

Title 13

PUBLIC SERVICES

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Chapter 13.04

WATER SERVICE SYSTEM

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13.04.010 Water division created.

There is created and established a water division to be known as the water division of the city. The water division shall be a division of the public works department within the framework of the city's administrative organization and shall be governed by state and federal laws pertaining thereto, the ordinances, policies and resolutions established by the council and the procedures designated by the city manager. (Prior code β 7-8.01)

13.04.020 Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

"Consumer" means any person, public or private corporation, the United States of America, the state, any county, municipality and all governmental

agencies and departments and every officer, agent and employee thereof during the course of his or her employment, who uses or is entitled to use, water from the department and the division.

"Department" means the public works department of the city.

"Division" means the water division of the public works department.

"Office manager" means the person designated by the city manager as the office manager of the water division of the city.

"Premises" and "property" mean all real property, buildings and appurtenances occupied by an owner, lessee or tenant as a dwelling or a business, commercial or industrial enterprise upon an integral parcel of land undivided by a street or railway.

"Service connection" means the pipeline extending from the division's water main, whether located in a public thoroughfare or private right-of-way, to the curb line or property line of the consumer's premises, together with the valves, meter and fittings necessary to connect to the consumer's private pipeline.

"Standby service" means the permanent, unmetered connection to the division's water main of a system of hoses, sprinklers or other appliances, such system to be designed and used for fire emergencies only.

"Water superintendent" means the person designated by the city manager as the water superintendent of the water division of the public works department. (Prior code § 7-8.02)

13.04.030 Office manager of the water division--Duties.

There shall be an office manager of the water division who, subject to the general supervision of the water superintendent, shall be solely responsible for the management and conduct of the division office. The duties of the office manager of the water division shall include, but not be limited to, the following:

A. The supervision, subject to the provisions of this code and other regulations, with the approval of the water superintendent, of the administration of the division office;

B. The preparation and submission to the water superintendent of the annual water division report and such other reports as may be directed from time to time by the city manager;

C. The approval of all expenditures of the division office, subject to the provisions of this code;

D. At the end of each fiscal year and at such other times as it may be required, the submission to the water superintendent of a report concerning the affairs of the division; and

E. Carrying out such affairs and other assignments as assigned by the water superintendent. (Prior code § 7-8.03)

13.04.040 Administrative manual.

The day-to-day administrative activities of the water division shall be governed by an administrative procedures manual which shall be established and from time to time amended subject to the direction of the water superintendent and with the approval of the city manager. (Prior code § 7-8.04)

13.04.050 Water rates.

A. Water Services. For supplying consumers, water shall be measured through meters installed by the water division at the expense of the consumer and rates shall be set from time to time by resolution of the council.

B. Standby Services. Charges shall be set from time to time by resolution of the council.

C. Prorating of Charges for Water. There shall be no prorating of charges for water whatsoever and the monthly minimum shall apply to the services rendered and the water supplied during any fractional part of a thirty (30) day period.

D. No Rebate Until Notified. No allowance or rebate shall be made in the water rate charged against any premises so long as the water remains connected therewith and the full rate shall be charged against any and all property or premises as specified in this chapter until the water division has been notified by the owner or consumer to shut off the water therefrom.

E. Vacant Dwellings. In the event a premises becomes vacant, the regular minimum rates shall be charged and no refund or discount shall be made until the water division has been notified by the owner or consumer to shut off the water. (Prior code β 7-8.05)

13.04.060 Applications for service.

Before water shall be supplied to any premises, an application by the owner, tenant or agent of the property shall be made in writing to the division for the proper service and stating the official building number and street to be served and any other information which may be necessary to establish the credit of the applicant. Thereupon a service connection shall be made at the nearest distribution main by the division but only after the charges provided for in this chapter have been paid. (Prior code β 7-8.06)

13.04.070 Deposits.

A. Service Deposits. The division may require each applicant for water service within the corporate limits of the city and shall require each applicant for water service outside the corporate limits of the city or any consumer delinquent in the payment of bills for such service, to guarantee the payment of water charges by a cash deposit in an amount equal to the cost of the consumer's water during a billing period as estimated by the division; provided, however, no deposit shall be less than the monthly minimum.

B. Return of Deposits. Deposits may be refunded upon an application by the consumer when the account has not been delinquent within a period of twelve (12) consecutive months prior to the date of the application for a refund or when service is ordered discontinued by the consumer, except when there are charges due the division from the consumer, in which case the deposit will be applied to the charges and the excess portion only of the deposit will then be returned.

The division may notify the consumer that his or her deposit is subject to return and shall refund the deposit upon the surrender to the division of the deposit receipt properly endorsed. (Prior code β 7-8.07)

13.04.080 Notices.

A. When Issued. Regular bills will be issued on the first day of the month. Consumers shall be regularly billed quarterly.

B. When Due. All charges for water shall be due and payable on presentation. All unpaid water charges shall become delinquent at five p.m. on the fifteenth day of the month presented.

C. Owners of Property Liable for Payment. The owner of any property upon which city water is used shall be liable for the payment of the rates for such water. All rules and regulations provided for the government of the water service shall apply to the owner of the premises as well as to the water user and, in case of default in the payment of water rates, all arrearages, fines and penalties shall be attached to the premises and the particular connection from which the water was used without payment.

