized Representative.

b. Annual Certification for Non-Significant Categorical Industrial Users-A facility determined to be a Non-Significant Categorical Industrial User by the Public Works Director pursuant to 6-5.106 must annually submit the following certification statement signed in accordance with the signatory requirements in 6-5.106. This certification must accompany an alternative report required by the Public Works Director:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR_____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

(a) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical User as described in 6-5.106;
(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

Section 6-5.402.G. Wastewater Discharge Permit Decisions.

The Public Works Director and/or designee will evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge permit application the Public Works Director and/or designee will determine whether or not to issue a wastewater discharge permit. The Public Works Director may deny any application for a wastewater discharge permit.

Section 6-5.402.H. Confidential Information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Public Works Director's and/or designee's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Public Works Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

Section 6-5.403. Procedure ~~f~~For Obtaining City Permits For Industrial Wastewater Discharges.

Section 6-5.403.A. Wastewater Discharge Permit Duration and Fees.

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Public Works Director. Each wastewater discharge permit will indicate a specific date upon which it will expire.

A discharge permit fee shall be billed annually. The permit fee is listed within the City Fee Schedule document.

Section 6-5.403.B. Wastewater Discharge Permit Contents.

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Public Works Director and/or designee to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

a. Wastewater discharge permits must contain:
   1. A statement that indicates wastewater discharge permit issuance date, expiration date, duration, which in no event shall exceed five (5) years and effective date;
   2. A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Section 6-5.403E of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
   3. Effluent limits, including Best Management Practices, based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and State and local law;
   4. ~~Self monitoring~~Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on the applicable general pretreatment standards, local limits, and Federal, State, and local law; and
   5. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule.
   6. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
   7. Requirements to control Slug Discharge, if determined by the Public Works Director to be necessary.
   8. Description or schematic representation of the effluent/discharge sampling location on site.

b. Wastewater discharge permits may contain, but need not be limited to, the following conditions:
   1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
   2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
   3. Requirements for the development and implementation of accidental discharge/slug control and countermeasures plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
   4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
7. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
8. Other conditions as deemed appropriate by the Public Works Director and/or designee to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

Section 6-5.403.C. Wastewater Discharge Permit Appeals.

The Public Works Director and/or designee shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Public Works Director to reconsider the terms of a wastewater discharge permit within ninety (90) days of notice of its issuance.

a. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
b. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
c. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
d. If the Public Works Director fails to act within ninety (90) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
e. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Superior Court of California, County of Sutter, within 30 days.

Section 6-5.403.D. Wastewater Discharge Permit Modification.

The Public Works Director and/or designee may modify a wastewater discharge permit for good cause, including, but not limited to the, the following reasons:

a. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
b. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
c. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

d. Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;
e. Violation of any terms or conditions of the wastewater discharge permit;
f. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
g. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
h. To correct typographical or other errors in the wastewater discharge permit; or to reflect a transfer of the facility ownership or operation to a new owner or operator.

Section 6-5.403.E. Wastewater Discharge Permit Transfer.

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Public Works Director and the Public Works Director approves the wastewater discharge permit transfer. The notice to the Public Works Director must include a written certification by the new owner or operator which:

a. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
b. Identifies the specific date on which the transfer is to occur; and
c. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

Section 6-5.403.F. Wastewater Discharge Permit Revocation.

The ~~Utilities~~ Public Works Director and/or designee may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

a. Failure to notify the Public Works Director of significant changes to the wastewater prior to the changed discharge;
b. Failure to provide prior notification to the Public Works Director of changed conditions pursuant to Section 6-5.805 of this ordinance;
c. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
d. Falsifying self-monitoring reports;
e. Tampering with monitoring equipment;
f. Refusing to allow the Public Works Director timely access to the facility premises and records;
g. Failure to meet effluent limitations;
h. Failure to pay fines;
i. Failure to pay sewer charges;
j. Failure to meet compliance schedules;

k. Failure to complete a wastewater survey or the wastewater discharge permit application;
l. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
m. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

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

Section 6-5.403.G. Wastewater Discharge Permit Reissue.

A user with an expiring wastewater discharge permit shall apply for a reissued wastewater discharge permit by submitting a complete permit application, in accordance with Section 6-5.402.E of this ordinance, a minimum of ninety (90) days prior to the expiration of the user's existing wastewater discharge permit.

Upon receipt of all required information the application shall be processed. Upon approval, a reissued discharge permit signed by representatives of the City, will be issued with one copy returned to the applicant.

~~The City shall allow an industrial discharger a reasonable period of time to comply with any changes in the industrial wastewater permit required by the City.~~

Section 6-5.404. Industrial W~~w~~astewater S~~s~~ampling, A~~a~~nalyses, and F~~f~~low M~~m~~easurements.

When requested by the Public Works Director and/or designee, a user must submit information on the nature and characteristics of its wastewater within ninety (90) days of the request. The Public Works Director is authorized to prepare a form for this purpose and may periodically require users to update this information. Minimum detection levels shall be as determined by the Public Works Director.

a. *Measurement devices*. All dischargers making periodic measurements shall furnish and install at the control manhole or other appropriate location a calibrated flume, weir, flow meter, or similar device approved by the Public Works Director and/or designee and suitable to measure the industrial wastewater flow rate and total volume. A flow indicating, recording, and totalizing register may be required by the Public Works Director and/or designee. In lieu of the wastewater flow measurement, the Public Works Director and/or designee may accept records of water usage and adjust the flow volumes by suitable factors to determine peak and average flow rates for the specific industrial wastewater discharger.
b. *Inspections of measurement devices*. The sampling, analysis, and flow measurement procedures, equipment, and results shall be subject at any time to inspection by

the City. The sampling and flow measurement facilities shall be such as to provide safe access to authorized personnel.

c. *Measurement frequency*. Those industrial wastewater dischargers required by the Public Works Director and/or designee to make periodic measurements of industrial wastewater flows and constituents shall annually make the minimum number of such measurements required. The minimum requirements for such periodic measurements shall be:
    1. At least one twenty-four (24) hour measurement per year. Representative samples of the industrial wastewaters shall be obtained at least once per hour over the twenty-four (24) hour period, properly refrigerated, composited according to measured flow rates during the twenty-four (24) hours, and analyzed for the specified wastewater constituents;
    2. Dischargers required to sample on only a few days per year shall sample during the periods of highest wastewater flow and wastewater constituent discharges; and
    3. Industrial plants with large fluctuations in quantity or quality of wastewaters may be required to provide continuous samplings and analyses for every working day. When required by the Public Works Director, dischargers shall install and maintain in proper order automatic flow-proportional sampling equipment and/or automatic analysis and recording equipment.

Measurements to verify the quantities of waste flows and waste constituents reported by industrial dischargers will be conducted on a random basis by personnel of the City.

Section 6-5.405. Discrepancies ~~B~~between Actual ~~A~~and Reported Industrial Wastewater Discharge Quantities.

Should measurements or other investigations reveal that the industrial discharger is discharging a flow rate or a quantity of biochemical oxygen demand or suspended solids significantly in excess of that stated in the industrial wastewater permit or in excess of the quantities reported to the City by the discharger and upon which the industrial wastewater treatment charges are based, the discharger shall apply for an amended industrial wastewater permit and shall be assessed for all delinquent charges, together with the penalty and interest. Before these charges shall be assessed, at least two (2) additional twenty-four (24) hour samples and flow measurements shall be obtained by the City with all the costs of sampling and analyses to be paid by the discharger.

An industrial discharger found in violation, shall be presumed, in the absence of other evidence, to have been discharging at the determined parameter values over the preceding three (3) years or subsequent to the previous City verification of quantity parameters, whichever period is shorter.

Section 6-5.406. Pretreatment o~~O~~f Industrial Wastewater.

Section 6-5.406.A. Pretreatment Facilities.

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 6-5.~~207~~ 208 of this chapter within the time limitations specified by EPA, the State, or the Public Works Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities, including operating and maintenance procedures, shall be submitted to the Public Works Director for review, and shall be acceptable to the Public Works Director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this ordinance.

Section 6-5.406.B. Additional Pretreatment Measures.

a. Whenever deemed necessary, the Public Works Director and/or designee may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage ~~wastestreams~~waste streams from industrial ~~wastestreams~~waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.
b. The Public Works Director and/or designee may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
c. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Public Works Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Public Works Director and/or designee and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, according to the manufacturer’s guidelines, by the user at their expense.
d. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
e. The Public Works Director may deny, condition, and limit without restriction new or increased contributions of pollutants, or changes in the nature of pollutants, when the discharger does not meet pretreatment standards and the discharge would cause the POTW to violate its NPDES permit.

Section 6-5.406.C. Accidental Discharge/Slug Control and Countermeasures Plans.

a. Each discharger shall provide protection from the accidental discharge of prohibited materials or other wastes regulated by this chapter. Where necessary, or as directed by the Public Works Director, retention basins, dikes, storage tanks, or other facilities designed to eliminate, neutralize, offset, or otherwise negate the effects of prohibited materials or wastes discharged in violation of this chapter shall be installed.
b. Dischargers shall notify the City immediately when accidental discharges of wastes in violation of this chapter occur so that countermeasures may be taken by the City to minimize damages to the sewer system, treatment plant, treatment process, or for any fines imposed on the City on account thereof under Section 13350 of the Water Code of the State, or for violations of Section 565 of the Fish and Game Code of the State.
c. In the event of an accidental discharge in violation of this chapter, the discharger shall furnish the City, within five (5) days of the date of the occurrence, a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrences.
d. In order for ~~that~~ employees of discharges be more fully informed of City requirements, copies of this chapter shall be permanently posted on bulletin boards of dischargers, together with such other industrial waste information and notices which may be furnished by the City from time to time directed towards more effective water pollution control.
e. Sewer connections within the discharger's plumbing or drainage system shall be appropriately labeled to warn operating personnel against the discharge of any substance in violation of this chapter.

The Public Works Director and/or designee shall evaluate whether each Significant Industrial user needs a plan or other action to control Slug Discharges. For Industrial Users identified as significant prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; additional Significant Industrial Users must be evaluated within 1 year of being designated a Significant Industrial User. For purposes of this subsection, a Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or Permit conditions. The results of such activities shall be available to the Approval Authority upon request. Significant Industrial Users are required to notify the POTW immediately of any changes at its facility affecting potential for a Slug Discharge. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

a. Description of discharge practices, including non-routine batch discharges;
b. Description of stored chemicals;
c. Procedures for immediately notifying the Public Works Director of any accidental or slug discharge, as required by Section 6-5.806. of this ordinance; and

d. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

Section 6-5.406.D. Hauled Wastewater.

a. All persons owning vacuum or "cesspool" pump trucks or other liquid waste transport trucks and desiring to discharge septic tank, seepage pit, interceptor, or cesspool contents, industrial liquid wastes, or other liquid wastes to sewerage facilities of the City or to facilities that discharge directly or indirectly to such sewerage facilities shall first obtain a Septage Waste Disposal General Permit. All applicants for coverage under the septage general ~~permit shall~~permit shall complete the application form, pay the appropriate fee, receive a copy of the City regulations governing discharges to sewers of liquid wastes from trucks and shall agree, in writing, to abide by these regulations.
b. The Septage Waste Disposal General Discharge permit shall be valid for the time period listed therein and in no case the permit shall not exceed 5 years.
c. Any person negligently or willfully violating the City requirements for liquid waste discharges from trucks shall be in violation of this chapter and may have their permit revoked by the Public Works Director.
d. Septic tank waste may be introduced into the POTW only at locations designated by the Public Works Director, and at such times as are established by the Public Works Director. Such waste shall not violate Article 2 of this chapter or any other requirements established by the City.
e. The Public Works Director and/or designee shall require haulers of industrial waste to obtain wastewater discharge permits. The Public Works Director may require generators of hauled industrial waste to obtain wastewater discharge permits. The Public Works Director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.
f. Industrial waste haulers may discharge loads only at locations designated by the Public Works Director. No load may be discharged without prior consent of the Public Works Director. The Public Works Director and/or designee may collect samples of each hauled load to ensure compliance with applicable standards. The Public Works Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
g. All septage waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name, phone number and address of the septage waste hauler, permit number, truck identification, names and addresses, and phone numbers of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.
h. All septage waste haulers must provide, at the time of permit approval, a Yuba City business license, current vehicle registration, truck capacity certification for

each truck listed, current Yuba and/or Sutter County "Sewage Pumper Vehicle" permit and proof of General Liability Insurance (bodily injury, personal injury and property damage)/Automobile Liability insurance in the amount of $1,000,000.00/$1,000,000.00 per occurrence or accident. These amounts may change to reflect the most current City mandated insurance requirements. The septage waste haulers shall be responsible to provide proof of all these insurance documents including endorsements per City insurance requirements. The City's current insurance requirements can be obtained from pretreatment coordinator. City's Public Works Department shall be exempt from these requirements.

Section 6-5.407. Measurement of Industrial Waste.

Any industrial or commercial user may be required to provide a metering device acceptable to the City, at the user's expense, to permit the accurate determination of the volume of wastewater discharged into the City sewage system. Where the sewage flow is not measured, and unless other arrangements are agreed upon in advance, the volume of sewage flow shall be taken as the metered water consumption. At the option of the Public Works Director, when the sewage flow is not substantially different than the metered water consumption, the volume of waste for payment may be determined by special agreement or by the use of sewage flow meters installed and maintained by qualified personnel at the user's expense.

Section 6-5.408. Industrial Wastewater Charges.

a. *General.* The capital interest and costs shall be determined by the required plant capacity of each industrial user. The major industrial users, currently – Sunsweet Growers, Yuba City Cogeneration, Valley Fine Foods and Calpine, in-addition to the operations and maintenance charges, shall be paying for the debt service and capital replacement in accordance with their existing contracts with the City and in accordance with the 2011 Wastewater rate Study. The wastewater charges for industrial wastewater related to the debt service and capital replacement is shown the following Tables. The Public Works Director shall have the authority to negotiate and execute new agreement with the new Industrial users for the debt service and capital replacement costs.

Sunsweet Growers Inc. - Wastewater Charges for Debt Service and Capital Replacement

Category	~~9/1/2011~~ 8/1/2016 to ~~8/31/2012~~ 6/30/2017	~~9/1/2012~~ 7/1/2017 to ~~8/31/2013~~ 6/30/2018	~~9/1/2013~~ 7/1/2018 to ~~8/31/2014~~ 6/30/2019	~~9/1/2014~~ 7/1/2019 to ~~8/31/2015~~ 6/30/2020	~~9/1/2015~~ 7/1/2020 to ~~8/31/2016~~ 6/30/2021
Debt Service	$7,680.00	$7,680.00	$7,680.00	$7,680.00	$7,680.00
Capital Replacement	$35,304.00	$35,304.00	$35,304.00	$35,304.00	$35,304.00

Yuba City Cogeneration - Wastewater Charges for Debt Service and Capital Replacement

Category	~~9/1/2011~~ 8/1/2016 to ~~8/31/2012~~ 6/30/2017	~~9/1/2012~~ 7/1/2017 to ~~8/31/2013~~ 6/30/2018	~~9/1/2013~~ 7/1/2018 to ~~8/31/2014~~ 6/30/2019	~~9/1/2014~~ 7/1/2019 to ~~8/31/2015~~ 6/30/2020	~~9/1/2015~~ 7/1/2020 to ~~8/31/2016~~ 6/30/2021
Debt Service	$790.27	$790.27	$790.27	$790.27	$790.27
Capital Replacement	$600.00	$600.00	$600.00	$600.00	$600.00

Valley Fine Foods Company- Wastewater Charges for Debt Service and Capital Replacement

Category	~~9/1/2011~~ 8/1/2016 to ~~8/31/2012~~ 6/30/2017	~~9/1/2012~~ 7/1/2017 to ~~8/31/2013~~ 6/30/2018	~~9/1/2013~~ 7/1/2018 to ~~8/31/2014~~ 6/30/2019	~~9/1/2014~~ 7/1/2019 to ~~8/31/2015~~ 6/30/2020	~~9/1/2015~~ 7/1/2020 to ~~8/31/2016~~ 6/30/2021
Debt Service	$562.94	$562.94	$562.94	$562.94	$562.94
Capital Replacement	$1,848.12	$1,848.12	$1,848.12	$1,848.12	$1,848.12

Calpine Greenleaf Inc. & Gilroy Energy Center- Wastewater Charges for Debt Service and Capital Replacement

Category	~~9/1/2011~~ 8/1/2016 to ~~8/31/2012~~ 6/30/2017	~~9/1/2012~~ 7/1/2017 to ~~8/31/2013~~ 6/30/2018	~~9/1/2013~~ 7/1/2018 to ~~8/31/2014~~ 6/30/2019	~~9/1/2014~~ 7/1/2019 to ~~8/31/2015~~ 6/30/2020	~~9/1/2015~~ 7/1/2020 to ~~8/31/2016~~ 6/30/2021
Debt Service	$1,126.66	$1,126.66	$1,126.66	$1,126.66	$1,126.66
Capital Replacement	$600.00	$600.00	$600.00	$600.00	$600.00

b. *Industrial U~~u~~ser R~~r~~ates*. Industrial users will be charged the rates stated in the most recent Wastewater Rate Study/Revenue Program as adopted by the Council, and will include charges for operation and maintenance costs, and administration and collection system costs. The charges shall reflect the user's contribution to the total wastewater loading of the treatment works and will recognize volume, BOD, and Suspended Solids (SS) to insure a proportional distribution of costs to each user. Industrial user rates are shown in the Table below in accordance with 2011 Wastewater Rate Study. The Public Works Director shall have the authority to negotiate and execute new agreement with the new Industrial users for the user rates based on the latest Wastewater Rate Study.

~~Category~~	~~9/1/2011 to 8/31/2012~~	~~9/1/2012 to 8/31/2013~~	~~9/1/2013 to 8/31/2014~~	~~9/1/2014 to 8/31/2015~~	~~9/1/2015 to 8/31/2016~~
~~Flow Charge (per million gallon)~~	~~$1,981.34~~	~~$2,041.25~~	~~$2,147.15~~	~~$2,240.06~~	~~$2,336.92~~
~~BOD Charge (per million gallon)~~	~~$0.2023~~	~~$0.2087~~	~~$0.2195~~	~~$0.2292~~	~~$0.2393~~
~~SS Charge (per million gallon)~~	~~$0.1521~~	~~$0.1570~~	~~$0.1651~~	~~$0.1724~~	~~$0.1800~~

Category	8/1/2016 to 6/30/2017	7/1/2017 to 6/30/2018	7/1/2018 to 6/30/2019	7/1/2019 to 6/30/2020	7/1/2020 to 6/30/2021
Flow Charge (per million gallon)	$2,570.61	$2,827.67	$3,110.44	$3,421.48	$3,763.63
BOD Charge (per lb.)	$0.263	$0.290	$0.319	$0.350	$0.385
SS Charge (per lb.)	$0.198	$0.218	$0.240	$0.264	$0.290

c. *Billing P~~p~~eriod*. During each fiscal year, there will be thirteen (13) four (4) week billing periods. The Assistant City Manager may divide the annual cost into thirteen (13) equal billings and combine the user's share of operation and maintenance costs, plus any assessment for additional costs caused by the user discharging wastewater in violation of the provisions of this chapter.

d. *Payment of C~~c~~harges and D~~d~~elinquent C~~c~~harges*. All fees and charges imposed under the provisions of this chapter shall be due and payable upon the receipt of the notice of charges. Unpaid charges shall become delinquent forty-five (45) days after mailing or delivering the notice of charges. A basic penalty charge of ten (10%) percent of the unpaid amount shall be added to any fee or charge which becomes delinquent. Interest at the rate of one half (2%) percent per month shall accrue on the total of all delinquent charges, plus all penalty charges.

e. *Determination of C~~c~~harges*.

1. *Capacity*. The actual plant capacity for each industrial user will be determined by the highest daily volume, pounds of BOD, and pounds of suspended solids discharged into the sanitary sewer system measured by

averaging the highest three (3) consecutive days during the prior fiscal year. The three (3) determining factors for industrial capacity will not necessarily peak during the same period. New industrial users will estimate their plant capacity requirements and make periodic deposits as determined by the Finance Director during their first year of operation with an adjustment billing or credit, whichever the case may be, within thirty (30) days after the end of the fiscal year. If the period of operation during the first fiscal year is not sufficient to determine a plant capacity, the second year operation capacity requirements will be used as if the industry was a new user in that year. The Public Works Director shall have the authority to negotiate and execute new agreement with the new Industrial users for the debt service and capital replacement costs.

2. *Actual D~~d~~ischarges*. The operation and maintenance costs will be based on the actual volume, pounds of BOD, and suspended solids. It will be the industrials user's responsibility to provide composite samples of its discharges for determining the BOD and suspended solid testing. Each sample shall be marked with the beginning and ending meter reading of the volume discharge during the period the composite sample is taken. The volume measured by the meter readings and the test results of the composite samples will be used to calculate the pounds of BOD and suspended solids and will be the basis of the billing operation and maintenance charges. If there are time periods when the meter readings of the composite samples are not consecutive, the City, at its sole discretion, will determine the parts per million (ppm) of the BOD and suspended solids for that volume that a sample was not received.

3. *Conversion F~~f~~actors*:
   - Cubic feet × 7.48 = gallons.
   - Pounds per day (BOD or suspended solids)=test results (mg/L) x 8.34 x flow (Million Gallons per Day; MGD)

Article 5. Sewer Service Charges.

Section 6-5.501. Charges for Service.

a. All charges for the extension of, connection to, and use of the City sewerage system shall be in accordance with the provisions of this article.

b. No facilities or services of the City sewerage system shall be furnished to any premises or to any person free of charge, except the City.

~~b.~~c. Beginning in 2017, all the charges related to the use of City sewerage collection and treatment system set out in Sections 6-5.408(b), 6-5.507(c) and 6-5.507(d) of this chapter will be reviewed by the City Council on an annual basis as part of the fiscal year budget review process, prior to the July 1st implementation of the increase for each year. The City Council will retain the authority to set by resolution the actual rates less than the maximum rates set out in Sections 6-5.408(b), 6-5.507(c) and 6-5.507(d) of this chapter.

Section 6-5.502. Payment of Charges.

Before connecting any premises to the City sewerage system, the owner, subdivider, or developer of such premises shall make provisions satisfactory to the Assistant City Manager for the payment of all charges.

