

ORDINANCE NO. 1057

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA TO ADD CHAPTER 13.01 RELATING TO SEWERS AND SEWAGE DISPOSAL, TO ADD CHAPTER 13.02 RELATING TO WASTEWATER PRETREATMENT, TO DELETE CHAPTER 8.57 RELATING TO WASTEWATER PRETREATMENT, TO ADD CHAPTER 13.03 RELATING TO WATER SERVICE, TO DELETE CHAPTER 13.04 RELATING TO WATER SERVICE SYSTEM, TO DELETE CHAPTER 13.08 RELATING TO WATER WELLS, TO DELETE CHAPTER 13.16 RELATING TO STORM WATER MANAGEMENT, AND TO ADD CHAPTER 13.16 RELATING TO WATER QUALITY CONTROL TO THE COACHELLA MUNICIPAL CODE

WHEREAS, the City of Coachella, with, by and through the Coachella Sanitary District and the Coachella Water Authority, is authorized by state law to regulate sewer, pretreatment of wastewater, and water service; and

WHEREAS, the City desires to amend Title 13 of the Coachella Municipal Code to establish a unified title for the regulation of sewers, pretreatment of wastewaters, water service, and water quality.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COACHELLA DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 13.01 – Sewers and Sewage Disposal – of the Coachella Municipal Code is adopted and added to the Coachella Municipal Code to read as set forth in Exhibit A to this Ordinance, which Exhibit is incorporated by this reference as if set forth fully at this point.

Section 2. Chapter 13.02 – Wastewater Pretreatment – of the Coachella Municipal Code is hereby adopted and added to the Coachella Municipal Code to read as set forth in Exhibit B to this Ordinance, which Exhibit is incorporated by this reference as if set forth fully at this point. Chapter 8.57 – Wastewater Pretreatment – of the Coachella Municipal Code is hereby deleted in its entirety.

Section 3. Chapter 13.03 – Water Service – of the Municipal Code is hereby adopted and added to the Coachella Municipal Code to read as set forth in Exhibit C to this Ordinance, which Exhibit is incorporated by this reference as if set forth fully at this point.

Section 4. Chapter 13.04 – Water Service System - of the Municipal Code is hereby deleted in its entirety.

Section 5. Chapter 13.16 – Stormwater Management – of the Municipal Code is hereby deleted in its entirety and replaced with Chapter 13.16 – Water Quality Control – to read as set forth in Exhibit D to this Ordinance, which Exhibit is incorporated by this reference as if set forth fully at this point.

Section 6. Chapter 13.08 – Water Wells – of the Municipal Code is hereby deleted in its entirety.

Section 7. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or any exhibit to this ordinance, or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that a section, subsection, subdivision, sentence, clause, phrase, or portion may be declared invalid or unconstitutional.

Section 8. A full reading of this Ordinance is waived.

Section 9. This Ordinance shall become effective thirty (30) days after its adoption.

Section 10. The City Clerk is hereby directed to certify the adoption of this ordinance and to publish notice of its adoption as required by law.

INTRODUCED AND FIRST READ at a Regular Meeting of the City Council of the City of Coachella, California, on the 9th day of October, 2013, and thereafter **ADOPTED** at a Regular Meeting of said City Council held on the 23rd day of October, 2013, by the following vote to with:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eduardo Garcia, Mayor

ATTEST:

Beatrice Barajas, City Clerk

APPROVED AS TO FORM:

Carlos Campos, City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF COACHELLA)

I, Beatrice Barajas, City Clerk of the City of Coachella, do hereby certify that the foregoing Ordinance 1057 was duly and regularly introduced at a City Council meeting on the 9th of October 2013, and that thereafter the said ordinance was duly and regularly adopted at the meeting of the City Council on the 23rd day of October, 2013.

Beatrice Barajas, City Clerk

Exhibit A: Chapter 13.01 – Sewers and Sewage Disposal

Exhibit B: Chapter 13.02 – Wastewater Pretreatment

Exhibit C: Chapter 13.03 – Water Service

Exhibit D: Chapter 13.16 – Water Quality Control

EXHIBIT A

Chapter 13.01 – Sewers and Sewage Disposal

[Attached behind this page]

Chapter 13.01 - SEWERS AND SEWAGE DISPOSAL

ARTICLE I. - IN GENERAL

ARTICLE II. – Reserved

ARTICLE III - BUILDING SEWERS AND CONNECTIONS

ARTICLE IV. - PERMITS

ARTICLE V. - FEES, CHARGES AND BILLING

ARTICLE VI. - EXTENSION OF SEWER SYSTEM

ARTICLE VII. - PRIVATE SEWAGE DISPOSAL SYSTEMS

ARTICLE VIII. - FINANCING OF FACILITIES

State Law reference— Sewers generally, Health and Safety Code § 4600 et seq.; authority of City to regulate construction of sewers, Government Code §§ 38660, 38900.
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ARTICLE I. - IN GENERAL

Sec. 13.01.001 – Area Served.

The City of Coachella municipal code Title 13 Public Utilities provides for the regulatory framework for sewer and water services for the City of Coachella and the recognized sphere of influence in Riverside County, California. This Title may be referred to as the Public Utilities Ordinances. The Public Utilities Ordinance pertains to water, sewer, and electric system service to land or improvements, or both, lying within the boundaries of the City, unless specific provision is made by agreement with the City for service outside of City limits. If sewer and water do not exist in the immediate area, the applicant, owner, or the customer shall provide or finance such facilities and/or capacity. The owner of the property outside of a then-existing City limit, which property has adequate sewer and water facilities and/or capacity or funds therefore, must cause all such facilities and/or capacity or funds to be transferred to the City.

Property not within the incorporated boundaries of the City and which is to be provided with service by the City, is subject to annexation to the City of Coachella. Annexation to the City may, in turn, be subject to annexation to other agencies, except as otherwise provided by agreement.

The City, at its discretion, may from time to time contract with an applicant, owner, or customer to initiate and pursue to completion the establishment of an financing district and the sale of bonds to provide the funds to construct the necessary sewer, water, and or recycled water facilities or system capacity necessary for service to collection and distribution facilities that are required to provide the applicant, owner or customer as a condition of obtaining service from the City.

Sec. 13.01.002 – Service Conditions.

- (a) Sewer and water system service shall be provided by the City only if a permit for such sewer and or water system service is obtained in the manner hereinafter provided, unless otherwise determined by the City Council.
- (b) Sewer and water system service shall be available only in accordance with the rules and regulations, as well as applicable federal, state, and local statutes, ordinances, regulations, and contracts, and other requirements including, but not by way of limitation, the California Water Code, and other state statutes and regulations imposed

by the California Regional Water Quality Control Board – Colorado River Region, and State and local health departments, as well as the terms of any service agreement and permit issued by the City. Any such permit may be revoked by the City and thereupon all such sewer and water system service shall cease in the manner provided for in the City Code of Ordinances.

Sec. 13.01.003 – Application Procedure.

- (a) Sewer and Water Permit Application. An application for sewer and water must be made in writing, signed by the applicant, and the owner or customer, if they are not one in the same. The Utilities General Manager in his/her discretion may provide an abbreviated form of the application for permits when no unusual facts are determined in his/her discretion to exist. Other than specified above, the form of application shall be furnished by the City.
 - i. An applicant for sewer and water service permit under this chapter must comply with the requirements of any and all applicable Federal, State, and local statutes, ordinances, resolutions, rules and regulations and other requirements.
- (b) Discharge Permit Application. An applicant for sewer service may be required to obtain a discharge permit for use of the City's sewerage facilities in addition to the permit required for all applicants for sewer service. The conditions under which a discharge permit may be required are based on the quantities and constituents of wastewater discharged into the City's sewerage facilities. The applicant shall comply with all Federal and State requirements including, but not by way of limitation, any and all requirements of the Environmental Protection Agency (EPA) and any commitments for reimbursements required by the EPA in excess of the charges of the City. These requirements are set forth in the Federal Water Pollution Control Act and the Code of Federal Regulations, which by this reference are herein incorporated as though set forth in full.
- (c) The City may, at its discretion, require specific prior approval of any permit by any Federal, State, and or local agency having jurisdiction over an interest in the operation of the City's facilities.
- (d) The Utilities General Manager review applications and shall render a decision on completed applications. The Utilities General Manager shall review the application and make such investigation relating thereto as deemed necessary. The Utilities General Manager may prescribe requirements in writing to the applicant as to the facilities necessary to be constructed, manner of connection, the financial requirements, and the use of service including the availability of adequate water and sewerage system facilities, and in cases of sewer service pretreatment facilities, if necessary, to insure initial and future continued compliance with the City's ordinance and rules and regulations and any other applicable requirements.
- (e) An applicant may appeal the Utilities General Manager's decision on an application by following the procedures in sections 13.02.780 and 13.02.785.

Sec. 13.01.004 – Size, Location, and Installation of Service Line or Lateral Sewer.

- (a) Water Service lines – The City reserves the right to determine the size of the water service lines, the service connections, and the meters and shall also have the right to determine the kind and size of backflow protection devices for potable water services, in

accordance with Title 13 Public Utilities, and any and all other appurtenances to service. The water service lines shall be installed to a curb line or property line of the customer's property, abutting upon a public street, highway, alley, easement, lane, or road other than a freeway in which are installed water mains of the City.

- (b) Lateral Sewer and Lateral Connections – The City shall determine and specify in the permit the size, location, and manner of installing the sewer lateral. Such design shall be in accordance with the City's Standard Details manual. If a lateral sewer is installed by the applicant, owner, or customer, the lateral sewer joints shall remain exposed until they are inspected and approved by the City. The size, slope, alignment, and materials of construction of the customer's building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench shall conform to the City's Standard Detail Manual up to the City's jurisdiction and from there on to applicable plumbing codes enacted and enforced by the City of Coachella.

Sec. 13.01.005 – Limitations on Service Connections.

- (a) Water Service Connections – Each residence and/or building under separate ownership must be provided with a single and separate water service connection and water meter except under special conditions as determined by the City. Except as provided below, two or more buildings under one ownership and on the same parcel of land shall be supplied by a single water meter.
 - i. The City reserves the right to limit the number of buildings, such as apartments or the area of land under one ownership to be supplied by one water service connection and meter.
 - ii. Except for a condominium building, not more than one water meter for domestic or commercial supply shall be installed for one building, except under special conditions as determined by the City.
 - iii. A water service connection and water meter shall not be used to supply adjoining property of a different property owner, or to supply property of the same owner across the street or alley.
 - iv. When property provided with a water service connection and water meter is subdivided, such connection and meter shall be considered as serving the lot or parcel of land that it directly or first enters. Additional water mains and/or service lines will be required for all subdivided areas in accordance with this ordinance.
 - v. All water used on any premises where a meter is installed must pass through the meter. Customers shall be held responsible and charged for all water passing through their meters.
 - vi. Every water service shall be equipped with an angle curb stop or wheel valve on the inlet side of the meter; such valve or angle curb stop being intended for the exclusively for the use of the City in controlling the water supply through the service line. If the curb stop or wheel valve is damaged by the customer's use to an extent requiring replacement, such replacement shall be at the customer's expense.
 - vii. If the customer's rate of consumption results in excessive wear of the meter, or is such that the meter is unable to measure the flow of water accurately, the City may increase the size of the meter and require payment of the actual cost of installing the new meter.
- (b) Lateral Sewer –
 - i. For single family detached unit residential development, a separate and independent lateral sewer shall be provided for every individual parcel or

- building under individual ownership.
- ii. For condominium developments the following minimum number of lateral sewer shall be provided:
 - 1. Non-Stacked: 1 lateral per every two units – 4” size.
 - 2. Two Story Stacked: 1 lateral per every four units – 6” size.
 - 3. Multi-Story: 2 laterals per building – 6” size.
- iii. For apartment developments the following minimum number of lateral sewers shall be provided, 1 lateral per building – 6” size.
- (c) The City reserves the right to limit the number of buildings or the area of land under one ownership to be connected to one lateral sewer.
- (d) When property provided with a lateral sewer is subdivided, such lateral shall be considered as serving the lot or parcel of land that it directly first enters. Additional sewer and/or lateral sewers may/will be required for all subdivided areas in accordance with the City ordinance.

Sec. 13.01.006 – Illegal Connections.

No person shall make connection to the City's sewer and water system facilities without a permit or except as provided in the permit issued by the City. Specifically, but not by way of limitation as to any connection to the City's sewerage facilities, no roof downspouts, exterior foundation drains, areaway drains, carwash pads not covered by a roof, or other sources of runoff or groundwater shall be connected to a City sewer facility or to a building sewer or drain that in turn is connected directly or indirectly to a City sewer facility.

Sec. 13.01.007 – Sec. 01.009 Reserved.

Sec. 13.01.010 - 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:

Applicant means the person making application for a permit for a sewer or plumbing installation and shall be the owner of premises to be served by the sewer for which a permit is requested, or his authorized agent.

Bedroom means any room exclusive of a living room, kitchen, dining room, laundry room or bathroom which is either regularly used for sleeping purposes regardless of size, or which may be used for sleeping purposes and has a floor area of not less than 60 square feet, and shall include any study, den, rumpus room or family room which has a floor area of not less than 60 square feet.

BOD or *biochemical oxygen demand* is the measurement of the dissolved oxygen used by microorganisms in the biochemical oxidation of the organic matter.

Building means any structure used for human habitation or a place for business, industry, recreation or any other purpose containing sanitary plumbing facilities.

Building sewer means that portion of any sewer beginning at the plumbing or drainage outlet of any building and running to the property line or to a private sewage disposal facility. Unless otherwise provided for, building sewers are not the property or responsibility of the City, but remain in the ownership of and responsibility of the private property owner.

City means the City of Coachella.

Commercial users includes all retail stores, restaurants, office buildings, laundries and other private business and service establishments, schools, churches and all public and private institutions.

Depositor means the person making a deposit with the City.

Direct costs means any costs that are directly attributable to and for the sole benefit of a fund. Such costs include but are not limited to salaries and related benefits and departmental expenses for supplies, communications, utilities, rents and leases, equipment maintenance, professional services, insurance, memberships, conferences, training and employee educational requirements.

District means the Coachella Sanitary District.

Floatable hydrocarbon oil means hydrocarbon oil floating to the surface of a sample of water when it is retained for one hour in a quiescent condition in a vessel with vertical walls filled to a depth of 30 centimeters.

Floatable oil and grease means oil and grease floating to the surface of a sample of water when it is retained for one hour in a quiescent condition in a vessel with vertical walls filled to a depth of 30 centimeters.

General and departmental overhead.

(1) *Maintenance and operating fund.* Rental costs attributable to building occupancy shall be allocated based on the pro rata share of floor space used.

(2) *Sewer capital fund.* Costs attributable to the expenditure of such funds not directly chargeable to a construction project. Such costs are to be limited to a fixed percentage of the construction cost of a construction project not to exceed ten percent. Such percentage is to be deemed for the purpose of paying for the project's general and departmental administrative costs of the City.

House connection sewer means the portion of a sewer lying within a public street connecting a building sewer to the main sewer.

Industrial users means all users classified as industrial under the Federal Water Pollution Control Act (33 USC § 1251 et seq.), and shall include all fruit/produce and or agricultural processes.

Lateral sewer means the same as *building sewer*.

Local sewer system means a sewer system consisting of but not limited to sewer lines, manholes, stub-outs, and/or house connection sewer laterals designed and intended to serve a particular tract or group of dwellings.

Multiple-family residence means a structure or group of structures, separate or connected, on one parcel of land, occupied or intended for occupancy by more than one family or living group.