D. Manager May Adjust. The office manager of the water division, subject to approval by the city manager, may adjust bills and, in the event of any dispute as to a charge to a consumer, the office manager may determine the charge; provided, however, all persons affected shall have the right to appeal such determination to the council and the decision in respect thereto shall be final and conclusive as to all parties.

E. Collection Charges. After the twenty-fourth day of the month during which water charges are presented, a collection for such charges may be made by the division for which a collection fee of five dollars (\$5.00) shall be imposed. (Prior code β 7-8.08)

13.04.090 Discontinuance and restoration of service.

A. Consumers About to Vacate Premises. Each consumer about to vacate any premises supplied with water service by the division shall give advance notice of his or her intended removal, specifying the date service is desired discontinued; otherwise he or she will held responsible for water service furnished to such premises until the division shall have notice for such removal.

B. Division's Right to Discontinue Service.

1. For Nonpayment of Bills. If water charges are not paid by the twenty-fifth day of the month presented, the water service shall be shut off and a penalty imposed, which penalty, together with all arrearages and fines, shall be paid before the service can be restored to the same consumer at the same address or at a new address.

2. For Failure to Comply With Regulations. If a consumer or owner fails to comply with the provisions of this chapter or the regulations of the division after five days notice thereof, the division may forthwith discontinue water service to such consumer or owner until full and complete compliance is obtained.

3. For Improper Disposal of Water. Any person who, as an owner or tenant of any premises, fails, refuses or neglects to equip and maintain such premises with plumbing of such character, quality and design as to assure that water will be disposed of into a disposal system acceptable to the city, five days after being served by written notice of such intention, shall have all water service discontinued pending such improvements.

4. For Wastage of Water. Any person who wastes, causes, permits or allows to be wasted any water in any cooling system ornamental fountain or other device of any kind whatsoever, after service of five days notice of intention, may have all water service discontinued.

5. For Refusal to Admit Employees to Inspect. Any person who, as owner or occupant of any premises, refuses admittance to or hinders or prevents an inspection by, an authorized employee of the division, after service of twenty-four (24) hours notice of intention, may have all water cut off.

C. Only Water Division May Turn Water On. No person shall tap, open or connect to or cause, permit or allow to be turned on, in any way any water after the water has been turned off by the division.

D. Restoration of Service. On failure to comply with the regulations of the division or to pay rates or to comply with any charge or penalty imposed for such failure as provided in this chapter, water services may be turned off until the regulations or such penalties are complied with and/or payment is made of the amount due, if any and, in addition thereto, at the discretion of the division, the sum of at least twenty-five dollars (\$25.00) for the expense of turning the service off and on. In the event the consumer turns on the water service or suffers or causes it to be turned on after it has been turned off for any of such reasons, the division may again turn off the water service, remove the meter and charge and collect at least fifty dollars (\$50.00), in addition to the other amounts due from the consumer, before water service is restored. In the event the consumer's service is discontinued for the nonpayment of the bill for service or where notice of discontinuance for the nonpayment of the bill has been given, the division may require the consumer to reestablish his or her credit by the making of a cash deposit as provided in Section 13.04.070 of this chapter. (Prior code β 7-8.09)

13.04.100 Meters.

A. Consumer Dissatisfaction With Meters--Meter Testing. In the event of dissatisfaction with the registration of any meter, the consumer shall make a written complaint to the water division, together with a deposit of five dollars (\$5.00), which sum will be returned and the water bill adjusted in an equitable manner in case the meter shall be found to register over three percent more than actually passes through it. If the meter is found accurate within three percent, the deposit shall be forfeited to the city and the water bill paid as rendered.

B. Meter Failure. If a meter fails to register during any period or is known to register inaccurately, the consumer shall be charged with an average daily consumption according to the season as shown by the meter when in use and registering accurately.

C. Installation and Perpetual Maintenance of Meters and Laterals. The water division shall determine and make charges for the installation and perpetual maintenance of meters and service laterals. Upon the filing with the water division of a written application by a property owner and the payment to the water division of the required charge for a meter, the water division will make a connection for such property owner to the city water main. Such connection shall be laid to the inside of the curb line in front of the applicant's property or at the side or rear of the property provided there is a

city main passing along the street in front of or at the side or rear of such property. Where there is no water main in front of, at the side of or to the rear of the applicant's property, the applicant shall install at his or her own expense.

D. Meters City Property. All services and all water meters installed by the division at all times shall remain the property of the division. The expense of the maintenance, repair and renewal of such meters due to the wear of normal service shall be borne by the division; provided, however, any expense occasioned by any act, careless or otherwise, on the part of the consumer or any member of his or her family or any person in his or her employ, shall be charged to such consumer.

E. Unlawful to Tamper With Meters or Break Seals. No person shall tamper with or remove, cause, permit or allow to be tampered with or removed, any meter where the meter has been attached to any service or break or cause, permit or allow to be broken, any meter seal. If such tampering or breaking occurs, the division shall impose a penalty of twenty-five dollars (\$25.00) and may remove the meter.

F. Bypass Connections Unlawful. Any bypass or connection around the meter between the service and the main shall be prohibited. All water use, except as provided in Section 13.04.140 of this chapter, shall pass through the meter.