Section 6-5.503. Sewer Connection Charges.

a. *Purpose*. The purpose of the sewer connection charge is to have the property owner pay their proportionate cost of the sewerage system.

b. *Collection*. The connection impact fees shall be paid at the option of the developer/applicant at either the issuance of the building permit or at certificate of occupancy for a proposed development project – not at the date of application for a permit. The amount of the impact fees to be paid shall be those fees in effect at the time the fees are paid at either the issuance of a building permit or certificate of occupancy. Exceptions to this requirement may be negotiated between the developer and the City as part of the entitlement and agreement process, subject to City Council approval. The City may require the developer/applicant to pay, as determined by the Public Works Director, inspection fees at the time of building permit.

In case of the expansions and/or alterations of the premises, a sewer connection impact charge shall be collected at the time building permit issuance of:

(1) The expansion and/or use of the premises which requires additional sewer facilities; and
(2) The construction or alteration of the premises which changes the parcel use to a higher sewer demand.

For the customers currently not on the City's sewer system, the connection impact fees including any regular and special permit and inspection fee shall be charged at the time of connection permit issuance for the connection to the City's sewer system.

c. *Schedule of Ccharges*. The sewer connection impact charge shall be as set forth in Section 6-5.507.

1. For multiple units, the connection impact fee shall include any common facilities, such as laundry rooms and recreation areas, that would normally be provided as support facilities with multiple dwellings; however, for other facilities not the primary support of the multiple dwellings, there shall be an additional fee computed on the basis of the fixture units as hereinafter provided for commercial, industrial, public and other uses or as determined by the Public Works Director.

2. *Commercial and Iindustrial Uusers*. Drainage system fixture units, as set forth in the Uniform Plumbing Code adopted by the City, for commercial users and for industrial users not included under the provisions of Article 4 of this

chapter. If at any time after the payment of the connection charge there is a change of use on the premises, there shall be an additional connection charge calculated at the per fixture unit rate for the number of additional fixture units installed.

3. *Industrial U~~u~~sers*. Connection charges for industrial users shall be determined in accordance with Article 4 of this chapter.

Section 6-5.504. Sewer Extension Charges.

a. *Purpose*. The purpose of the sewer extension charge is to reimburse the City for its cost to extend the main sewer.
b. *Collection*. The sewer extension charge for a main sewer installed by the City shall be collected before a person may connect their property to the City sewerage system.
c. *Schedule of C~~c~~harges*. The sewer extension charge provides for the extension of mains. The charge shall be as set forth in Section 6-5.507.

Corner lots and lots having more than one frontage where sewer facilities exist or are planned shall pay extension fees based on sixty (60%) percent of the first one hundred seventy-five (175) feet of total frontage (as measured to P.I.'s of property line returns) and one hundred (100%) percent of all frontage in excess of the first one hundred seventy-five (175) feet.

Such reduction shall apply to existing corner lots and shall not apply to corner lots which would be created by new subdivisions, parcel maps, or developments. Such parcels shall pay extension fees based on one hundred (100%) percent of all applicable frontage as measured prior to the creation of the side street.

Extension fees will not be applicable to lands within a subdivision or Special Assessment District if the sewer main was installed at no cost to the City (other than oversizing costs) unless an agreement exists providing for the repayment of extension costs to the original developer or to the Special District.

Where substantial evidence indicates that the sewer main was installed at no cost to the City (other than oversizing costs) by Special Assessment District, a subdivider, developer or other person, main extension charges shall not be applicable unless set forth in an agreement providing for the repayment of extension to the original installer.

Where a sewer main only serves property on one side of the sewer line, the charge shall be double the current charge.

d. *Agreements*. A property owner, subdivider, or developer may extend the main sewer at his or her own expense in accordance with a reimbursement agreement approved by the Council.

e. *Outside U~~u~~sers*. The sewer extension charge for all users whose property is outside the City limits shall be the same as the charges applicable if the user were within the City limits.

Section 6-5.505. Sewer Service Charges.

a. *Purpose*. The purpose of the sewer service charge is to provide necessary revenue to operate the sewerage system as a self-sustaining operation.

b. *Collection*. The sewer service charge shall be collected as follows:
1. On premises served with City water, the billing of sewer service charges shall be added to the charges for water service, and the payment and collection of the total amount shall be made in accordance with the provisions of this Code regulating the payment of water service charges.
2. On premises not served with City water, the billing and collecting of sewer service charges shall be made as determined by the Finance Director.

c. *Schedule of Charges*. The sewer service charge for property connected to the sewerage system shall be billed in accordance with the rates established in Section 6-5.507.

d. *Reserved for Ff~~f~~uture U~~u~~se*.

e. *Septage Waste Disposal General Discharge P~~p~~ermits*. The charge for truckers discharging to the municipal sewer system shall be listed in the City Fee Schedule document and in accordance with rates established in Section 6-5.507~~.~~.

Section 6-5.506. Meters May Be Required.

All sewer services may be metered at the discretion of the City. The Public Works Director may require any user, at their sole expense, to install a meter. The meter shall be approved by the Public Works Director before installation.

Section 6-5.507. Summary of Charges.

All the latest and current charges ~~contained in this Section~~ shall be found in the City's Fee Schedule document. The City updates the Fee Schedule document annually and posts it on the City's website. This Section shows the applicable charges from July 1, 2016 to June 30, 2017. The charges for all the subsequent years will only be available in City's Fee Schedule document.

a. *Sewer C~~c~~onnection C~~c~~harge T~~t~~ype*.
1. Single family residential and duplex (two (2) dwellings per parcel) users:
$~~5,626.64~~6,665.85 per unit
2. Multiple dwelling users:
$~~5,063.72~~5,998.96 per unit
3. Commercial and industrial users as defined in the Uniform Plumbing Code and applicable to users other than as defined in Article 4 of Chapter 5 of Title 6 of the Municipal Code:
$~~227.87~~269.95 per fixture unit

4. Any customer that purchases a connection impact charge prior to July 1~~,2000~~, 2000, may complete the project at any time, and is not subject to connection

impact charge rate adjustments or credit of interest. Any connection impact charges paid on July 1, 2000 or later, and the project is completed within eighteen (18) months, will not be subject to any additional connection impact charges or interest credits. A project is deemed completed when all building permits are paid and a final inspection report is issued or as determined by the Public Works Director. Any connection charges paid on July 1, 2000 or later and the project is not completed within eighteen (18) months will be subject to the connection impact charge in effect at the time of project completion, and will be entitled to interest credit as to any connection impact charge increases. Interest will only be allowed as a credit toward connection impact charges increases and, in no event, shall customer be entitled to any refund of interest. Interest will accrue, beginning eighteen (18) months after the initial purchase, based on the initial connection charge payment. Interest payment will be credited semi-annually on January 1st and July 1st based on the previous average semi-annual rate of the Local Agency Investment Fund administered by the California State Treasury. Connection permits or charges cannot be sold or transferred between any parties other than Yuba City.

b. *Extension C~~c~~harges*. Sewer extension charges per front foot as defined in Section 6-5.504. of the Municipal Code.

$~~54.39~~64.43 per front foot

c. *Sewer S~~s~~ervice C~~c~~harges*. Flat rate monthly sewer service charges for City Single Family users (including duplex – 2 units per parcel), multi dwelling unit (3 or more units) users are listed in the following Tables. The Commercial users shall be charged in accordance with the rate schedule in the following Table for Commercial users. No credit shall be allowed for the vacancy.

Single Family Users Flat Rate Service Charge per M~~m~~onth per Unit

	~~9/1/2011~~ to ~~8/31/2012~~	~~9/1/2012~~ to ~~8/31/2013~~	~~9/1/2013~~ to ~~8/31/2014~~	~~9/1/2014~~ to ~~8/31/2015~~	~~9/1/2015~~ to ~~8/31/2016~~
~~Charge/month~~	~~$31.11~~	~~$33.60~~	~~$36.31~~	~~$38.39~~	~~$40.53~~

	8/1/2016 to 6/30/2017	7/1/2017 to 6/30/2018	7/1/2018 to 6/30/2019	7/1/2019 to 6/30/2020	7/1/2020 to 6/30/2021
Charge/month	$44.58	$49.04	$53.95	$59.34	$65.27

Note: Single Family Users include – single family dwelling units, duplex units (2-dwelling units per parcel). This rate shall be applicable to multi dwelling units (3 or more per parcel) if each unit (2 dwelling units or less) is billed individually.

Multi Dwelling Units Flat Rate Service Charge per M~~m~~onth per Unit

	9/1/2011 to 8/31/2012	9/1/2012 to 8/31/2013	9/1/2013 to 8/31/2014	9/1/2014 to 8/31/2015	9/1/2015 to 8/31/2016
Charge/month	$24.89	$26.88	$29.05	$30.71	$32.43

	8/1/2016 to 6/30/2017	7/1/2017 to 6/30/2018	7/1/2018 to 6/30/2019	7/1/2019 to 6/30/2020	7/1/2020 to 6/30/2021
Charge/month	$35.67	$39.24	$43.16	$47.48	$52.23

Note: Multi Dwelling Uusers include – three or more apartments, mobile homes or trailers on one (1) parcel. The Single Family User Rate shall apply if each unit (2 dwelling units or less) in the Multi Dwelling Units is billed individually.

Commercial Monthly Rate Service Charge per Mmonth (Base Charge + Flow Charge)

Category	9/1/2011 to 8/31/2012	9/1/2012 to 8/31/2013	9/1/2013 to 8/31/2014	9/1/2014 to 8/31/2015	9/1/2015 to 8/31/2016
C1 (Base Charge)*	$31.11	$33.60	$36.31	$38.39	$40.53
C2 (Base Charge)*	$34.92	$37.76	$40.83	$43.19	$45.60
C3 (Base Charge)*	$42.17	$45.66	$49.41	$52.29	$55.23
Flow Charge* (per 100 CF)	$1.224	$1.323	$1.430	$1.513	$1.597

Category	8/1/2016 to 6/30/2017	7/1/2017 to 6/30/2018	7/1/2018 to 6/30/2019	7/1/2019 to 6/30/2020	7/1/2020 to 6/30/2021
C1 (Base Charge)*	$44.58	$49.04	$53.95	$59.34	$65.27
C2 (Base Charge)*	$50.16	$55.18	$60.69	$66.76	$73.44
C3 (Base Charge)*	$60.75	$66.83	$73.51	$80.86	$88.95

Flow Charge* (per 100 CF)	$1.76	$1.93	$2.13	$2.34	$2.57

* Note~~:~~: The charges to a Commercial user will be based on the applicable base charge as shown the Table above plus the flow charge for the actual water usage.

Commercial user Monthly Charge = Base Charge + (Flow Charge X actual water usage in 100 CF)

Category C1 shall include the types listed below. The Public Works Director shall have the right to expand the list or to move any listed type to a different category.

Retail/Office/Other,
Church,
Florist,
Bowling Alley,
Laundromat,
Fairgrounds,
Theatre/Cinema,
Gas Station (no market/disposal),
Bakery/Deli/Café (no disposal),
Restaurant/Bar (no disposal), and
Assisted Living/Convalescent Hospital.
Auditorium/Hall,
Animal Shelter,
Library,
Doctor/Dentist,
Car Wash
Hospital,
Veterinary Clinic
Storage,
Beauty/Barber -Shop,
Day Care,
Fitness Center,
Municipal,
Jail,

Category C2 shall include the types listed below. The Public Works Director shall have the right to expand the list or to move any listed type to a different category.

Bed/Breakfast,
Auto Sales,
Hotel/Motel,
Autobody Shop, and
Dry Cleaners,
Funeral Home.

Category C3 shall include the types listed below. The Public Works Director shall have the right to expand the list or to move any listed type to a different category.

Fast Food,
Bakeries & Delis (with disposal), and
Restaurant/Bar (with disposal)
Market,
Gas Station (with market)

d. *Sewer Service Charges for Schools are L~~l~~isted in the Table B~~b~~elow.*

Per Student Service Charge per Year* for Schools

	~~9/1/2011~~ to ~~8/31/2012~~	~~9/1/2012~~ to ~~8/31/2013~~	~~9/1/2013~~ to ~~8/31/2014~~	~~9/1/2014~~ to ~~8/31/2015~~	~~9/1/2015~~ to ~~8/31/2016~~
~~Charge/Year~~	~~$14.31~~	~~$15.44~~	~~$16.68~~	~~$17.63~~	~~$18.61~~

	8/1/2016 to 6/30/2017	7/1/2017 to 6/30/2018	7/1/2018 to 6/30/2019	7/1/2019 to 6/30/2020	7/1/2020 to 6/30/2021
Charge/Year	$20.47	$22.52	$24.77	$27.25	$29.97

*Average Daily Attendance (ADA) for past school year for number of students. Yuba City Unified School District is billed once a year after July 1st for the previous year.

Septic Haulers/Truckers D~~d~~ischarge C~~c~~harges. Septic tank trucks discharging at the City Wastewater Treatment Plant shall be charged using the following formula based on the 10,000 gallon monthly average wastewater flow estimate for single family dwelling unit and 77% of the service charges of treatment and disposal of septage including administration~~s~~ and pre-treatment. The price per gallon and minimum charges are shown the Table ~~below~~under this sub-section.

$$Charge\ per\ Gallon\ (\$) = \frac{Monthly\ Single\ Family\ Unit\ Charge\ X100\ X\ 77\%\ (\$)}{10{,}000\ (gallon)}$$

Septic Discharge Charges per G~~g~~allon* ~~(Minimum Charge 400 gallons per dump)~~

	~~9/1/2011~~ to ~~8/31/2012~~	~~9/1/2012~~ to ~~8/31/2013~~	~~9/1/2013~~ to ~~8/31/2014~~	~~9/1/2014~~ to ~~8/31/2015~~	~~9/1/2015~~ to ~~8/31/2016~~
Charge ($) per gallon	~~$0.240~~	~~$0.259~~	~~$0.280~~	~~$0.296~~	~~$0.312~~
Minimum Charge ($) 400 gallons per dump	~~$96.0~~	~~$103.6~~	~~$112.0~~	~~$118.4~~	~~$124.8~~

	8/1/2016 to 6/30/2017	7/1/2017 to 6/30/2018	7/1/2018 to 6/30/2019	7/1/2019 to 6/30/2020	7/1/2020 to 6/30/2021
Charge ($) per gallon	0.343	0.378	0.415	0.457	0.502
Minimum Charge ($) 400 gallons per dump	$137.28	$151.01	$166.11	$182.72	$200.99
Minimum Charge ($) 500 gallons per dump	$171.50	$189.00	$207.50	$228.50	$251.00

Minimum Charge ($) 1,000 gallons per dump	$343.20	$377.52	$415.27	$456.80	$502.48
Minimum Charge ($) 1,500 gallons per dump	$514.80	$566.28	$622.91	$685.20	$753.72

*Minimum Charge per dump shall be greater than (1) 400 gallons per dump or (2) full registered tank capacity of the dumping vehicle.

e. *Permitted I~~i~~ndustrial U~~u~~ser C~~c~~harges*. Industrial Users permitted through the City's Pretreatment Program shall be required to pay the charges in accordance with Section 6-5.408 of this Ordinance.

f. *Annual A~~a~~djustments*. Annually on July 1, of each year fees and charges in the following sections shall be adjusted based on the previous April value of the Twenty City Average of Engineering News Record Construction Index: Section 6-5.507(a), Section 6-5.507(b) and Section 6-5.508.

The Wastewater Discharge Permit fees in reference to Section 6-5.403.A. shall be adjusted annually based on the Wastewater Service charge increases. The following Table shows the new fees schedule.

Wastewater Discharge Permit Fee Schedule

Category	~~9/1/2011 to 8/31/2012~~	~~9/1/2012 to 8/31/2013~~	~~9/1/2013 to 8/31/2014~~	~~9/1/2014 to 8/31/2015~~	~~9/1/2015 to 8/31/2016~~
~~Zero Discharge~~	~~$314.64~~	~~$339.81~~	~~$366.99~~	~~$387.91~~	~~$409.63~~
Ground Water	~~$500.00~~	~~$540.00~~	~~$583.20~~	~~$616.44~~	~~$650.96~~
Septic Hauler	~~$314.64~~	~~$339.81~~	~~$366.99~~	~~$387.91~~	~~$409.63~~
Significant Industrial User	~~$800.00~~	~~$864.00~~	~~$933.12~~	~~$986.31~~	~~$1041.54~~

Category	8/1/2016 to 6/30/2017	7/1/2017 to 6/30/2018	7/1/2018 to 6/30/2019	7/1/2019 to 6/30/2020	7/1/2020 to 6/30/2021

Non-Significant Categorical Industrial User	$450.59	$495.65	$545.22	$599.74	$659.71
Permitted Industrial User	$716.06	$787.66	$866.43	$953.07	$1,048.38
Ground Water	$716.06	$787.66	$866.43	$953.07	$1,048.38
Septic Hauler	$450.59	$495.65	$545.22	$599.74	$659.71
Significant Industrial User	$1,145.69	$1,260.26	$1,386.29	$1,524.92	$1,677.41

Industrial Users with more than one (1) wastewater effluent discharge monitoring point shall be assessed an additional ~~$300.00~~ $500.00 annual fee per additional effluent monitoring point.

g. *Outside City U~~u~~ser'~~'~~s C~~c~~harges*. Reserved for Future Use.

Section 6-5.508. Special Sewer Connection Fee.

All charges contained in this Section shall be found in the City's Fee Schedule document.

a. *Purpose and A~~a~~pplication*. A special sewer connection fee shall be applied solely and strictly to the service area shown on the map named 'Sewer ~~Truck~~ Trunk Line Facilities For West Yuba City Area' in accordance with the City Resolution 02-097 dated July 16, 2002. The Sewer ~~Truck~~ Trunk Line Facilities For West Yuba City Area map is on file at the office of Public Works Director. The general boundaries of the service area are: Pease Road to the North, Bogue Road to the South, Township Road to the West and variable locations, west of State Route 99, to the East.

b. *Schedule of Special Connection Fee and Collection Thereof.*

All the latest and current charges shall be found in the City's Fee Schedule document. The City updates the Fee Schedule document annually and posts it on the City's website. This Section shows the applicable charges from July 1, 2016 to June 30, 2017. The charges for all the subsequent years will only be available in City's Fee Schedule document. ~~The current, as of July 1, 2010, special connection fee is listed below and shall be updated annually on July 1 per Section 6-5.507.g.~~

- West Yuba City Sewer Trunk, Residential - $~~1,341.57~~1,589.35/lot

- West Yuba City Sewer Trunk, Commercial - $~~53.62~~63.52/plumbing fixture unit

Article 6. Administrative Enforcement Remedies.

Section 6-5.601. Public Works Director Enforcement.

Section 6-5.601.A. Notification of Violation.

When the Public Works Director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Public Works Director may serve upon that user a written Notice of Violation. Industrial user in non-compliance may be required to provide~~Within five (5) working days of the receipt of this notice~~, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Public Works Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Public Works Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

Section 6-5.601.B. Consent Orders.

The Public Works Director may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 6-5.601.D. and 6-5.601.E. of this ordinance and shall be judicially enforceable.

Section 6-5.601.C. Show Cause Hearing.

The Public Works Director may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Public Works Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 30 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

Section 6-5.601.D. Compliance Orders.

When the Public Works Director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Public Works Director may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

Section 6-5.601.E. Cease and Desist Orders.

When the Public Works Director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Public Works Director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

a. Immediately comply with all requirements; and
b. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

Section 6-5.601.F. Administrative Fines.

a. When the Public Works Director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Public Works Director may fine such user in an amount not to exceed twenty-five thousand dollars ($25,000) per violation, per day. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.

b. Unpaid fines under this section shall, after 60 days, constitute a lien against the real property of the discharger from which the discharge originated. The lien shall have no force and effect until recorded with the county recorder after which its applicability will remain, in accordance with provisions of Sections 683.110 to 683.220, inclusive, of the California Code of Civil Procedure.
c. Users desiring to dispute such fines must file a written request for the Public Works Director to reconsider the fine, along with full payment of the fine amount, within thirty (30) days of being notified of the fine. Where a request has merit, the Public Works Director may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Public Works Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
d. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

The City has established an administrative penalty (noncompliance fee) for specific violations incorporated below. The following penalty schedule provides guidance as to the level of fine appropriate for that type of violation. The actual fine, if any, is determined based on the specific circumstances of each individual violation. Noncompliance fees are based on the actual time (staff hourly rates) and monitoring and testing costs incurred by the City in the investigation and resolution of noncompliance events. The responsible party shall be responsible to pay any type of administrative fines.

Violation	**Penalty Schedule**
Failure to submit discharge permit application by NOV deadline	~~$250.00~~ $500.00
Failure to submit discharge permit renewal by NOV deadline	~~$250.00~~ $500.00
Failure to meet schedule set forth in Administrative Order for discharge permit application or renewal	~~$500.00~~ $750.00
Failure to submit report by NOV deadline	~~$300.00~~ $500.00
Submittal of chronically late or unacceptable reports	~~$300.00~~ $500.00
Failure to comply with sampling/monitoring requirements of NOV and/or Warning Letter	~~$500.00~~ $750.00
Failure to comply with pretreatment, sampling, or monitoring equipment installation/maintenance requirements of NOV and/or Warning Letter	~~$500.00~~ $750.00
Publication of SNC	~~$500.00~~ $750.00
Frequent (insignificant) exceedances of discharge limit (permit, local limit, and/or categorical)	~~$250.00~~ $500.00

Section 6-5.601.G. Emergency Suspensions.

The Public Works Director may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Public Works Director may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

a. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution to the POTW. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Public Works Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Public Works Director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Public Works Director that the period of endangerment has passed, unless the termination proceedings in Section 6-5.601.H. of this ordinance are initiated against the user.

b. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Public Works Director prior to the date of any show cause or termination hearing under Sections 6-5.601.C. 6-5.601.H. of this ordinance.

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

Section 6-5.601.H. Termination of Discharge.

In addition to the provisions in Section 6-5.403.F.of this ordinance, any user who violates the following conditions is subject to discharge termination:

a. Violation of wastewater discharge permit conditions;
b. Failure to accurately report the wastewater constituents and characteristics of its discharge;
c. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
d. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
e. Violation of the pretreatment standards in Article 2 of this ordinance.
f. Failure to comply with the other requirements of this ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 6-5.601.C. of this ordinance why the proposed

action should not be taken. Exercise of this option by the Public Works Director shall not be a bar to, or a prerequisite for, taking any other action against the user.

Section 6-5.601.I. Publication of Users in Significant Non-Compliance.