Nondomestic wastewater means wastewater arising from or associated with a nondomestic operation. Such operation shall be understood to include the following: production or refining of petroleum; production, processing, packing or canning of fruits, vegetables, meat or beverages; laundering of clothes in public laundries; public self-service laundries; hospitals; restaurants; vehicle service facilities, wash racks and garages; production of fertilizer; keeping of livestock or

poultry and operation of dairies; production or dyeing of textiles; production of soap and other detergents or chemicals; production and processing of plastic; cleaning of tanks, tank cars or barrels; plating or processing of metals; processing or reclamation of refuse; the washing of equipment or spaces used in nondomestic operations; and any other similar manufacturing, processing and servicing operations. Nondomestic wastewater does not include the following: wastewaters from the operation of hotels, schools, single or multiple residences and places engaged exclusively in retail business.

Owner means the person having legal title to a property or the person having an interest in a property through a contract of sale, long-term lease or similar agreement.

Permit means any written authorization required pursuant to this chapter or any other regulation of the City for the installation or use of any part of the sewer system.

Pollution means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water, dredged soil, 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).

Private sewage disposal facility means an independent sewage disposal system not connected with a public sewer and which accommodates one or more structures, buildings or industries.

Property means a parcel of land together with any buildings or appurtenances.

Public sewer means a sewer lying within a street and which is controlled by or under the jurisdiction of the City.

Residential users mean any single-family home, apartment or condominium unit or mobile home park for the purpose of sewer use charge determination.

Sanitary sewer means a sewer which carries sewage and to which stormwater, surface water and groundwater are not intentionally admitted.

Service unit (SU). The service unit is derived from a mathematical formula in which daily flow, biochemical oxygen demand and suspended solids are converted to a numerical value in proportion to residential levels for the same three variables.

Service unit rate is the monthly charge per service unit.

Sewage means a combination of water-carried wastes from residences, structures, business buildings, institutions and industrial establishments.

Sewage factor (SF) is an assigned percentage used to calculate sewage flows from water meter readings derived statistically using methods established by the public works department.

Sewer connection permit means a permit used for the connection of a property to the sewer system.

Sewer deposits means funds provided by property owners pursuant to section 13.01.312 for guarantee of payment of sewer service charges. These funds are recorded and accounted for in the maintenance and operating fund and only the interest earnings may be used for maintenance and operating expenses.

Sewer service charge is the product of service units and the service unit rate.

Sewer system means all facilities owned and operated by the City or owned or operated by others for the benefit of the City for collecting, pumping, treating and disposing of sewage.

Single-family residence means a single structure together with any garage, guestroom, servant's quarters or similar appurtenant structure on a parcel of land designed for use by one family or living group.

Source means a point of discharge to the sewer system.

Special sewer permit means a permit issued for a special use of the sewer system.

SS or suspended solids means that fraction of the total solids with particle size greater than one micron as determined by passing a known volume of liquid through a filter.

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

Stub-out means a partial house connection sewer extending laterally from the sewer main to a point just beyond the edge of the pavement or curbing which is within the right-of-way adjoining the properties which will be served by the sewer main.

Trailer space means an area within a trailer court designated for use by a trailer, whether the space is occupied or not, provided the space is served by plumbing connected to the sewer system.

User means the recipient of wastewater collection and treatment services.

Utility means an enterprise operated for the benefit of the citizens of the City.

Utilities General Manager means the person in charge of the sewer, water, and other City owned utilities, appointed by the City manager.

Water supply means the water supply serving the area tributary to the City's community sewer system. Water supply to an individual establishment shall be interpreted as meaning specifically a composite analysis over a 12-month period of samples of the water served to an establishment or location as determined by testing and compositing samples and analyses approved by the sewer superintendent.

Sec.13.01.011 - Applicability.

(a) This chapter shall apply only to sewer facilities constructed with the proceeds of the sewer revenue of the City and Coachella Sanitary District, and additions, extensions and improvements thereto.

(b) This chapter is intended to provide rules and regulations for the construction and use of sanitary sewer facilities installed, altered or repaired within the City after the formation of the Coachella Sanitary District and the City of Coachella. This chapter shall not apply retroactively except that it shall apply to bills, deposits and guarantees outstanding. In the event of an alteration or repair is hereafter made, it shall apply only to the new materials and methods used therein.

Sec.13.01.012 - Compliance.

(a) All work with respect to sewer construction and disposal of sewage and drainage of buildings and connection to the sewer system of the City shall be done in conformity with this chapter and not otherwise.

(b) No person shall connect to, construct, install, provide, maintain or use any means of sewage disposal from any building in the City other by connection to a public sewer, or inhabit or produce any sewage in any building not connected to a public sewer, except in the manner provided in this chapter.

Sec.13.01.013 – Utilities General Manager.

(a) The City manager shall appoint a Utilities General Manager, which office shall be under the terms and subject to the provisions of Title 13. The salary of the Utilities General Manager shall be fixed by the council from time to time by resolution.

(b) The Utilities General Manager shall have power and it shall be his/her duty to enforce all rules and regulations concerning the sanitary sewer system and publicly owned treatment works (POTW) and any other utilities owned, operated, and maintained by the City, to supervise the maintenance and operation of the system and to make necessary repairs thereto.

Sec. 13.01.014 - Connection required for certain premises.

(a) The owner of any building occupied by humans situated within the City and abutting on any street or easement in which there is now located or may in the future be located a public sewer of the City which will serve the building is hereby required, at their expense, to connect the building directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after the date of official notice to do so, provided the public sewer is within 200 feet of the nearest point of the building and that the property's onsite septic system has failed. For purposes of this section, the house connection sewer shall be considered a portion of the public sewer.

(b) Commercial, industrial and public buildings or institutions as well as residential buildings shall be required to connect to the sewer system upon notice as provided in this section.

Sec. 13.01.015 - Unlawful disposal of waste.

It shall be unlawful for any person to place, deposit or permit to be deposited upon public or private property within the City, or in any area under the jurisdiction of the City, any human excrement, garbage or other objectionable waste.

Sec. 13.01.016 - Pollution of waters.

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

Sec. 13.01.017 - Compliance required prior to occupancy.

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

Sec. 13.01.018 - Septic tanks, privies, etc.

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

Sec. 13.01.019 - Notice of violation.

- (a) Any person found to be violating any provision of this chapter or any other ordinance, rule or regulation of the City pertaining to the sewer system shall be served by the Utilities General Manager or other authorized person with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Service shall be in person or by certified mail.
- (b) The time for correction shall be not less than two and not more than seven working days. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (c) All persons shall be held strictly responsible for any and all acts of agents or employees done under the provisions of this chapter or any other ordinance, rule or regulation of the City. Upon being notified by the Utilities General Manager of any defect arising in any sewer or of any violation of this chapter, the person having charge of such work shall immediately correct the defect.

Sec. 13.01.020 - Use of non-complying building.

- (a) Continued habitation of any building or continued operation of any industrial facility in violation of the provisions of this chapter or any other ordinance, rule or regulation of the City is hereby declared to be a public nuisance. The City may cause proceedings to be brought for the abatement of the occupancy of the building or industrial facility during the period of such violation.
- (b) In addition to abatement proceedings, the City may elect to pursue any enforcement mechanism in Chapter 13.02.

Sec. 13.01.021 - Disconnection of service.

As an alternative method of enforcing the provisions of this chapter or any other ordinance, rule or regulation of the City pertaining to the sewer system, the Utilities General Manager shall have the power to disconnect the user from the sewer mains of the City. Upon disconnection, the Utilities General Manager shall estimate the cost of disconnection from and reconnection to the system and such user shall deposit the cost, as estimated, of disconnection and reconnection before such user is reconnected to the system. Any part of the deposit remaining after payment of all costs of disconnection and reconnection shall be refunded.

Sec. 13.01.022 - Occupation of building while service disconnected.

During the period of disconnection as provided for in section 13.01.021, habitation of such premises by human beings shall constitute a public nuisance, whereupon the City may utilize any enforcement mechanisms available, including but not limited to causing proceedings to be brought for the abatement for the occupancy of such premises by human beings during the period of such disconnection. In such event, and as a condition of reconnection, there is to be paid to the City a reasonable attorney's fee and cost of suit arising in such action.

Sec. 13.01.023 - Liability of City.

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 any applicant for sewer service. 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 such action or in seeking to enforce this provision. The applicant shall be solely liable for any defects in the performance of his work or any failure which may develop therein.

Sec. 13.01.024 - Liability for damage caused by violations.

- (a) Any person violating any of the provisions of this chapter and other ordinances, rules or regulations of the City pertaining to the sewer system shall become liable to the City for any expense, loss or damage sustained by the City by reason of such violation.
- (b) Nonpayment of amounts due under subsection (a) may become a lien on the property on recording a Notice of Lien against the property with the County Recorder's office.

Secs. 13.01.025 —13.01.040 - Reserved.

ARTICLE II. - RESERVED

ARTICLE III. - BUILDING SEWERS AND CONNECTIONS

Sec. 13.01.251 - Connection permit required; payment of fees.

In accordance with article IV of this chapter, no person shall connect to the sewer system without first obtaining a written permit from the City and paying all fees and connection charges as required therein.

Sec. 13.01.252 - Separate connection required for each building; exception.

(a) No owners of separate properties shall be permitted to join in the use of the same building sewer. Every property on which structures are situated and are to be connected with a public sewer shall be separately connected except as provided in this section.

(b) Adjacent properties owned by the same property owner may be served by the same house connection sewer or building sewer so long as the properties remain under the ownership of the same property owner. If a property owner sells a portion of his property and any buildings on the property so sold are not separately connected with a public sewer, they shall be so connected at no expense to the City. Following the sale of a portion of a property owner's property it shall be unlawful for the owner of the portion sold or the original property owner to continue to use or maintain a common building sewer or a connection to a common house connection sewer.

Sec. 13.01.253 - Cleanouts.

Cleanouts in building sewers shall be provided where the building sewer joins the house connection sewer and in accordance with the rules, regulations and ordinances of the City.

Sec. 13.01.254 - Sewage pump.

If any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by artificial means approved by the City, and discharged to the public sewer at the expense of the owner.

Sec. 13.01.255 - Location of connection.

(a) If a public sewer is available in a street adjoining the property to be served, the connection of the house connection sewer to the public sewer shall be made at the public sewer main. The property owner shall construct one house connection sewer from the existing public sewer main to the property to be connected. The property owner shall obtain proper excavation/encroachment permits and work is to be completed by a properly licensed contractor.

(b) The house connection sewer shall be constructed in accordance with the standard specifications of the City which are in effect at the time of construction. If the applicant desires or requires an additional house connection sewer or any special construction, the owner shall pay for the cost of the additional sewer connection or additional cost of the special construction in accordance with City specifications, at no cost to the City.

(c) If a public sewer is not available in a street adjoining the property to be served, the owner

shall either construct private sewage disposal facilities in accordance with article VII of this chapter or shall extend the existing sewer system in accordance with article VI of this chapter.

Sec. 13.01.256 - Maintenance of house connection sewer.

(a) Any stub-out and, following connection by the property owner to the City's sewer system, the house connection sewer shall be maintained and repaired by the City's utilities department from the point of connection with the sewer main line to the property line closest to the sewer main; provided, however, it shall be the property owner's responsibility to repair such house connection sewer which is damaged as a result of the negligent or intentional acts of the property owner, its tenants, lessees, subcontractors, agents, or employees.

(b) The property owner shall defend, indemnify, save and hold harmless the City, its elected officials, officers, employees, agents and subcontractors from any and all fines, attorneys' fees, claims for loss, damage or personal injury, including wrongful death, which arise out of the City's maintenance and repair of the house connection sewer pursuant to subsection (a) of this section.

Sec. 13.01.257 - Construction of local sewer systems.

The City may, in its absolute discretion, construct a local sewer system, which shall be placed, designed, and constructed in accordance with plans and specifications approved by the City engineer. At the time that a property owner elects to connect to the City's sewer system, the property owner shall be required to use the stub-out constructed as part of the local sewer system for connection to the City's sewer system unless the City's Utilities General Manager, or designee, determines using reasonable discretion that connection to the City's sewer system may be made by alternate means.

Sec. 13.01.258 - Construction of partial house connection sewer lateral.

At the time of the construction of any addition to or extension of the City's master plan sewer system, the City may, in its absolute discretion, construct a stub-out, which shall be placed, designed, and constructed in accordance with plans and specifications approved by the City engineer. At the time that a property owner elects to connect to the City's sewer system, the property owner shall be required to use the stub-out constructed by the City for connection to the City's sewer system unless the City's Utilities General Manager, or designee, determines using reasonable discretion that connection to the City's sewer system may be made by alternate means.

Sec. 13.01.259 - Record of local sewer system construction costs.

The City shall keep a record of the costs of construction for a local sewer system constructed pursuant to section 13.01.257 and shall identify such record with each parcel of property to be served by such system. Costs of construction shall include, without limitation, the costs of construction directly attributable to the construction of the local sewer system and the amount of indirect engineering, design and administrative costs, all of which shall be proportionally attributed to the property to be served in a manner determined in the reasonable discretion by the City's Utilities General Manager, or his designee. The City shall maintain such records until such time as the property owner reimburses the City for such costs in accordance with section 13.01.261.

Sec. 13.01.260 - Record of partial house connection sewer lateral construction costs.

The City shall keep a record of the costs of construction for each stub-out constructed pursuant to section 13.01.258 and shall identify such record with each parcel of property to be served by such stub-out. Costs of construction shall include, without limitation, the costs of construction directly attributable to the construction of the stub-out and the amount of indirect engineering, design and administrative costs proportionally attributed to the property to be serviced, as determined in the reasonable discretion by the City's community development director, or his designee. The City shall maintain such records until such time as the property owner reimburses the City for such costs in accordance with section 13.01.262.

Sec. 13.01.261 - Local sewer system construction costs reimbursement and escalation.

(a) If the property owner connects to the City's sewer system at any time within one year following the City's completion of a local sewer system serving that particular property, the property owner shall pay the amount determined pursuant to section 13.01.259. If the property owner connects to such system at a point past one year following the completion of the system serving that particular property, the owner shall pay an additional amount over and above the amount determined pursuant to section 13.01.259. The additional reimbursement shall be a percentage of the construction costs determined pursuant to section 13.01.259, which percentage reflects the change in the engineering news record construction cost index between the time that local sewer system construction is completed for the particular property to be served and the date that the property owner applies to the City for a permit to connect to the City's sewer system. If the engineering news record construction cost index ceases to be published, the City may, in its reasonable discretion, use a similar construction cost index to ascertain the additional reimbursement required.

(b) The reimbursement required by this section shall be in addition to all other fees and charges imposed by this chapter.

Sec. 13.01.262 - Partial house connection sewer lateral construction cost reimbursement and escalation.

(a) If the property owner connects to the City's sewer system at any time within one year following the City's completion of the stub-out for that particular property to be served, the property owner shall pay the amount determined pursuant to section 13.01.260. If the property owner connects to the City's sewer system at a point past one year following the completion of the stub-out for the particular property to be served, the owner shall pay an additional amount over and above the amount determined pursuant to section 13.01.260. The additional reimbursement shall be a percentage of the construction costs determined pursuant to section 13.01.260, which percentage reflects the change in the engineering news record construction cost index between the time that stub-out construction is completed for the particular property to be served and the date that the property owner applies to the City for a permit to connect to the City's sewer system. If the engineering news record construction cost index ceases to be published, the City may, in its reasonable discretion, use a similar construction cost index to ascertain the additional reimbursement required.