G. Unlawful to Cover Meter Boxes. It is unlawful at any time to cover meter boxes with trash, rubbish, dirt or other foreign matter, to permit ivy or other shrubbery to grow over meter boxes or to park automobiles or other vehicles over meter boxes. (Amended during 2004 codification; prior code β 7-8.10)

13.04.110 City's responsibility for water damages.

The city's responsibility shall end at the meter and the city shall in no case be liable for damages occasioned by water running free from open or faulty fixtures or from broken or damaged pipes beyond the water meter. (Prior code β 7-8.11)

13.04.120 Water usage.

A. Supplying Other Persons. No service connection for water shall be made for the purpose of supplying through a common service two or more independent consumers occupying premises held under the same or independent ownership unless such premises are located on the same lot or the property is known as an apartment, hotel or court apartment covering more than one lot and then only provided the owner or operator of such premises shall guarantee the payment of all bills for water and water services.

B. Proper Disposal--Wasting Water. As provided in Section 13.04.090(B)(3) of this chapter, water shall be disposed of into an approved legal disposal system. No person shall waste any water in any device of any kind as set forth in Section 13.04.090(B)(4) of this chapter.

C. Pressure Regulators, Check Valves, Syphon Breakers and Pressure and/or Temperature Relief Valves. If and when the safety and protection of the water system or any appliance thereof so requires, either an approved pressure regulator, check valve, syphon breaker or pressure and/or temperature relief

valve shall be installed immediately by the consumer, at his or her expense, on the property side of the consumer's water meter and at the appliance or piece of equipment as required by the division to effectively serve the purpose intended.

D. May Be Restricted. The use of water for sprinkling, wetting construction or industrial purposes may be restricted if and when such consumer's water usage is contrary to the public safety and welfare.

E. In Case of Fire. In case of a fire in the city within reach of the water system, all standpipes, fire hydrants, hose connections, faucets and other outlets to such system in the immediate area of the fire shall be promptly closed, except such as may be used in quenching the fire and preventing the spread of the fire and shall be kept closed until such fire is extinguished. In addition, it shall be the responsibility of the water superintendent to divert, reroute, pump and otherwise provide the necessary water supply to suppress such fire. (Prior code B 7-8.12)

13.04.130 Water systems in subdivisions and other developments--Dedications.

A. Subdividers and Developers to Install Approved Water Systems. For any development or subdivision approved by the council, the subdivider or developer shall install, at his or her own proper expense and charge, a domestic water system approved by the water superintendent. After the water system has been completed and attached to the water mains and accepted by the water superintendent, the system ownership shall be dedicated to the city. Water systems to be installed by subdividers or developers shall consist of water mains, laterals, meters, hydrants, valves, pumps and storage facilities to meet present or future city standards. The water system shall include brass fire hydrants meeting all current and future standards of design and spacing by the Colfax volunteer fire department. All installations will be connected to and become a part of the city water system.

B. Use of Service Connections When Property is Subdivided. When property provided with a service connection is subdivided, the service connection shall be considered as belonging to that part of the lot or parcel of land which it directly enters.

C. Memorandum of Agreement. In order to effect the provisions of this section on an interim basis, the city shall enter into an agreement by memorandum with the Pacific Gas and Electric Company to perform services, including, but not limited to, systems design, construction inspection, maintenance and operation and administration. (Prior code B 7-8.13)

13.04.140 Fire hydrants.

A. Permits to Use. Any person intending to take water through, from or by means of any fire hydrant in the city shall first make and file with the water division an application in writing, showing the hydrant or hydrants through, from or by means of which and the time or times at which, he or she intends to take such water or to use such hydrant or hydrants. Such application shall also contain such other information as may be required therein by the water division. Permits shall be good only for the hydrant or hydrants for which they are issued. Permits shall not be transferable. Permits may be refused any person who may be indebted to the city for water theretofore served and not paid for or

whose use of water through hydrants installed primarily for fire service is deemed by the water superintendent to be against the public interests. It is unlawful for any person to take water through, from or by means of or to use any such fire hydrant at any other time other than that for which such permit was issued or in violation of any reasonable terms and conditions fixed therein.

B. Fees and Rates for Use. The cost of the permit and the charges for water through any fire hydrant shall be set by council resolution.

C. Proper Use. Any person using or taking water through, from or by means of any fire hydrant in the city, upon turning such hydrant off, shall carefully close the valve or valves upon such hydrant so that the same and each and all thereof, shall be in good working order and shall remove any hose or hose connections attached to such hydrant. Any person so taking water through, from or by any means of or using any such hydrant shall accurately fit the valve stem or cap thereof and it is unlawful for any person to apply to and use upon the valve stem or cap of any such hydrant any wrench which does not so fit the valve stem or cap to which applied.

D. Unlawful to Damage. It is unlawful for any person to injure or damage any fire hydrant in the city.

E. Unlawful to Leave Refuse Near. It is unlawful for any person to make or leave or to permit to be made or left, any dirt, refuse or other obstruction on any public street or alley within twenty (20) feet of any fire hydrant in the city; provided, however, nothing in this section shall apply to any obstruction necessarily made by reason of any work of street improvement ordered by the officers of the city. (Prior code B 7-8.14)

13.04.150 Regulations for water division personnel.

A. Identification Cards to Be Carried. An official identification card shall be carried or worn by all employees who, in line of duty, may be required to enter upon private premises.