The Public Works Director shall publish annually, ~~in the largest daily newspaper~~in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) ~~published and/or circulated in the municipality where the POTW is located~~ served by the POTW of Industrial Users, a list of the users, which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

a. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter during a six (6) month period exceeded (by any magnitude) a numerical Pretreatment Standard or Requirement, including instantaneous limits, as defined by Article 2;
b. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Article 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils, and grease, and 1.2 for all other pollutants except pH);
c. Any other violation of a Pretreatment Standard or Requirement as defined by Article 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Public Works Director determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
d. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Public Works Director's exercise of its emergency authority to halt or prevent such a discharge;
e. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
f. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
g. Failure to accurately report noncompliance; or
h. Any other violation(s), which may include a violation of Best Management Practices, which the Public Works Director determines, will adversely affect the operation or implementation of the local pretreatment program.

Article 7. Judicial Enforcement Remedies.

Section 6-5.701. Injunctive Relief.

When the Public Works Director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Public Works Director may petition the Superior Court of California, County of Sutter through the City Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The Public Works Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

Section 6-5.702. Civil Penalties.

a. A user who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of twenty-five thousand dollars ($25,000) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
b. The Public Works Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
c. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
d. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

Section 6-5.703. Criminal Prosecution.

a. Any user who negligently violates any provision of Section 13387. (a) 1-6 of the California Water Code, upon conviction, is guilty of a misdemeanor, punishable by a fine of not more than twenty-five thousand dollars ($25,000) per violation, per day, or imprisonment in the county jail for not more than one year, or both.
b. A user who willfully or knowingly introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a fine of not less than five thousand dollars ($5,000) nor more than fifty thousand dollars ($50,000), or be subject to imprisonment, in state prison, for not more than three years, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

c. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a civil penalty of not more than five thousand dollars ($5,000) per violation, per day.
d. In the event of a second conviction, a user shall be punished by a fine of not more than one hundred thousand dollars ($100,000) per violation, per day, or imprisonment for not more than six years, or both.

Section 6-5.704. Remedies Nonexclusive.

The remedies provided for in this ordinance are not exclusive. The Public Works Director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Public Works Director may take other action against any user when the circumstances warrant. Further, the Public Works Director is empowered to take more than one enforcement action against any noncompliant user.

Section 6-5.705. Damages to City Facilities.

Any unauthorized entering, breaking, damaging, destroying, uncovering, defacing, or tampering with any structure, equipment, or appurtenances which are a part of the City's sewerage system shall be a violation of this chapter. Damages to the City's facilities as a result of such unauthorized entering, breaking, damaging, destroying, uncovering, defacing, or tampering shall be paid by the responsible party or parties. The responsible party shall also be responsible to pay any type of fines resulting from damages to the POTW.

Section 6-5.706. Persons Responsible for Payment.

a. Where the premises are connected to the municipal water system, the sewer service charges shall be billed to the person who requested such connection to the water system, or their successor in interest, or to any person requesting that such bill be charged to him.
b. Where the premises are not connected to the municipal water system, the sewer service charges shall be billed to the person who requested such connection to the sewerage system, or their successor in interest, or, if no such request was made, to the owner of record of such premises on the date on which such premises are required hereby to be connected to the sewerage system, or to the successor in interest of such person, or to any person requesting that such bill be charged to him.
c. *Enforcement of P~~p~~ayment*. In each case where a bill for sewer services becomes delinquent, the ~~Assistant~~ City Manager or Finance Director shall order the

premises shut off from the municipal water system. In the event of continued or repeated delinquencies, the ~~Assistant~~ City Manager or Finance Director may order the premises disconnected from the municipal water system and/or the sewerage system. When any premises has been shut off or disconnected from either the municipal water system or the sewerage system for the nonpayment of sewer service charges, such water or sewer service shall not be restored and such premises shall not be reconnected until all the delinquencies have been paid to the Finance Department, together with such reasonable charges for reconnecting as may be established.

d. *Owner R~~r~~esponsible*. Notwithstanding any provisions of this chapter, the property owner shall be additionally responsible for payment of all unpaid water/sewer bills and other fees owed to the City. Any agreement between landlords and tenants to the contrary will not relieve the landlord or record owner of the property of the responsibility for payment of the water and/or sewer service charges to the City.

e. *Collection of Delinquent Sewer Charges*. All rates, charges, penalties and interest which remain delinquent as of June 30th of each year may be collected in the same manner as the general taxes for the City for the forthcoming fiscal year, as follows:

(1) The City's finance department shall prepare a written report, which shall be filed with the City Clerk. The report that shall describe each parcel of real property for which there are any delinquencies in any rates or charges for services rendered to each parcel during the preceding year, and the amount of the delinquency. The report of delinquent sewer charges may be combined with the report of any other delinquent charges, as long as the report identified the delinquent charges for each service for each parcel.

(2) The City Clerk shall publish notice of the report's filing and of the time and place of hearing on the report, prior to the date set for the hearing. The notice shall be published once a week for two successive weeks prior to the hearing. The City Clerk shall also mail written notice of the report's filing to each property owner whose property or parcel is identified as being subject to delinquent charges setting forth individually each property and each of the services and charges due for that property.

(3) At the time stated in the notice, the City Council shall hear and consider all objections or protests, if any, to the report concerning the delinquencies. Thereafter the City Council may adopt, revise, change, reduce or modify any delinquency or overrule any or all objections thereto. The City Council shall then make its determination on each delinquency identified in the report; the City Council's determination shall be final.

(4) Following the hearing, on or before August 10th of each year, the City Clerk shall file with the City's Finance Director a copy of the signed report to submit to the County. The Finance Director will submit a request to the Sutter County to include the amount of delinquencies on the bills for taxes levied against the properties identified in the report.

Section 6-5.707. Violations Infractions.

In addition to the foregoing, violations of this chapter shall be infractions as provided in Chapter 2 of Title 1 of this Code.

Section 6-5.708. Appeals to the City Manager.

a. *Procedure*. Except for any decision, action or determination made by the City Council, ~~Any~~ any permit applicant, permit holder, or other discharger affected by any decision, action, or determination, including cease and desist orders, made by the City in interpreting or implementing the provisions of this chapter, or any permit issued hereunder, may file with the City Manager a written request for reconsideration within ten (10) days after such decision, action, or determination, setting forth in detail the facts supporting the request. The City Manager may elect to hold a hearing on the request. The request for reconsideration shall be acted upon, by the City Manager, within ten (10) days after the date of filing or the close of the reconsideration hearing. The decision, action, or determination shall remain in effect during such period of review by the City Manager.
b. *Action by the City Manager*. If the ruling made by the City Manager is unsatisfactory to the person requesting reconsideration, he may, within ten (10) days after notice of the action by the City Manager, file a written appeal to the Council.

Section 6-5.709. Appeals to the Council.

Any person who shall be dissatisfied with the action of the City Manager may appeal to the Council in accordance with Chapter 4 of Title 1 of this Code. In the event of such an appeal, the City Manager shall transmit to the Council a report setting forth the reasons for the action taken.

Article 8. Reporting Requirements.

~~Section 6~~Section 6-5.801. Baseline Monitoring Reports.

a. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)() (4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Public Works Director a report which contains the information listed in paragraph b., below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Public Works Director a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

b. Users described above shall submit the information set forth below.

1. *Identifying Information*. The name and address of the facility, including the name of the operator and owner.

2. *Environmental Permits*. A list of any environmental control permits held by or for the facility.

3. *Description of Operations*. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

4. *Flow Measurement*. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).

5. *Measurement of Pollutants*.

(1) The user shall provide the following information;

a. The categorical pretreatment standards applicable to each regulated process and any new categorically regulated process for Existing Sources.

b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Utilities Director, of regulated pollutants in the discharge from each regulated process.

c. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.

d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Sections 6-5.810 and 6-5.811 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documents as required by the Utilities Director or the applicable Standard to determine compliance with the Standard.

(2) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

(3) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with

the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined ~~wastestream~~waste stream formula in 40 CFR 403.6 (e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6 (e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

(4) Sampling and analysis shall be performed in accordance with Sections 6-5.810 and 6-5.811 of this ordinance;

(5) The Utilities Director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

(6) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

6. *Compliance Certification.* A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

7. *Compliance Schedule*. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 6-5.802. of this ordinance.

8. *Signature and Report Certification*. All baseline monitoring reports must be signed and certified in accordance with Section 6-5.402.F. of this ordinance.

Section 6-5.802. Compliance Schedule Progress Reports.

The following conditions shall apply to the compliance schedule required in Section 6-5.801.b.7 of this ordinance:

a. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
b. No increment referred to above shall exceed nine (9) months;
c. The user shall submit a progress report to the Public Works Director no later than fourteen (14) days following each date in the schedule and the final date of

compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

d. In no event shall more than nine (9) months elapse between such progress reports to the Public Works Director.

Section 6-5.803. Reports on Compliance with Categorical Pretreatment Standard Deadline.

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Public Works Director a report containing the information described in Section 6-5.801.b. of this chapter. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6-5.402.F. of this ordinance.

Section 6-5.804. Periodic Compliance Reports.

a. All significant industrial users shall, at a frequency determined by the Public Works Director but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the Utilities Director or the pretreatment standard necessary to determine the compliance status of the user. All periodic compliance reports must be signed and certified in accordance with Section 6-5.402.F. of this ordinance.
b. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
c. If a user subject to the reporting requirement in this section monitors any pollutant at appropriate sampling location more frequently than required by the Public

Works Director, using the procedures prescribed in Section 6-5.811 of this ordinance, the results of this monitoring shall be included in the report.

Section 6-5.805. Reports of Changed Conditions.

Each user must notify the Public Works Director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least one hundred and eighty (180) days before the change.

a. The Public Works Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 6-5.402.E of this chapter.
b. The Public Works Director may issue a wastewater discharge permit under Section 6-5.402.G of this ordinance or modify an existing wastewater discharge permit under Section 6-5.403.D of this ordinance in response to changed conditions or anticipated changed conditions.
c. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

Section 6-5.806. Reports of Potential Problems.

a. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug discharge or slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Public Works Director and/or his designee of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
b. Within five (5) days following such discharge, the user shall, unless waived by the Public Works Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
c. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees ~~whom~~who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
d. Significant Industrial Users are required to notify the Public Works Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

Section 6-5.807. Reports from Unpermitted Users.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Public Works Director as the Public Works Director may require.

Section 6-5.808. Notice of Violation/Repeat Sampling and Reporting.

If sampling performed by a user indicates a violation, the user must notify the Public Works Director and/or designee within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Public Works Director and/or designee within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Public Works Director and/or designee monitors at the user's facility at least once a month for the pollutant that is exceeding permitted limits~~,~~ or if the Public Works Director and/or designee samples between the user's initial sampling and when the user receives the results of this ~~sampling ,~~sampling, or if the City has performed the sampling and analysis in lieu of the Industrial User.

Section 6-5.809. Discharge of Hazardous Waste.

The City prohibits the discharge of any hazardous waste into the POTW. (As defined in 40 CFR, Part 261.)

a. Any user who commences the discharge of hazardous waste, whether illegally, accidentally or otherwise, shall immediately notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 6-5.801, 6-5.803 and 6-5.804 of this ordinance.

Section 6-5.810. Analytical Requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Public Works Director or other parties approved by the EPA. Minimum detection levels shall be as approved by the Public Works Director.

Section 6-5.811. Sample Collection.

a. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
b. Sample collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of the conditions occurring during the reporting period.

c. Except as indicated in paragraph d and e below, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Public Works Director. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and ~~oil and grease~~oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
d. Samples for ~~oil and grease~~oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
e. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6-5.801 and 6-5.803 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, ~~oil and grease~~oil, and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Public Works Director may authorize a lower minimum. For reports required by paragraphs Section 6-5.804 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

Section 6-5.812. Timing.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

Section 6-5.813. Record Keeping.

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with Best Management Practices established under Section 6-5.208 (b). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the City, or where the user has been specifically notified of a longer retention period by the Public Works Director.

Article 9. Miscellaneous Provisions.

Section 6-5.901. Pretreatment Program Fees.

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program. Fees may include;

a. Fees for wastewater discharge permit applications including the cost of processing such applications;
b. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
c. Fees for reviewing and responding to accidental discharge procedures and construction;
d. Fees for filing appeals; and
e. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the City.

Section 6-5.902. Severability.

If any court of competent jurisdiction invalidates any provision of this ordinance, the remaining provisions shall not be effected and shall continue in full force and effect.

Section 6-5.903. Affirmative Defenses to Discharge Violations

6-5.903.A Upset

a. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
b. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (c), below, are met.
c. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
    1) An upset occurred and the User can identify the cause(s) of the upset;
    2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
    3) The User has submitted the following information to the Public Works Director within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
        a. A description of the indirect discharge and cause of noncompliance;
        b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
        c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
d. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
e. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.
f. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

<u>6-5.903.B Bypass</u>

a. For the purpose of this Section,
    1) Bypass means the intentional diversion of waste streams from any portion of a User's treatment facility.

2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c) and (d) of this Section.

c. Bypass Notifications
   1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Public Works Director, at least ten (10) days before the date of the bypass, if possible.
   2) A User shall submit oral notice to the Public Works Director of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Public Works Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

d. <u>Bypass</u>

   1) Bypass is prohibited, and the Public Works Director may take an enforcement action against a User for a bypass, unless
      a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
      b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of unwanted wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
      c. The User submitted notices as required under paragraph (c) of this section.

   2) The Public Works Director may approve an anticipated bypass, after considering its adverse effects, if the Public Works Director determines that it will meet the three conditions listed in paragraph (d)(1) of this Section.

Article 10. Enforcement Response Plan for Industrial User Non-Compliance.

Section 6-5.1001. General Overview.

a. *Purpose of Enforcement Response Plan:* This Enforcement Response ~~Plant~~ Plan (ERP) in this article represents enforcement actions, and their respective time frames that may be taken by the City of Yuba City, against an industry for non-compliance of permit conditions, this chapter of the Yuba City Municipal Code or Federal and State regulations.

b. *Definitions:*

Major Violations~~:~~: Significant N~~n~~on-compliance (SNC):
Any violation of pretreatment requirements (limits, sampling, analysis, reporting and meeting compliance schedules, and regulatory deadlines) is an instance of noncompliance for which the industrial user is liable for enforcement, including monetary penalties. Instances of SNC are industrial user violations, which meet one or more of the following criteria:

1) Significant V~~v~~iolations of W~~w~~astewater D~~d~~ischarge L~~l~~imits:
   (a) Chronic violations. Sixty-six percent or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceeded (by any magnitude) a numeric Pretreatment Standard or Requirement including Instantaneous Limits as defined in Article 2.
   (b) Technical Review Criteria (TRC) violations. Thirty-three percent or more of the measurements taken for each pollutant parameter –during a six (6) month period. Equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Article 2 multiplied by the applicable criteria
   There are two groups of TRCs:
   Group I for conventional pollutants
   (BOD, TSS, Fats, Oils, and/or Grease)
   TRC = 1.4
   Group II for all other pollutants except pH TRC = 1.2
   (c) Any other violation(s) of Pretreatment Standard or Requirement as defined by Article 2 that the Public Works Director determined has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass-through; or endangered the health of the sewage treatment personnel or the public.
   (d) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment or has resulted in the Treatment Plant's emergency authority to halt or prevent such a discharge.
   (e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestones, contained in a local control mechanism or enforcement order, for staring construction, completing construction, or attaining final compliance by 90 days;

(f) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
(g) Failure to accurately report noncompliance; or
(h) Any other violation or group of violations, which may include a violation of Best Management Practices, which the Utilities Director determines will adversely affect the operation or implementation of the local pretreatment program.

List of Violators: The Public Works Director shall publish annually, in a newspaper of general circulation in the Yuba City area, a list of the industrial users who significantly violated applicable pretreatment requirements or standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the industrial user(s) during the same twelve (12) months.

Officials Responsible: The Public Works Director or designee, in accordance with this chapter of the Yuba City Municipal Code, will notify the City Attorney of civil action or municipal code enforcement required. The District Attorney will prosecute criminal violations of state water or health and safety laws.

c. *Notice of Violation and Follow-Up*: When a violation occurs (with the exception of certain, insignificant/minor 1st offenses), a Notice of Violation (NOV) or a Warning Letter is hand-delivered or sent via a certifiable means (US Mail, Fed-Ex, UPS etc.) to the responsible party at the place of business. A written response by the industrial user is may be required within five (5) working days, which states the cause of the violation, the corrective actions which will be taken to prevent recurrence, and the time frame to complete corrective actions.

1.) If an industrial user fails to correct its problems, if the violation appears to be a part of a recurring pattern, or if the level of the violation is of a large magnitude, a formal meeting will be arranged, with representatives of the firm and the Public Works Director or designee to discuss the problem or possible corrective actions. At this time, the firm may be issued an Administrative Order containing or requesting a time schedule for compliance and additional monitoring requirements and/or fines.
2.) Any industrial user who intentionally or willfully violates any provision of any permit issued pursuant to this chapter, or intentionally or willfully discharges waste or wastewater which causes pollution or who violates any cease and desist order, established effluent limitations, national standard of performance or national pretreatment or toxicity standard shall be fined not more than fifty thousand dollars ($50,000.00) for each offense. The Public Works Director, after determining the existence of a violation, may levy fines, which shall be in accordance with this chapter of the Yuba City Municipal Code and applicable State and Federal law. Each day on which a violation may occur or continue shall be deemed a separate and distinct offense.

3.) ~~—~~In instances where the firm is a significant violator (in significant noncompliance or SNC), or in situations where a discharge may pose a threat to the safety of operation of the POTW or its personnel, the industrial user will be issued a Cease and Desist Order. This order, issued by the Public Works Director, may order the firm to comply immediately or impose additional requirements on the industry.

4.) ~~—~~Violations believed to be caused through deliberate acts or intentional discharge of hazardous wastes as specified in 40 CFR 413 and 433, will be referred to the City Attorney for further enforcement. The City Attorney may then petition the Superior Court of California, County of Sutter for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the required performance.

d. *Appeal*~~:—~~: Any permit applicant, permit holder, or other discharger affected by any decision, action, or determination, including cease and desist orders, made by the Public Works Director may file with the Public Works Director a written request for reconsideration within 10 days of such decision, action, or determination, setting forth in detail the facts supporting the request. The Public Works Director will then decide whether to hold a hearing on the request. The Director shall act upon a request for reconsideration within 10 days from the date of filing or the close of the reconsideration hearing. The decision, action, or determination shall remain in effect during such period of review by the Director.

If the ruling made by the Public Works Director is unsatisfactory to the person requesting reconsideration, he may, within 10 days after notice of the action by the Director, file a written appeal to the City Manager.
The written appeal shall state all pertinent aspects of the matter, and shall include the hearing record if one was requested. Within 30 days after the written appeal is received, the City Manager shall hold a hearing after due notice to the appellant. The City Manager may establish rules and regulations governing the hearing of such appeals. The City Manager shall make a final ruling on the appeal within 10 days after close of the hearing. The decision, action, or determination shall remain in effect during such period of review by the City Manager.
Any person who shall be dissatisfied with the action of the City Manager may appeal to the Council in accordance with Chapter 4 of Title 1 of this Code. In the event of such an appeal, the City Manager shall transmit to the Council a report setting forth the reasons for the action taken.

e. *Civil and Criminal Penalties*~~:—~~: If the industrial user fails to comply with the administrative Cease and Desist Order, the City may pursue any of the alternative civil remedies herein against any discharger.

Section 6-5.1002. Enforcement Response Plan Outline.

The following is an outline of the City's Enforcement Response Plan (ERP) enforcement procedures. These procedures were developed according to the September 1989 EPA guidelines for "Developing Control Authority Enforcement Response Plans." This section is sometimes referred to as the Enforcement Response Guide or ERG.

a. Administrative
   1) Phone call and reminder letter to notify industrial user of violation. Includes request for explanation of violation from industrial user.
      (a) Done as soon as possible upon discovery of violation.
   2) Notice of Violation (written);
      (a) ~~Hand delivered or s~~Sent by certifiable means (US Mail, Fed-Ex, UPS, etc.) within five (5) working days after violation.
   3) Fines assessed by City for violation(s);
      (a) Intent to punish the Industrial User (IU) for noncompliance.
      (b) No court intervention unless IU contests fine.
   4) Administrative Fines;
      (a) Assessed for repeated or serious violations.
      (b) Attached to an Administrative Order.
   5) Administrative Orders Types;
      (a) Show Cause Order; allows the Industrial User (IU) to appear before the Public Works Director or representative and explain the noncompliance and why more severe enforcement actions should not be taken.
      (b) Enforcement documents; direct industrial users to implement corrective or remedial measures (Compliance Orders).
      (c) Cease and Desist Order(s);
      (d) Consent Orders; Negotiated settlement agreed upon by the City and the IU.
      (e) Revocation of Permit
         (1) Failure of an industrial user to factually report the sewage constituents and characteristics of its discharge.
         (2) Failure of an industrial user to report significant changes in operations, site plans, floor plans, mechanical and plumbing plans or sewage constituents and characteristics or
         (3) Refusal of reasonable access to an industrial user's premises for the purpose of inspection or monitoring.
      (f) Industrial wastewater service termination;

b. Judicial Enforcement
   1. Civil Litigation;
      (a) Lawsuits filed against IU to:
         (1) Recover costs associated with noncompliance
         (2) Impose civil penalties
         (3) Seek injunctive relief;
         (4) Court order issued to return IU to compliance
      (b) Process of Litigation:
         (1) City decides to sue
         (2) City Attorney files complaint with court
         (3) IU responds to complaint by filing an answer

(4) Depositions and interrogations
(5) Trial date set
(6) Settlement negotiations, if any
(7) Trial occurs
(8) Verdict is issued
(9) Appeals are made

c. Criminal Prosecution

1. Purpose;
   (a) To punish noncompliance rather than recover costs
   (b) To deter future noncompliance

2. City must prove intent and/or negligence;

3. Criminal Prosecution Process;
   (a) Discovery of the crime
   (b) Gathering evidence
   (c) Initiating criminal prosecution
   (d) Defendant's pretrial options:
      (1) Plead guilty
      (2) Jury trial

4. The criminal trial

5. Sentencing and appeals

Section 6-5.1003. Enforcement Response Plan Procedures.