(b) The reimbursement required by this section shall be in addition to all other fees and charges imposed by this chapter.

Secs. 13.01.263—13.01.280 - Reserved.

ARTICLE IV. - PERMITS

Sec. 13.01.281 – Connection Permit – Generally.

(a) No unauthorized person shall uncover, alter or disturb any portion of the sewer system without first obtaining a written permit from the City.

(b) Connection permit. No person shall connect any property to the sewer system until after a sewer connection permit shall have been issued. The sewer connection permit shall specify the property to be connected, and only the property so specified shall be connected.

(c) Special permit. No person shall place, discharge or dispose of any material, solid or liquid, into the sewer system or any part thereof, except by means of authorized connections; and no substance shall be placed, discharged or disposed of in the sewer system except substances or waste materials originating on the premises for which a sewer connection permit has been issued; except that authorized substances may be placed in the sewer system at places designated by the Utilities General Manager when a special permit shall have been issued by the Utilities General Manager . Special permits shall specify the terms and conditions under which substances may be placed in the sewer system.

Sec. 13.01.282 - Connection permit—Application; issuance.

(a) Any person legally entitled to apply for and receive a connection permit shall make such application on forms provided by the City for that purpose. The applicant shall describe the location, ownership, occupancy and use of the premises to be connected. The Utilities General Manager may require plans, specifications or drawings and such other information deemed necessary.

(b) If the Utilities General Manager determines that the plans, specifications, drawings, descriptions or information furnished by the applicant is in compliance with this Code and other ordinances, rules and regulations of the City, the permit applied for shall be issued upon payment of the required deposit and fees as fixed in this chapter.

Sec. 13.01.283 – Connection permit—Compliance with terms.

After approval of an application for a connection permit, evidenced by the issuance of a sewer connection permit, no change shall be made in the location of the sewer, the grade or other details from those described in the sewer connection permit or as shown on the plans and specifications for which the permit was issued, except with written permission from the Utilities General Manager.

Sec. 13.01.284 - Special sewer permits—Application; issuance.

(a) Any person legally entitled to apply for and receive a special sewer permit shall make application on forms provided by the City for that purpose. He shall give a description of the character of the work proposed to be done or the use proposed to be made of the sewer, and the location, ownership, occupancy and use of any premises in connection with the special sewer permit. The Utilities General Manager may require plans, specifications or drawings and such other information as he may deem necessary.

(b) If the Utilities General Manager determines that the plans, specifications, drawings, descriptions or information furnished by the applicant is in compliance with the provisions of this Code and other ordinances, rules and regulations of the City, the permit applied for shall be

issued upon payment of the required fees as fixed in this chapter.

Sec. 13.01.285 - Same—Compliance with terms.

After approval of an application for a special sewer permit, evidenced by the issuance of the special sewer permit, no change shall be made in the conditions agreed to in the permit or as shown on the plans and specifications for which the permit was issued except with written permission from the City, the Utilities General Manager or other authorized representatives.

Sec. 13.01.286 - Permit for connections outside City.

(a) No lot or parcel of land located outside the corporate limits of the City shall be connected to the sewer system unless a permit therefor is obtained. The applicant shall first enter into a written contract binding the applicant, heirs, successors and assigns to abide by all of the provisions of this Code and other ordinances, rules and regulations in regard to the manner in which the sewer system 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 charge in the amount set by the City Council or the District.

(b) The City Council must approve an agreement with any applicant for permit fees, sewer connection charges, deposits and monthly charges for properties or users located outside the corporate limits of the City for service, but in no case shall the amounts be less than the fees, deposits or charges made within the corporate limits of the City.

(c) The granting of permission for the connection to or use of the sewer system by properties or users located outside the corporate limits of the City, in any event, shall be optional with and in the discretion of the council.

Sec. 13.01.287 - Agreement by permittee.

(a) The applicant's signature on an application for any permit shall constitute an agreement to comply with all of the provisions, terms and requirements of this chapter and other ordinances, rules and regulations of the City pertaining to the sewer system, and with any plans and specifications filed with the application, together with any corrections or modifications as may be made or permitted by the City.

(b) Such an agreement shall be considered a guarantee that the bills for service to the property or to the occupant thereof will be paid and shall be binding upon the applicant and may be altered only by the City upon the written request for the alteration from the applicant.

Secs. 13.01.288—13.01.310 - Reserved.

ARTICLE V. - FEES, CHARGES AND BILLING

DIVISION 1. - GENERALLY

DIVISION 2. - BILLING PROCEDURES

DIVISION 1. - GENERALLY

Sec. 13.01.311 - Connection charges established; purchase of connection rights.

(a) *Permit fee.* The fee for a sewer connection permit or special sewer permit shall be in an amount adopted by ordinance of the District. After this fee has been paid, it shall not be refunded.

(b) *Residential sewer capacity connection charge.* There shall be a connection charge in an amount adopted by ordinance of the District. Sewer capacity connection charges shall not be refundable.

(c) *Commercial sewer capacity connection charges.* There shall be a connection charge in an amount adopted by ordinance of the District for commercial connections. Flow estimates and strength factors may be based on comparisons to similar existing users or on engineering estimates. The flow assignments will be revised as consumption records become available to the City.

(d) *Industrial sewer capacity connection charges.* There shall be a connection charge in an amount adopted by ordinance of the District for industrial connections. Service units shall be assigned based on a separate environmental review prepared for each industry prior to their connection to the system. This information would normally be part of the environmental review required of any industry by planning and other governmental agencies. Sewer capacity connection charges shall not be refundable.

(e) *Non-refundable.* Sewer capacity connection charges shall not be refundable. Residential, commercial and industrial sewer capacity connection charges shall be reviewed annually in accordance with the ENR 20 Cities Construction Cost Index and the Consumer Price Index.

(e) *Use of sewer revenue.* In order that sewer service is self-supporting, any revenues from the fees collected over and above City Council or District approved expenses or transfers shall be placed in a restricted reserve account in the sewer fund, to be used to offset any possible future increase in sewer charges.

(f) *Timing of payment of sewer connection fees.* The sewer connection charges required under subsections (b), (c), and (d) of this section shall be due as required by the Utilities General Manager.

(g) *Construction in-lieu option.* The City may allow partial or complete satisfaction of the sewer connection fees required by subsections (b), (c) and (d) of this section through execution of an agreement requiring the construction of public improvements and/or dedication of property.

Sec. 13.01.312 - Deposits.

(a) Each property owner shall deposit with the finance director an amount equal to **three times** the monthly charge set forth in section 13.01.317. The deposit shall be retained by the City and, in case of delinquency, it shall be applied as necessary to liquidate the cumulative amount of the delinquent charges plus penalties and the cost of collection.

(b) If, because of change of classification or for any other reason, the monthly rate is increased or decreased, the owner shall be required to make a supplementary deposit equal to **three times** the increase in monthly rate in the case of an increase, and the City shall refund to the owner an amount equal to four times the decrease in the monthly rate in the case of a decrease.

Sec. 13.01.313 - Transfer of ownership of property.

(a) Upon sale of the property, the former owner shall furnish the finance director with the correct name and mailing address of the new owner. The former owner shall be entitled to a refund of the unused portion of his deposit only after all bills and penalties and other charges have been paid and after the new owner has effected transfer of sewer service by applying for service, by guaranteeing that the bills for service to the property or to the occupant thereof will be paid, and by making the required deposit, which four actions shall constitute transfer of sewer service. Bills will continue to be sent to the former owner, or to the occupant in case the occupant is being billed, until the sewer service has been transferred or until such other date as may be agreed upon between the former owner and the new owner.

(b) Notwithstanding any other provisions of this chapter, a former owner who has sold a property shall be entitled to a refund of any unused portion of the deposit after all bills, penalties and other charges for which the former owner is responsible have been paid and after providing proof that the sale has been completed. For the purpose of this subsection, the former owner shall be responsible for bills, penalties and charges until the end of the month of the sale, except that under unusual circumstances and upon written appeal by the former owner the City Council may determine some other appropriate date for the cessation of such responsibility.

(c) If a new owner fails for one month to apply for service or make the guarantee or deposit required, the accounting officer shall post notice on the property and mail a copy thereof to the new owner that sewer service will be discontinued unless the new owner does apply for service and make the guarantee and required deposit. If, after the notice has been posted for 15 days, the new owner has not applied for service and made the guarantee and deposit, sewer service shall be discontinued.

(d) If service has been disconnected or terminated it shall not be reconnected or restored until all charges, including penalties, have been paid as provided in section 13.01.356 or in section 13.01.357, except that, when the responsibility for the payment of delinquent charges plus penalties or accrued charges is in bona fide dispute, a new owner may obtain temporary service by paying the reconnection charge or restoration charge and by applying for service, guaranteeing that the bills for service to the property or to the occupant thereof will be paid, and making the required deposit. Temporary service shall be for a period not to exceed four months, by the end of which time all charges remaining unpaid shall have been paid or service shall be disconnected or terminated. Bills for temporary service shall be rendered in the same manner as for ordinary service. All rules and regulations pertaining to bills, delinquencies and disconnections shall apply to temporary services in the same manner as they apply to ordinary services.

Sec. 13.01.314 - Change of classification.

(a) Whenever the Utilities General Manager finds that the use of a property has changed so that the classification to be used as a basis for determining monthly sewer charges has changed, the Utilities General Manager shall change the classification accordingly and notify the Finance Director and property owner of said change. The effective date of change in classification shall be the first day of the month following the change.

(b) If an owner believes property is improperly classified, the owner may request a change in classification. This request shall be filed in writing with the Utilities General Manager and shall state the reasons why the owner believes the classification should be changed. Upon receipt of a request for change of classification, the Utilities General Manager shall investigate the request

and either change the classification as provided in this section or, if a change is not justified, notify the owner of this fact.

(c) If the use of the property has changed so that the monthly sewer charge will be decreased, the responsibility for notifying the City of the change shall rest with the owner and the owner shall not be entitled to a refund of sewer charges paid in excess of the proper charges as a result of a failure to notify the City of the change in use. If a change in use results in an increase in monthly sewer charge the responsibility for determining the change in use shall rest with the City and the owner shall not be liable for any back charges for increased sewer charges except where it can be shown that the owner has concealed the fact of the change in use or knowingly withheld information which could have been used in determining the true circumstances.

Sec. 13.01.315 - Reserved.

Sec. 13.01.316 - Calculation of equivalent dwelling units for purposes of determining connection charges.

(a) All sewer connection charges for residential, commercial and industrial uses shall be based upon the residential equivalent dwelling unit (EDU) service unit rate established in this section, as computed by the utilities department.

(b) Equivalent dwelling unit service units shall be based upon 300 gallons equals one equivalent dwelling unit for permanent housing for one family or tenant. Residential uses include without limitation single-family detached residences, apartments, townhouses, condominiums, mobile homes and trailer spaces.

(c) Commercial structures are those structures designed for the purpose of providing a permanent structure for enterprises engaged in the exchange of goods and services. This includes but is not limited to all private business and service establishments, schools, churches and public facilities. For purposes of establishing connection charges, commercial equivalent dwelling units shall be determined by multiplying the fixture units (as defined by the Uniform Plumbing Code) shown on the approved building plans by the appropriate sewage factor from the following table (Table 13.01.316(e)). Total equivalent dwelling units for commercial centers with various use categories will be the sum of the equivalent dwelling units computed for each use category.

(d) Industrial structures are those designed for the purpose of providing a permanent structure for an enterprise engaged in the production, manufacturing or processing of material. For purposes of establishing industrial connection charges, equivalent dwelling units for industrial uses shall be determined as follows:

(1) For domestic type wastewater, multiply the fixture units (as defined by the Uniform Plumbing Code) as shown on approved building plans by a sewage factor of 0.0741 based upon a 20-gallon-per-fixture unit flow per day.

(2) For nondomestic wastewaters, compute from information contained on the industrial waste discharge permit using the following sewage factor formula:

Sewage Factor Formula

$$SF = K = [0.37 + 0.31(BOD) / 230) + (0.32(SS) / 220)]$$

Where:

SF	=	Sewage factor
K	=	Gallons per fixture unit divided by the average domestic household flow of 270 gallons = 1 EDU
BOD ⁵ mg/l	=	User's discharge—Biochemical oxygen demand (mg/l)
SS mg/l	=	User's discharge—Suspended residue (mg/l)
EDU	=	Estimated nondomestic flow $[0.37 + 0.31(\text{BOD}) / 230] + (0.32(\text{SS}) / 220)$

(3) Combine the resultant EDU's derived from subsections (1) and (2) of this subsection.

TABLE 13.01.316(e)

Commercial Use Categories and Sewage Factors

User Category	Type of Business	Sewage Flow Gallons/per day/FU	Bid/TSS
I.	Motel/hotel Recreation/amusement Restaurant (fast food) Office Retail store Market (without butcher shop) Bar/tavern	12	230/220
II.	Market (without butcher shop) Bakery Mortuary	24	250/350
III.	Convalescent home Hospital Health spa with pool Restaurant (full service)	42	250/300
IV.	Laundromat Laundry Dry cleaner (processor)	43	350/500
V.	Carwash (coin-operated)	102	150/500
VI.	Church School Public facility	17	230/220
VII.	Health spa without pool	42	230/220

Sec. 13.01.317 - Calculation of equivalent dwelling units for purposes of determining monthly charges.

Monthly sewer charges for residential, commercial and industrial uses shall be determined based upon the service unit rate formula, as computed by the Utilities department according to the following service unit assignment formula:

Service Unit Assignment Formula

$$SU = F / (270 (0.37) + BOD (230) X (0.31) + SS(220) X (0.32)$$

$$\text{Monthly Sewer Service Charge} = SU \times \text{Service Unit Rate}$$

Where:

SU	=	Sewer units
F	=	Sewage flow in gallons per day based on sewage factor applied to water meter readings
BOD ⁵	=	User's discharge—Biochemical oxygen demand (mg/l)
SS	=	User's discharge—Suspended solids concentration (mg/l)
Q	=	Domestic water usage (gallons per day) taken directly from water meter readings.

Sec. 13.01.318 - Monthly sewer rates.

(a) Residential, multi-residential, church/social hall, public buildings and schools base sewer rate for property located within the City limits shall be based upon the City's operation, maintenance and replacement rate in an amount adopted by ordinance of the District, plus any currently applicable, legally adopted monthly charge assessed by an agency or district providing sewer treatment service to the City.

(b) The commercial base sewer rate for property located within the City limits shall be the combined total of the following amounts:

- (1) The City's operation, maintenance and replacement rate, in an amount adopted by ordinance of the District;
- (2) The City's administrative rate for supervising commercial uses within the City, in an amount adopted by ordinance of the District; plus
- (3) Any currently applicable, legally adopted monthly charge assessed by any agency or district providing sewer treatment service to the City.

(c) The industrial base sewer rate for property located within the City limits shall be the combined total of the following amounts:

- (1) The City's operation, maintenance and replacement rate in an amount adopted by ordinance of the District;
- (2) The City's administrative rate for supervising industrial uses within City limits in an amount adopted by ordinance of the District; plus
- (3) Any currently applicable, legally adopted monthly charge assessed by any agency or district providing sewer treatment service to the City.

Sec. 13.01.319 - Same—Outside City limits.

The monthly charge for each user classification outside the corporate limits of the City shall be 1½ times the City rate, or as agreed upon by the City Council or District and the applicant for service. All connections shall be inspected by the engineering department prior to acceptance.

Sec. 13.01.320 - Continuance of monthly charges.