B. Free Access to Private Premises. Upon the presentation of official identification, any authorized employee of the division on official business shall be allowed free access at all reasonable hours to any premises supplied with city water.

C. Identification Cards to Be Turned In. Every employee who has been issued identification cards, badges and/or credentials of the division shall surrender and deliver to the proper official all such cards, badges and/or credentials upon leaving the division for any reason.

D. Unauthorized Use of Official Identification Unlawful. It is unlawful for any unauthorized person to possess, carry, wear or exhibit any badge or other official identification of the division; nor shall any person, whether or not possession shall be authorized, display, exhibit or cause to be exhibited any badge or other official identification of the division at any time, place or in any manner or for any purpose which is not authorized by the division. (Prior code B 7-8.15)

13.04.160 Violation--Penalty.

Any person violating any provision of this chapter shall be guilty of a misdemeanor pursuant to the provisions of Chapter 1.24 of this code. (Prior code B 7-8.16)

Chapter 13.08

SEWER SERVICE SYSTEM

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Article I

General Provisions

13.08.010 Authority.

This chapter is adopted pursuant to the authority set forth in Article 4 of Chapter 6 of Part 3 of Division 5 of the Health and Safety Code of the state and the constitutional authority of the city. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.101)

13.08.020 Purpose.

The provisions of this chapter are adopted for the purpose of prescribing and providing for the collection and enforcement of charges for sewer services and charges for the privilege of connecting to sewerage facilities. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.102)

13.08.030 Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Any discharge of fifteen thousand (15,000) gallons or more of wastewater per day (excluding the domestic portion of the discharge) or more than 22.5 pounds of biochemical oxygen demand (BOD5) or suspended solids (SS) per day (fifteen thousand (15,000) gallons at 180 mg/l);

2. Discharges wastewater to a POTW, which contains hazardous materials in sufficient quantity either singly or by interaction with other wastes, to constitute a potential hazard to humans or animals, to potentially cause interference or create a public nuisance or create any hazard in or have an adverse effect on the waters receiving any discharge from the POTW;

3. Is subject to EPA categorical pretreatment standards or any pretreatment standards set by the state;

4. Is required to obtain an industrial wastewater discharge permit pursuant to this chapter.

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

"Infiltration" means groundwater that enters sewers.

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

"MG" means million gallons.

"MGD" means million gallons per day.

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

"Multiple-family dwelling" means and includes duplexes, triplexes, quadplexes, apartments, mobilehomes, condominiums, townhouses or other

combination of multiple living units, transient or permanent, private or public, discharging domestic wastewater primarily from sanitary devices.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Wastewater" means all wastes and waters considered for and/or discharged to and carried by the city sewerage system. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.103)

13.08.040 Use of revenues.

Revenues derived pursuant to the provisions of this chapter shall be used only for the acquisition, construction, reconstruction, maintenance and operation of the sewerage systems and facilities of the city and the planning, engineering and administration related thereto, to repay the principal and interest on bonds issued for the acquisition, construction or reconstruction of such sewerage systems and facilities and to repay any federal or state loans or advances made for the construction or reconstruction of such sewerage systems and facilities. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.104)

13.08.050 Appeals.

Any person adversely and directly affected by a determination made by the city manager or his or her designee under the provisions of this chapter may appeal such determination to the city council. A notice of appeal shall be filed in writing with the city clerk not later than fifteen (15) days after the date of such determination or not later than fifteen (15) days after the receipt by the appellant of a notice of such determination, whichever shall last occur. The notice shall specify the basis for the appeal. Any determination not appealed within the fifteen (15) days shall be final and binding. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.105)

13.08.060 Appeals--Hearings.

At the next regular meeting of the city council following the receipt of the appeal by the city clerk, the council shall set the matter for a hearing within thirty (30) days and shall direct the city clerk to give the appellant written notice of the time, date and place of the hearing. At the time of the hearing, the council shall consider all testimony and evidence presented which is relevant to the subject of the appeal and, within fifteen (15) days thereafter, shall affirm, modify or reverse the determination of the city manager or his or her designee. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.106)

Article II

Connection Permits and Charges

13.08.070 Purpose.

This article prescribes permit requirements and fees for connecting to or expanding the use of any facility connected to the city sewerage system. (Ord. 475 B 2(b) (part), 2002: prior code B 6-3.201)

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

Any person making a new connection to the sewerage system of the city or expanding, modifying, enlarging or conducting any other activity that will increase the volume or change the physical character of the sewage already discharged from the premises shall obtain a permit from the city, prior to any change of service in accordance with the permit procedure set forth in Article VII of this chapter. At the same time, the user shall pay the appropriate sewer impact fee for connecting to the city sewerage system to pay their share of the capital investment in the city sewerage system as provided in this article. (Ord. 475 B 2(b) (part), 2002: prior code B 6-3.202)

13.08.090 Sewer impact fee required.

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

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

C. The sewer impact fees for the expansion of existing facilities shall be determined by applying the classification procedure set forth in Article IV of this chapter to the entire facility including the new expansion, subtracting that portion allocated to the original use. (Ord. 479 (part), 2004: Ord. 475 B 2(b) (part), 2002: prior code B 6-3.203)