Unauthorized Discharges ~~(No~~(No permit or approval)

NON-COMPLIANCE	VIOLATION	INITIAL RESPONSE; FOLLOW-UP	OFFICIALS RESPONSIBLE
1. Non-permitted Discharge (where permit would be required)	Discharger unaware of wastewater discharge permit requirement. No environmental or POTW damage	Issue Warning Letter and/or phone call. Deadline for application submittal not to exceed 30 days.	Public Works Director or duly authorized representative

	Discharger unaware of wastewater discharge permit requirement; Results in violation of POTW NPDES permit, or potential harm to POTW, environment or personnel.	Administrative Order to immediately halt discharge; fine or civil litigation seeking penalties up to $10,000 per day, or terminate service	Public Works Director or duly authorized representative
	Industrial waste discharge without permit and evidence of intentional dumping or discharge of toxic pollutants of concern (metals and/or priority organics)	Administrative Order to immediately halt; Issue NOV with time schedule. Deadline for application submittal not to exceed 15 days, Administrative Fine; Civil/Criminal Action	Public Works Director or duly authorized representative
	Failure to submit acceptable discharge permit application by deadline	Issue NOV with time schedule. Deadline for application submittal not to exceed 15 days.	Public Works Director or duly authorized representative
	Failure to submit acceptable discharge permit application by NOV deadline	Issue Administrative Order and fine; Civil Action; Terminate service	Public Works Director or duly authorized representative
2. Non-permitted Discharge (expired permit or significant change in discharge has occurred)	Failure to apply for permit renewal. No environmental or POTW damage. Less than 30 days late.	Issue Warning Letter and/or phone call. Deadline for application submittal not to exceed 30 days.	Public Works Director or duly authorized representative
	Failure to submit acceptable discharge permit application by	Issue NOV with time schedule. Deadline for application	Public Works Director or duly authorized representative

	deadline	submittal not to exceed 15 days.	
	Failure to submit acceptable discharge permit application by NOV deadline	Issue Administrative Order and fine; Civil Action; Terminate service	Public Works Director or duly authorized representative

Discharge Violations

NON-COMPLIANCE	VIOLATION	INITIAL RESPONSE; FOLLOW-UP	OFFICIALS RESPONSIBLE
1. Industry exceeds final limits (categorical, local, or prohibited)	Isolated, not significant violation	Telephone call and/or NOV; Require follow-up sampling.	Public Works Director or duly authorized representative
	Frequent, insignificant (repeated offense)	Notice of Violation - ~~fined according to fine schedule.~~	Public Works Director or duly authorized representative
	Frequent, insignificant (any offense)	Notice of Violation ~~- fined according to fine schedule.~~ Administrative fine may be omitted	Public Works Director or duly authorized representative
	Significant ~~,~~Violation(s) that are SNC	NOV SNC Publication and/or ~~Administrative~~ Fine ~~Administrative Order~~	Public Works Director or duly authorized representative
	Causes known;	Administrative	Public Works

	environmental or POTW damage (endangerment of life)	Order to halt discharge, terminate service, fines and/or civil litigation	Director or duly authorized representative
	Failure to meet requirements specified in any NOV	~~Issue~~ Meet with Industrial User and/or issue Administrative Order, Administrative Fine	Public Works Director or duly authorized representative
2. Slug load discharge without notifying City	Isolated - no known damage	Notice of ~~Violation,~~Violation; ~~Administrative Order requiring~~ Require industry to develop a spill control program. ~~$500 fine~~	Public Works Director or duly authorized representative
Slug load discharge without notifying City	Isolated with known interference, pass through, or damage results	Fine up to $50,000 per day and/or civil action	Public Works Director or duly authorized representative
	Recurring	Fine up to $50,000 per day and/or civil action, terminate service	Public Works Director or duly authorized representative

Sampling, Monitoring, ~~And~~and Reporting Violations

NON-COMPLIANCE	VIOLATION	INITIAL RESPONSE; FOLLOW-UP	OFFICIALS RESPONSIBLE
1. Late Report (any type) (includes incomplete report)	Once; Report less than five (5) days late	Telephone call or Warning Letter;	Public Works Director or duly authorized

			representative
	Report less than thirty (30) days late	NOV	Public Works Director or duly authorized representative
	Report greater than thirty (30) days late	NOV and/or ~~Administrative~~ Fine SNC publication ~~Terminate Service~~	Public Works Director or duly authorized representative
	Twice during any consecutive four (4) quarter period	NOV and/or ~~Administrative~~ Fine	Public Works Director or duly authorized representative
	Three times during any consecutive four (4) quarter period	NOV and/or ~~Administrative~~ Fine ~~Terminate Service~~	Public Works Director or duly authorized representative
2. Improper Signature or Certification	Report is improperly signed or certified	Phone call or Warning Letter	Public Works Director or duly authorized representative
	Report is improperly signed or certified after notice by City	NOV and/or ~~Administrative~~ Fine	
3. Failure to Sample during Monitoring Period	Once; (Sample collected less than thirty (30) days late)	Telephone call or Warning Letter;	Public Works Director or duly authorized representative
	Sample collected greater than thirty (30) days late	NOV and/or ~~Administrative~~ Fine and/or SNC	Public Works Director or duly authorized representative
	Twice during any consecutive four (4) quarter period	NOV and/or ~~Administrative~~ Fine	Public Works Director or duly authorized representative
	Three times during any consecutive four (4) quarter period	NOV and/or ~~Administrative~~ Fine ~~Terminate Service~~ SNC	Public Works Director or duly authorized representative
4. Improper Sampling	Incorrect sample type and/or missed hold time	Warning Letter Resample within thirty (30) days	Public Works Director or duly authorized

			representative
	Repeated incorrect sample type and/or missed hold time and/or resample later than thirty (30) days	NOV and/or ~~Administrative~~ Fine ~~Terminate Service~~	Public Works Director or duly authorized representative
5. Failure to Report Instances of Noncompliance	Failure to report discharge limit violation, spill, upset, bypass or changed discharge (no harm)	NOV	Public Works Director or duly authorized representative
	Failure to report discharge limit violation, spill, upset, bypass or changed discharge (results in harm to POTW, personnel, environment, and/or any City discharge limit)	Administrative Order and Fine, Terminate Service, Civil Action	Public Works Director or duly authorized representative
	Repeated failure to report discharge limit violation, spill, upset, bypass or changed discharge	Civil Action Terminate Service	Public Works Director or duly authorized representative
6. Failure to install monitoring equipment	Delay of less than thirty (30) days	Warning Letter and/or phone call	Public Works Director or duly authorized representative
	Delay of greater than thirty (30) days	NOV and/or Administrative Order and/or Fine,	Public Works Director or duly authorized representative
	Recurring, violation of Administrative Order	Civil Action, Criminal Investigation, Terminate Service	
7. Failure to properly operate and maintain pretreatment facility	No harm	NOV Compliance Order	Public Works Director or duly authorized representative
	Results in harm	Show Cause	Public Works

		Hearing Administrative Order and Fine, Civil Action, Terminate Service	Director or duly authorized representative
	Harm to POTW, environment or personnel	Administrative Order and Fine, Civil Action Terminate Service	Public Works Director or duly authorized representative
8. Reporting False Information; Falsification	Falsification of any type including but not limited to reporting and sampling.	Referral to City Attorney for criminal investigation; Civil litigation and/or criminal prosecution seeking maximum penalties allowed by State law, terminate service	Public Works Director or duly authorized representative

Compliance Schedule Violations

NON-COMPLIANCE	**VIOLATION**	**INITIAL RESPONSE; FOLLOW-UP**	**OFFICIALS RESPONSIBLE**
1. Missed milestone date	Less than 30 days or will not affect final milestone	Telephone call or letter (Notice of Violation) or Administrative Order with Fine	Public Works Director or duly authorized representative
	Missed by more than 30 days, or will ~~affect final~~affect final milestone Violation for good cause (weather, materials unavailable, etc.)	Meeting to change final date (Notice of Violation) and/or Administrative Order with fine	Public Works Director or duly authorized representative
	Missed by more than 30 days, or will affect final milestone. Violation without	Show cause hearing, seek civil penalties of $500 per day of violation	Public Works Director or duly authorized representative

	good cause		
2. Failure to meet compliance schedule, reporting requirements	Did not submit report but did complete milestone	Telephone call or letter (Notice of Violation)	Public Works Director or duly authorized representative
	Did not submit report or meet milestone	Meeting, Administrative Order and/or fines	Public Works Director or duly authorized representative
3. Missed final date	Good cause	Telephone call (Notice of Violation)	Public Works Director or duly authorized representative
	30 days or more outstanding; failure or refusal to comply without good cause	Show cause hearing, Administrative Order with fines, judicial action	Public Works Director or duly authorized representative

Spill Incidents

NON-COMPLIANCE	**VIOLATION**	**INITIAL RESPONSE; FOLLOW-UP**	**OFFICIALS RESPONSIBLE**
1. Spill incident	Reported by industry	Notice of Violation, meeting	Public Works Director or duly authorized representative
	Failure to report spill	Notice of Violation and/or~~,~~ Administrative Order with fines	Public Works Director or duly authorized representative
2. Repeated spill incidents	Failure to develop an upgrade spill prevention program	Notice of Violation, Administrative Order with fines, show cause hearing	Public Works Director or duly authorized representative
	Failure to act on a decision of compliance meeting and results in known environmental damage and/or POTW damage	Judicial action, terminate service	Public Works Director or duly authorized representative

Violations Detected Through Industrial Inspections/Investigations

NON-COMPLIANCE	VIOLATION	INITIAL RESPONSE; FOLLOW-UP	OFFICIALS RESPONSIBLE
1. Entry Denial	Entry denied or consent withdrawn Copies of records denied	Obtain warrant and return to IU	Public Works Director or duly authorized representative
2. Illegal Discharge	No harm	NOV and/or Administrative Order with fine	Public Works Director or duly authorized representative
	Results in harm to POTW, environment or personnel	Show cause Hearing, Administrative Order with fine, Civil Action, Terminate Service	Public Works Director or duly authorized representative
	Harm to POTW, environment or personnel and evidence of "willful or neglect" action	Civil Action, Criminal Investigation, Terminate Service	Public Works Director or duly authorized representative
3. Improper sampling	Unintentional; incorrect location, incorrect sample type, incorrect sample technique/preservation	Phone call/correct at site and/or warning letter and/or NOV	Public Works Director or duly authorized representative
4.Inadequate record keeping	Inspector finds files incomplete or missing, and no evidence of "willful or negligent" action	NOV	Public Works Director or duly authorized representative
	Inadequate record keeping continues after notice by City	Administrative Order with fine	Public Works Director or duly authorized representative
	Incomplete or missing files and evidence of "willful or negligent" action	Criminal Investigation, Criminal Action, Terminate Service	Public Works Director or duly authorized representative

	Inspector finds additional files/data	NOV	Public Works Director or duly authorized representative
5. Failure to report additional monitoring	No harm to POTW, et al	NOV	Public Works Director or duly authorized representative
	Failure to report additional data after notice from City	Administrative Order with fine	Public Works Director or duly authorized representative

Other Permit Violations

NON-COMPLIANCE	**VIOLATION**	**INITIAL RESPONSE; FOLLOW-UP**	**OFFICIALS RESPONSIBLE**
1. Waste streams are diluted in lieu of treatment	Initial violation	Administrative Order	Public Works Director or duly authorized representative
	Dilution continues in lieu of treatment after notification by City	Show Cause Order Civil Action Terminate Service	Public Works Director or duly authorized representative
2. Failure to Mitigate noncompliance or halt production	Does not result in harm	NOV	Public Works Director or duly authorized representative
	Results in harm to POTW, environment, or personnel	Administrative Order with fine, Civil Action, Terminate Service, Criminal Investigation	Public Works Director or duly authorized representative

Article 11. Reserved; Stormwater.

Article 12. Fats, Oils, and Grease Discharge from Food Service Establishments.~~FATS, OILS, AND GREASE DISCHARGE FROM FOOD SERVICE ESTABLISHMENTS~~

Section 6-~~5.1201 General~~5.1201. General Overview.

Purpose~~:~~ : The purpose of this Ordinance is to facilitate the maximum beneficial public use of the City's sewer services and facilities while preventing blockages of the sewer lines resulting from discharges of fats, oils, and greases (FOG) from residential, industrial, and food service establishments (FSE) to the sewer facilities, and to specify appropriate FOG discharge requirements for FSEs. ~~To prevent grease and grease related materials from being discharged into the sanitary sewer collection system from industrial or commercial food service establishments, which may accumulate and cause potential blockages, thus reducing the number of sanitary sewer overflows.~~

Section 6-~~5.1202 Regulations~~5.1202. Regulations.

a) *Permits:* All non-residential facilities, including not for profit and governmental facilities, that prepare, process or serve food as determined by the Public Works Director or designee may be required to keep a valid wastewater discharge permit issued by the City as outlined in the provisions of section 6-5.402.
   (i) The wastewater discharge permit for any facility shall be renewed whenever there is a change in operation including facility expansion, remodeling, or change in ownership. Permits are issued for a specifically named establishment at a particular location and are not transferable.
   ~~(i)~~(ii) A limited food preparation establishment is not considered a FSE and is exempt from obtaining a wastewater discharge permit. Exempt establishments shall be engage only in reheating, hot holding, or assembly of ready to eat food products and as a result, there is no wastewater discharge containing significant FOG. A limited food preparation establishment does not include any operation that changes the form, flavor, or consistency of food.
b) *Discharge Limitations*~~:~~ : No FSE shall discharge FOG or cause FOG to be discharged into the public sewer that causes an SSO, exceeds a concentration level set forth in section 6-5.~~207~~ 208 or that may accumulate and/or cause or contribute to blockages in the public sewer.
c) *Prohibitions*~~:~~ : FSE's are prohibited from doing any of the following:
   (i) Installing food grinders in the plumbing system of new construction. All FSE's that undergo a change in operations or remodeling shall remove any existing food grinders concurrent with such change or remodeling, except as otherwise expressly allowed by the Public Works Director;
   (ii) Introducing any additives into an FSE's plumbing system, grease trap and/or grease interceptor for the purpose of emulsifying FOG, biologically and/or chemically treating FOG for grease remediation and/or as a supplement to grease interceptor maintenance;
   (iii) Disposing waste cooking oil into the public sewer or storm drain. All waste cooking oils shall be collected and stored properly in receptacles

such as rendering bins, barrels or drums for recycling or other acceptable methods of disposal;

(iv) Discharging wastewater from dishwashers to any grease removal device

~~(iv)~~(v) Discharging wastewater with temperatures in excess of 140 degrees Fahrenheit into any grease control device, including grease traps and interceptors;

~~(v)~~(vi) Discharging wastes containing fecal materials from toilets, urinals, wash basins or other fixtures to waste lines directed to grease interceptors and/or other grease control devices;

~~(vi)~~(vii) Discharging FOG and solid materials removed from a grease control device to the public sewer. Grease removed from grease interceptors shall be waste hauled to an approved disposal site as part of the operation and maintenance requirements for grease interceptors;

~~(vii)~~(viii) Operating grease interceptors with FOG and solids accumulation exceeding 25 percent (25%)of the design hydraulic depth of the grease interceptor (25% rule);

~~(viii)~~(ix) Discharging FOG and other pollutants above the local discharge limits set forth in section 6-5.~~207~~208

d) *Violations*~~:~~ : Any violation of the terms and conditions of a wastewater discharge permit, BMP, or any requirement or prohibition of the FOG Control Program shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee and/or FSE to the sanctions set out in Articles 6 & 7 of this chapter.

Section 6-~~5.1203 Requirements~~5.1203. Requirements.

a) *Design*~~:~~ : All grease removal devices shall be designed and sized in accordance with the standards outlined in the most recent version of the California Plumbing ~~Code~~Code (CPC) or as required by the City.

b) *Installation*~~:~~ :

(i) The owner of every newly constructed, remodeled or converted commercial or industrial FSE with one or more grease generating activities, including FSE's with new or replacement kitchens for which a building permit is issued, shall install an approved grease interceptor~~removal device~~ for each grease generating activity, of a size equal to or greater than the minimum size requirements as set forth in the most recent CPC;

(ii) Existing FSEs, which do not currently have a grease interceptor installed, which have caused or contributed to grease-related blockage in the sewer system, or which have sewer laterals connected to hot spots, or which have been determined to contribute significant FOG to the sewer system by the city based on inspection or sampling, shall be deemed to have reasonable potential to adversely impact the sewer system, and shall install grease interceptors within 180 days upon notification by the Public Works Director or designee.~~The owner of every commercial or industrial generator of grease, including FSE, serviced by a sewer collection line found to have a grease blockage or accelerated line maintenance resulting from grease disposal, shall install or cause to be installed upon notification~~

~~by the Public Works Director or designee an approved grease removal device~~;

~~(iii) The owner of an existing commercial or industrial generator of grease, including FSE, for which installation of an interceptor is not required pursuant to above subsections (i) or (ii), shall be required to maintain proper kitchen BMP's, as outlined in section 6-5.1203e, as to not cause accelerated line maintenance or grease blockages in the sanitary sewer collection system. All such facilities in operation prior to the adoption of Article 12 of this ordinance shall be evaluated on a case by case basis. The City has the right, at the discretion of the Public Works Director or designee to require an FSE, previously not required, to install an adequately sized interceptor should it be determined that the establishment has had significant violations of the City's sewer ordinance; or the nature of the business conducted has changed as such to require an interceptor to be installed.;~~

~~(iv)~~(iii) All grease removal devices must be installed in a location that allows for easy accessibility for inspections and maintenance.

c) *Variance:* A FSE may obtain a variance from the grease interceptor requirement to allow alternative pretreatment technology that is, at least, equally effective in controlling the FOG discharge in lieu of a grease interceptor, if the FSE demonstrates that it is impossible or impracticable to install, operate or maintain a grease interceptor. The Public Works Director or designee's determination to grant a variance will be based upon, but not limited, to evaluation of the following conditions:

(i) There is no adequate space for installation and/or maintenance of a grease interceptor.

(ii) There is no adequate slope for gravity flow between kitchen plumbing fixtures and the grease interceptor and/or between the grease interceptor and the private collection lines or the public sewer.

(iii) The FSE can justify that the alternative pretreatment technology is equivalent or better than a grease interceptor in controlling its FOG discharge.

d) *Conditional Waiver:* An existing FSE may obtain a conditional waiver from installation of a grease interceptor, if the FSE demonstrates that it has negligible FOG discharge and insignificant impact to the sewer system. The Public Works Director or designee's determination to grant or revoke a conditional waiver shall be based upon, but not limited to, evaluation of the following conditions:

(i) Quantity of FOG discharge as measured or as indicated by the size of FSE based on seating capacity, number of meals served, menu, water usage, amount of on-site consumption of prepared food and other conditions that may reasonably be shown to contribute to FOG discharges.

(ii) Adequacy of implementation of BMPs and compliance history.

(iii) Sewer size, grade, condition based on visual information, FOG deposition in the sewer by the FSE, and history of maintenance and sewage spills in the receiving sewer system.

(iv) Changes in operations that significantly affect FOG discharge.

(v) Any other condition deemed reasonably related to the generation of FOG discharges by the Public Works Director or designee

~~*d)*~~*e)* *Maintenance*~~:~~ :

(i) Grease interceptors / traps shall be maintained in efficient operating condition by periodic removal of the full content of the device, which includes wastewater, accumulated FOG, floating materials, sludge, and solids. This includes scraping the sides of the device to remove any build up on the walls, baffle, and inlet or outlet tees.

(ii) Grease interceptors shall be fully pumped out and cleaned by a licensed hauler at a minimum of every ninety (90) days. The Public Works Director or designee may change the ~~could~~ required maintenance frequency at any time to reflect current operating conditions or ~~an increase in the cleaning frequency~~frequency when one or more of the following conditions occur:

(a) Twenty-five (25) percent or more of the wetted height, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils, or grease prior to ninety days; or

(b) The discharge exceeds BOD, COD, TSS, FOG, pH or other pollutant levels established by the City; or

(c) A history of non-compliance issues.

(iii) If the grease interceptor, at any time, contains FOG and solids accumulation that does not meet the requirements described in 6-5.1203€(ii), the FSE shall be required to have the grease interceptor serviced immediately such that all fats, oils, grease, sludge, and other materials are completely removed from the grease interceptor. If deemed necessary, the Public Works Director or designee may also increase the maintenance frequency of the grease interceptor from the current frequency.

~~*(iii)*~~*(iv)* Grease traps shall be ~~cleaned at a minimum of once per week,~~ cleaned at a minimum of once per month or as often as necessary to prevent pass-through of grease into the collection system. Grease traps shall be cleaned and inspected by a licensed grease hauler at a minimum of once per year or as often as necessary as determined by the Public Works Director and/or designee. Grease traps shall be maintained free of all food residues and any FOG waste removed during the cleaning and scraping process.

~~*(iv)*~~*(v)* Grease interceptors / traps shall be periodically inspected to ensure the device remains in good working condition, including any plumbing, pipes, fittings and manhole covers. Any repairs deemed necessary by the Public Works Director or designee to the device must be completed within

fourteen (14) days and must be done at the sole expense of the establishment.

~~(v)~~*(vi)* Wastes removed from each interceptor shall be disposed of at a facility permitted to receive such wastes. In no way shall the wastes be returned to any private or public portion of the collection system, storm drain, or the wastewater treatment plant.

~~(vi)~~*(vii)* FSEs may be required to provide a collection drum or container for the purpose of physically segregating oils, greases and greasy solids (such as fryer oil). FSE's shall establish procedures for personnel to practice maximum segregation of oils, greases, greasy solids to the collection drum or container prior to washing and other water cleaning which goes to the sewers. The FSE is responsible for the proper removal and disposal by a licensed rendering company of the material captured from either grease pretreatment devices on wastewater lines or the collection drum.

(viii) All costs associated with proper maintenance and cleaning of the grease interceptor / trap shall be borne by the FSE

~~(vii)~~*(ix)* Property owners of commercial properties or their official designee(s) shall be responsible for the installation and maintenance of the grease interceptor serving multiple FSEs that are located on a single parcel.

f) *Record Keeping:* The FSE shall be required to keep all manifests, receipts and invoices of all cleaning, maintenance, grease removal of/from the grease control device, disposal carrier and disposal site location for no less than three (3) years. The FSE shall, upon request, make the manifests, receipts, and invoices available to any City representative, or inspector. These records shall include:

(i) A logbook of grease interceptor, grease trap or grease control device cleaning maintenance practices.

(ii) A record of BMPs being implemented including employee training.

(iii) Copies of records and manifests of waste hauling interceptor contents.