After a property has been connected to the sewer system, the monthly sewer charge shall be imposed, whether the property is occupied or not, until such time as the structure using the sewer service is demolished or unoccupied and the sewer connection is capped. The capping of the sewer service is to be inspected by the development services department.

Sec. 13.01.321 - Annual review of rates; pass-through of rate increases.

(a) The sewer rates established by this article shall be subject to annual review and evaluated in conjunction with annual fiscal year budget preparation. Sewer rates shall be set based upon the actual cost to the City for providing sewer service, capital reserve requirements, any administrative overhead allocation as determined by the annual review, plus any deficit recovery as determined by the City Council or District. Administrative overhead cost shall be assessed for providing support services to the enterprise fund and shall be set annually by the City Council or District through an adopted cost allocation plan.

(b) Any increase in any currently applicable, legally adopted monthly charge assessed by an agency or district providing sewer treatment service to the City shall be immediately passed through to the affected property owners. Any amounts over-collected by the City shall be applied first to the deficit recovery, if any, then to fund balance.

Sec. 13.01.322—13.01.350 - Reserved.

DIVISION 2. - BILLING PROCEDURES

Sec. 13.01.351 - Authority to prescribe additional rules and regulations.

The District or City Council may, by resolution, adopt rules and regulations for the rendering and collecting of sewer bills. Unless otherwise provided, the rules, regulations and procedures contained within this division shall apply to the rendering and collecting of bills.

Sec. 13.01.352 - Rendering of bills; liability for payment.

(a) Sewer bills shall be sent to the owner of the property served, who shall be responsible for the payment thereof. Property owners and occupants may make special arrangements with the finance director on application forms to be provided by the finance director for that purpose for bills to be sent to the occupant of the property rather than to the owner of the property. From the date of the signing and filing of the application, bills shall be sent to the occupant. Thereafter the property owner and the occupant shall be liable, jointly and severally, for the payment of sewer bills.

(b) Sewer bills shall be rendered monthly and shall be due and payable upon presentation. The bill for each monthly period shall segregate amounts charged for collection and sewer treatment service. The agency responsible for the sewer treatment service shall be named on

the bill. The bill shall be mailed not later than the tenth day of the second month for which service has been rendered and is billed. The commencement date for sewer bills for newly constructed structures shall be the first day of the month following the date upon which final inspection is given by the development services department or the first day of the month following the date that the premises or any portion thereof are occupied, whichever occurs first. The commencement date for sewer bills for structures previously served by facilities other than the City sewer system shall be the first of the month following the date that the structure is connected to the City sewer system.

Sec. 13.01.353 - Action on delinquent bills.

On the 15th day of the month following the month in which a sewer bill is mailed, the bill shall become delinquent if the bill or any portion thereof which is subject to a bona fide dispute remains unpaid. A delinquent bill shall be subject to a penalty charge of ten percent of the amount of the delinquent balance. After a bill has become delinquent, the finance director shall notify the owner or the occupant if the occupant has requested the bills be sent directly to the occupant, of such delinquency. Notification shall be made by United States mail.

Sec. 13.01.354 - Lien for delinquent charges.

Any sewer rates authorized pursuant to this article which remain unpaid for 60 days past the date upon which they were billed may be collected thereafter by the City, as provided as follows:

- (1) The City shall cause a report of delinquent sewer fees to be prepared periodically. The City Council shall fix a time, date and place for hearing the report and any objections or protests thereto. The report shall contain a list and description of each parcel of real property to which is attributed a delinquency in the payment of sewer rates, for a period of 60 days or more, the names of the owners and the total amount of the delinquency attributable to that parcel.
- (2) The City Council shall cause notice of the hearing to be mailed to the owners of the property with delinquencies, as listed on the latest equalized assessment roll. Such notice shall contain the date, time and place of the hearing and be sent not less than 14 days prior to the date of the hearing and shall inform the recipients of the amount of unpaid sewer rates and penalties. Such notice shall inform the owners that the unpaid sewer rates and penalties will be assessed against and shall result in a lien on their property.
- (3) At the hearing, the City Council shall hear any objections or protests of the landowners who are to be assessed for delinquent fees. The City Council may make such revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.
- (4) The delinquent sewer rates, and any penalties thereon, set forth in the confirmed report shall constitute a special assessment against the respective parcels of land and are a lien on the property for the amount of delinquent fees, the late charges, and cost of lien. The City clerk shall certify that the report has been adopted by the City Council in its final form, and file the report with the county auditor. In addition, the City clerk shall also record the amount of unpaid charges with the county recorder.

Sec. 13.01.355 - Termination of service.

- (a) If all structures in which sewage is produced are removed from a property served by the sewer system, or if the structure in which sewage is produced is demolished, then the City shall

consider the service disconnected and shall provide a prorated adjustment of annual assessment based upon the first day of the month following the notification of removal or demolition of the structure by the City building official. The owner shall be entitled to a refund of the deposit or to such portion of the deposit as may be unused, upon written application therefore. Termination of service shall be considered equivalent to disconnection.

(b) Thereafter, the property shall not be inhabited by humans nor shall any sewage be produced thereon until service has been restored through payment of new connection and deposit fees. If the property is inhabited by human beings and any sewage is produced thereon before the service has been restored, the accounting officer shall have authority to disconnect the property without further notice and to pursue any additional available remedies.

Sec. 13.01.356 - Reconnection.

After a building sewer has been disconnected from the sewer system, it shall not be reconnected until all delinquent charges plus penalties, all charges which have accrued since the time of disconnection, any supplementary connection charges, and the estimated cost of reconnection have been paid; the deposit restored to the required amount; and any required guarantee for the payment of bills has been made. In addition to the connection charge, the deposit shall be paid or restored to the required amount as provided in this article. All of the charges, deposits and other amounts required to be paid shall be paid before the building sewer is reconnected to the sewer system.

Sec. 13.01.357 - Restoration of terminated service.

After service to a property has been terminated, the sewer connection permit issued for the property shall be considered cancelled. The permit and service shall not be considered as restored until all delinquent charges plus penalties, all charges which have accrued since time of termination, and a restoration charge in an amount adopted by ordinance of the District has been paid and the deposit restored to the required amount. In addition to the amount provided in this section, all of the charges, deposits and other amounts required to be paid shall be paid before the permit and service are restored.

Secs. 13.01.358—13.01.385 - Reserved.

ARTICLE VI. - EXTENSION OF SEWER SYSTEM

Sec. 13.01.386 - Applicability.

The provisions of this article shall apply to additions to and extensions of the sewer system, which extensions or additions are built at the direct expense of property owners, sub-dividers or other persons or groups of persons. Other provisions of this chapter not in conflict with provisions of this article shall also apply. This article shall not apply to portions of the sewer system constructed by the City and paid for out of the sewer fund, except that nothing in this article shall prohibit the City from participating in the construction of an extension of the sewer system when the extension is of more than local benefit.

Sec. 13.01.387 - Additions and extensions defined.

(a) As used in this article, the word "addition" shall mean a system of sewer mains, house

connection sewers and appurtenances built by property owners at their expense to serve their land, and which does not serve any other land adjoining the work by direct connection thereto.

(b) As used in this article, the word "extension" shall mean a system of sewer mains, house connection sewers and appurtenances built by property owners at their expense to serve their land, and which may also serve other adjoining land, the owners of which have not shared in the cost of the work.

(c) A single sewer project may include additions and extensions. The term "property owner," as used in this article, shall include a single person, a group of persons, or a corporation, firm or other combination of persons.

Sec. 13.01.388 - Acceptance of work; special consideration.

(a) Following the satisfactory completion of any sewer project for the construction of an addition or extension, and upon recommendation of the superintendent, the City Council shall, by resolution, accept the work, which shall then become a part of the City sewer system. The resolution of acceptance shall contain the terms of any special consideration which shall apply to the sewers so accepted.

(b) Special consideration may include provisions for reimbursement and relief from the connection charge, but shall not include provisions for monthly charges different from those established elsewhere in this chapter, except as provided for service to property lying outside the corporate limits of the City. All provisions for special consideration shall terminate at the expiration of ten years following the date of the resolution of acceptance, or at such earlier date as may be established in the resolution of acceptance.

Sec. 13.01.389 - Reimbursement of costs.

(a) The provisions of this section shall apply only to extensions and shall not apply to additions. If the resolution of acceptance is to provide for reimbursement, the City shall, before the work is accepted, determine the cost thereof and prorate this cost against all of the land which, in the City's opinion, will ultimately benefit from the work. The proration shall be based upon frontage or such other method as, in the opinion of the City, will provide an equitable sharing of cost. The cost of house connection sewers shall not be included in the determination of cost.

(b) The City shall further determine the cost incurred by each person who has participated in the expense of the work. After considering the pro rata share of each such person's cost as based upon the benefit derived from the work, the City shall finally determine the total maximum amount which any person shall subsequently be entitled to receive as a reimbursement from persons connecting to the work.

(c) Money which is to be paid as reimbursement shall be paid to each person entitled to receive it in proportion to the outstanding balance which each such person is entitled to receive. Any person entitled to receive reimbursement under the provisions of this article shall keep a correct mailing address on file with the City. If the City is unable to locate any person entitled to receive reimbursement, the City shall send a written notice to that person by registered mail to the last address filed with the superintendent by that person. The notice shall contain a statement of the amount and purpose of the particular reimbursement and shall state that if the person receiving the notice does not claim his portion of the reimbursement within one year from the date of the notice all rights of that person to that particular reimbursement will be forfeited.

(d) Any portion of a reimbursement which remains unclaimed for one year after the date of the notice mentioned in subsection (c) of this section shall be paid, as previously provided, to other persons who may be entitled to receive the reimbursement. If any money is available for reimbursement and remains unclaimed for one year after the date of such notice and no other person is entitled to receive it, this money shall be paid into the sewer fund. The right to receive a reimbursement may be transferred by the person entitled to receive it by filing a statement of transfer with the City on a form for transfer to be furnished by the City.

Sec. 13.01.390 - Connecting to additions.

A property owner who desires to connect to an addition shall make application in the same manner as for an ordinary sewer connection.

Sec. 13.01.391 - Connecting to extensions.

A property owner who desires to connect to an extension shall make application in the same manner as for an ordinary sewer connection. If the owner has not shared in the cost of the sewer and if reimbursement provisions apply, the owner shall pay to the City the amount which has previously been determined as the pro rata share of the cost of the sewer for his property. This amount shall be paid before the permit is issued.

Sec. 13.01.392 - Relief from connection charge.

A property owner who connects to an addition or extension shall, during the first ten years following the completion of the work and its acceptance into the sewer system, be relieved from part or all of the connection charge at the time the property is first connected to the sewer system if the owner has shared in the cost of the work. Unless otherwise provided in the resolution of acceptance, the amount of relief shall be the entire connection charge, except that no relief shall be given in excess of the cost of the addition or extension, including the house connection sewer, which was incurred by the owner and which applies to the property to be connected. The amount of the cost shall be determined by the sewer superintendent. Relief from connection charge shall not apply to any supplementary connection charge or any charges subsequently imposed for the reconnection of a disconnected sewer or the restoration of a terminated service.

Secs. 13.01.393—13.01.420 - Reserved.

ARTICLE VII. - PRIVATE SEWAGE DISPOSAL SYSTEMS

Sec. 13.01.421 - Permitted use.

Where a public sewer is not available under the provisions of this Chapter, the building sewer shall be connected to a private sewage disposal system in accordance with the established requirements of the development services department.

Sec. 13.01.422 - Abandonment.

At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in this Chapter, a direct connection shall be made to the public sewer in compliance with this chapter and the rules and regulations of the City, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled in

accordance with the requirements of the development services department.

Sec. 13.01.423 - Maintenance.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

Sec. 13.01.424 - Applicability of other requirements.

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by any other law, ordinance, rule or regulation or by the health officer of the county.

Secs. 13.01.425—13.01.455 - Reserved.

ARTICLE VIII. - FINANCING OF FACILITIES

DIVISION 1. - GENERALLY

DIVISION 2. - SEWER FACILITIES EXPANSION FEE AND FUND

DIVISION 3. - SEWER FUNDS

DIVISION 1. - GENERALLY

Secs. 13.01.456—13.01.475 - Reserved.

DIVISION 2. - SEWER FACILITIES EXPANSION FEE AND FUND

Sec. 13.01.476 - Intent and purpose.

The City Council hereby declares that the fees required to be paid by this article are solely for the purpose of producing revenue, to be used to provide necessary sewerage facilities. The continued increase in housing in the City, with the attendant increase in sewage, has created an urgent need to provide the necessary sewerage facilities and the financing thereof.

Sec. 13.01.477 - Facilities expansion fee.

(a) In addition to any other fees prescribed by this Code, sewerage facilities expansion fees shall be payable to the City for all new dwelling units and mobile home or trailer spaces which will make use of the sewerage facilities of the City. If dry sewers are installed for future connection to the sewerage system, the fees shall be required even though onsite disposal systems are to be utilized as an interim measure. In those cases where onsite disposal systems are authorized for other than interim use due to the lot size and soil conditions, the fees shall not be required, provided that if any such dwelling units so exempted connect to the sewerage system in the future, the fees shall be payable by the then owner of record of the property.

(b) Every person constructing a dwelling in a different location or providing a new dwelling unit in a one-family or multi-family dwelling, dwelling group, apartment hotel or mobile home or trailer providing trailer spaces in a mobile home or trailer park, shall pay a sewerage facilities expansion fee in an amount adopted by ordinance of the District. Every person constructing an industrial or commercial building, moving an industrial or commercial building to a different location, providing a new industrial or commercial facility shall pay a sewerage facilities expansion fee in an amount adopted by ordinance of the District. The number of equivalent dwelling units attributable to each industrial or commercial building shall be computed in accordance with section 13.01.316, as amended. The sewerage facilities expansion fee shall be paid prior to the issuance of the building permit for the subject unit or space.

(c) Sewer expansion fees to be levied on existing system users who expand or revise use. In some situations existing commercial and industrial users will expand uses to meet increasing demands. As a result, additional fixture units will usually be included within the expanded facility. Under these situations the following criteria will apply:

(1) Sewer expansion fees will only be levied on the fixture unit (FU) count difference between existing FU's and new FU's.

(2) The sewer expansion fee will be determined based on the fee in effect at the time of building or sewer permit issuance for the expanding development.

(3) A change in use, placing a commercial development in a different Table 3.01.316(e) category, will not result in the recalculation of sewer expansion obligation for the existing FU's. Only the new added FU's will be levied sewer expansion fees based on the Table 3.01.316(e) category which best defines the proposed use.

(e) Attachment of sewer use rights; tied to property or structure. Under certain situations, an existing discharger may want to relocate a business. The issue may then arise as to ownership of certain existing discharge rights in the system. All sewer capacity remains with the existing building and should be sold to building owners rather than tenants. In cases where an existing building is completely demolished, the transfer of capacity rights can be permitted provided that:

(1) Proof of building demolition can be documented;

(2) Payment for original system capacity can be documented;

(3) The demolition occurs simultaneously with the transfer; and

(4) The transfer occurs within the City/agency who originally sold the capacity.

Secs. 13.01.478—13.01.500. - Reserved.

DIVISION 3. - SEWER FUNDS

Sec. 13.01.501 - Policy.

It is the policy of the City Council that the sewer service be operated as a utility, and that it shall be operated in a prudent manner with adequate reserves to meet emergencies and to replace parts of the system.

Sec. 13.01.502 - Funds established.