13.08.100 Impact fee adjustments.

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

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

B. Adjustment for Required Wastewater System Improvements. In addition to the annual adjustment, the council may, from time to time, adjust the sewer impact fee as necessary to reflect cost of necessary improvements to the city wastewater system to accommodate additional connections. Such adjustment shall be made by resolution, after a duly noticed public hearing. (Ord. 479 (part), 2004: Ord. 475 B 2(b) (part), 2002: prior code B 6-3.204)

13.08.110 Payment.

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

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

C. For mobilehome parks, the sewer impact fees shall be paid prior to the time of the first connection in the mobilehome park for the total number of mobilehome lots or spaces permitted. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.205)

Article III

Sewer Service Charges

13.08.120 Purpose.

This article prescribes periodic charges for use of the city's sewerage system. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.301)

13.08.130 Basis of charges.

All users discharging to the city's sewerage system shall pay an appropriate monthly amount for their share of the operation, maintenance and replacement costs of the city's sewerage system. These charges may also include a capital surcharge for capital improvements that benefit existing users. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.302)

13.08.140 Sewer service fees.

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

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

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

D. Each sewer service account established with the city is the responsibility of the property owner of record, regardless of who applied for the sewer permit or connection. (Ord. 475 § 2(b) (part), 2002: Ord. 456 § 5, 1999; prior code § 6-3.303)

13.08.150 Lift station charges.

Whenever users are served by one or more sewer lift stations, an additional charge for each lift station shall be added to the sewer service charge otherwise required by this chapter, in an amount determined by resolution of the

city council, to cover the costs of the operation, maintenance and replacement of such lift stations. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.304)

13.08.160 Fee adjustments.

The sewer service fee, including lift station charges, shall be reviewed annually and amended by resolution of the city council when determined necessary. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.305)

13.08.170 I & I project sewer charge.

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

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

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

D. The I & I project sewer charge shall remain in effect until May 30, 2018. A property owner may elect to pay the charge in an advance lump sum payment for the full term. Upon such an election and payment that parcel shall be excluded from the levy and collection of the annual I & I project sewer charge on the tax roll. (Ord. 456 § 4, 1999: prior code § 6-3.306)

Article IV

User Classification

13.08.180 General.

The amount determined for sewer impact fees and sewer service charges shall be based on the number of EDUs allocated for the use of the facility in accordance with the criteria set forth in this article and Appendix A, Sewer User Groups, attached to the ordinance codified in this chapter. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.401)

13.08.190 Primary facility.

Each sewer permit and sewer service account shall identify a primary facility sewer service classification by user group code. EDU allocation shall be according to criteria defined in Appendix A, Sewer User Groups, attached to the ordinance codified in this chapter. The account shall be assessed the base EDU rate factor plus additional EDU allocations according to appropriate EDU rate factors per user group. Under no circumstances shall any account be assessed less than one EDU rate factor. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.402)

13.08.200 Ancillary facilities.

Each account shall identify ancillary facility sewer service usage by user group code, if applicable. For each building, facility, element of equipment or operation accessory to the primary facility usage specified in a sewer service account that constitutes a discrete and additional use, additional EDU allocation shall be determined. The EDU factor for ancillary facilities shall be determined according to the criteria for additional EDU rate factors shown in Appendix A, Sewer User Groups, attached to the ordinance codified in this chapter and added to the EDU allocation for the primary facility. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.403)

13.08.210 Swimming pools.

Swimming pools are usually ancillary to a primary facility usage (apartment, hotel, spa/gym, etc.) Each standard size swimming pool connected to the city's sewerage system shall constitute three-tenths EDU, in addition to other allocations on the premises. Private (noncommercial) swimming pools ancillary to single-family residences are excluded from additional EDU allocation. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.404)

13.08.220 Non-defined facilities.

If in the opinion of the engineer or public works director, specific equipment, operational methods and/or facilities that significantly impact sewer service usage of a primary facility, yet are not defined by Appendix A, Sewer User Groups, attached to the ordinance codified in this chapter, additional EDU allocation may be made on a per-case basis. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.405)

Article V

Sewer Service Charges-- Collection Procedures

13.08.230 Billing period.

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

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

C. Unless action is taken pursuant to Article VI of this chapter to collect current sewer service charges on the tax roll, the city shall bill users directly for such charges. The regular billing period shall be bi-monthly; provided, however, the council may establish semiannual or annual billing periods for public schools and other public institutions.

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

E. Opening and closing bills for sewer service charges less than the normal billing period shall be for not less than one month. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.501)

13.08.240 Due date--Delinquencies--Collection.

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

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

C. When an account becomes delinquent, the full amount of the both the delinquent and current bill must be paid to avoid disconnection of the service. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.502)

13.08.250 Delinquencies--Charged against the property and owner.

In addition to any other remedy provided in this title for the enforcement and collection of any sewer impact fee, connection charge and service charge, all rates or other charges provided for in this chapter shall be charged against the property on which furnished and against the owner of record thereof and shall be deemed delinquent at the same time and in the same manner as the next regular sewer bill. No change of ownership or occupation shall affect in any way the application of this section. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.503)