(iv) Records of sampling data and sludge height monitoring for FOG and solids accumulation in the grease interceptor.

(v) Records of any spills and/or cleaning of the lateral or sewer system.

~~e)~~ *(vi)* Any other information deemed appropriate by the Public Works Director or designee to ensure compliance with this Ordinance.~~*Record Keeping:* A maintenance log shall be maintained on site by the FSE. The log shall include the date, time, maintenance performed, the volume removed at the time of pump out, the name and signature of the individual who performed the maintenance, as well as contact information on the company contracted to haul / pump the waste. This log must be retained for a period of three (3) years and shall be made available for inspection by the City upon request.~~

~~f)~~*g)* *Best Management Practices (BMP):* All FSE's are required to implement BMP's in its operations to reduce grease discharged to the sanitary sewer system. Detailed requirements for BMPs shall be specified in the FOG Control Program. All FSEs are required to comply with the BMPs as set forth therein as well as any additional BMPs established by the Public Works Director or designee.

h) *Falsifying Information or Tampering with Process:* It shall be unlawful to make any false statement, representation, record, report, plan or other document that is

filed with the City, or to tamper with or knowingly render inoperable any grease control device, monitoring device or method or access point required under this Ordinance.

g)i) *Facility Closure Notification:* All FSEs are required to notify the Public Works Department of the facilities closure within thirty (30) days of going out of business. It is the responsibility of the facility to conduct a final cleaning and pump out of any grease removal device on hand. In the event the facility should fail to conduct a final pump out of the grease removal device, the City reserves the right to perform such work at the expense of the property owner and/or utility customer.

h)j) *Right of Entry*: The Public Works Director or designee shall be provided reasonable access to all parts of the wastewater generating and disposal facilities for the purposes of inspection and sampling during all times the FSE is open, operating, or any other reasonable time. No persons or occupants of premises shall interfere with, delay, resist or refuse entrance to the director, an inspector and/or an enforcement officer attempting to inspect any facility involved directly or indirectly with a discharge of wastewater to the public sewer.

Section 6-5.1204. Sewer System Overflows, Public Nuisance, Abatement Orders and Cleanup Costs.

FSEs found to have contributed to a sewer blockage, SSOs or any sewer system interferences resulting from the discharge of wastewater or waste containing FOG, shall be ordered to install and maintain a grease interceptor, and may be subject to a plan to abate the nuisance and prevent any future health hazards created by sewer line failures and blockages, SSOs or any other sewer system interferences. SSOs may cause threat and injury to public health, safety, and welfare of life and property and are hereby declared public nuisances. Furthermore, sewer lateral failures and SSOs caused by FSE alone or collectively, are the responsibility of the private property owner or FSE, and individual(s) as a responsible officer or owner of the FSE. If the City must act immediately to contain and clean up an SSO caused by blockage of a private or public sewer lateral or system serving a FSE, or at the request of the property owner or operator of the FSE, or because of the failure of the property owner or FSE to abate the condition causing immediate threat of injury to the health, safety, welfare, or property of the public, the City's costs for such abatement may be entirely borne by the property owner or operator of the FSE, and individual(s) as a responsible officer or owner of the FSE and may constitute a debt to the City and become due and payable upon the City's request for reimbursement of such costs.

Section 6-5.1205. Monitoring and Reporting Conditions.

a) *Monitoring for Compliance with Permit Conditions and Reporting Requirements:*

(i) The Public Works Director or designee may require periodic reporting of the status of implementation of BMPs.

(ii) The Public Works Director or designee may require visual monitoring at the sole expense of the FSE to observe the actual conditions of the FSE's sewer lateral and sewer lines downstream.

(iii) The Public Works Director or designee may require reports for self-monitoring of wastewater constituents and FOG characteristics of the FSE needed for determining compliance with any conditions or requirements as specified in the discharge permit, BMPs, or this Ordinance. Monitoring reports of the analyses of wastewater constituents and FOG characteristics shall be in the manner and form approved by the Public Works Director or designee and shall be submitted upon request of the Public Works Director or designee. Failure by the FSE to perform any required monitoring, or to submit monitoring reports required by the Public Works Director or designee constitutes a violation of this Ordinance and be cause for the City to initiate all necessary tasks and analyses to determine the wastewater constituents and FOG characteristics for compliance with any conditions and requirements specified in the FOG Control Program, FSE Discharge Permit, or in this Ordinance. The FSE shall be responsible for any and all expenses of the City in undertaking such monitoring analyses and preparation of reports.

(iv) Other reports may be required such as compliance schedule progress reports, FOG control monitoring reports, and any other reports deemed reasonably appropriate by the Public Works Director or designee to ensure compliance with this Ordinance.

Section 6-5.1206. Inspection and Sampling Conditions.

a) *Inspection:* The Public Works Director or designee may inspect or order the inspection and sample of the wastewater discharges of any FSE to ascertain whether the intent of this Ordinance is being met and the FSE is complying with all requirements. The FSE shall allow the City access to the FSE premises, during normal business hours, for purposes of inspecting the FSE's GRD, reviewing the manifests, receipts and invoices relating to the cleaning, maintenance and inspection of the GRD.

b) *Sampling:* The Public Works Director or designee shall have the right to place or order the placement on the FSE's property or other locations as determined by the Public Works Director or designee, such as devices as are necessary to conduct sampling or metering operations. Where a FSE has security measures in force, the FSE shall make necessary arrangements so that representatives of the City shall be permitted to enter without delay for the purpose of performing their specific responsibilities.

Section 6-5.1207. Notification of Spill and/or Sewer System Overflow.

a) In the event a FSE is unable to comply with any permit condition or any section of this Ordinance due to a breakdown of equipment, accidents, or human error or the FSE has reasonable opportunity to know that his/her/its discharge will exceed the discharge provisions of the FSE discharge permit of this Ordinance,

the discharger shall immediately notify the City. If the material discharged to the sewer has the potential to cause or result in sewer blockages or SSOs, the discharger shall immediately notify the local health department and the City.

b) Confirmation of this notification shall be made in writing to the Public Works Director or designee at the address specified in the FOG Control Program no later than five (5) working days from the date of the incident. The written notification shall state the date of the incident, the reasons for the discharge or spill, what steps were taken to immediately correct the problem, and what steps are being taken to prevent the problem from recurring.

c) Such notification shall not relieve the FSE of any expense, loss, damage or other liability which may be incurred as a result of damage or loss to the City or any other damage or loss to person or property; nor shall such notification relieve the FSE of any fees or other liability which may be imposed by this Ordinance or other applicable law.

Section 6-5.1208. Notification of Planned Changes.

FSE shall notify the City at least 60 days in advance prior to any facility expansion/remodeling, or process modifications that may result in new or substantially increased FOG discharges or a change in the nature of the discharge. FSE shall notify the City in writing of the proposed expansion or remodeling and shall submit any information requested by the City for evaluation of the effect of such expansion on FSE's FOG discharge to the sewer system.

Section 3. ~~This Ordinance shall be effective 30 days from and after its adoption, and after adoption shall be published as provided by law.~~

~~Introduced and read at a regular meeting of the City Council of the City of Yuba City on the 18th day of August 2011.~~

This Ordinance shall become effective thirty (30) days after its adoption. A summary of this ordinance shall be published once at least five (5) days prior to the adoption of this ordinance and once within fifteen (15) days after its adoption, in the Appeal Democrat, a newspaper of general circulation in the City of Yuba City.

Introduced and read at a special meeting of the City Council of the City of Yuba City the 8th day of June, 2016, and adopted at a regular meeting thereof held on the _____ day of _____, 2016.

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
Timothy P. Hayes, City Attorney

CHAPTER 6. - WATER SYSTEM

Sec. 6-6.01. - General provisions.

(a) Short title. This chapter shall be known and may be cited as the "Yuba City Water Regulations."

(b) Words and phrases. For the purposes of this chapter, all words used in this chapter in the present tense shall include the future tense, all words in the plural number shall include the singular number, and all words in the singular number shall include the plural number.

(c) Water system. The City shall furnish a system, plant, works, and undertaking used for and useful in obtaining, conserving, and distributing water for public and private uses, including all parts of such system, all appurtenances to such system, and lands, easements, rights in land, water rights, contract rights, franchises, and other water supply, storage, and distribution facilities and equipment.

(d) Separability. If any section, subsection, sentence, clause, or phrase in this chapter is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter.

(e) Pressure conditions. All applicants for service connections or water service shall be required to accept such conditions of pressure and service as are provided by the distribution system at the location of the proposed service connection and to hold the City harmless for any damages arising out of low pressure or high pressure conditions or interruptions in service.

(f) Tampering with City property. No one, except an employee or representative of the City, shall at any time in any manner operate the curb cocks or valves, main cocks, gates, or valves of the City's system or interfere with meters or their connections, street mains, or other parts of the water system.

(g) Penalties for violations. For the failure of the customer to comply with all or any part of this chapter, or any ordinance, resolution, or order fixing rates and charges of the City, a penalty for which has not hereafter been specifically fixed, the customer's service shall be discontinued, and the water shall not be supplied to such customer until he or she shall have complied with the rule, regulation, rate, or charge which he or she has violated or, in the event he or she cannot comply with such rule or regulation, until he or she shall have satisfied the City that in the future he or she will comply with all the rules and regulations established by the laws of the City and with all rates and charges. In addition thereto, he or she shall pay the City all fines and fees established in Section 6-6.18 and Section 6-6.20 of this chapter.

(h) Rulings final. All rulings of the Council shall be final. All rulings of the City Manager shall be final unless appealed in writing to the Council within five days. When appealed, the Council ruling shall be final.

(i) Repeals. Ordinance Nos. 272, 307, and 506, and all other ordinances or parts of ordinances in conflict with this chapter, are hereby repealed.

(j) [Effective date.] The effective date of this chapter is July 1, 1975.

(k) [Plan check and inspection fee.] In connection with any work of construction required by the terms of this chapter, a plan check and inspection fee shall be charged, the amount thereof being as set forth in the City's fee schedule.

(§ 2, Ord. 703, eff. July 1, 1975 as amended by § 5, Ord. 969, eff. April 17, 1985; § 2, Ord. 003-11, eff. August 18, 2011)

Sec. 6-6.02. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) Council shall mean the City Council of the City.

(b) City shall mean the City of Yuba City, and the City Council of the City performing functions related to the City water service, together with the City Manager, the Public Works Director, the Finance Director, and other duly authorized representatives.

(c) Distribution mains shall mean water lines in streets, highways, alleys, and easements used for public and private fire protection and for the general distribution of water.

(d) Service or service connection shall mean the pipe line and appurtenant facilities, such as curb stop, meter, and meter box, if any, all used to extend water service from a distribution main to premises. Where services are divided at the curb or property line to serve several customers, each such branch service shall be deemed a separate service.

(e) Public fire protection service shall mean the service and facilities of the entire water supply and storage and distribution system of the City, including the fire hydrants affixed thereto and the water available for fire protection, excepting house service connections and appurtenances thereto.

(f) Regular water service shall mean the water service and facilities rendered for normal domestic, commercial, and industrial purposes on a permanent basis and the water available therefor.

(g) Temporary water service shall mean the water service and facilities rendered for construction work and other uses of limited duration and the water available therefor.

(h) Private fire protection service shall mean the water service and facilities for building sprinkler systems, hydrants, hose reels, and other facilities installed on private property for fire protection and the water available therefor.

(i) Premises shall mean a lot or parcel of real property under one ownership, except that any separate structure may be deemed separate premises. Apartment houses, motels, office buildings, and structures of like nature may be classified as single premises.

(j) Cross-connection shall mean any physical connection between the piping system from the City service and that of any other water supply that is not, or cannot be, approved as safe and potable for human consumption, whereby water from the unapproved source may be forced or drawn into the City distribution mains.

(k) Owner shall mean the person owning the fee, or the person in whose name the legal title to the property appears, by deed duly recorded in the County Recorder's office, or the person in possession of the property or buildings under claim of, or exercising acts of ownership over the same for himself or herself, or as executor, administrator, guardian, or trustee of the owner.

(l) Person shall mean any human being, individual, firm, company, partnership, association, private, public, or municipal corporation, the United States of America, the State of California, and any district, political subdivision, governmental agency, and subsidiary thereof.

(m) Cost shall mean the costs of labor, materials, transportation, supervision, engineering, and all other necessary or reasonable expenses.

(n) Dwelling shall mean any residence, apartment, habitation, or other structure customarily occupied by a single person or family and which contains facilities for the preparation of meals.

(o) Resale shall mean any change of ownership by sale, or transfer, of real property as recorded by the Sutter County Recorder, except sale or transfer between members of an immediate family. Immediate family being limited to husband-wife, brother-sister, parent-child.

(§ 2, Ord. 703, eff. July 1, 1975; § 2, Ord. 1015, eff. January 1, 1987; § 2, Ord. 003-11, eff. August 18, 2011)

Sec. 6-6.03. - Notices.

Notices from the City to a customer shall normally be given in writing and either delivered or mailed to their last known address. When conditions warrant and in emergencies, the City may resort to notification either by telephone or messenger.

(§ 2, Ord. 703, eff. July 1, 1975; § 2, Ord. 003-11, eff. August 18, 2011)

Sec. 6-6.04. - Administration.

(a) Council. The management, control, and care of the Municipal Water System of the City shall be vested in and under the direction of the Council.

(b) Finance Director. The Finance Director shall operate under the direction of the City Manager and shall be in charge of the billing, collecting, and maintenance of the bookkeeping system for the Municipal Water System. The Finance Director shall be responsible for the collection and banking of all money due the City and shall keep controlling records which shall reflect monthly transactions of individual accounts.

(c) Public Works Director. The Public Works Director shall operate under the direction of the City Manager and shall perform all the duties connected with, and have supervision of, the water works system, other than the office of bill collection and bookkeeping, and shall perform such other duties as may be required by the City Manager.

(§ 2, Ord. 703, eff. July 1, 1975; § 2, Ord. 003-11, eff. August 18, 2011)

Sec. 6-6.05. - Application for regular water service.

(a) Applications for service to premises with a service connection. Applicants requesting service to commence during regular business hours will be connected without charge, provided a good payment history has been established with the City. Other customers may be requested to provide payment in advance and/or credit references before connection. There will be a service charge, as determined by Section 6-6.18 of this chapter, for customers requesting turn-on or turn-off to be performed on weekends, holidays, and after hours.

(b) Applications for water service. No existing service connection. Applications for regular water service where no main extension is required shall be made upon a form provided by the City.

(c) Undertaking of applicant. Each application shall signify the customer's willingness and intention to comply with the regulations relating to the regular water service and to make payment for the water services required.

(d) Payment for previous service. An applicant shall not be honored unless payment in full has been made for water services previously rendered to the applicant by the City.

(e) Delinquencies on accounts in the name of a commercial or residential tenant. In the event that a tenant of a residential or commercial rental property, where water service is furnished in the tenant's name, leaves delinquent and unpaid water charges when the tenant vacates the premises, the City may require any future service to be only in the name of the property owner and not in the name of any subsequent tenant.

(f) Tenant application. A tenant applying for water services must provide to the City a valid signed lease or rental agreement along with identification for all persons listed on the agreement over the age of 18. Identification provided must be in the form of a California identification card, military identification card, California driver's license, or other valid picture identification. The required advanced payment will also be collected at the time of application as described in Section 6-6.10(g).

(g) Installation of services. Regular water service shall be installed at the location desired by the applicant. The size of such service shall be finally determined by the City. Service installations may be made only to property abutting on public streets or abutting on such distribution mains as may be constructed in alleys or easements, at the convenience of the City. Services installed in new subdivisions prior to the construction of streets or in advance of street improvements shall be accepted by the applicant in the installed location.

(h) Changes in customers' equipment. Customers making any material change in the size, character, or extent of the equipment or operations utilizing water service, or whose change in operation results in a large increase in the use of water, shall immediately give the City written notice of the nature of the change and, if necessary, amend their applications.

(i) Installation charges. Charges for installing a water service line from the main to the curb stop shall be established by Section 6-6.18 of this chapter.

(j) Extension charges. Extension charges provide for the extension of mains and the installation of necessary fire hydrants within the street right-of-way only, based on property zoned R-1 and R-2 paying one-half the cost of an eight-in. line and all other property paying one-half the cost of a ten-in. line. The extension charge shall be as set forth in Section 6-6.18 of this chapter.

Corner lots and lots having more than one frontage where water mains exist or are planned shall pay extension fees based on 60% of the first 175 ft. of total frontage (as measured to PI's or property line returns) and 100% of all frontage in excess of the first 175 ft.

This reduction shall apply only to existing corner lots and shall not apply to corner lots which would be created by a new subdivision, parcel map, or development. Such parcels shall pay extension fees based on 100% of all applicable frontage as measured prior to the creation of the side street.

Extension fees will not be applicable to lands within a subdivision or Special Assessment District if the water main was installed at no cost to the City (other than oversizing costs) unless an agreement exists providing for the repayment of extension costs to the original developer or to the Special District.

Where a water main only serves property on one side of the water line, the charge shall be double the current extension fee.

(k) Connection charges. The connection charge is designed to recover the capital costs of the treatment plant, reservoirs, and transmission lines.

The charge shall be paid at the owner's option at either the issuance of a building permit or at certificate of occupancy, not at the date of application for a building permit. The amount of the connection charges to be paid shall be those charges in effect at the time of building permit issuance. Charges shall be paid at the same time the owner chooses to pay all other development impact fees, if any. If no building permit is to be obtained, the charge shall be collected before service is established.

When a user requires a larger service than that which was previously serving the parcel, the user shall pay the difference between the old service and the new service based on those charges in effect at the time of the request as set forth in Section 6-6.18 of this chapter.

(§ 2, Ord. 703, eff. July 1, 1975, as amended by § 1, Ord. 728, eff. October 20, 1976 and §§ 1, 2, Ord. 816, eff. August 1, 1979, and § 2, Ord. 849, eff. July 1, 1980; § 1, Ord. 918, eff. July 1, 1983; § 4, Ord. 1091, eff. March 7, 1990; § 2, Ord. 003-11, eff. August 18, 2011)

Sec. 6-6.06. - Main extensions.

(a) Main extensions. The following rules are hereby established:

(1) Determination. Upon the receipt of any application for water service or request for an application form, the City shall determine whether, in its judgment, a main extension is necessary to provide service. A main extension shall be installed in the manner provided in this section whenever, in

the judgment of the City, such main extension is necessary to provide regular water service to the property described in such application or request.

(2) Applications. Any owner or subdivider of one or more lots where, in the opinion of the Public Works Director, an extension is required shall make a written application. Such application shall contain a legal description of the property to be served, a map showing the location of the proposed connection, and any additional information which may be required.

(3) Investigations. Upon the receipt of the application, the City shall make an investigation of the proposed extension and reject, amend, or approve the application.

(4) City lines. All extensions provided for in accordance with these regulations shall be and remain the property of the City.

(5) Dead-end lines. No dead-end lines shall be permitted, except as approved by the Public Works Director.

(6) Extent and design. All main extensions shall extend to the far property line of developed property. All main extensions shall be subject to design approval by the City.

(b) General. Where the City, at its own expense, extends a main to serve property within the corporate limits of the City, the extension charge shall be governed by the applicable portion of subsection (h) of Section 6-6.05 of this chapter.

(c) Main extensions by applicants. If the cost of a main extension is in excess of what the City is prepared to appropriate, it shall be the responsibility of the applicant to provide for the main extension at his or her own expense to the standards established by the City and in accordance with an agreement for such extension.

(§ 2, Ord. 703, eff. July 1, 1975; § 2, Ord. 003-11, eff. August 18, 2011)

Sec. 6-6.07. - Main extensions to subdivisions.

Where water main extensions are required for subdivisions, it shall be the responsibility of the owner or subdivider to pay the entire cost for the complete installation of all water facilities required within the subdivision and for the extension of water transmission mains from the subdivision to the nearest existing main of adequate capacity for the area to be served. Such transmission mains shall be subject to all the requirements set forth in the subdivision regulations (Chapter 2 of Title 8 of this Code) and to any and all modifications and supplements to such regulations. Upon official acceptance by the City, the City shall assume the full ownership, maintenance, and control of such mains.

(§ 2, Ord. 703, eff. July 1, 1975; § 2, Ord. 003-11, eff. August 18, 2011)

Sec. 6-6.08. - General use regulations.

(a) Number of services per premises. The applicant may apply for as many fire or landscape services as may be reasonably required for the parcel and approved by the Public Works provided the pipeline system from each service shall be independent of the others and they shall not be interconnected, except for approved internal loops. The cost of all services shall be borne by the applicant. No connection shall provide service to more than one parcel.

(1) Minimum size of service: Single-family—one-in. diameter.

(2) Residential, single-family, and multi-family: Only one domestic service and meter shall be allowed per parcel.

(3) Commercial/industrial: Only one domestic service and meter shall be allowed per parcel without approval from the Public Works Director.

(b) Water waste. No customer shall permit leaks or the waste of water. When water is wastefully or negligently used on a customer's premises, the City may discontinue the service if such conditions are not corrected.

(c) Responsibility for equipment on customer premises. All facilities installed by the City on private property for the purpose of rendering water service shall remain the property of the City and may be maintained, repaired, or replaced by the City without the consent or interference of the owner or occupant of the property. The property owner shall use reasonable care in the protection of the facilities. No payment shall be made for placing or maintaining such facilities on private property. No person shall place or permit the placement of any object in a manner which will interfere with the free access to a service cock or meter box or which will interfere with the reading of the meter. The City is responsible for all piping and equipment up to and including the water meter and check valve. The property owner is responsible for all equipment, piping, and appurtenances downstream of the water meter and check valve.

(d) Damages to water system facilities. The customer shall be liable for any damages to the City-owned customer water service facilities when such damages are from causes originating on the premises by an act of the customer or his or her tenants, agents, employees, contractors, licensees, or permittees, including the breaking or destruction of locks by the customer or others on or near a meter, and any damage to a meter which may result from hot water or steam from a boiler or heater on the customer's premises. The City shall be reimbursed by the customer for any such damage promptly on presentation of a bill. No seal placed on a meter by the City shall be altered or broken except by an authorized employee.

(e) Control valve on customer property. The property owner is responsible for all equipment, piping and appurtenances downstream of the water meter and check valve. The property owner shall install a shutoff valve as required by the building code. The customer shall not use the service curb stop to turn water on and off for their convenience.

(f) Cross-connections. See Cross-Connection Control Program, Section 6-6.21 of this chapter.