The following sewer funds are to be created and maintained:

(1) *Maintenance and operating fund.* The sewer maintenance and operating fund is to be created and maintained for the purpose of paying for the expenses associated with the maintenance and operation of the sewer system. Such expenses are to include direct sewage treatment costs, direct accounting and billing costs, and direct preventative and emergency sewage collection system maintenance costs, as well as general and departmental overhead as defined in section 13.01.010. The source of the money for this fund is to be sewer permit fees, interest earnings and sewer service charges. Refundable sewer deposits provided by property owners are accounted for within this fund, and the amount of such deposits shall not be reflected in the fund balance.

(2) *Sewer replacement fund.* The sewer replacement fund is to be created and maintained for the purpose of paying for replacing parts of the sewer system as they wear out, deteriorate or become obsolete. All items deemed to be replacement of existing facilities shall be paid for from this fund. The source of the money for this fund is to be through City Council authorized transfers from the sewer maintenance and operating fund. Such transfers are to be authorized so that funds will be available to pay for future replacement of parts of the sewer system. The determination as to the amount of money to be held in this fund will be made by taking into consideration the estimated life and replacement cost of the various parts of the sewer system using the following formula:

$$(\text{Replacement cost of sewer system facility additions}) \times (0.10) \times (\text{Age of sewer system facilities}) \div (75 \text{ years})$$

(3) *Sewer capital fund.* The sewer capital fund is to be created and maintained for the purpose of paying for new sewer facilities found necessary because of the development of the City. Such facilities could include, but are not limited to, pumping stations, sewer laterals, manholes, cleanouts, sewer mains, treatment facilities, interceptors, monitoring stations, and equipment. An annual appropriation shall be made from this fund for general and department overhead. The source of the money for this fund is to be sewer connection charges, interest earnings, sewer installation charges, property assessments, and government grants.

(4) *Sewerage facilities expansion fund.* The sewerage facilities expansion fund is to be created and maintained for the purpose of paying for sewer facilities needed for the expansion of the City including, but not limited to, treatment plants and sewer interceptor lines. The source of the money for this fund is to be the sewerage facilities expansion fee collected pursuant to section 13.01.477.

Sec. 13.01.503 - Appropriations.

Appropriations from the various funds provided for in this article shall be pursuant to authorization in the annual budget or by special action of the City Council.

Sec. 13.01.504 - Allocation of interest earnings.

Moneys in the sewer funds may be commingled with moneys in other funds for cash management and interest earnings purposes, but each sewer fund shall be credited with its pro rata share of all interest earnings based on the fund's average balance.

Sec. 13.01.505 - Loans from sewer funds.

Loans between sewer funds or to other funds may only be made pursuant to authorization of the City Council and shall be for a specific time period not to exceed five years. During such time that moneys are on loan from any fund, interest shall be paid annually to the fund. The interest rate during this loan period shall be at least the average rate for the City's interest-bearing deposits during the loan duration. No loans shall be made from the maintenance and operating fund and the sewer replacement fund. Existing loans shall be brought into compliance with this section within five years.

Sec. 13.01.506 - Allocation of personnel and equipment costs.

(a) *Personnel.* The total number of employees in the sewer maintenance and operating budget shall be determined using the following formula:

(Total number actual hours proposed to be charged to the sewer maintenance and operating fund for permanent employees for the proposed operating budget) / (2,080 hours)

Personnel costs will be charged on actual number of hours worked. Personnel costs include salaries and related benefits.

(b) *Equipment.* The original purchase cost charged to the sewer capital fund shall be no more than its pro rata share of time used in sewer activities. The motor pool rental charges shall also be based on the actual hours used; the motor pool shall be responsible for the replacement of these capital items.

EXHIBIT B

Chapter 13.02 – Wastewater Pretreatment

[Attached behind this page]

Chapter 13.02 – WASTEWATER PRETREATMENT

Article 1 – General Provisions

Article 2 – Definitions

Article 3 – General Sewer Use Requirements

Article 4 – Control Mechanisms

Article 5 – Enforcement

Article 1 - General Provisions

13.02.010 Intent

- A. It is the intent of this chapter to protect public health, City and Coachella Sanitary District personnel, the collection system and the environment from waste discharges by nonresidential users with the potential to detrimentally impact the beneficial use of reclaimed water and municipal sludge.

13.02.020 Purpose

- A. The purpose of this Chapter is to set forth:
 - 1. Conditions and limitations on the use of the City's sewer system;
 - 2. Specific enforcement provisions to resolve noncompliance with this chapter, thereby allowing the City to:
 - a. Comply with the laws, regulations, and rules imposed upon it by Regulatory Agencies;
 - b. Ensure that the City's sewerage facilities and treatment processes are protected and are able to operate with the highest degree of efficiency;
 - c. Protect the beneficial use of reclaimed water and municipal sludge; and
 - d. Protect the public health and environment.

13.02.030 Policy

- A. This Chapter shall be interpreted in accordance with the definitions set forth in Article 2. The provisions of this Chapter shall apply to the direct and indirect discharge of all wastes to facilities of City.
- B. The City shall seek the cooperation of the users of the collection system to ensure compliance with this Chapter. Reasonable approaches shall be utilized when applying applicable regulations without compromising the intent, purpose and policies of this Chapter.
- C. The City shall adopt more stringent quality requirements on wastewater discharges regulated by 40 CFR, Chapter I, Subchapter N, Parts 405-471, in

the event that more stringent quality requirements are necessary to protect beneficial use of reclaimed water and municipal sludge.

- D. The City shall encourage conservation and pollution prevention through source control strategies which reduce the amount of pollutants entering the environment, prior to recycling, pretreatment, or disposal.
- E. The City shall use the revenues derived from the application of this Chapter to defray the cost of regulating sewer usage to include, but not be limited to, administration, monitoring, permitting, reporting, and enforcement.
- F. All costs and expenses incurred by the plan check procedure of the City's Source Control Division shall be paid by the applicant. Plan check fees shall be in an amount established by ordinance or resolution of the District.
- G. The City shall ensure that all parties are afforded due process of law. An applicant or user shall be given written notice of rejection of an application, or violation of a control mechanism, or of any enforcement action. Such notice shall include a statement of reasons in support thereof and proposed actions to be taken, if any. Affected applicants or users shall have the right to a hearing. Decisions/determinations may be appealed as set forth in Article 5.
- H. The City, at its discretion, may utilize any one, combination, or all enforcement remedies provided in Article 5 in response to any violation.

13.02.040 Scope

- A. The provisions of this chapter shall apply to sewer construction, use, maintenance, discharge, deposit, or disposal of wastewater, both directly and indirectly, into and through all City collection systems and to the issuance of control mechanisms and assessment/imposition of fees, fines and penalties thereof.

13.02.050 Applicability

- A. This Chapter applies to all non-domestic users of the City's sewer system and specifies herein that all users of the City's sewer system are subject to regulation and enforcement.

13.02.060 Powers

- A. The General Manager is authorized to:
 - 1. Issue Waste Discharge Authorizations;
 - 2. Issue Waste Discharge Permits;
 - 3. Require the installation and maintenance of pretreatment and/or monitoring facilities and equipment;
 - 4. Conduct inspections of facilities, including, but not limited to, inspecting and copying records;

5. Require monitoring and reporting of discharges to the public sewer system;
6. Monitor the quality of wastewater entering the sewer system;
7. Require the development of Spill Containment Plans and reporting of accidental discharges;
8. Require the development of a Slug Control Plan (per Title 40 of the Code of Federal Regulations (40 CFR) 403.8(f)(2)(v));
9. Deny, approve or approve with conditions, new or increased discharges or change in the quantity or characteristics of discharges, when such discharges do not meet applicable pretreatment requirements as specified in 40 CFR 403.8(f)(1)(I).
10. Take enforcement actions against those who violate or cause violation of this Chapter or discharge permit conditions. These actions may include, but are not limited to the following:
 - a. Issuing letters;
 - b. Issuing Notices of Violation;
 - c. Issuing Administrative Orders ;
 - d. Issuing Cease and Desist Orders;
 - e. Initiating and conducting non-compliance meetings;
 - f. Initiating and conducting administrative hearings;
 - g. Petitioning the courts for injunctions or civil penalties;
 - h. Signing criminal complaints;
 - i. Terminating services;
 - j. Requiring payment of violation charges;
 - k. Revoking and/or suspending the discharge permit.
11. Delegate authority to the Division Head or Department Head of any power granted to or the carrying out of any duty imposed upon the General Manager pursuant to this Chapter.
12. Adopt such rules, regulations and standards as are reasonable and necessary to protect the collection system and POTW and to control the proper use thereof.

13.02.070 Access

- A. The City shall be permitted to enter all properties from which wastes or wastewaters are being or are capable of being discharged into a public sewer main for purposes of inspecting, observing, measuring, sampling, and testing pertinent to the discharge of wastes or wastewaters to ascertain whether the intent of this Chapter is being met and the user is complying with all requirements. The City shall have access at reasonable times to all parts of the wastewater generating and disposal facilities for the purposes of inspection and sampling. The City shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. Where a user has security measures in force, the user shall make necessary arrangements so that personnel from the City will be permitted to enter without delay for the purpose of performing their specific responsibilities.
- B. The city 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 pursuant to the manufacturer's recommendations to ensure their accuracy
- C. 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 city and shall not be replaced. The costs of clearing such access shall be borne by the user.
- D. Unreasonable delays in allowing the city access to the user's premises shall be a violation of this chapter.

13.02.072 Search Warrant

If the city has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, 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 chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the city may seek issuance of a search warrant from the superior court of the county of Riverside.

13.02.080 Information Required

To provide for fair and equitable use of sewerage facilities, the City shall have the unqualified right to require a discharger to provide information necessary to insure compliance with all rules, regulations and provisions of this Chapter.

All information and data on a user shall be available to the public unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods which would be detrimental to the user's competitive position. The demonstration of the need for confidentiality made by the permittee must meet the burden

necessary for holding such information from the general public under applicable State and Federal law.

In any event, the City shall not limit EPA's access to any information provided by the discharger.

In any event, information concerning wastewater quality and quantity will not be deemed confidential. Such information may include, but is not limited to:

1. Wastewater discharge peak flow rates and volume over a specified time period;
2. Physical, chemical, bacteriological, or radiological analysis of wastewaters;
3. Information on raw materials, processes, and products;
4. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials;
5. Details of wastewater pretreatment facilities, their operation and maintenance;
6. Details of systems to prevent and control the losses of materials through spills to the public sewer main;
7. Detailed plumbing plans indicating all sources discharging to the on or off-site pretreatment or sewerage facilities;
8. A slug control program, per 40 CFR 403.8(f)(2)(v);
9. Notification of discharges of a listed hazardous waste (Section 3001 of the Resource Conservation and Recovery Act (RCRA) to the sewer system per 40 CFR 403.12(p));
10. Baseline monitoring reports per 40 CFR 403.12(b);
11. Compliance progress reports in accordance with all provisions listed in 40 CFR 403.12(c)(d)(e).
12. Notification of potential problems, including slug loading in accordance with all provisions listed in 40 CFR 403.12(f).
13. Notification of substantial changes in volume or character of pollutants discharged in accordance with all provisions listed in 40 CFR 403.12(j).
14. Monitoring and analysis reports demonstrating continued compliance in accordance with all provisions listed in 40 CFR 403.12(g).

13.02.090 Authority

The City is regulated by several agencies of the United States Government and the State of California, pursuant to the provisions of Federal and State Law. Federal and State Laws (including, but not limited to: 1) Federal Water Pollution Control Act, commonly known as the Clean Water Act (33 U.S.C. Section 1251 et seq); 2) California Porter Cologne Water Quality Control Act (California Water Code section 13000 et seq.); 3) California Health & Safety Code sections 25100 to 25250; 4) Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901 et seq.); and 5) California Government Code, Sections 54739-54740) grant to the City the authority to regulate and/or prohibit, by the adoption of an ordinance, and by issuance of control mechanisms, the discharge of any waste, directly or indirectly, to the City sewerage facilities. Said authority includes the right to establish limits, conditions, and prohibitions; to establish flow rates or prohibit flows discharged to the City sewerage facilities; to require the development of compliance schedules for the installation of equipment systems and materials by all users; and to take all actions necessary to enforce its authority, whether within or outside the City boundaries, including those users that are tributary to the City or within areas for which the City has contracted to provide sewerage services.

Article 2 - Definitions

13.02.100 DEFINITIONS

- A. Unless otherwise defined herein, terms related to water quality shall be consistent with the Clean Water Act and the Porter-Cologne Water Quality Control Act. If not defined therein, the term shall be consistent with any permit issued pursuant to such acts and consistent with 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 Environment Federation. The testing procedures for waste constituents and characteristics shall be as provided in 40 CFR 136 (Code of Federal Regulations; Title 40; Protection of Environment; Chapter I, Environmental Protection Agency; Part 136, Test Procedures for the Analyses of Pollutants), or as specified. Other terms not defined are defined as being consistent with the International Conference of Building Officials, Uniform Building Code, Current Edition, or the International Association of Plumbing and Mechanical Officials, Uniform Plumbing Code, Current Edition.
- B. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Chapter, shall have the meanings hereinafter designated.
1. Applicant shall mean any person or persons who has applied for permission to use the City's collection system for commercial or industrial purposes.
 2. City Manager shall mean the City Manager of the City of Coachella.
 3. Categorical Pretreatment Standards shall mean those final regulations promulgated and adopted by EPA (as outlined in 40 CFR 403, and 40 CFR, Chapter I, Subchapter N, 405-471) for each standard industrial classification (S.I.C.) or subcategory containing pollutant discharge limits.
 4. Categorical User shall mean any industrial user whose process(es) are subject to Categorical Pretreatment Standards.
 5. Cesspool shall mean a lined excavation in the ground which receives the discharge of a sewage drainage system, or part thereof, so designed as to retain the solids and organic matter, but permitting liquids to seep through the bottom and sides. This shall also mean Seepage Pit.
 6. Code of Federal Regulations (CFR) shall mean the codification of the general and permanent rules published in the United States Federal Register by the Executive departments and agencies of the Federal Government to include but not limited to the Environmental Protection Agency.

7. Collection System shall mean the combined pipes, conduits, manholes and other structures, above and below ground, whose purpose is to convey wastewater to a City RWRP/POTW.
8. Compatible or Conventional Pollutant shall mean a combination of BOD, Total Suspended Solids, pH, fecal coliform bacteria, plus other pollutants that the City's treatment facilities are designed to accept, treat and/or remove. Some compatible pollutants may be considered incompatible when discharged in quantities that have an adverse effect on the City's collection, treatment, disposal systems and/or discharge permit regulating the treatment facilities cause interference or pass through.
9. Control Mechanism shall mean Waste Discharge Permit, Waste Discharge Authorization, Special Agreement or other regulatory mechanism.
10. Department Head shall mean that person duly designated by the City Manager to direct the Collection and Source Control Divisions and perform the duties as specified in this Chapter.
11. Discharger shall mean any person, entity or collection agency who discharges or causes a discharge of wastewater directly or indirectly to a public sewer main. Discharger shall mean the same as User.
12. Discharge Requirements shall mean the requirements of Federal (as listed in 40 CFR 403), state or local public agencies having jurisdiction over the effluent discharges from City Regional Water Reclamation Facilities/Publicly Owned Treatment Works (POTW).
13. Discharge or Indirect Discharge shall mean the introduction of pollutants into a POTW from any non-domestic source.
14. District shall mean the Coachella Sanitary District.
15. Division Head shall mean that person duly designated by the General Manager to implement the City's Source Control Program and perform the duties as specified in this Chapter.
16. Domestic Wastewater shall mean the liquid and solid waterborne wastes derived from the ordinary living processes of humans of such character as to permit satisfactory disposal, without special treatment, into the public sewer or by means of a private disposal system.
17. General Manager shall mean the Utilities General Manager of the City of Coachella.
18. Incompatible or Non-Conventional Pollutant shall mean any pollutant which is not a compatible pollutant as defined herein.
19. Indirect Discharger shall mean any person, entity or collection agency who discharges or causes a discharge of wastewater to a septic tank,

cesspool, chemical toilet, or private sewer system which, from time to time, is serviced by a septic tank pumper permitted by the City to discharge to City sewerage facilities.