13.08.260 Penalties and interest.

A penalty of ten (10) percent shall be imposed on all charges imposed by this chapter that are not paid on or before the first day of the second month following the date such charges were due. An additional penalty of one percent

per billing period shall be imposed on the first day of the second month following the date such charge was due and payable and on each due date thereafter until there is payment in full of the charge, plus all penalties. The percentage shall be calculated on the aggregate of the delinquent charge and the ten (10) percent penalty. This does not include sewer service charges for which provision is made, prior to delinquency, for the collection thereof on the tax rolls on which general city property taxes are collected. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.504)

13.08.270 Liens.

If any charge imposed by this chapter remains delinquent for a period of sixty (60) days, such charge shall constitute a lien against the lot or parcel of land against which the charge was imposed upon the recording thereof with the county recorder. Such lien shall have the force, effect and priority of a judgment lien and shall continue for three years after the time of recording, unless sooner released or otherwise discharged. The city shall include a statement on its bill to each property owner, which shall give notice of the lien provided by this section. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.505)

13.08.280 Civil actions--Costs.

The sewer service charges and connection charges imposed by this chapter shall constitute a debt to the city and the city may institute a civil action to recover delinquent charges, in which event the city shall have a judgment for the costs of the suit and reasonable attorneys' fees. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.506)

13.08.290 Disconnections.

The city may disconnect any premises from the sewer system if the charges imposed by this chapter are not paid after they shall have become delinquent. The city manager or his or her designee shall estimate the cost of disconnection and the cost of reconnecting the facility to the sewer system. The owner of the premises shall deposit the estimated costs of disconnection and reconnection before such premises are reconnected to the sewer system. In the event such arrearages are paid and the premises are reconnected to the sewer system, the city manager or his or her designee shall refund any part of the deposit remaining after the payment of all costs of disconnection and reconnection. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.507)

13.08.300 Disconnections--Habitation--Public nuisances--Abatement.

During any period of non-connection or disconnection, the habitation of the premises required to be connected to the sewer system shall constitute a public nuisance and the council shall cause proceedings to be brought for the abatement of the occupancy of such premises for human habitation. In the event such action is commenced, there shall be paid to the city, as a condition of connection or reconnection, reasonable attorneys' fees and costs of suits arising in such action. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.508)

Article VI
Collection of Sewer
Fees with Property Taxes

13.08.310 Collection with property taxes--Decisions.

The council, by ordinance approved by a two-thirds vote, may elect to have the sewer service charges for any forthcoming fiscal year or delinquent sewer service charges which have accrued, together with the interest thereon or both, collected on the secured tax roll in the same manner and at the same time, as general property taxes. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.601)

13.08.320 Collection with property taxes--Reports.

In the event of an election pursuant to the provisions of Section 13.08.310 of this article, a written report shall be prepared and filed with the city clerk. The report shall contain a description of each parcel of real property receiving sewer services and facilities and the amount of the current and/or delinquent sewer service charges for each parcel, computed in conformity with the provisions of Article III of this chapter. The real property may be described by reference to the maps of the county assessor or by such other reference sufficient to identify the property affected. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.602)

13.08.330 Collection with property taxes--Notices.

The city clerk shall cause notice of the filing of the report required by the provisions of Section 13.08.320 of this article and notice of the time and place of the hearing thereon by the council. The notice shall be published once each week for two successive weeks prior to the date set for the hearing in the Colfax Record, a newspaper of general circulation printed and published in the county. Prior to collection of the sewer service charges on the tax roll for the first time, the city clerk shall cause notice in writing to be mailed to each person to whom any part or parcel of real property described in the report is assessed on the last equalized assessment roll. The notice shall be mailed to the address shown on such roll or as known to the city clerk. The notice shall include the filing of the report and the time and place of the hearing thereon. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.603)

13.08.340 Collection with property taxes--Hearings.

At the time of the hearing on the report described in Section 13.08.320 of this article, the council shall hear and consider all objections or protests, if any, to such report and may continue the hearing from time to time. If the council finds that protests are made by the owners of a majority of the separate parcels of property described in the report, the report shall not be adopted and the sewer service charges shall be collected separately from the tax roll and shall not constitute a lien against any parcel of property. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.604)

13.08.350 Collection with property taxes--Final determinations.

Upon the conclusion of the hearing on the report described in Section 13.08.320 of this article, unless protests are made by the owners of a majority of the separate parcels of property described in the report, the council may adopt, revise, change, reduce or modify any sewer service charge or overrule any or all objections and shall make its determination upon each charge as described in such report, which determination shall be final. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.605)

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

On or before July 1st of each year following the final determination of the council as set forth in Section 13.08.350 of this article, the city clerk shall file with the county auditor a copy of such report with a statement endorsed thereon over the nature of the city clerk that the report has been finally adopted by the council. The county auditor shall enter the amounts of the sewer service charges against the respective lots or parcels of land as they appear on the current assessment roll. Where any such parcels are outside the boundaries of the city, such parcels shall be added to the assessment roll of the city for collecting such charges. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.606)

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

If the property described in the report of the city clerk, as set forth in Section 13.08.360 of this article, is not described on the assessment roll, the county auditor shall enter the description thereon, together with the amounts of the sewer service charges, as shown on the report. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.607)

13.08.380 Collection with property taxes--Liens.

The amount of the sewer service charges shall constitute a lien against the lot or parcel of land against which the sewer service charge was imposed as of noon on the first Monday in March immediately preceding the date of the levy. The tax collector shall include the amount of the sewer service charges on bills for taxes levied against the respective lots and parcels of land. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.608)