(g) Direct connections to stationary steam boiler, hydraulic elevators, power pumps, and similar apparatus. See Cross-Connection Control Program, Section 6-6.21 of this chapter.

(h) Ingress and egress. Representatives from the City shall have the right of ingress and egress to the customer's premises at reasonable hours for any purpose reasonably connected with the furnishing of water service.

(i) Commercial and industrial cooling systems. See Cross-Connection Control Program, Section 6-6.21 of this chapter.

(j) Pools and tanks. See Cross-Connection Control Program, Section 6-6.21 of this chapter.

(k) Responsibility for equipment. The customer shall, at his or her own risk and expense, furnish, install, and keep in good and safe condition all equipment which may be required for receiving, controlling, applying, and utilizing water. The City shall not be responsible for damages to property caused by faucets, valves, and other equipment which is open when water is turned on at the meter, either originally or when turned on after a temporary shutdown.

(§ 2, Ord. 703, eff. July 1, 1975; § 2, Ord. 003-11, eff. August 18, 2011)

Sec. 6-6.09. - Meters.

(a) Installation. All services as specifically designated by this chapter, or those as ordered so by the Public Works Director, shall be metered. The sum of money set forth in subsection (i) and subsection (j) of Section 6-6.05 of this chapter shall be paid to the City prior to the installation of the meter facilities to pay all the costs of such installation, except as provided in subsection (b) of this section. The service connection, whether located on public or private property, shall be the property of the City, unless specifically otherwise provided, and the City hereby reserves the right to repair, replace,

and maintain such service connection, as well as to remove it upon the discontinuance of service. Meters shall be located as close to the street as possible; preferably, within one ft. of back of sidewalk.

(b) Meters—General. All services shall be metered.

(c) Change in location of meters. Meters moved for the convenience of the customer shall be relocated at the customer's expense. Meters moved to protect the City's property shall be moved at the City's expense.

(d) Changes in size of meter. Changes in the size of the meter shall be made on the request of the customer at his or her own expense. An allowance not to exceed one-half of the current cost of the replaced meter may be made.

(e) Meter reading. Meters shall be read as nearly as possible on the same day each month.

(f) Meter testing. Upon the deposit of a sum as determined by Section 6-6.18 of this chapter by any consumer, the City shall test the meter. The consumer shall be notified when the test is to be performed and may be represented at such test.

If the meter is found to over-register more than 2%, an accurate meter shall be installed, the deposit shall be repaid to the depositor and the excess charge for the time service was rendered the customer requesting the test or for a period of six months, whichever shall be the lesser, shall be refunded to the customer.

If the meter is found to be correct or to register less than the actual quantity of water passing through it, the deposit shall be retained by the City.

If a meter tested at the request of a customer is found to be more than 25% slow, in the case of domestic services, or more than 2% slow, for other than domestic services, the City may bill the customer for the amount of the undercharge based upon corrected meter readings for the period, not exceeding six months, the meter was in use.

All meters shall be tested prior to installation, and no meter which registers more than 2% fast shall be installed.

(g) Nonregistering meters. If a meter is found to be not registering, the charges for service shall be at the minimum monthly rate, or based on the estimated consumption for a comparable period, or by such other method as is determined by the City, and its decision shall be final.

(§ 2, Ord. 703, eff. July 1, 1975; § 3, Ord. 849, eff. July 1, 1980; § 1, Ord. 918, eff. July 1, 1983; § 1, Ord. 1015, eff. January 1, 1987; § 3, Ord. 11-92, eff. July 2, 1992; § 3, Ord. 07-98, eff. September 17, 1998; § 3, Ord. 02-00, eff. July 1, 2000; § 2, Ord. 003-11, eff. August 18, 2011)

Sec. 6-6.10. - Billing.

(a) Billing period. The regular billing period shall be monthly for all services. Unmetered services shall be payable in advance.

(b) Opening and closing bills. Opening and closing bills for less than the normal billing period may be prorated. Closing bills may be estimated by the City for the final period as an expediency to permit the customer to pay the closing bill prior to the time service is discontinued. See Section 6-6.05 for requirements for opening an account.

(c) Payment of bills. Bills for water service and sanitary sewer service shall be rendered at the end of each billing period. Bills shall include the charges for water and sewage and shall be inseparable. Delinquency in any part of the bill shall be sufficient cause for the discontinuance of water service. Bills shall be payable on presentation. On each bill for water and sewer service rendered by the City shall be printed substantially the following: "If this bill is not paid on or before the 45th day after the

bill was sent, service may be discontinued. A delinquency charge will be made and collected prior to renewing service following a discontinuance."

(d) Separate billing. Separate bills may be rendered for any service which has a separate connection to a City line. All meters shall be billed separately.

(e) Responsibility. Where there is more than one usage charge on a single parcel being served through a single service, there shall be charged and collected from the parcel owner ~~or person in responsible charge~~, the water rate for the entire parcel.

(f) Liability for services rendered. The owner of single- and multi-family residential property served by the City shall be charged with, and shall be personally responsible for, the water bills incurred for water service to such property. The owner of nonresidential property served by the City may assign responsibility for the water bills incurred for water service to such property to the owner's tenants or lessees.

(g) Residential rental account. Advanced payment of $60 is required.

(h) Delinquent charges. Where a rental property owner has past due charges for utility services, no new account can be established for service at the same property until payment is rendered for those same charges.

(i) Owner responsible. Notwithstanding any provisions of this chapter, the property owner shall be additionally responsible for payment of all unpaid water/sewer bills and other fees owed to the City. Any agreement between landlords and tenants to the contrary will not relieve the landlord or record owner of the property of the responsibility for payment of the water and/or sewer service charges to the City.

(j) Collection of Delinquent Water Charges.

All rates, charges, penalties and interest which remain delinquent as of June 30th of each year may be collected in the same manner as the general taxes for the City for the forthcoming fiscal year, as follows:

(1) The City's finance department shall prepare a written report, which shall be filed with the City Clerk. The report that shall describe each parcel of real property for which there are any delinquencies in any rates or charges for services rendered to each parcel during the preceding year, and the amount of the delinquency. The report of delinquent water charges may be combined with the report of any other delinquent charges, as long as the report identified the delinquent charges for each service for each parcel.

(2) The City Clerk shall publish notice of the report's filing and of the time and place of hearing on the report, prior to the date set for the hearing. The notice shall be published once a week for two successive weeks prior to the hearing. The City Clerk shall also mail written notice of the report's filing to each property owner whose property or parcel is identified as being subject to delinquent charges setting forth individually each property and each of the services and charges due for that property.

(3) At the time stated in the notice, the City Council shall hear and consider all objections or protests, if any, to the report concerning the delinquencies. Thereafter the City Council may adopt, revise, change, reduce or modify any delinquency or overrule any or all objections thereto. The City Council shall then make its determination on each delinquency identified in the report; the City Council's determination shall be final.

(4) Following the hearing, on or before August 10th of each year, the City Clerk shall file with the City's Finance Director a copy of the signed report to submit to the County. The Finance Director will submit a request to the Sutter County to include the amount of delinquencies on the bills for taxes levied against the properties identified in the report.

(§ 2, Ord. 703, eff. July 1, 1975; § 4, Ord. 849, eff. July 1, 1980; § 1, Ord. 918, eff. July 1, 1983; § 2, Ord. 003-11, eff. August 18, 2011)

Sec. 6-6.11. - Discontinuance of service.

(a) Discontinuance of service for nonpayment. Service may be discontinued for the nonpayment of bills on or after the 45th day after the bill was sent. The failure of the City to send, or any such person to receive, such notice shall not affect the City's power hereunder. A customer's water service may be discontinued if water service furnished at a previous location is not paid for within the time fixed in this subsection for the payment of bills. If a customer receives water service at more than one location, and the bill for service at any one location is not paid within the provided time for payment, water service at all locations may be turned off. Domestic service, however, shall not be turned off for the nonpayment of bills for other classes of service (landscape or fire service).

(b) Delinquency charges. A delinquency charge as determined by Section 6-6.18 of this chapter shall be made and collected on the date of scheduled shut-off and thereafter for nonpayment or other violations of this chapter. When bills are delinquent, the City may demand that the full amount of both delinquent and current bills be paid.

(c) Unsafe apparatus. Water service may be refused or discontinued to any premises where apparatus or appliances are in use which might endanger or disturb the service to other customers.

(d) Fraud or abuse. Service may be discontinued if necessary to protect the City against fraud or abuse.

(e) Noncompliance with regulations. Service may be discontinued for noncompliance with the provisions of this chapter or any other laws or regulations relating to water service.

(f) Vacation of premises. Customers desiring to discontinue service shall so notify the City in order to be relieved of continued liability for service charges.

(g) Short-term disconnections. Upon notification to the City, short-term disconnections shall be made where the time involved comprises multiples of the minimum billing period.

(§ 2, Ord. 703, eff. July 1, 1975; § 5, Ord. 849, eff. July 1, 1980; § 1, Ord. 918, eff. July 1, 1983; § 2, Ord. 003-11, eff. August 18, 2011)

Sec. 6-6.12. - Collection by suit.

(a) Suits. All unpaid rates and charges provided for in this chapter may be collected by suit.

(b) Costs. The defendant shall pay all the costs of suit in any judgment rendered in favor of the City.

(§ 2, Ord. 703, eff. July 1, 1975; § 2, Ord. 003-11, eff. August 18, 2011)

Sec. 6-6.13. - Public fire protection.

(a) Use of fire hydrants. Fire hydrants shall be for use by the City or by organized fire protection agencies. Other persons desiring to use fire hydrants for any purpose shall first obtain written permission from the City prior to use and shall operate the fire hydrant in accordance with instructions issued by the City. Unauthorized use of fire hydrants shall be prosecuted according to law and are subject to enforcement measures established in Section 6-6.20.

(b) Moving fire hydrants. When a fire hydrant has been installed in the location specified by the proper authority, the City shall have fulfilled its obligation. If a property owner or other person desires a change in the location of the fire hydrant, he or she shall bear all costs of such changes, without refund. Any change in the location of a fire hydrant shall be approved by the City.

(c) Public fire protection service. Where water is furnished for public fire protection through the public distribution system, within and outside the corporate limits of the City, the City may make a charge for such protection.

(§ 2, Ord. 703, eff. July 1, 1975; § 4, Ord. 11-92, eff. July 2, 1992; § 2, Ord. 003-11, eff. August 18, 2011)

Sec. 6-6.14. - Private fire protection service.

(a) Adequate prevention—General. A private fire protection service connection, two-in. pipe size and larger, shall be furnished only if adequate provision is made to prevent the use of water from such services for purposes other than fire extinguishing.

(b) Unlawful connections. No person shall make, or allow to exist, any connection to any portion of any line used exclusively for unmetered private fire service or for any other purpose.

(c) Check valves and bypass meters. There shall be installed on all fire line connections, two-in. pipe size and larger, used exclusively for unmetered private fire services, a detector check valve of a type approved by the National Board of Fire Underwriters and equipped with a bypass meter. Such installations shall be located within public streets, alleys, rights-of-way, or easements.

(d) Payment. If the City installs the private fire protection service, the applicant shall make a deposit, in advance, of the estimated cost of installing the private fire protection service. The charge for such installation shall be based on the City's total cost of all labor, materials, equipment, and other costs incidental to the installation, including the cost of the detector check valve and bypass meter assembly if installed by the City.

(e) Title. The service connection and all equipment appurtenant thereto, including the detector check valve and bypass meter assembly, shall be the sole property of the City, and no part of the cost shall be refunded to the applicant.

(f) Use. The unmetered private fire service line shall be used only for fighting accidental fires and for testing the fire prevention system. No charge shall be made for water used for these two purposes.

Water lost through leakage, or used in violation of these regulations, shall be paid for by the applicant at double the rate charged for general use.

The City shall read such bypass meters for the purposes of detecting any unauthorized use of water through the system. If water is used in violation of these regulations, the City may, at its option, discontinue and remove the service.

(g) Rates. There will be no monthly service charge for fire protection systems.

(§ 2, Ord. 703, eff. July 1, 1975; § 2, Ord. 003-11, eff. August 18, 2011)

Sec. 6-6.15. - Temporary service.

(a) Duration of service. Temporary service connections shall be disconnected and terminated within six months after their installation, unless an extension of time is granted in writing by the City.

(b) Deposits. A deposit shall be paid for temporary service per Section 6-6.18 of this chapter. Upon the discontinuance of the service, the actual cost of installing and removing the facilities required to furnish such service, exclusive of the cost of salvageable materials, as determined by the City, an adjustment will be made as an additional charge, refund, or credit.

If service is supplied through a fire hydrant, the applicant shall be charged a flat charge per connection for the installation, moving and removal of service facilities including the meter and a deposit as determined by Section 6-6.18 of this chapter. The City will be notified when the service is no longer

required. Billing for the usage of water will be at the metered rate schedule and deducted from the deposit, or an additional billing will be made if the usage exceeds the amount of the deposit.

(c) Installation and operation. All facilities for temporary service to the customer connection shall be made by the City and shall be operated in accordance with its instructions.

(d) Responsibility for meters and installation. The customer shall use all possible care to prevent damages to the meter or any other loaned facilities of the City which are involved in furnishing the temporary service from the time they are installed until they are removed, or until 48 hours after notice in writing has been given to the City that the contractor or other person is through with the meter and the installation. If the meter or other facilities are damaged, the cost of making repairs shall be paid by the customer.

(e) Temporary service from fire hydrants. If temporary service is supplied through a fire hydrant, a permit for the use of the fire hydrant shall be obtained from the City. It is specifically prohibited to operate the valve of any fire hydrant other than by the use of a spanner wrench designed for such purpose.

(f) Unauthorized use of hydrants. Tampering with any fire hydrant, or the unauthorized use of water therefrom, or for any other purpose, shall be unlawful and are subject to enforcement measures established in Section 6-6.20.

(g) Rates. The rates for temporary service shall be in accordance with regular service. The minimum charge for water shall be as set forth by Section 6-6.18 of this chapter.

(h) Credit. The applicant shall pay the estimated cost or service in advance or shall be otherwise required to establish credit.

(§ 2, Ord. 703, eff. July 1, 1975; § 6, Ord. 849, eff. July 1, 1980; § 1, Ord. 918, July 1, 1983; § 2, Ord. 003-11, eff. August 18, 2011)

Sec. 6-6.16. - Vacancies.

If vacancies occur in any unmetered housing units, other than those on a reduced rate with no credit for vacancies, and if the water pipelines within and/or without any building or combination of buildings have been provided by owners with shutoff valves, there shall be no charge for such unit or units after such valve or valves have been closed and sealed by the City. The type of shutoff valves to be installed shall be approved by the City, and they shall be located in readily accessible places.

Where there are unusual circumstances which result in a substantial hardship upon the property owner from the strict application of the provisions of this section, the City Manager may grant a variance to these provisions; provided, however, such variance shall be conditioned to the faithful and accurate reporting of vacancies and service renewals which shall be checked by the City and verified in lieu of the turning on or off of the shutoff valve and, provided, further, such variance shall be revoked automatically if it is found by the City that service renewals have not been promptly, accurately, and faithfully reported by the owner or person in responsible charge, and such persons shall not be allowed to declare any vacancies unless each unit is equipped with a shutoff valve as specified in this section.

(§ 2, Ord. 703, eff. July 1, 1975; § 3, Ord. 816, eff. August 1, 1979; § 7, Ord. 849, eff. July 1, 1980; § 1, Ord. 918, eff. July 1, 1983; § 2, Ord. 003-11, eff. August 18, 2011)

Sec. 6-6.17. - Reserved.

Sec. 6-6.18. - Summary of charges.

All the latest and current charges shall be found in the City's Fee Schedule document. The City updates the Fee Schedule document annually and posts it on the City's website. This

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Section shows the applicable charges from July 1, 2016 to June 30, 2017. The charges for all the subsequent years will only be available in City's Fee Schedule document.

Beginning in 2017, all the charges related to the use of City water treatment and distribution system set out in Section 6-6.18 (j) of this chapter will be reviewed by the City Council on an annual basis as part of the fiscal year budget review process, prior to the July 1st implementation of the increase for each year. The City Council will retain the authority to set by resolution the actual rates less than the maximum rates set out in Section 6-6.18 (j) of this chapter.

(a) Charges for installing a water service line from the main to the curb stop.

1" service without meter	$ ~~3,598.00~~4,097.00
1" meter	$~~303.00~~555.00
1" residential dual water meter (w/fire service)	$ ~~588.00~~703.00
1 1/2" service without meter	$ ~~4,354.00~~4,958.00
1 ½" meter	$~~466.00~~752.00
2" service without meter	$ ~~4,641.00~~5,285
2" meter	$ ~~631.00~~969.00

Service lines larger than two ~~in.~~inch shall be charged for actual time and materials (service and/or meter). A deposit will be required based on the cost estimate furnished by the Public Works Department.

(b) Other fees.

Relocate existing water meter	$ ~~848.00~~966.00
Fire system flow test	$ ~~218.00~~248.00
Hot Tap—4"	$ ~~3,770.00~~4,293.00
Hot Tap—6"	$ ~~3,919.00~~4,463.00
Hot Tap—8"	$ ~~4,320.00~~4,920.00

Hot Tap—10"	$ ~~5,340.00~~6,081.00

(c) Extension charges (Section 6-6.05 (j)).

Parcels zoned	Extension fee per front foot*
R-1 and R-2	$ ~~50.84~~57.90
All others	$ ~~54.86~~62.47

* The indicated extension fee includes a surcharge of $4 per front foot for fire hydrant installations where the City has installed, or plans to install, street fire hydrants serving the property.

(d) Connection charges (Section 6-6.05(k)).

Meter Size	Maximum Continuous Flow	Factor	Fee
1"	25 GPM	1.00	$ ~~6,868.69~~7,822.06
1½"	50 GPM	2.00	$ ~~13,737.38~~15,644.13
2"	100 GPM	4.00	$ ~~27,474.76~~31,288.25
3"	400 GPM*	16.00	$ ~~109,899.04~~125,153.00
4"	800 GPM*	32.00	$ ~~219,798.08~~250,306.00
6"	1,500 GPM*	60.00	$ ~~412,121.40~~469,324.00
8"	3,500 GPM*	140.00	$ ~~961,616.60~~1,095,089.00

*Compound meter

Meter type for connections ~~two in.~~two inches size and larger will be determined by Yuba City after consultation with the new customer. Any customer that will utilize, in any month, totaling more than 5% of the maximum continuous meter rating shall have a separate connection charge based on the customer's individual usage characteristics.

Any customer that purchases a connection charge prior to July 1, 2000, may complete the project at any time, and is not subject to connection charge rate adjustments or credit of interest. Any connection charges paid on or after July 1, and the project is completed within 18 months, will not be subject to any additional connection charges or interest credits. A project is deemed completed when all building permits are paid and a final inspection report is issued. Any connection charges paid on or after July 1, 2000 and the project is not completed within 18 months will be subject to the connection charge in effect at the time of project completion, and will be entitled to interest credit as to any connection charge increases. Interest will only be allowed as a credit toward connection charges increases and, in no event, shall customer be entitled to any refund of said interest. Interest will accrue, beginning 18 months after the initial purchase, based on the initial connection charge payment. Interest payment will be credited semi-annually on January 1 and July 1 based on the previous average semi-annual rate of the Local Agency Investment Fund administered by the California State Treasury. Connection permits or charges cannot be sold or transferred between any party other than Yuba City.

(e) Meter test deposit: (Section 6-6.09 (f)): $56.00

(~~Section 6-6.09 (f)): $52~~

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(f) After hours service charge: $~~96~~103.00

(g) Delinquency charges: (Section 6-6.15(b): $10 or 10% of the outstanding bill (whichever is greater) ~~(Section 6-6.15(b): $10 or 10% of the outstanding bill (whichever is greater)~~

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(h) Temporary service deposit (Section 6-6.15(b)): $~~103~~ 110.00 per ~~in.~~inch size of service desired size.

(i) Fire hydrant use (Section 6-6.15(b)).

Connection and removal of meter	$~~60~~64.00
Move meter from one hydrant to another	$~~60~~64.00
Deposit (for usage charge)	$~~180~~193.00
Deposit (for damage to meter)	$~~877~~939.00
Minimum monthly usage charge:	
Metered	5,000 cubic ft. at current rate
Flat rate (minimum monthly)	$~~60~~64.00

(j) Water service rates.

(1) Quantity charges. A rate per 100 cubic ft. (HCF) is hereby established with a minimum billing for all metered services as set forth in subsection (2) of this subsection.

(2) Monthly water rates.

~~Meter Size~~	~~Baseline HCFs~~	~~Existing Rate~~	~~9/1/2011 to 8/31/2012~~	~~9/1/2012 to 8/31/2013~~	~~9/1/2013 to 8/31/2014~~	~~9/1/2014 to 8/31/2015~~	~~9/1/2015 to 8/31/2016~~
~~1"~~	~~15~~	~~$17.36~~	~~$18.25~~	~~$19.39~~	~~$20.35~~	~~$20.98~~	~~$21.59~~
~~1½"~~	~~30~~	~~$31.80~~	~~$36.50~~	~~$38.79~~	~~$40.70~~	~~$41.96~~	~~$43.18~~
~~2"~~	~~60~~	~~$101.76~~	~~$73.00~~	~~$77.58~~	~~$81.40~~	~~$83.93~~	~~$86.37~~
~~3"~~	~~240~~	~~$203.47~~	~~$292.01~~	~~$310.32~~	~~$325.60~~	~~$335.71~~	~~$345.47~~
~~4"~~	~~480~~	~~$382.16~~	~~$584.01~~	~~$620.64~~	~~$651.20~~	~~$671.42~~	~~$690.95~~
~~6"~~	~~900~~	~~$830.76~~	~~$1,095.02~~	~~$1,163.69~~	~~$1,220.99~~	~~$1,258.92~~	~~$1,295.52~~
~~8"~~	~~2,100~~	~~$1,302.12~~	~~$2,555.05~~	~~$2,715.28~~	~~$2,848.98~~	~~$2,937.48~~	~~$3,022.89~~
~~Water Flow Rate: Per Excess HCF~~		~~$1.0851~~	~~$1.21~~	~~$1.28~~	~~$1.34~~	~~$1.39~~	~~$1.43~~

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Meter Size	Baseline HCFs*	Existing Rate	8/1/2016 to 6/30/2017	7/1/2017 to 6/30/2018	7/1/2018 to 6/30/2019	7/1/2019 to 6/30/2020	7/1/2020 to 6/30/2021
≤1"	11	$21.59	$28.50	$33.91	$39.49	$41.01	$42.59
1.5”	22	$43.18	$57.00	$67.83	$78.98	$82.03	$85.18
2"	44	$86.37	$114.01	$135.67	$157.99	$164.07	$170.39
3"	176	$345.47	$456.02	$542.66	$631.93	$656.26	$681.53
4"	352	$690.95	$912.05	$1,085.34	$1,263.88	$1,312.54	$1,363.08
6"	660	$1,295.52	$1,710.09	$2,035.00	$2,369.76	$2,461.00	$2,555.74

8"	1,540	$3,022.89	$3,990.21	$4,748.36	$5,529.46	$5,742.34	$5,963.42
Water Flow Rate: Per Excess HCF		$1.430	$1.430	$1.701	$1.981	$2.057	$2.137

* 1HCF = 748 Gallons

(3) Unmetered service. Reserved.