20. Industrial User shall mean any discharger of non-domestic wastewater to a collection agency's sewer main either directly, or indirectly.
21. Industrial Wastewater shall mean all liquid carried wastes including, but not limited to, all wastewater from any producing, manufacturing, processing, institutional, commercial, restaurant, agriculture, or other operation where the wastewater discharged contains quantities of wastes of non-human origin and excluding domestic wastewater, rainwater, groundwater, stormwater, and drainage of uncontaminated water.
22. Inspector shall mean a person authorized by the General Manager to inspect any establishment directly or indirectly discharging or anticipating discharge to a public sewer main or a RWRF/POTW.
23. Interference shall mean a discharge by a User which, alone or in conjunction with discharges by other sources, inhibits or disrupts the City's RWRF/POTW, its treatment processes or operations, or its sludge processes, use or disposal; and which is a cause of a violation of any requirement of the RWRF/POTW's discharge order (including an increase in the magnitude or duration of a violation), or of the prevention of sewage sludge use or disposal in compliance with applicable Federal, State, and local regulations (per 40 CFR 403.3 (I)).
24. Local Limits shall mean a set of technically based discharge limits that are developed by the City to protect the public sewer main and to prevent sludge contamination or violation of discharge requirements.
25. Mass Emission Rate shall mean the weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of particular constituent or combination of constituents.
26. New Source shall mean 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 307c of the Act.(40 CFR 403.3K Definitions)
27. Non-domestic Wastewater shall mean all wastewater except domestic wastewater and pollutant-free wastewater. This shall also mean industrial wastewater.
28. Normal Working Day shall mean the period of time during which production and/or operation is taking place.
29. Pass through shall mean the discharge of pollutants through the RWRF/POTW in quantities or concentrations which are a cause in

whole or in part of a violation of any requirement of the RWRF/POTW's discharge order (per 40 CFR 403.3(n)).

30. Permittee shall mean a person who has applied for and received permission to discharge into the City's collection system subject to the requirements and conditions established by the City.
31. Person shall mean any individual, partnership, firm, association, corporation or public agency, including the State of California and the United States of America.
32. Pollutant shall mean any constituent or characteristic of wastewater on which a discharge limitation or prohibition may be imposed either by the City or the regulatory agencies empowered to regulate the City.
33. Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to discharge of the wastewater into a collection agency's system. The reduction or alteration may be accomplished by physical, chemical or biological process or process changes, or by other means.
34. Pretreatment Facility shall mean any works or devices for the treatment or flow control of wastewater prior to discharge.
35. Pretreatment Requirements shall mean any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
36. Pretreatment Standard or Standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
37. Public Agency shall mean the State of California or any city, county, district, other local authority or public body within this state.
38. Public Nuisance shall mean anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and (3) occurs during or as a result of the treatment or disposal of wastes.
39. Public Sewer Main shall mean any closed conduit, excluding building sewers, which is financed, installed, owned, operated, or maintained by a collection agency for the purpose of transporting wastewater from building sewers.
40. RCRA shall mean Resource Conservation and Recovery Act of 1976 Public Law (PI) 94-580 and amendments thereto.

41. Regional Water Reclamation Facility (RWRF) shall mean the City sewage treatment plant designed to serve a specific area of the City. Also known as a Publicly Owned Treatment Works or POTW, as defined by section 212 of the Clean Water Act.
42. Regulatory Agencies shall mean those agencies having oversight of the operation of the City, including but not limited to the following:
- a. United States Environmental Protection Agency (EPA);
 - b. California Environmental Protection Agency (Cal-EPA);
 - c. California State Water Resources Control Board (SWRCB);
 - d. California Regional Water Quality Control Board, Colorado River Basin Region (CRBR)
43. Residential User shall mean a household which discharges only domestic wastewater from a dwelling unit.
44. Responsible Party shall mean:
- a. if the User is a corporation, a responsible corporate officer, that is:
 - (i) A president, secretary, treasurer, or 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
 - (ii) the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if 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 entity, or their agents, the principal executive officer or director having responsibility for the overall operation of the discharging facility.
 - (i) By a duly authorized representative of the individual designated in paragraph (1), (2) or (3) of this definition if:

- (a) The authorization is made in writing by the individual described in paragraph (1), (2) or (3);
 - (b) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - (c) The written authorization is submitted to the City.
 - d. If an authorization under paragraph (D) of this section 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 authorization satisfying the requirements of paragraph (D) of this section must be submitted to the City.
45. Sanitary Wastewater shall mean domestic quality wastewater from other than a dwelling unit.
46. Septic Tank shall mean a watertight receptacle which receives the discharge from a sewer system and is designed and constructed to retain solids, digest organic matter through a period of detention, and allow the liquids to discharge for disposal.
47. Sewerage Facilities shall mean any and all facilities used for collecting, conveying, pumping, treating and disposing of wastewater.
48. Significant Industrial User shall mean:
- a. A user subject to categorical pretreatment standards; or
 - b. A user that:
 - (i) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the City's collection system (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - (ii) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the RWRF; or
 - (iii) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the

RWRF's operation or for violating any pretreatment standard or requirement.

- c. Upon a finding that a user meeting the criteria in Subsection (B) has no reasonable potential for adversely affecting the RWRFs 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 significant industrial user.

49. Significant Non-Compliance (SNC) shall mean any user with compliance violations which meet one or more of the following criteria:

- a. Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent or more of all of the measurements taken during a six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- b. Technical review criteria (TRC) violations, defined as those in which thirty-three percent or more of all of the measurements taken during a six month period equal or exceed the product of the daily maximum limit or the average limit times the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
- c. Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the City determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of City personnel or the general 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 City's exercise of its emergency authority to halt or prevent such a discharge;
- e. Violations of schedule milestones for starting construction, completing construction or achieving final compliance, including failure to meet, by ninety days or more after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order, for starting construction, completing construction, or attaining final compliance;
- f. Failure to provide required reports such as baseline monitoring reports, 90 day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules within thirty days of the due date;

- g. Failure to accurately report non-compliance;
 - h. Any other violations or group of violations which the City considers to be significant.
50. Single Pass Cooling shall mean unpolluted water used for the absorption and immediate discharge of excess thermal energy to the environs prior to heat exchange and reuse.
51. Slug shall mean any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds five (5) times the average 24-hour concentration of flows during normal operation for a period of fifteen (15) minutes or more and/or has a significant adverse impact, either singly or in combination with other discharges, on the collection agency's sewer system or the quality of the effluent from the involved City treatment plant.
52. Spill Containment shall mean a protection system installed by the user to prohibit the accidental discharge to the sewer of incompatible pollutants.
53. Standard Industrial Classification (S.I.C.) shall mean the system of classifying industries identified in the S.I.C. Manual, issued by the Office of Management and Budget.
54. Toxic Pollutants shall mean those substances which, individually or when combined with other substances normally found in domestic sewage, result in wastes in a collection agency sewer system in concentrations or quantities which could have an adverse or harmful effect on such sewer system facilities, sewer treatment plant operations and maintenance personnel or equipment, treated sewage effluent quality, water reclamation procedures, public or private property, or which may endanger the public, local environment, or create a public nuisance.
55. User shall mean any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer. User shall include Discharger.
56. Violation shall mean an event or condition at a user's facility that is prohibited by Ordinance, control mechanism, or Order.
57. Violation Charge shall mean that charge levied against a user for as a result of a waste discharge violation.
58. Waste Discharge Authorization shall mean the revocable permission to discharge wastewater to the public sewer main subject to technically based limits on wastewater constituents and characteristics.
59. Waste Discharge Permit (WDP) shall mean the periodically renewable, revocable permission to discharge industrial wastewater to

the public sewer main subject to technically based limits on wastewater constituents and characteristics.

60. Waste Discharge Violation shall mean the failure by a user to comply with this chapter, or any conditions or reporting requirements as contained in their control mechanism.
61. Waste Hauler shall mean any commercial pumper that is permitted by Riverside County Department of Health as a Non-Hazardous Liquid Waste Hauler, discharging domestic and sanitary wastewater only. This shall also mean septic tank pumper.

13.02.101 OTHER MEANINGS

Words used in this Chapter in the singular may include the plural and the plural the singular. Use of masculine shall mean feminine and use of feminine shall mean masculine. Shall is mandatory; may is permissive or discretionary.

Article 3 – General Sewer Use Requirements

13.02.300 PROHIBITED DISCHARGE STANDARDS

- A. General Prohibitions. No user shall introduce or cause to be introduced into the City's collection system any pollutant or wastewater which, alone or in conjunction with other substances, causes pass through or interference. These general prohibitions apply to all users whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.
- B. Specific Prohibitions. No user shall introduce or cause to be introduced into the City's collection system the following pollutants, substances, or wastewater:
 - 1. Pollutants which create a fire or explosive hazard in the City's RWRFs or collection system, including, but not limited to, wastestreams 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 10.5, or otherwise causing corrosive structural damage to the City's RWRFs or collection system or equipment;
 - 3. Solid or viscous substances in amounts which will cause obstruction of the flow in the City's RWRFs or collection system resulting in interference but in no case solids greater than 3/8 inches in any dimension;
 - 4. Pollutants, 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 City's RWRFs or collection system;
 - 5. Wastewater having a temperature greater than 140°F (60°C), or which will inhibit biological activity in the RWRF resulting in interference, but in no case wastewater which causes the temperature at the introduction into the RWRF to exceed 104°F (40 C) or which falls below 40°F;
 - 6. Petroleum oil, nonbiodegradable 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 City's RWRFs or collection system in a quantity that may cause acute worker health and safety problems;
 - 8. Trucked or hauled pollutants, except at discharge points designated by the General Manager;
 - 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 RWRf's effluent;
 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, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the General Manager;
 13. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
 14. Detergents, surface-active agents, or other substances which may cause excessive foaming in the City's RWRfs or collection system;
 15. Wastewater required to be manifested under RCRA, unless specifically authorized by the General Manager.
 16. Infectious wastes as defined in the California Health and Safety Code.
- C. 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 City's collection system.

13.02.310 Discharge of pollutant to watercourse

No person shall circumvent or obviate the intent or purpose of this chapter by discharging or by causing to be discharged, into any storm drain, channel, natural watercourse or public street, any material or waste prohibited or restricted as to its discharge into a sewer system.

13.02.312 Discharge of pollutant to ground

No person shall deposit or discharge or cause to be deposited or discharged into any sump which is not impermeable, or into any pit or well, or onto the ground, or into any storm drain or watercourse, any material which, by seeping underground or by being leached or by reacting with the soil, can pollute usable groundwaters, or any pretreatment wastes.

13.02.314 Point of discharge

No person, excluding authorized City personnel involved in maintenance functions of sanitary sewer facilities, shall discharge or cause to be discharged any wastewater or any other matter directly into a manhole or other opening leading to the POTW other than through an approved building sewer, unless

written permission for the discharge has been provided by the General Manager.

13.02.316 - Dilution of flow

No person shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this chapter, in categorical standards, or in any other pollutant-specific limitations developed by the City.

13.02.318 - Interference with City equipment or facilities

No person shall enter, break, damage, destroy, uncover, deface or tamper with any temporary or permanent structure, equipment or appurtenance which is part of the POTW or is required or authorized by the provisions of this article.

13.02.320 National Categorical Pretreatment Standards

- A. The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.
- B. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the General Manager may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- C. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the General Manager shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- D. 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.
- E. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
- F. Any User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the General Manager within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the General Manager of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

13.02.330 State Requirements

State requirements and limitations on dischargers shall apply in any case where they are more stringent than the federal requirements and limitations, or those in this chapter.

13.02.340 Local Limits

- A. No user shall discharge or cause to be introduced directly or indirectly into the City's collection system, a quantity or quality of wastewater which exceeds the Local Limits on discharges to public sewer mains established by the City. The local limits, conventional pollutant surcharge limits, and surcharge fees specific to each City RWRf may be adopted by Resolution of the City Council or District
- B. These limits apply at the point where the wastewater is discharged to the City's collection system. The General Manager may impose limitations based on concentrations of pollutants in milligrams per liter or as an amount of pollutants in pounds per day.

13.02.350 Limitations on Water Softeners

Water softeners will be regulated in accordance with state law.

13.02.360 Right of Revision

The City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the City's RWRfs or collection system.

13.02.370 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 General Manager may impose such limitations on the amount, in pounds per day, of pollutants discharged by users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of such limitations is appropriate.

13.02.380 Special Restrictions – Cesspool, Septic Tank, Holding Tank, Waste Hauler

- A. Cesspool, Septic Tank and Holding Tank pumpings containing only domestic and/or sanitary wastes may be accepted only at City designated locations from holders of both a valid liquid waste hauler water discharge permit issued by the City and a valid Environmental Health Permit issued by the County of Riverside Health Services Agency Department of Environmental Health. The contents of any cesspool or septic tank may not be pumped directly into a public sewer main unless specifically approved by the City under emergency or other abnormal short duration circumstances. Wastes from Industrial

process sources are prohibited and may not be hauled and discharged to the public sewer system.

- B. No waste hauler shall discharge to the POTW except as set forth herein:
1. Septic tank waste may be introduced into the POTW only at locations designated by the General Manager, and at such times as are established by the General Manager. Such waste shall not violate any requirements established by the City. The General Manager may require septic tank waste haulers to obtain a control mechanism.
 2. Industrial waste haulers may discharge loads only at locations designated by the General Manager. No load may be discharged without prior consent of the General Manager. The General Manager may collect samples of each hauled load to ensure compliance with applicable standards. The General Manager may require the industrial waste hauler to provide a waste analysis of any load prior to discharge. Industrial waste haulers must provide a waste tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses 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.
 3. Wastewater from recreational vehicles and boats shall only be discharged at dump sites designated for such use. The City reserves the right to inspect records of individual wastewater dumps from the authorized operators of each designated dump site. Detailed plans describing such facilities and operating procedures shall be submitted to the General Manager for review, and shall be acceptable to the General Manager before such facilities are constructed.

13.02.382 Vehicle servicing facilities

- A. Any facility maintained for the servicing, washing, cleaning or repair of vehicles licensed by the state department of motor vehicles, construction equipment, industrial transportation or power equipment shall install and maintain a gravity separation interceptor in accordance with section 13.02.384. Wastewaters from toilets shall not be allowed to pass through this interceptor, but all wastewaters arising from the servicing and repair of vehicles shall pass through this interceptor before discharge to the POTW. If the vehicle servicing facility does not include facilities for the washing of more than one vehicle at a time, the interceptor shall have a fluid capacity of not less than 1,500 gallons. If the vehicle servicing facility has facilities for washing or cleaning more than one vehicle at a time, the interceptor shall be as large as necessary so that a seven-day accumulation of sand and oil together will not fill more than 25 percent of the fluid capacity. The interceptor shall be designed so as to retain any oil and grease which will float and any sand which will settle.