13.08.390 Collection with property taxes--Tax bills.

The amount of the sewer service charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the city and shall be delinquent at the same time and thereafter be subject to the same penalties for delinquency. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.609)

13.08.400 Collection with property taxes--Payments under protest.

Whenever provisions are made for the collection of sewer service charges on the tax roll on which general taxes are collected, any person may pay such charges under protest and the provisions of Article 2 of Chapter 5 of Part 9 of Division I of the Revenue and Taxation Code of the state shall apply. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.610)

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

All laws applicable to the levy, collection and enforcement of general taxes of the city, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund and redemption, shall be applicable to such sewer service charges, except as provided by Section 5473.8 of the Health and Safety Code of the state. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.611)

13.08.420 Collection with property taxes--Compensation of county.

The tax collector, in his or her discretion, may issue separate bills for such sewer service charges and separate receipts for collections because of such charges. The county shall be compensated for services rendered in connection with the levy, collection and enforcement of such charges for the city in an amount to be fixed by an agreement between the board of supervisors and the council. The compensation shall not exceed five dollars (\$5.00) for each account handled or one percent of all money collected, whichever is greater. The compensation shall be paid into the county salary fund. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.612)

13.08.430 Collection with other utility service charges.

The council may provide that sewer service charges shall be collected with the rates and charges for any other utility service furnished by the city and that any or all such charges may be itemized and billed upon the same bill and collected as one item. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.313)

13.08.440 Collection procedures.

Ordinance No. 453, "An Ordinance Transferring Collection of Assessments, Fees and Charges to County Tax Roll and Establishing Procedures for Transfer to County Tax Rolls" is applicable to this chapter if such charges are transferred to the tax rolls. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.314)

Article VII

Sewer Construction and Sewer Use

13.08.450 Building sewers and connections.

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

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

1. For residential and commercial service; and

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

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

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

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

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

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

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

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

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

K. All excavations for a building sewer installation shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.701

13.08.460 Use of public sewers.

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

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

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

2. Any water or waste containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes,

to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant;

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

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

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

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

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

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

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

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

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

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

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

9. Materials which exert or cause:

- a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
- b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
- c. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; and
- d. Unusual volumes of flow or concentrations of wastes constituting slugs.

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

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

1. Reject the wastes;
2. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Require control over the quantities and rates of discharge; and/or
4. Require payment to cover the added costs of handling and treating the wastes not covered by sewer charges under the provisions of this section.

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

E. Grease, oil and grit interceptors shall be provided when, in the opinion of the city, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable waste, grit or other harmful ingredient; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the city and shall be located as to be readily and easily accessible for cleaning and inspection.

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

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

shall be installed by the owner, at his or her expense and shall be maintained by him or her to be safe and accessible at all times.

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

I. Nothing in this chapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the council for treatment, subject to payment therefor by the industrial concern. (Amended during 2004 codification; Ord. 475 β 2(b) (part), 2002: prior code β 6-3.702)

13.08.470 Violation--Penalty.

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

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

C. Any person violating any provision of this chapter shall be liable to the city for any expense, loss or damage occasioned by the city because of such violation. (Ord. 475 β 2(b) (part), 2002: prior code β 6-3.703)

Article VIII

Industrial Users

13.08.480 Industrial wastewater permit requirements.

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

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

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

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

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

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

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

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

E. The conditions imposed by this article on industrial users shall be in addition to all of the other requirements of this chapter applicable generally to all users. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.801)

13.08.490 Industrial wastewater fees.

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

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

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

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

D. Industrial wastewater discharge permit triennial review and renewal fee of two hundred dollars (\$200.00) due every three years from the date of issuance of the permit. (Ord. 475 § 2(b) (part), 2002: prior code § 6-3.802)

Chapter 13.12

WELLS

Sections:

13.12.010 Adoption of county code provisions.

13.12.010 Adoption of county code provisions.

The provisions of Sections 4.800 through 4.808 H of Subchapter 8 of Chapter 4 of the Placer County Code and Section 19.38 of Subchapter 1 of Chapter 19 of the Placer County Code relating to wells are adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to any amendments, additions and deletions set forth in this chapter. (Prior code B 6-4.01)

Chapter 13.16

UNDERGROUNDING
UTILITY FACILITIES

Sections:

13.16.010 Definitions.

13.16.020 Hearings--Notices--Determinations.

13.16.030 Designation of districts.

13.16.040 Unlawful acts.

13.16.050 Exceptions--Emergencies or unusual circumstances.

13.16.060 Other exceptions.

13.16.070 Notices to property owners and utility companies.

13.16.080 Responsibility of utility companies.

13.16.090 Responsibility of property owners.

13.16.100 Responsibility of city.

13.16.110 Extensions of time.

13.16.010 Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

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

"District" or "underground utility district" means that area in the city within which poles, overhead wires and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of Section 13.16.030 of this chapter.

"Person" means and include individuals, firms, corporations and partnerships and their agents and employees.

"Poles, overhead wires and associated overhead structures" means poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulation, cutouts, switches, communication circuits, appliances, attachments and appurtenances located aboveground within a district and used or useful in supplying electric, communication or similar or associated services.