(k) Meter surcharge for unmetered services. Reserved.

(l) Annual adjustments. Annually on July 1 of each year fees and charges in the following sections shall be adjusted based on the previous April value of the Twenty City Average of Engineering News Record Construction Index: 6-6.18(a), (b), (c) and (d).

Annually on July 1 of each year fees and charges in the following sections shall be adjusted based on the previous April value of the California Consumer Price Index (CPI) for all urban consumers: 6-6.18(e), (f), (h), (i), (m) and (n).

Annually on ~~September~~ July 1 of each year fees and charges in the following sections shall be adjusted as shown in that Section: 6-6.18(j).

(m) Fees for cross-connection control program.

(1) Application for backflow tester: $~~52~~56.00

(2) Backflow test tags: $~~10~~ 11.00 per tag

(3) Air gap inspection/sticker: $~~52~~ 56.00 per vehicle/equipment piece

(n) Water service disconnection.

(1) Disconnect service (for non-payment): $59.00
~~(for non-payment) $55~~

(2) Meter lock-off (continued non-payment and/or illegal use): $70.00
~~(continued non-payment and/or illegal use): $65~~

(3) Meter removal (continued non-payment and/or illegal use): $116.00
~~(continued non-payment and/or illegal use): $108~~

(4) After hours reconnection: $~~96~~103.00

(5) Notice served in lieu of disconnect service (plus delinquency charge): $~~32~~36.00

(§ 2, Ord. 918, eff. July 1, 1983; § 3, Ord. 1015, eff. January 1, 1987; § 2, Ord. 1069, eff. July 1, 1989; § 5, Ord. 1091, eff. March 7, 1990; § 2, Ord. 11-92, eff. July 2, 1992; § 2, Ord. 07-98, eff. September 17, 1998; § 2, Ord. 02-00, eff. July 1, 2000; § 1, Ord. 02-01, eff. June 14, 2001; § 1, Ord. 03-01, eff. May 15, 2001; § 2, Ord. 04-01, eff. July 19, 2001; § 1, Ord. 019-03, eff. January 1, 2004; § 1, Ord. 009-04, eff. August 5, 2004; § 2, Ord. 011-07, eff. October 4, 2007; § 1, Ord. 002-09, eff. March 5, 2009; § 1, Ord. 002-11, eff. May 5, 2011; § 2, Ord. 003-11, eff. August 18, 2011)

Sec. 6-6.19. - Emergency water restrictions.

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Upon declaration of the City Council that water supply conditions are such that they dictate and justify the implementation of emergency water restrictions, the following mandatory regulations shall apply to the use of water from the City's municipal public water supply system:

(a) Lawn watering is permitted only as follows:

(1) Wednesdays and Saturdays for those whose address ends with an even number;

(2) Thursdays and Sundays for those whose address ends with an odd number; and

(3) New lawns may be watered three times each day for the first three weeks after planting provided that notification is given to the City Public Works Department of the new planting either at the time of planting or as soon thereafter as is practicable.

(4) Lawn watering is prohibited after 8:00 am and before 8:00 pm on any day listed above in Section 6-6.19 (a) - (1), (2) and (3) during the emergency water restrictions implementation period.

(b) Cleaning of sidewalks, driveways, parking lots, buildings and other impermeable surfaces by the use of water is prohibited.

(c) All evaporative coolers must be of the recirculating type.

(d) Public agencies and/or commercial/industrial companies using City water to irrigate large turf areas greater than 0.5 acre shall submit an irrigation schedule for approval by the Public Works Director. This schedule shall provide for a reduction of water use based on a percentage of previous usage. The actual percentage and base year of usage shall be established by the Public Works Director as approved by the City Council and will be in accordance with the severity of the water shortage declared by the City Council.

(e) An automatic shutoff nozzle shall be attached to all hoses for all uses except lawn watering as set forth in subsections (a) and (d) above. The use of free flowing hoses is prohibited.

(f) Car washing will be allowed on the owner's residential property. All other car washing must be done at a commercial car wash facility. Washing of cars in parking lots or other commercial or industrial areas is prohibited except for vehicles owned by the person or agency who leases or owns said property.

(g) Leaking customer pipes, sprinklers, or other water facilities shall be repaired promptly, and not later than five days after being notified of such leak by the City. In the event of a severe leak, as determined by the City, the repairs shall be made in the shortest time reasonably possible.

(h) Commercial nurseries will be allowed to apply water to plant materials located on their property as needed to maintain said plant material. Watering shall be by a method which does not allow the waste of water. This permission does not apply to turf or lawn material. Turf or lawn materials shall be watered in accordance with either subsection (a) or (d) of this section.

(i) Watering of trees, shrubs, hedges and other plant materials excepting lawns shall be done with a drip system, by a hand held hose with an automatic shutoff nozzle, or by use of a water bucket. There shall be no runoff caused by watering of these plant materials.

(j) Decorative water facilities such as ponds or fountains are prohibited unless they are equipped with a recycling device approved by the City.

(k) All restaurants and other food and drink establishments shall furnish water only at the request of the customer.

(l) Allowing water to run off beyond the owners property lines is prohibited.

(§ 2, Ord. 03-91, eff. April 17, 1991; § 1, Ord. 08-91, eff. June 19, 1991; § 2, Ord. 003-11, eff. August 18, 2011)

Sec. 6-6.20. - Enforcement measures.

(a) For each violation of any of the provisions/regulations set forth in this chapter, there shall be assessed against the responsible party for the property on which the violation occurs, i.e. the owner, lessee, person in possession of said property, or the person reflected in the Yuba City utility records as the party to whom the water bill is sent, the following penalties:

(1) First violation: A written warning of such violation.

(2) Second violation: $50 surcharge which shall appear on the next monthly water billing.

(3) Third violation: $100 surcharge which shall appear on the next monthly water billing.

(4) Fourth and subsequent violations: $250 surcharge which shall appear on the next monthly water billing.

(b) For each violation of any of the cross-connections or other provisions/regulations as set forth in Section 6-6.08 or 6-6.21 there shall be assessed against the responsible party for the property on which the violation occurs, i.e. the owner, lessee, person in possession of said property, or the person reflected in the Yuba City utility records as the party to whom the water bill is sent, the following penalties:

(1) First violation: A written warning of such violation and five times the value of the water.

(2) Second violation: $500 surcharge and ten times the value of the water, which shall appear on the next monthly water billing.

(3) Third and subsequent violation: $5,000 surcharge and ten times the value of the water, which shall appear on the next monthly water billing.

(§ 3, Ord. 03-91, eff. April 17, 1991; § 2, Ord. 003-11, eff. August 18, 2011)

Sec. 6-6.21. - Cross-connection control program.

A cross-connection control program is established as provided in this section.

(a) Purpose/references/case history.

(1) Purpose.

(i) To protect the public water supply against actual or potential cross-connection by isolating within the premises contamination that may occur because of some undiscovered or unauthorized cross-connection on the premises;

(ii) To eliminate existing connections between drinking water systems and other sources of water that are not approved as safe and potable for human consumption;

(iii) To eliminate cross-connections between drinking water systems and sources of contamination;

(iv) To prevent the making of cross-connections in the future;

(v) This section is adopted pursuant to the State of California Code of Regulations, Title 17 and 22 Public Health, and entitled "Regulations Relating to Cross-Connections." Requiring the water supplier to administer a program to ensure cross-connection devices are installed, maintained and tested annually.

(2) References.

(i) Under Public Law 99-339 the Safe Drinking Water Act inclusive of amendments;

(ii) California Plumbing Code Chapter 6602.0602.1 602.2 602-3 602-4;

(iii) California Administrative Code Titles 17 and 22;

(iv) City of Yuba City Standard Details 408408A 410 413;

(v) Manual of Cross Connection Control, 9th Edition, published by University of Southern California Foundation for Cross-Connection Control and Hydraulic Research.

(3) Case History. Manual of Cross Connection Control, 9th Edition, published by University of Southern California Foundation for Cross-Connection Control and Hydraulic Research.

(b) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) Air-gap separation (AG) shall mean a physical break between a supply pipe and a receiving vessel. The air-gap shall be at least double the diameter of the supply pipe measured vertically above the top rim of the vessel, in no case less than one in.

(2) Approved backflow prevention device shall mean devices which have passed laboratory testing and field evaluation tests performed by a recognized testing organization which has demonstrated their competency to perform such tests to the (AWWA) American Water Works Association and possess a valid certification.

(3) Approved water supply shall mean any water supply whose potability is regulated by a State or local health agency including water supplier.

(4) Auxiliary water supply shall mean any water supply on or available to the premises other than the approved water supply.

(5) AWWA standard shall mean an official standard developed and approved by the American Water Works Association (AWWA).

(6) Backflow shall mean a flow condition, caused by a differential in pressure, that causes the flow of water or other liquids, gases, mixtures or substances into the distributing pipes of a potable supply of water from any source or sources other than an approved water supply source, whether caused by back siphonage, backpressure or otherwise.

(7) Contamination shall mean a degradation of the quality of the potable water by any substance which creates a hazard to the public health or which may impair the usefulness or quality of the water.

(8) Cross-connection shall mean any actual or potential connection between a potable water system used to supply water for potable purposes and any source or system containing unapproved water or a substance that is not or cannot be approved as safe, wholesome and potable. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices or any other devices through which backflow could occur, shall be considered to be cross-connections.

(9) Double check-valve assembly shall mean an assembly of at least two independently acting check-valves including tightly closing shutoff valves on each side of the check-valve assembly and test cocks available for testing the water-tightness of each check-valve.

(10) Health agency shall mean the California Department of Public Health.

(11) Local health agency shall mean the Sutter County Environmental Health.

(12) Person shall mean an individual, corporation, company, association, partnership, municipality, public utility or other public body or institution.

(13) Premises shall mean any and all areas on a property which is served or has the potential to be served by the public water system.

(14) Public water system shall mean water provided by the City of Yuba City.

(15) Reclaimed water shall mean a wastewater which as a result of treatment is suitable for uses other than potable use.

(16) Reduced pressure principle backflow prevention assembly shall mean an assembly incorporating two or more check-valves and an automatically operating differential relief valve located between the two checks, a tightly closing shut-off valve on each side of the check-valve assembly, and equipped with necessary test cocks for testing.

(17) Service connection shall mean and refers to the point of connection of a water user's piping to the water supplier's facilities.

(18) Unprotected cross-connection shall mean any cross-connection not outfitted with an air-gap separation, double check-valve assembly or reduced pressure principle backflow prevention assembly.

(19) Water supplier shall mean the City of Yuba City who operates the approved water supply system. For the purposes of this document, the term "water supplier" shall mean the City.

(20) Water user shall mean any person obtaining water from an approved water supply system of the City of Yuba City.

(c) Cross-connection protection requirements.

(1) General provisions.

(i) It is unlawful for any person, firm or corporation at any time to make or maintain or cause to be made or maintained, temporarily or permanently, for any period of time whatsoever, any cross-connection between plumbing pipes of water fixtures being served with water by the City and any other source of water supply, or to maintain any sanitary fixture or other appurtenances or fixtures which by reason of their construction may cause or allow backflow of water or other substances into the water supply system of the City and/or the service of water pipes or fixtures of any water user of the City.

(ii) Unprotected cross-connections with the City's water supply are prohibited.

(iii) Whenever the water supplier, health agency or local health agency determines that backflow protection is required on a premises, the City will require the water user to install an approved backflow prevention device at his/her expense for continued services or before a new service will be granted or continued.

(iv) Wherever the water supplier, health agency or local health agency determines that backflow protection is required on a water supply line entering a water user's premises, then any and all water supply lines from the City's mains entering such premises, buildings or structures shall be protected by an approved backflow prevention device, to be installed at the water user's expense. The type of device to be installed will be in accordance with the requirements of this section.

(v) Every fire protection system served by the water supplier shall be separately connected to the public water system, and not interconnected to plumbing systems serving domestic or irrigation water unless approved by the Public Works Director.

(vi) All services to commercial or industrial users who apply for new construction or remodel permits shall at that time upgrade all service connection points to current standards. This includes domestic/irrigation/fire water service connection points.

(vii) Any current device that does not meet current standards must be replaced. The water user must retrofit their assembly to meet current standards at the water user's expense.

(viii) Backflow preventive assemblies shall have at least the same cross-sectional area as the water meter or less than the cross sectional area with exception of those in parallel. In those instances where a continuous water supply is necessary and, two

sets of backflow preventive assemblies shall be installed in parallel, if the water supply cannot be temporarily interrupted for the testing of or the repair of the assemblies.

(ix) Cross-connections. The customer shall comply with State and Federal laws governing the separation of dual water systems or installations of backflow protective devices to protect the public water supply from the danger of cross-connections. Backflow protective devices shall be installed as near the service as possible and shall be open to tests and inspections by the City. Plans for the installation of backflow protective devices shall be approved by the City prior to installation.

(x) In special circumstances, where the customer is engaged in the handling of especially dangerous or corrosive liquids or industrial or process waters, the City may require the customer to eliminate certain plumbing or piping connections as an additional precaution and as a protection to the backflow preventive devices.

(xi) As a protection to the customer's plumbing system, a suitable pressure relief valve shall be installed and maintained by him or her, at his or her expense, when check valves or other protective devices are used. The relief valve shall be installed between the check valves and the water heater. The devices shall be serviced, overhauled, or replaced whenever they are found defective, and all costs of repair, replacement, and maintenance shall be borne by the customer.

(xii) Direct connections to stationary steam boiler, hydraulic elevators, power pumps, and similar apparatus. No person shall draw water from City pipes directly into any stationary steam boiler, hydraulic elevator, power pump, or similar apparatus.

(xiii) Where City water is used to supply a steam boiler, hydraulic elevator, or power pump, its owner shall provide tankage of sufficient capacity to afford a supply of at least 12 hours, into which the service pipe shall be discharged.

(xiv) Commercial and industrial cooling systems. All commercial and industrial businesses shall be required to equip all air conditioning and evaporative cooler units using City water with cooling towers and/or recirculating water pumps in order to conserve City water.

(xv) Responsibility for equipment. The customer shall, at his or her own risk and expense, furnish, install, and keep in good and safe condition all equipment which may be required for receiving, controlling, applying, and utilizing water. The City shall not be responsible for damages to property caused by faucets, valves, and other equipment which is open when water is turned on at the meter, either originally or when turned on after a temporary shutdown.

(2) Where protection is required.

(i) Each service connection from the City water system for supplying water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the public water system.

(ii) Each service connection from the City water system for supplying water to any premises on which any substance, which has the potential to create contamination, is handled in such fashion as may allow its entry into the water system, shall be protected against backflow of the water from the premises into the public system by a backflow prevention device to be installed at the water user's expense. Backflow prevention devices shall also be installed, at the water user's expense, for service connections handling process waters and waters originating from the City water system which have been subjected to contamination from the premises.

(iii) Backflow prevention devices shall be installed on all service connections to any premises having any of the following:

A. Internal cross-connections that cannot be permanently corrected and controlled to the satisfaction of the State or local health agency and the City; or

B. Intricate plumbing and piping arrangements; or

C. Where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not cross-connections exist; or

D. Any premises that has pumps to increase water pressure from the supplier.

(iv) Any system or premises designated to serve multiple residential, commercial or industrial tenants whose water practices are unknown at the time the plumbing or building permit is issued shall be protected against backflow of water from the premises to the public water system by a backflow prevention device of the type required by the City, health agency or local health agency. The determination of the type of backflow prevention device required shall be based on a determination of the potential hazard that may reasonably be expected to be encountered in buildings of similar type or nature.

(v) All portable pressure spray or cleaning units (including water trucks, street sweepers, etc.) that have the capability of connecting to any water supplier's system shall be provided with an air-gap separation.

(3) Type of protection required.

(i) The type of protection that shall be provided to prevent backflow into the approved water supply shall be commensurate with the degree of hazard that exists on the consumer's premises. The type of protective device that may be required (listed in an increasing level of protection) includes: double check-valve assembly (DC), reduced pressure principle backflow prevention device (RP) and an air-gap separation (AG). The water user may choose a higher level of protection than required by the City, health agency or local health agency. The minimum type of backflow protection required to protect the approved water supply at the user's water connection to premises with varying degrees of hazard are given in Table 1. Situations which are not covered in Table 1 shall be evaluated on a case by case basis and the appropriate backflow protection shall be determined by the City or health agency, consistent with the highest practicable protection of potable water supplies.

TYPE OF BACKFLOW PROTECTION REQUIRED
TABLE 1

Degree of Hazard	Minimum Type of Backflow Prevention
Sewage and Hazardous Substances	See below
(1) Premises where the public water system is used to supplement the reclaimed water supply.	AG
(2) Premises where there are wastewater pumping and/or treatment plants and there is not interconnection with the potable water system. This does not include a	AG

single-family residence that has a sewage lift pump. A RP may be pro-vided in lieu of an AG if approved by both the health agency and the City.	
(3) Premises where reclaimed water is used and there is no interconnection with the potable water system. A RP may be provided in lieu of an AG if approved by both the health agency and the City.	AG
(4) Premises where hazardous substances are handled in any manner in which the substances may enter a potable water system. This does not include a single-family residence that has a sewage lift pump. A RP may be provided in lieu of an AG if approved by both the health agency and the City.	AG
(5) Premises where there are irrigation systems into which fertilizers, herbicides or pesticides are, or can be, injected or assimilated.	RP
Auxiliary Water Supplies	See below
(1) Premises where there is an unapproved auxiliary water supply which is interconnected with the public water system. A RP may be provided in lieu of an AG if approved by both the health agency and the City.	AG
(2) Premises where there is an unapproved auxiliary water supply and there are no interconnections with the public water system. A DC may be provided in lieu of a RP if approved by both the health agency and City.	RP
Fire Protection Systems	See below
(1) Premises where fire system is directly supplied from the public water system and there is an unapproved auxiliary water supply on or to the premises (not interconnected).	RP
(2) Premises where the fire system is supplied from the public water system and interconnected with an unapproved auxiliary water supply. A RP may be provided in lieu of an AG if approved by both the health agency and City.	AG
(3) Premises where the fire system is supplied from the public water system and where either elevated storage tanks or fire pumps which take suction from the private reservoirs or tanks are used.	RP
(4) Dockside watering points and marine facilities.	RP

(5) Premises where there are marine facilities.	RP
(6) Premises where entry is so restricted that the City determines that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross-connections do not exist.	RP
(7) Premises where cross-connections have been established or reestablished two or more times or any other water service that the health agency or the City determines that a cross-connection hazard may exist.	RP

(d) Backflow prevention devices.

(1) Approved backflow prevention devices.

(i) Only backflow prevention devices which have been approved by the City shall be acceptable for installation by a water user connected to the City's potable water system.

(ii) The City will provide, upon request, to any affected customer a list of approved backflow prevention devices.

(2) Backflow prevention device installation.

(i) Backflow prevention devices shall be installed in a manner prescribed in Section 7603, Title 17/22, of the California Administrative Code of Regulations. Location of the devices shall be as close as practical to the user's connection to the public water supply. The City shall have the final discretionary authority in determining the required location of a backflow prevention device.

A. Air-gap separation (AG). The air-gap separation shall be located on the user's side of and as close to the service connection as is practical. All piping from the service connection to the receiving tank shall be above grade and be entirely visible. No water use shall be provided from any point between the service connection and the air-gap separation. The water inlet piping shall terminate a distance of at least two pipe diameters of the supply inlet, but in no case less than one in. above the overflow rim of the receiving tank.

B. Reduced pressure principal backflow prevention device (RP). The approved reduced pressure principal backflow prevention device shall be installed on the user's side of and as close to the service connection as is practical. The device shall be installed a minimum of 12 in. above grade and not more than 36 in. above grade measured from the bottom of the device and with a minimum of 12 in. side clearance. The device shall be installed so that it is readily accessible for maintenance and testing. Water supplied from any point between the service connection and the RP device shall be protected in a manner approved by the City.

C. Double check-valve assembly (DC). The approved double check-valve assembly shall be located as close as practical to the user's service connection and shall be installed above grade, if possible, and in a manner where it is readily accessible for testing and maintenance. If a double check-valve assembly is put below grade it must be installed in a vault such that there is a minimum of six in.

between the bottom of the vault and the bottom of the device, so that the top of the device is no more than eight in. below grade, so there is a minimum of six in. of clearance between the side of the device with the test cocks and the side of the vault, and so there is a minimum of three in. clearance between the other side of the device and the side of the vault. Double check-valve assemblies of the "Y" type must be installed on their "side" with the test cocks in a vertical position so that the check-valve may be removed for service without removing the device. Vaults which do not have an integrated bottom must be placed on a three-inch layer of gravel.

(3) Backflow prevention device testing and maintenance.

(i) California Department of Public Health requires that the City administer a cross-connection program to ensure that annual testing is completed. The owners of any premises on which, or on account of which, backflow prevention devices are installed, shall have the devices tested by a person certified by the American Water Works Association and approved by the City. Backflow prevention devices must be tested at least annually and immediately after installation, relocation or repair. The City may require a more frequent test schedule if it is determined to be necessary. No device shall be placed back in service unless it is functioning as required. A report in a form acceptable to the City shall be filed with the City each time a device is tested, relocated or repaired. These devices shall be serviced, overhauled or replaced whenever they are found to be defective and all costs of testing, repair and maintenance shall be borne by the water user.

(ii) The City will supply affected water users with a list of persons acceptable to the City to test backflow prevention devices. The City will notify affected customers by mail when annual testing of a device is needed and also supply users with the necessary forms which must be filled out each time a device is tested or repaired.

(4) Backflow prevention device removal.