- B. Any interceptor legally and properly installed at a vehicle servicing facility before January 1, 2012, shall be acceptable as an alternative to the interceptor specified in subsection (a) of this section, provided such interceptor is effective in removing sand and oil and is so designed and installed that it can be inspected and properly maintained.
- C. The plumbing official shall not approve the plumbing of a vehicle servicing facility if it does not have a gravity separation interceptor meeting the requirements of this section.

13.02.384 Food processing facilities

- A. All restaurants or other food processing facilities shall direct all wastes from floor drains, sinks, waste container wash racks and dishwashers through a two-compartment gravity separation interceptor. All domestic wastewaters from restrooms, showers and drinking fountains shall be kept separate until the previously specified wastes have passed through the interceptor. The interceptor shall have a minimum fluid capacity of 750 gallons, or as required by appendix H of the latest edition of the Uniform Plumbing Code, whichever is greater. Any interceptor or grease trap legally and properly installed at a food processing facility before January 1, 2012, shall be acceptable as an alternative to the interceptor specified in this subsection, provided such interceptor or grease trap is effective in removing grease and is so designed and installed that it can be inspected and properly maintained.
- B. Conditional waivers for the grease interceptor requirement may be granted by the City for those restaurants determined not to have adverse effects on the POTW. Conditional waivers may be revoked for the following reasons:
 - 1. Changes in types of food prepared;
 - 2. Falsification of information submitted in the restaurant survey form;
 - 3. Changes in operating hours;
 - 4. Changes in equipment used;
 - 5. Violation of any conditions contained in the waiver.

Article 4 - Control Mechanisms

Division 1 - General Requirements

13.02.400 Wastewater Analysis

When requested by the General Manager, a user must submit information on the nature and characteristics of its wastewater within ninety (90) days of the request. The General Manager is authorized to prepare a form for this purpose and may periodically require users to update this information.

13.02.402 Control Mechanism Requirement

- A. The City may require any user to obtain a control mechanism prior to discharging to the City's collection system or to obtain control mechanisms as necessary to carry out the purposes of this Chapter, including but not limited to obtaining a permit, installing a gravity separation interceptor, a spill containment system, implementing a slug control plan, installing pretreatment facilities, or utilizing other best management practices.
- B. No significant industrial user shall discharge wastewater into the City's collection system without first obtaining a control mechanism, except that a significant industrial user that has filed a timely application pursuant to Section 13.02.404 may continue to discharge for the time period specified therein.
- C. Any violation of the terms and conditions of a control mechanism shall be deemed a violation of this Chapter and subject the user to the sanctions set out in Article 5 of this Chapter. Obtaining a control mechanism does not relieve the user 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.

13.02.404 Issuing Control Mechanisms – Existing Connections

Any user required to obtain a control mechanism who was discharging wastewater into the City's collection system prior to the effective date of this Chapter and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the General Manager for a control mechanism in accordance with Section 13.02.408, and shall not cause or allow discharges to the City's collection system to continue after one hundred twenty (120) days of the effective date of this Chapter except in accordance with a control mechanism issued by the General Manager.

13.02.406 Issuing Control Mechanisms – New Connections

Any user required to obtain a control mechanism who proposes to begin or recommence discharging into the City's collection system must apply for such control mechanism prior to the beginning or recommencing of such discharge. An application for this control mechanism, in accordance with Section 13.02.408, must be filed at least sixty (60) days prior to the date upon which any discharge will begin or commence.

13.02.408 Waste Discharge Application Contents

All users required to obtain a control mechanism must submit a Waste Discharge Application. The General Manager may require all users to submit as part of an application the following information:

- A. All information required in Section 13.02.600 (B) of this Chapter;
- 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 City's collection system;
- 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, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- G. Time and duration of discharges;
- H. An application fee, annual fee, special use fee, connection fee, and/or pretreatment program fees as may be established by ordinance or resolution of the City Council or District; and
- I. Any other information as may be deemed necessary by the General Manager to evaluate the Waste Discharge Application.

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

13.02.410 Application signatories and Certification

All Waste Discharge Applications and user reports must be signed by an authorized representative of the user 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 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."

13.02.412 Control Mechanism Decisions

The General Manager will evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a complete Waste Discharge Application, the General Manager will determine whether or not to issue a control mechanism. The General Manager may deny any application for a control mechanism.

Division 2 – Control Mechanism Issuance Process

13.02.500 Control Mechanism Duration

- A. A Waste Discharge Permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A Waste Discharge Permit may be issued for a period less than five (5) years, at the discretion of the General Manager. Each Waste Discharge Permit will indicate a specific date upon which it will expire.
- B. A Waste Discharge Authorization shall be issued for an indefinite time period, subject to review and reconsideration at the discretion of the General Manager.
- C. A Special Agreement shall be issued for a specified time period, set forth in the terms of the Special Agreement.

13.02.502 Waste Discharge Permit Contents

- A. Waste Discharge Permit shall include such conditions as are deemed reasonably necessary by the General Manager to prevent pass through or interference, protect the quality of the water body receiving the RWRF's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the RWRF and the City's collection system.

Waste Discharge Permits must contain:

- 1. A statement that indicates Waste Discharge Permit duration, which in no event shall exceed five (5) years;
- 2. A statement that the Waste Discharge Permit is nontransferable without prior notification to the City in accordance with Section 13.02.508, and provisions for furnishing the new owner or operator with a copy of the existing Waste Discharge Permit;
- 3. Effluent limitations based on applicable pretreatment standards;
- 4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of

pollutants to be monitored, sampling location, frequency, and sample type based on Federal, State, and local law;

5. A statement of applicable civil and criminal penalties for violations of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

B. Waste 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 and maintenance of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the City's collection system;
3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges;
4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the City's collection system;
5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the City's collection system;
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
7. A statement that compliance with the Waste 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 Waste Discharge Permit; and
8. Other conditions as deemed appropriate by the General Manager to ensure compliance with this chapter, and State and Federal laws, rules, and regulations.

13.02.504 Waste Discharge Permit Appeals

Any person, including the user, may petition the General Manager to reconsider the terms of a Waste Discharge Permit within thirty (30) days of notice of its issuance.

- A. Failure to submit 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 Waste Discharge Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to be placed in the Waste Discharge Permit.
- C. The effectiveness of the Waste Discharge Permit shall not be stayed pending the appeal.
- D. If the General Manager fails to act within thirty (30) days of the filing of an appeal, a request for reconsideration shall be deemed to be a decision to deny such request. Decisions not to reconsider a Waste Discharge Permit, not to issue a Waste Discharge Permit, or not to modify a Waste Discharge Permit shall be considered final administrative actions for the purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative Waste Discharge Permit decision shall do so by filing a petition for writ of mandate with the Superior Court for Riverside County within ninety (90) days.

13.02.506 Waste Discharge Permit Modification

The General Manager may modify a Waste Discharge Permit for good cause including, but not limited to, 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 discharger's operation processes, or wastewater volume or character since the time of Waste Discharge Permit issuance;
- C. A change in the RWRF 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 collection system, City personnel or the receiving waters;
- E. Violation of any terms or conditions of the Waste Discharge Permit;
- F. Misrepresentation or failure to fully disclose all relevant facts in the Waste Discharge Application or in any required reporting;
- G. Revision of or a grant of variance from such categorical standards pursuant to 40 CFR 403.13;
- H. Correction of typographical or other errors in the Waste Discharge permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

13.02.508 Waste Discharge Permit Transfer

Waste 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 General Manager and the General Manager approves the Waste Discharge Permit transfer. The notice to the General Manager 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 Waste Discharge Permit.

Failure to provide advance notice of a transfer renders the Waste Discharge Permit void as of the date of facility transfer.

13.02.510 Waste Discharge Permit Revocation

- A. A Waste Discharge Permit may be revoked for good cause including, but not limited to the following reasons:
 - 1. Failure to notify the General Manager of significant changes to the wastewater prior to the changed discharge;
 - 2. Failure to provide prior notification to the General Manager of changed conditions pursuant to Section 13.02.620;
 - 3. Misrepresentation or failure to fully disclose all relevant facts in the Waste Discharge Application;
 - 4. Falsifying self-monitoring reports;
 - 5. Tampering with monitoring equipment;
 - 6. Refusing to allow the General Manager timely access to the facility premises and records;
 - 7. Failure to meet effluent limitations;
 - 8. Failure to pay fines;
 - 9. Failure to pay sewer charges;
 - 10. Failure to meet compliance schedules;
 - 11. Failure to complete a wastewater survey or the Waste Discharge Application;

12. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
 13. Violation of any pretreatment standard or requirement, or any terms of the Waste Discharge Permit or this Chapter.
- B. Waste Discharge Permits shall be voidable upon cessation of operations or transfer of business ownership. All Waste Discharge Permits issued to a particular user are void upon the issuance of a new Waste Discharge Permit to that user.
- C. Waste Discharge permit revocation is subject to appeal as set forth in Article 5.

13.02.512 Waste Discharge Permit Reissuance

A user with an expiring Waste Discharge Permit shall apply for Waste Discharge Permit reissuance by submitting a complete Waste Discharge Application (or a statement signed by the responsible party that there are no changes to the application previously submitted), in accordance with Section 13.02.408, a minimum of sixty (60) days prior to the expiration of the user's existing Waste Discharge Permit.

13.02.514 – Regulation of waste received from other jurisdictions

- A. After the effective date of the ordinance codified in this chapter, any agreement entered into by the city and an agency outside of the city's legal boundary, allowing discharge to the POTW, and any modifications to such an existing agreement, shall be subject to the approval of the city council.
- B. Such agreements shall provide protections to the POTW equivalent to those set forth in this chapter, such as, but not limited to, compliance with pretreatment standards and pretreatment requirements; rights of inspection and sampling of the user's discharge to determine compliance with such standards and requirements; and imposition of any fees, fines, costs, or deposits as necessary.

13.02.516 Additional Control Mechanisms

- A. Whenever deemed necessary, the city 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 from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.
- B. The city 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 permit may be issued solely for flow equalization.

- C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the city, they are necessary for the proper handling of wastewater containing excessive amounts, as defined by the city manager, of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the city and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired as provided by the manufacturer's maintenance documentation, by the user at their expense.
- D. Users with the potential to discharge flammable substances may be required, at the discretion of the city manager, to install and maintain an approved combustible gas detection meter.

Division 3 - Reporting Requirements

13.02.600 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 City's collection system shall submit to the General Manager 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 General Manager 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 shall also 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 City's collection system from the regulated processes.
 - 4. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the City's collection system 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.

- a. The categorical pretreatment standards applicable to each regulated process.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the General Manager, of the regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 13.02.640.
 - c. Sampling must be performed in accordance with procedures set out in Section 13.02.645.
6. 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. 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 13.02.605.
8. Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 13.02.410.

13.02.605 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by section 13.02.600(B)(7) of this chapter:

- 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 General Manager 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 General Manager.

13.02.610 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 City's collection system, any user subject to such pretreatment standards and requirements shall submit to the General Manager a report containing the information described in Section 13.02.600(B)(4-6) 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 13.02.410.

13.02.615 Periodic Compliance Reports

- A. If a permitted user monitors any pollutant using the procedures prescribed in Section 13.02.645, the results of this monitoring shall be at a frequency determined by the General Manager but in no case less than twice per year (in June and December), be reported. The report shall indicate 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. All such reports must be signed and certified in accordance with Section 13.02.410.
- 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.

13.02.620 Reports of Changed Conditions

Each user must notify the General Manager 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 thirty (30) days before the change.

- A. The General Manager may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Waste Discharge Application under Section 13.02.408.
- B. The General Manager may issue a Waste Discharge Permit under Section 13.02.412 or modify an existing Waste Discharge Permit under Section

13.02.506 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.

13.02.625 Reports of Potential Problems

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the RWRf or the City's collection system, the user shall immediately telephone and notify the General Manager 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 General Manager, 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 may be incurred as a result of damage to the City's collection system or RWRf(s), 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 chapter.

13.02.630 Reports from Unpermitted Users

All users not required to obtain a Waste Discharge Permit shall provide appropriate reports to the General Manager as the General Manager may require.

13.02.635 Reports of Sampling Violations/Repeat Sampling

If sampling performed by a user indicates a violation, the user must notify the General Manager 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 General Manager within thirty (30) days after becoming aware of the violation. The user is not required to resample if the City monitors at the user's facility at least once a month, or if the City samples between the user's initial sampling and when the user receives the results of this sampling.

13.02.640 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a waste discharge 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, sampling and analysis must be performed in accordance with procedures approved by US EPA.

13.02.645 Sample Collection

- A. Except as indicated in Section B, below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the General Manager may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

13.02.650 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.

13.02.655 Record Keeping

Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. 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 General Manager.

13.02.660 Self-monitoring reports.

Users may be required to submit periodic self-monitoring reports containing a description of the nature, concentration and flow of pollutants required to be reported by the City. Sampling for self-monitoring reports shall be performed during the period covered by the report. All required analyses shall be performed by a state certified laboratory using analytical methods as defined in this article. Significant industrial users shall be required to submit self-monitoring reports at least every six months.

13.02.665 Solvent management plans.

All industrial Users subject to effective categorical standards which include a total toxic organic limitation shall be required to file a solvent management plan.

13.02.670 Accidental discharge/slug control plans.

The city shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The city may require any user to develop, submit for approval, and implement such a plan. Alternatively, the city may develop such a plan

for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including nonroutine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the city of any accidental or slug discharge, as required by Section 13.02.625 of this chapter; 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.

13.02.675 Notification of Hazardous Waste Discharge.

- A. All industrial Users shall notify the City, 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 classified as a hazardous waste pursuant to 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). If the industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months. The notifications required by this subsection shall provide the notification no later than 180 days after the discharge of the hazardous waste.
- B. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted in accordance with 40 CFR 403.12(j).
- C. The hazardous waste discharge notification requirements specified in this subsection do not apply to pollutants already reported under the self-monitoring requirements of this chapter. Industrial Users are also exempt from such requirements during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e).
- D. Discharges of more than 15 kilograms of non-acute hazardous wastes, as specified in 40 CFR 261.30(d) and 261.33(e), require a one-time notification. Additional notification is not required for subsequent months during which the industrial User discharges additional quantities of the same non-acute hazardous waste.

- E. In the case of new federal regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial User shall notify the City, the EPA regional waste management division director and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
- F. In the case of any notification made under these requirements, the industrial User shall certify that it has a program in place to reduce the volume or toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

13.02.680 Toxic organics management plan

The city may require any user to submit a Toxic Organic Management Plan (TOMP) to address the prevention of discharge of toxic organics to the POTW or the environment. A TOMP shall contain, at a minimum, the toxic organic compounds used, the method(s) of disposal, and the procedures for assuring that toxic organics do not spill into the wastewater being discharged. The city may allow a user to develop and implement a TOMP in lieu of required self-monitoring for toxic organics.

13.02.685 Other reports

Users shall file any other reports required by state law, including such reports as are required by Health and Safety Code chapter 6.95 (§§ 25500 through 25547.2).

13.02.690 - Confidential information

Information and data on a user obtained from reports, surveys, wastewater permit applications, wastewater permits, and monitoring programs, and from the city'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 city, 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, 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.