"Utility" means and includes all persons or entities supplying electric, communication or similar or associated services by means of electrical materials or devices. (Prior code § 7-3.01)

13.16.020 Hearings--Notices--Determinations.

The council may from time to time set public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the city and the underground installation of wires and facilities for supplying electric, communication or similar or associated services. The city clerk shall notify by mail all affected property owners, as shown on the last equalized assessment roll and utilities concerned of the time and place of such hearings at least ten (10) days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At such hearings all persons interested shall be given an opportunity to be heard. The decision of the council shall be final and conclusive. (Prior code § 7-3.02)

13.16.030 Designation of districts.

If, after such public hearing provided for in Section 13.16.020 of this chapter, the council finds that the public necessity, health, safety and welfare requires such removal and such underground installation within a designated area, the council, by resolution, shall declare such designated area an underground utility district and order such removal and underground installations. Such resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installations shall be accomplished and within which affected property owners shall be ready to receive underground services. A reasonable time shall be allowed for such removal and underground installations, having due regard for the availability of the labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby. (Prior code § 7-3.03)

13.16.040 Unlawful acts.

Whenever the council creates an underground utility district and orders the removal of poles, overhead wires and associated overhead structures therein, as provided in Section 13.16.030 of this chapter, it is unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in such district after the date such overhead facilities are required by resolution to be removed, except such overhead facilities which may be required to furnish services to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as set forth in Section 13.16.090 of this chapter and for such reasonable time required to remove such facilities after such work has been performed and except as otherwise provided in this chapter. (Prior code § 7-3.04)

13.16.050 Exceptions--Emergencies or unusual circumstances.

Notwithstanding the provisions of this chapter, overhead facilities may be installed and maintained for a period, not to exceed ten (10) days, without the authority of the council, in order to provide emergency services. The council may grant special permission, on such terms as it may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures. (Prior code B 7-3.05)

13.16.060 Other exceptions.

The provisions of this chapter and any resolution adopted pursuant to the provisions of Section 13.16.030 of this chapter shall not apply to the following types of facilities, unless otherwise provided in such resolution:

- A. Any municipal facilities or equipment installed under the supervision and to the satisfaction of the city engineer;
- B. Poles or electroliers used exclusively for street lighting;
- C. Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wires have been prohibited or connecting to buildings on the perimeter of a district, where such wires originate in an area for which poles, overhead wires and associated overhead structures are not prohibited;
- D. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of thirty-four thousand five hundred (34,500) volts; provided, however, this exception shall not be construed to alter, amend or repeal the provisions of the zoning regulations requiring a use permit for overhead electric transmission lines in excess of sixty thousand (60,000) volts capacity;
- E. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street;
- F. Antennas, associated equipment and supporting structures used by a utility for furnishing communication services;
- G. Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets and concealed ducts; and
- H. Temporary poles, overhead wires and associated overhead structures used or to be used, in conjunction with construction projects. (Prior code B 7-3.06)

13.16.070 Notices to property owners and utility companies.

A. Within ten (10) days after the effective date of a resolution adopted pursuant to the provisions of Section 13.16.030 of this chapter, the city clerk shall notify all affected utilities and all persons owning real property within the district thereby created of the adoption of such resolution. The city clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property, desire to continue to receive electric, communication or similar or associated service, they or such occupant, shall provide all the necessary facility changes on their premises so as to

receive such services from the lines of the supplying utilities at a new location, subject to the applicable rules, regulations and tariffs of the respective utilities on file with the commission.

B. Such notification by the city clerk shall be made by mailing a copy of the resolution adopted pursuant to the provisions of Section 13.16.030 of this chapter, together with a copy of the provisions of this chapter, to the affected property owners, as they are shown on the last equalized assessment roll and to the affected utilities. (Prior code β 7-3.07)

13.16.080 Responsibility of utility companies.

If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to the provisions of Section 13.16.030 of this chapter, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the commission. (Prior code β 7-3.08)

13.16.090 Responsibility of property owners.

A. Every person owning, operating, leasing, occupying or renting a building or structure within a district shall construct and provide that portion of the service connection on his or her property between the facilities referred to in Section 13.16.080 of this chapter and the termination facility on or within such building or structure being served, all in accordance with the applicable rules, regulations and tariffs of the respective utilities on file with the commission.

B. In the event any person owning, operating, leasing, occupying or renting such property does not comply with the provisions of subsection A of this section within the time provided for in the resolution enacted pursuant to the provisions of Section 13.16.030 of this chapter, the director of public works shall post written notice on the property being served and thirty (30) days thereafter shall have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to such property. (Prior code β 7-3.09)

13.16.100 Responsibility of city.

The city shall remove, at its own expense, all city-owned equipment from all poles required by the provisions of this chapter to be removed in ample time to enable the owner or user of such poles to remove the poles within the time specified in the resolution enacted pursuant to the provisions of Section 13.16.030 of this chapter. (Prior code β 7-3.10)

13.16.110 Extensions of time.

In the event any act required by the provisions of this chapter or the resolution adopted pursuant to the provisions of Section 13.16.030 of this chapter cannot be performed within the time provided on account of shortages of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience or any other circumstances beyond the control of the actor,

the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation. (Prior code β 7-3.11)