(i) Approval must be obtained from the City before a backflow prevention device is removed, relocated or replaced.

A. Removal. The use of a device may be discontinued and the device removed from service upon determination by the City that a hazard no longer exists or is not likely to be created in the future. All well(s) must be abandoned by permit through Sutter County Environmental Health.

B. Relocation. A device may be relocated following confirmation by the City of Yuba City that the relocation will continue to provide the required protection and satisfy installation requirements. The City shall require a retest following the relocation of the device to verify the required level of protection.

C. Repair. A device may be removed for repair, provided the water use is either discontinued until repair is completed and the device is returned to service, or the service connection is equipped with other backflow protection approved by the City. The City shall require a retest following the repair of the device to verify the required level of protection.

D. Replacement. A device may be removed and replaced provided the water use is discontinued until the replacement device is installed. All replacement devices must be approved by the City and must be commensurate with the degree of hazard involved or updated to current standards.

(e) User supervisor. At each premise where it is necessary, in the opinion of the City, a user supervisor shall be designated by and at the expense of the water user. This user supervisor shall be responsible for the monitoring of the backflow prevention devices and for avoidance of cross-connections. In the event of contamination or pollution of the drinking water system due to

a cross-connection on the premises, the City shall be promptly notified by the user supervisor so that appropriate measures may be taken to overcome the contamination. The water user shall inform the City of the user supervisor's identity annually, and whenever a change occurs. Any cost incurred by the City due to contamination by the failure/tampering or removal of the backflow device caused by user negligence shall be the responsibility of the water user or the property owner.

(f) Administrative procedures.

(1) Water system survey.

(i) The City shall review all requests for new services to determine if backflow protection is needed. Plans and specifications must be submitted to the City upon request for review of possible cross-connection hazards as a condition of service for new service connections. If it is determined that a backflow prevention device is necessary to protect the public water system, the required device must be installed before service will be granted.

(ii) The City may require an on-premises inspection to evaluate cross-connection hazards. The City will transmit a written 48-hour notice requesting an inspection appointment to each affected water user. Any customer which cannot or will not allow on-premises inspection of their piping system shall be required to install the backflow prevention device the City considers necessary.

A. Right of entry for inspections. Upon presentation of official identification, any authorized employee of the City on official business shall be allowed access at reasonable hours to any premises supplied by City water supply.

B. Any person who, as owner or occupant of any premises, refuses admittance to or hinders or prevents inspection by an authorized employee of the City may have all water service to the premises terminated. Water will not be restored until an inspection is performed and any corrective action has been addressed. A reconnection fee will be charged in accordance with the fees established in Section 6-6.18 of this chapter.

C. The City may, at its discretion, require a re-inspection for cross-connection hazards of any premises to which it serves water. The City will transmit a written 48-hour notice requesting an inspection appointment to each affected water user. Any customer which cannot or will not allow on-premises inspection of their piping system shall be required to install the backflow prevention device the City considers necessary.

(2) Customer notification—Device installation.

(i) The City will notify any affected water user of the survey findings, listing corrective action to be taken if required. A period of 30 days will be given to complete all corrective action required including installation of backflow prevention devices.

(ii) A second notice will be sent to each water user which does not take the required corrective action prescribed in the first notice within the 30-day period allowed. The second notice will give the water user a 15-day period to take the required corrective action. If no action is taken within the two-week period the City may terminate water service to the affected water user until the required corrective actions are taken. A reconnection fee will be charged per the City's fee schedule.

(3) Customer notification—Testing and maintenance.

(i) The City will notify each affected water user 15 days prior to the time for the backflow prevention device installed on their service connection to be tested. This written notice shall give the water user 60 days to have the device tested and supply the City with a

completed test report. All test reports are due annually on the first day of the month in which the device was installed, repaired or replaced.

(ii) A second notice shall be sent 30 days after the first notice to each City water user which does not have his/her backflow prevention device tested as prescribed in the first notice within the 60-day period allowed. The second notice will give the water user a 30-day period within the original 60-day period to have his/her backflow prevention device tested.

(iii) A third and notice shall be sent to have his/her backflow prevention device tested. If no action is taken within the remaining 14 day period a 48-hour notice will be hand delivered prior to the shut off time and date stated in the third notice. The City may terminate water service to the affected water user at that time to the premises until the subject device is tested. A reconnection fee will be charged in accordance with the City's fee schedule before the water service will be restored.

(g) Tester requirements.

(1) [Business license required.] All testers must possess a current business license issued by the City.

(2) Application for testers. All parties that wish to test backflow prevention devices within the City surface or groundwater systems shall complete an application for approval to the City cross-connection control program and pay all applicable fees as set forth in Section 6-6.18 of this chapter. All fees for applications are non- refundable regardless of approval. If approved, this will permit testing for a period of three years from the approval date. Before the expiration of the initial three year period, a notification letter of upcoming expiration will be sent. For renewal, a new application and all applicable fees must be paid. Notification by phone or mail will occur regardless of approval. All test equipment must be calibrated within the last 12 months and calibration reports must be submitted with each application. The responsibility for maintaining current approval status is solely the applicant's responsibility. Tester fees and backflow tag fees shall be waived for City employees for the testing of municipal devices only.

(3) Backflow tags. Every individual backflow device must have a backflow test tag. Serial numbers from tags must be printed on all test report forms submitted. A new tag must be placed on each device at the number one test cock each time the device is tested /repaired or relocated. All backflow tags must be purchased at the City Finance Department, 1201 Civic Center Boulevard, Yuba City, California, 95993 in accordance with the fees established in Section 6-6.18 of this chapter. Tags are valid from January 1 through December 31 of each year. Tags will expire on December 31 of every calendar year and each year's tags will be of differing color. Tag fees are nonrefundable and unused tags may not be returned for a refund.

(4) Application forms. All application forms can be picked up and returned with fees paid at the time of application to the City of Yuba City Finance Department, 1201 Civic Center Boulevard, Yuba City, California, 95993 (Attention Cross-Connection Control Program).

(5) Test forms. All test forms must be approved by The City of Yuba City Cross-Connection Program.

(h) Water service termination.

(1) General. When the City encounters water uses that represent a clear and immediate hazard to the potable water supply that cannot be immediately abated, the City shall institute the procedure for discontinuing the City water service.

(2) Basis for termination. Conditions or water uses that create a basis for water service termination shall include, but are not limited to, the following items:

(i) Refusal to install a required backflow prevention device;

(ii) Refusal to test a backflow prevention device;

(iii) Refusal to repair a faulty backflow prevention device;

(iv) Refusal to replace a faulty backflow prevention device;

(v) Direct or indirect connection between the public water system and a sewer line;

(vi) Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants;

(vii) Unprotected direct or indirect connection between the public water system and an auxiliary water system;

(viii) A situation which presents an immediate health hazard to the public water system.

(3) Water service termination procedures.

(i) For conditions (i), (ii), (iii) or (iv) of subsection (h)(2) of this section, the City will terminate service to a customer's premises after two written notices have been sent specifying the corrective action needed and the time period in which it must be done. If no action is taken within the allowed time period, water service may be terminated.

(ii) For conditions (v), (vi), (vii) or (viii) of subsection (h)(2) of this section, the City will take the following steps:

A. Make reasonable effort to advise the water user of intent to terminate water service;

B. Immediately terminate water supply and lock service valve. The water service will remain inactive until correction of violations has been approved by the City. A reconnection fee will be charged in accordance with the City's shutoff policy.

(i) Fire hydrant use.

(1) [Hydrant meter required.] It is unlawful for any unauthorized person to draw, cause to be drawn, or allow to be drawn, for any purpose whatsoever, any water from any fire backflow device or fire hydrant within the City's public water supply (surface or groundwater) without a hydrant meter issued from the Finance Department with exception to any authorized fire personnel. All unauthorized water use will be considered theft of a public utility and subject to the fees/fines established in Section 6.20 of this chapter. All conditions of subsection B of this section shall apply and the City may require additional backflow prevention devices in companion with the hydrant meter. The additional backflow device will be at the user's expense.

(2) Air gap inspection and stickers. All water trucks, tanks, and other equipment drawing water from within the City's public water supply (surface or groundwater) shall be inspected annually and approved by the Public Works Department for proper air gap prior to drawing water. Upon approval by the Public Works Department a color coded verification sticker that contains a specific serial number shall be applied to the vehicle's windshield or rear bumper. The sticker will be valid for one year from the date of issuance. All inspections are to be paid for in advance at the City of Yuba City Finance Department, 1201 Civic Center Boulevard, Yuba City, California, 95993 in accordance with the fees established in Section 6.18 of this chapter. All unauthorized water use will be considered theft of a public utility and subject to the fees/fines established in Section 6.20 of this chapter.

(3) Pools and tanks. When an abnormally large quantity of water is desired for filling a swimming pool or for other purposes, arrangements shall be made with the City prior to taking such water.

(§ 2, Ord. 012-09, eff. December 17, 2009; § 2, Ord. 003-11, eff. August 18, 2011)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY AMENDING TITLE 6, CHAPTER 6 OF THE YUBA CITY MUNICIPAL CODE RELATING TO THE YUBA CITY WATER REGULATIONS

THE CITY COUNCIL OF THE CITY OF YUBA CITY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 6-6.10 of the Yuba City Municipal Code is hereby amended to read as follows:

Section 6-6.10. Billing.

(a) Billing period. The regular billing period shall be monthly for all services. Unmetered services shall be payable in advance.

(b) Opening and closing bills. Opening and closing bills for less than the normal billing period may be prorated. Closing bills may be estimated by the City for the final period as an expediency to permit the customer to pay the closing bill prior to the time service is discontinued. See Section 6-6.05 for requirements for opening an account.

(c) Payment of bills. Bills for water service and sanitary sewer service shall be rendered at the end of each billing period. Bills shall include the charges for water and sewage and shall be inseparable. Delinquency in any part of the bill shall be sufficient cause for the discontinuance of water service. Bills shall be payable on presentation. On each bill for water and sewer service rendered by the City shall be printed substantially the following: "If this bill is not paid on or before the 45th day after the bill was sent, service may be discontinued. A delinquency charge will be made and collected prior to renewing service following a discontinuance."

(d) Separate billing. Separate bills may be rendered for any service which has a separate connection to a City line. All meters shall be billed separately.

(e) Responsibility. Where there is more than one usage charge on a single parcel being served through a single service, there shall be charged and collected from the parcel owner, the water charge for the entire parcel.

(f) Liability for services rendered. The owner of single- and multi-family residential property served by the City shall be charged with, and shall be personally responsible for, the water bills incurred for water service to such property. The owner of nonresidential property served by the City may assign responsibility for the water bills incurred for water service to such property to the owner's tenants or lessees.

(g) Residential rental account. Advanced payment of $60 is required.

(h) Delinquent charges. Where a rental property owner has past due charges for utility services, no new account can be established for service at the same property until payment is rendered for those same charges.

(i) Owner responsible. Notwithstanding any provisions of this chapter, the property owner shall be additionally responsible for payment of all unpaid water/sewer bills and other fees owed to the City. Any agreement between landlords and tenants to the contrary will not relieve the landlord or record owner of the property of the responsibility for payment of the water and/or sewer service charges to the City.

(j) Collection of Delinquent Water Charges.

All rates, charges, penalties and interest which remain delinquent as of June 30th of each year may be collected in the same manner as the general taxes for the City for the forthcoming fiscal year, as follows:

(1) The City's finance department shall prepare a written report, which shall be filed with the City Clerk. The report that shall describe each parcel of real property for which there are any delinquencies in any rates or charges for services rendered to each parcel during the preceding year, and the amount of the delinquency. The report of delinquent water charges may be combined with the report of any other delinquent charges, as long as the report identified the delinquent charges for each service for each parcel.

(2) The City Clerk shall publish notice of the report's filing and of the time and place of hearing on the report, prior to the date set for the hearing. The notice shall be published once a week for two successive weeks prior to the hearing. The City Clerk shall also mail written notice of the report's filing to each property owner whose property or parcel is identified as being subject to delinquent charges setting forth individually each property and each of the services and charges due for that property.

(3) At the time stated in the notice, the City Council shall hear and consider all objections or protests, if any, to the report concerning the delinquencies. Thereafter the City Council may adopt, revise, change, reduce or modify any delinquency or overrule any or all objections thereto. The City Council shall then make its determination on each delinquency identified in the report; the City Council's determination shall be final.

(4) Following the hearing, on or before August 10th of each year, the City Clerk shall file with the City's Finance Director a copy of the signed report to submit to the County. The Finance Director will submit a request to the Sutter County to include the amount of delinquencies on the bills for taxes levied against the properties identified in the report.

Section 2. Section 6-6.18 of the Yuba City Municipal Code is hereby amended to read as follows:

Section 6-6.18. Summary of Charges.

All the latest and current charges shall be found in the City's Fee Schedule document. The City updates the Fee Schedule document annually and posts it on the City's website. This Section shows the applicable charges from July 1, 2016 to June 30, 2017. The charges for all the subsequent years will only be available in City's Fee Schedule document.

Beginning in 2017, all the charges related to the use of City water treatment and distribution system set out in Section 6-6.18 (j) of this chapter will be reviewed by the City Council on an annual basis as part of the fiscal year budget review process, prior to the July 1st implementation of the increase for each year. The City Council will retain the authority to set by resolution the actual rates less than the maximum rates set out in Section 6-6.18 (j) of this chapter.

(a) Charges for installing a water service line from the main to the curb stop.

1" service without meter	$4,097.00
1" meter	$ 555.00
1" residential dual water meter (w/fire service)	$ 703.00
1 1/2" service without meter	$4,958.00
1 ½" meter	$ 752.00
2" service without meter	$ 5,285.00
2" meter	$ 969.00

Service lines larger than two inch shall be charged for actual time and materials (service and/or meter). A deposit will be required based on the cost estimate furnished by the Public Works Department.

(b) Other fees.

Relocate existing water meter	$ 966.00
Fire system flow test	$ 248.00
Hot Tap—4"	$4,263.00
Hot Tap—6"	$ 4,463.00
Hot Tap—8"	$ 4,920.00

Hot Tap—10"	$ 6,081.00

(c) Extension charges (Section 6-6.05 (j)).

Parcels zoned	Extension fee per front foot*
R-1 and R-2	$57.90
All others	$62.47

* The indicated extension fee includes a surcharge of $4 per front foot for fire hydrant installations where the City has installed, or plans to install, street fire hydrants serving the property.

(d) Connection charges (Section 6-6.05(k)).

Meter Size	Maximum Continuous Flow	Factor	Fee
1"	25 GPM	1.00	$ 7,822.06
1½"	50 GPM	2.00	$ 15,644.13
2"	100 GPM	4.00	$ 31,288.25
3"	400 GPM*	16.00	$ 125,153.00
4"	800 GPM*	32.00	$ 250,306.00
6"	1,500 GPM*	60.00	$ 469,324.00
8"	3,500 GPM*	140.00	$ 1,095,089.00

*Compound meter

Meter type for connections two inches size and larger will be determined by Yuba City after consultation with the new customer. Any customer that will utilize, in any month, totaling more than 5% of the maximum continuous meter rating shall have a separate connection charge based on the customer's individual usage characteristics.

Any customer that purchases a connection charge prior to July 1, 2000, may complete the project at any time, and is not subject to connection charge rate adjustments or credit of interest. Any connection charges paid on or after July 1, and the project is completed within 18 months, will not be subject to any additional connection charges or interest credits. A project is deemed completed when all building permits are paid and a final inspection report is issued. Any connection charges paid on or after July 1, 2000 and the project is not completed within 18 months will be subject to the connection charge in effect at the time of project completion, and will be entitled to interest credit as to any connection charge increases. Interest will only be allowed as a credit toward connection charges increases and, in no event, shall customer be entitled to any refund of said interest. Interest will accrue, beginning 18 months after the initial purchase, based on the initial connection charge payment. Interest payment will be credited semi-annually on January 1 and July 1 based on the previous average semi-annual rate of the Local Agency Investment Fund administered by the California State Treasury. Connection permits or charges cannot be sold or transferred between any party other than Yuba City.

(e) Meter test deposit: (Section 6-6.09 (f)): $56.00.

(f) After hours service charge: $103.00.

(g) Delinquency charges: (Section 6-6.15(b): $10 or 10% of the outstanding bill (whichever is greater).

(h) Temporary service deposit (Section 6-6.15(b)): $110.00 per inch size of service desired size.

(i) Fire hydrant use (Section 6-6.15(b)).

Connection and removal of meter	$64.00
Move meter from one hydrant to another	$64.00
Deposit (for usage charge)	$193.00
Deposit (for damage to meter)	$939.00
Minimum monthly usage charge:	
Metered	5,000 cubic ft. at current rate
Flat rate (minimum monthly)	$64.00

(j) Water service rates.

(1) Quantity charges. A rate per 100 cubic ft. (HCF) is hereby established with a minimum billing for all metered services as set forth in subsection (2) of this subsection.

(2) Monthly water rates.

Meter Size	Baseline HCFs*	Existing Rate	8/1/2016 to 6/30/2017	7/1/2017 to 6/30/2018	7/1/2018 to 6/30/2019	7/1/2019 to 6/30/2020	7/1/2020 to 6/30/2021
≤1"	11	$21.59	$28.50	$33.91	$39.49	$41.01	$42.59
1.5”	22	$43.18	$57.00	$67.83	$78.98	$82.03	$85.18
2"	44	$86.37	$114.01	$135.67	$157.99	$164.07	$170.39
3"	176	$345.47	$456.02	$542.66	$631.93	$656.26	$681.53
4"	352	$690.95	$912.05	$1,085.34	$1,263.88	$1,312.54	$1,363.08
6"	660	$1,295.52	$1,710.09	$2,035.00	$2,369.76	$2,461.00	$2,555.74
8"	1,540	$3,022.89	$3,990.21	$4,748.36	$5,529.46	$5,742.34	$5,963.42
Water Flow Rate: Per Excess HCF		$1.430	$1.430	$1.701	$1.981	$2.057	$2.137

* 1 HCF = 748 Gallons

(3) Unmetered service. Reserved.

(k) Meter surcharge for unmetered services. Reserved.

(l) Annual adjustments. Annually on July 1 of each year fees and charges in the following sections shall be adjusted based on the previous April value of the Twenty City Average of Engineering News Record Construction Index: 6-6.18(a), (b), (c) and (d).

Annually on July 1 of each year fees and charges in the following sections shall be adjusted based on the previous April value of the California Consumer Price Index (CPI) for all urban consumers: 6-6.18(e), (f), (h), (i), (m) and (n).

Annually on July 1 of each year fees and charges in the following sections shall be adjusted as shown in that Section: 6-6.18(j).

(m) Fees for cross-connection control program.

(1) Application for backflow tester: $56.00

(2) Backflow test tags: $11.00 per tag

(3) Air gap inspection/sticker: $56.00 per vehicle/equipment piece

(n) Water service disconnection.

(1) Disconnect service (for non-payment): $59.00

(2) Meter lock-off (continued non-payment and/or illegal use): $70.00

(3) Meter removal (continued non-payment and/or illegal use): $116.00

(4) After hours reconnection: $103.00

(5) Notice served in lieu of disconnect service (plus delinquency charge): $36.00

Section 3. Section 6-6.19 of the Yuba City Municipal Code is hereby amended to read as follows:

Sec. 6-6.19. Emergency water restrictions.

Upon declaration of the City Council that water supply conditions are such that they dictate and justify the implementation of emergency water restrictions, the following mandatory regulations shall apply to the use of water from the City's municipal public water supply system:

(a) Lawn watering is permitted only as follows:

(1) Wednesdays and Saturdays for those whose address ends with an even number;

(2) Thursdays and Sundays for those whose address ends with an odd number; and

(3) New lawns may be watered three times each day for the first three weeks after planting provided that notification is given to the City Public Works Department of the new planting either at the time of planting or as soon thereafter as is practicable.

(4) Lawn watering is prohibited after 8:00 am and before 8:00 pm on any day listed above in Section 6-6.19 (a) - (1), (2) and (3) during the emergency water restrictions implementation period.

(b) Cleaning of sidewalks, driveways, parking lots, buildings and other impermeable surfaces by the use of water is prohibited.

(c) All evaporative coolers must be of the recirculating type.

(d) Public agencies and/or commercial/industrial companies using City water to irrigate large turf areas greater than 0.5 acre shall submit an irrigation schedule for approval by the Public Works Director. This schedule shall provide for a reduction of water use based on a

percentage of previous usage. The actual percentage and base year of usage shall be established by the Public Works Director as approved by the City Council and will be in accordance with the severity of the water shortage declared by the City Council.

(e) An automatic shutoff nozzle shall be attached to all hoses for all uses except lawn watering as set forth in subsections (a) and (d) above. The use of free flowing hoses is prohibited.

(f) Car washing will be allowed on the owner's residential property. All other car washing must be done at a commercial car wash facility. Washing of cars in parking lots or other commercial or industrial areas is prohibited except for vehicles owned by the person or agency who leases or owns said property.

(g) Leaking customer pipes, sprinklers, or other water facilities shall be repaired promptly, and not later than five days after being notified of such leak by the City. In the event of a severe leak, as determined by the City, the repairs shall be made in the shortest time reasonably possible.

(h) Commercial nurseries will be allowed to apply water to plant materials located on their property as needed to maintain said plant material. Watering shall be by a method which does not allow the waste of water. This permission does not apply to turf or lawn material. Turf or lawn materials shall be watered in accordance with either subsection (a) or (d) of this section.

(i) Watering of trees, shrubs, hedges and other plant materials excepting lawns shall be done with a drip system, by a hand held hose with an automatic shutoff nozzle, or by use of a water bucket. There shall be no runoff caused by watering of these plant materials.

(j) Decorative water facilities such as ponds or fountains are prohibited unless they are equipped with a recycling device approved by the City.

(k) All restaurants and other food and drink establishments shall furnish water only at the request of the customer.

(l) Allowing water to run off beyond the owners property lines is prohibited.

Section 4. This Ordinance shall become effective thirty (30) days after its adoption. A summary of this ordinance shall be published once at least five (5) days prior to the adoption of this ordinance and once within fifteen (15) days after its adoption, in the Appeal Democrat, a newspaper of general circulation in the City of Yuba City.

Introduced and read at a special meeting of the City Council of the City of Yuba City the 8th day of June, 2016, and adopted at a regular meeting thereof held on the ____ day of _____, 2016.

AYES:

NOES:

ABSENT:

ABSTAIN:

MAYOR

ATTEST:

Terrel Locke, City Clerk