Article 5 - Enforcement

13.02.700 Non-Compliance Monitoring Procedures and Applicable Fees

- A. Self-Monitoring Requirements as a Result of Non-Compliance
 - 1. If analysis of any sample obtained by the City or by a user shows non-compliance with the applicable wastewater discharge limits set forth in the Ordinance or in the permittee's discharge permit, the City may impose self-monitoring requirements on the permittee or user.
 - 2. A user shall perform required self-monitoring of constituents in a frequency, at the specific location, and in a manner directed by the City.
 - 3. All analyses of self-monitoring samples shall be performed by an independent laboratory acceptable to the City and submitted to the City in a form and at a frequency determined by the City.
 - 4. All self-monitoring costs shall be borne by the user.
 - 5. Nothing in this section shall be deemed to limit the authority of the City to impose self-monitoring as a permit condition.
- B. Noncompliance Sampling Fees
 - 1. If analysis of any sample of a user's discharge obtained by the City shows a violation by the user of the mass emission rates or concentration limits specified in the user's discharge permit or in this chapter, then the user shall be subject to noncompliance sampling fees pursuant to fee schedules adopted by ordinance or resolution of the District.
 - 2. The fees specified in subsection 13.02.700(B)(1) herein shall be imposed for each date on which the City conducts sampling as a result of a violation by a user.
- C. Noncompliance Inspection Fees
 - 1. Each user is subject to routine inspection. When non-compliance with any of the provisions of this chapter is determined, a follow-up inspection may be required. Each user shall receive one follow-up inspection to verify compliance for each routine inspection without being subject to noncompliance inspection fees.
 - 2. When it becomes necessary to perform additional inspections in order to determine compliance with the provisions of this chapter, then the user shall pay noncompliance inspection fees to the City pursuant to fee schedules adopted by ordinance or resolution of the District.

3. The fees specified in subsection 13.02.700(C)(2) herein shall be imposed for each date (excluding one follow-up inspection) on which the City conducts an inspection as a result of a violation by a user.

13.02.705 Election of Enforcement Remedies

The General Manager, upon finding a violation, may employ any of the remedies set forth in this article, subject to due consideration of the following:

- A. The magnitude of the violation;
- B. The duration of the violation;
- C. The effect of the violation on RWRF compliance with Discharge Order;
- D. The effect of the violation on the operation of the RWRF;
- E. The compliance history of the user; and
- F. The good faith of the user.

13.02.710 Notice of Violation

- A. Upon finding a violation, the General Manager may issue a notice of violation. Within ten (10) working days of the delivery of this notice, the user shall respond to the Source Control Division with either an objection contesting the finding, or an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required action. Said response in no way relieves the user of liability for any violations occurring before or after the receipt of the notice of violation.
- B. Upon receipt of an objection contesting a finding of violation, the Division Head will schedule a hearing within ten working days at which the user may present information supporting the objection. Within five working days of the hearing, the Division Head shall determine the validity of the objection, either rescinding the notice of violation or denying the objection, thereby requiring submission of the plan. The user may appeal the Division Head's determination as set forth in Article 5.

13.02.715 Administrative Orders

Administrative Orders include, but are not limited to, Consent Orders, Show Cause Orders, Cease and Desist Orders, and Compliance Orders.

13.02.720 Consent Orders

The General Manager 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 Section 13.02.730 and shall be judicially enforceable.

13.02.725 Show Cause Orders

- A. The General Manager may order a user which has been given a notice of violation and which has failed to submit an acceptable plan of corrective action or which, having submitted such a plan, fails to follow through with execution of the plan, to appear at a hearing scheduled by the General Manager to show cause why the enforcement action proposed in the Show Cause Order should not be taken.
- B. The Show Cause Order shall specify the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show why the proposed enforcement action should not be taken. The Show Cause Order shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) days prior to the hearing. The Order may be served on any authorized representative of the user. A show cause order shall not be a bar against, or prerequisite for, taking any other action against the user.
- C. At the conclusion of the show cause hearing, the General Manager may: rescind previous enforcement action; issue an appropriate Administrative Order (Consent Order, Compliance Order, or Cease and Desist Order), including assessment of fines; initiate control mechanism revocation proceedings or termination of sewer services; or direct the remission of the file to Counsel for legal action.

13.02.730 Compliance Orders

- A. When the General Manager finds a violation, he 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.
- B. 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 standards or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation.
- C. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

13.02.735 Administrative Fines

- A. When, subsequent to a Show Cause hearing, the General Manager finds a violation, he may fine the user in an amount not to exceed \$5,000.00 per

violation per day of discharge in violation of any control mechanism or order issued hereunder, or any other pretreatment standards or requirement.

- B. The user may be responsible for the City's costs of preparing administrative enforcement actions, such as notices and orders.

Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of five percent (5%) of the unpaid balance, and interest shall accrue thereafter at a rate of one and one half percent (1.5%) per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

- C. Users desiring to dispute an administrative fine must file a written request for the General Manager to reconsider the fine along with full payment of the fine amount within thirty (30) days of the user's receipt of notice of the fine. Assessment of fines may be appealed pursuant to Article 5. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user.
- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

13.02.740 Emergency Suspensions

- A. The General Manager 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.
- B. The General Manager may also immediately suspend a users discharge, after notice and opportunity to respond, that threatens to interfere with the operation of a Regional Water Reclamation Facility, or which presents, or may present, an endangerment to the environment.
 - 1. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the General Manager may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the City's collection system, the City's RWRFs, the receiving stream, or endangerment to any individuals. The General Manager may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the General Manager that the period of endangerment has passed, unless the termination proceedings in Section 13.02.745 are initiated against the user.
 - 2. 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 General

Manager prior to the date of any show cause or termination hearing under Sections 13.02.725 or 13.02.745.

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

13.02.745 Termination of Discharge

In addition to the provisions in Section 13.02.510, any user who violates the following conditions is subject to discharge termination:

- A. Violation of Waste 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 3 of this chapter.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 13.02.725 why the proposed action should not be taken. Exercise of this option by the City shall not be a bar to, or a prerequisite for, taking any other action against the user.

13.02.750 Published Notices for Significant Noncompliance

In accordance with Federal Regulations, the City shall annually cause to be published the names of all users in significant non-compliance. Said publication shall be made in the newspaper of the largest daily circulation published in the City's service area.

13.02.755 Judicial Enforcement Remedies

In certain circumstances, judicial enforcement may be appropriate. Such remedies may include, but are not limited to, injunctive relief, civil penalties, and criminal prosecution.

13.02.760 Injunctive Relief

When the General Manager finds a violation, the City may petition the Superior Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the control mechanism, order, or other requirement imposed by this chapter on activities of the user. The City 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 the user.

13.02.765 Civil Penalties

A. Authority

All users of the City's system and facilities are subject to administrative or judicial enforcement actions by the City, U.S. EPA, State of California Regional Water Quality Control Board, or the County of Riverside District Attorney. Said actions may be taken pursuant to the authority and provisions of several laws, including but not limited to: (1) Federal Water Pollution Control Act, commonly known as the Clean Water Act (33 U.S.C.A. Section 1251 et seq.); (2) California Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.); (3) California Hazardous Waste Control Law (California Health & Safety Code Sections 25100 to 25250); (4) Resource Conservation and Recovery Act of 1976 (42 U.S.C.A. Section 6901 et seq.); and (5) California Government Code, Sections 54739-54740.

B. Recovery of Fines or Penalties

When the City must pay fines or penalties imposed by other regulatory or enforcement agencies based, and the City can establish said violation was the result of the discharge of any user, which discharge was in violation, as defined in this chapter, the City shall be entitled to recover from the user all costs and expenses, including, but not limited to, the full amount of said fines or penalties.

C. Ordinance

Pursuant to the authority of California Government Code Sections 54739-54740, any person who violates any provision of this chapter, any permit condition, prohibition or effluent limit, or any suspension or revocation order, shall be liable civilly for a sum not to exceed \$25,000.00 per violation for each day in which such violation occurs. Pursuant to the authority of the Clean Water Act, 33 U.S.C. Section 1251 et seq., any person who violates any provision of this chapter, or any permit condition, prohibition, or effluent limit shall be liable civilly for a sum not to exceed \$25,000.00 per violation for each day in which such violation occurs. The City shall petition the Superior Court to impose, assess, and recover such penalties, or such penalties as the City may impose, assess, and recover pursuant to Federal and/or State law.

D. Administrative Civil Penalties

1. Pursuant to the authority of California Government Code Sections 54740.5 and 54740.6, the City may issue an administrative complaint against any person who violates:

- a. any provision of this chapter;
- b. any permit condition, prohibition, or effluent limit; or

- c. any suspension or revocation order.
2. The administrative complaint shall be served by personal delivery or certified mail, and shall specify a date and time for a hearing, which will be held within 60 days following service. The administrative complaint will allege the act or failure to act that constitutes the violation of the City's requirements, the provisions of law authorizing civil liability to be imposed, and the proposed civil penalty. The matter shall be heard by a hearing officer designated by the City Manager. The person against whom an administrative complaint has been issued may waive the right to a hearing.
3. At the hearing, the person shall have an opportunity to respond to the allegations set forth in the administrative complaint by presenting written or oral evidence.
4. After the hearing, the hearing officer shall deliver a written report to the General Manager, setting forth findings of fact, conclusions and a recommendation. Upon receipt of the written report, the General Manager shall issue his decision and order in writing within 30 calendar days after the hearing. The decision and order shall be served by personal delivery or certified mail.
5. In determining the amount of civil penalties, the General Manager may take into consideration all relevant circumstances, including but not limited to the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, attempted or taken by the person involved.
6. Civil penalties may be assessed as follows:
 - a. In an amount which shall not exceed \$2,000.00 for each day for failing or refusing to furnish technical or monitoring reports;
 - b. In an amount which shall not exceed \$3,000.00 for each day for failing or refusing to timely comply with any compliance schedules established by the City;
 - c. In an amount which shall not exceed \$5,000.00 per violation for each day of discharge in violation of any waste discharge limit, permit condition, or requirement issued, reissued, or adopted by the City;
 - d. In any amount which does not exceed \$10.00 per gallon for discharges in violation of any suspension, revocation, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the City;
7. The General Manager's order assessing administrative civil penalties shall be final on the 31st day after it is served on the person unless an

appeal and request for hearing is filed with the City Manager before the 31st day. Copies of the administrative order shall be served on the party served with the administrative complaint, either by personal service or by registered mail, and a copy forwarded to other persons who appeared at the hearing and requested a copy.

8. The General Manager's decision and order is subject to appeal to the City Manager pursuant to Section 13.02.785. Any person aggrieved by a final order issued by the City Manager may obtain review of the order of the City Manager in the superior court, pursuant to Government Code Section 54740.6, by filing a petition for writ of mandate within 30 days following service of the Board's decision or order.
9. Payment of any order setting administrative civil penalties shall be made within 30 days of the date the order becomes final. The amount of any administrative civil penalties imposed which have remained delinquent for a period of 60 days shall constitute a lien against the real property of the discharger from which the discharge resulting in the imposition of the civil penalty originated. The lien shall have no effect until recorded with the county recorder. The City may record the lien for any unpaid administrative civil penalties on the 91st day following the date the order becomes final.
10. No administrative civil penalties shall be recoverable under Section 13.02.765(D) for any violation for which the City has recovered civil penalties through a judicial proceeding filed pursuant to Government Code Section 54740.

- E. Filing a suit for civil penalties shall not be a bar to, or a prerequisite for, taking any other action against a user.

13.02.770 Criminal Prosecution

A user who willfully or negligently violates any provision of this chapter, a control mechanism, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed \$1,000.00, or imprisonment for not more than six months, or both. Each violation and each day in which a violation occurs may constitute a new and separate violation of this chapter and shall be subject to the penalties contained herein.

13.02.775 Supplemental Enforcement Actions

- A. Performance bonds.

The city may decline to issue or reissue a wastewater permit to any user who has failed to comply with any provision of this chapter, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the city, in a sum not to exceed a value determined by the city to be necessary to achieve consistent compliance.

B. Liability insurance.

The city may decline to issue or reissue a wastewater permit to any user who has failed to comply with any provision of this chapter, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

13.02.780 Appeals to the General Manager

A. General

Any user or applicant affected by any decision, action or determination may file with the General Manager a written request for an appeal hearing. The City must receive the request within 30 days of mailing of notice of the decision, action, or determination to the user or applicant. The request for hearing shall set forth in detail all facts supporting the request.

B. Notice

The General Manager shall, within 15 days of receiving the request for appeal, designate a Hearing Officer who will hear the appeal and provide written notice to the user or applicant of the hearing date, time and place. The hearing date shall not be more than 30 days from the mailing of such notice by certified mail, unless a later date is agreed to by the user or applicant. If the hearing is not held at the agreed time due to actions or inactions of the user or applicant, then the decision shall be deemed final.

C. Hearing

At the hearing, the user or applicant shall have the opportunity to present information supporting its position concerning the decision, action or determination.

D. Written Determination

After the hearing, the Hearing Officer shall deliver a written report to the General Manager setting forth findings of fact, conclusions, and a recommendation whether to uphold, modify or reverse the original decision, action or determination. Upon receipt of the written report, the General Manager shall issue his decision and order within 30 calendar days of the hearing. The written decision and order of the General Manager shall be sent by certified mail.

The order of the General Manager shall be final on the 16th day after it is mailed, unless a request for hearing is filed with the City Manager pursuant to Section 13.02.785, no later than 5:00 p.m. on the 15th day following such mailing.

13.02.785 Appeals to the City Manager

A. General

1. Any user or applicant may appeal a decision, action, or determination made by the General Manager prior to the date that the General Manager's order becomes final, by filing a written request for hearing with the City Manager accompanied by an appeal fee of \$100.00. The request for hearing shall set forth in detail all the issues in dispute and all facts supporting the request.
2. No later than 60 days after receipt of the request for hearing, the City Manager shall either set the matter for a hearing, or deny the request for a hearing.
3. A hearing shall be held by the City Manager within 65 days of the date the request for a hearing was granted, unless a later date is agreed to by the user or applicant and the City Manager. If the matter is not heard within the required time, due to actions or inactions of the user or applicant, the General Manager's order shall be final.

B. Granting Request for Hearing

The City Manager shall grant all requests for an appeals hearing concerning permit suspension, revocation, or denial. Whether to grant or deny the request for a hearing on appeals of other decisions of the General Manager shall be within the sole discretion of the City Manager.

C. Appeal Fee Refund

The appeal fee shall be refunded if the City Manager denies a hearing.

D. Written Determination

1. After the hearing, the City Manager shall make a determination whether to uphold, modify, or reverse the decision, action, or determination made by the General Manager.
2. The City Manager's decision shall be set forth in writing and shall contain findings of fact and conclusions. The written decision and order of the City Manager shall be sent by certified mail within 65 days after the close of the hearing
3. The order of the City Manager shall be final upon its adoption.

13.02.790 Appeal of Charges and Fees

- A. Any user or applicant may request reconsideration of the imposition and collection of fees or charges, such as connection charges, sewer use charges, and waste hauler fees. Following review of such a request, the City shall notify the user or applicant by certified mail of the City's decision on the reconsideration request within 30 days of the City's receipt of the request..

Any user or applicant may file an appeal which shall be heard by the City Manager. The notice of appeal must be received by the City within 30 days of the mailing of the City's decision on the reconsideration request.

- B. Notwithstanding the foregoing, appeals of non-compliance sampling fees shall be made pursuant to the appeal procedure set forth in Sections 13.02.780 and 13.02.785.

13.02.800 Payment of Charges

- A. Except as otherwise provided, all fees, charges and penalties established by this chapter or by resolution are due and payable upon notice thereof. All such amounts are delinquent if unpaid 30 days after date of invoice.
- B. Any charge that becomes delinquent shall have added to it a penalty in accordance with the following:
 - 1. 31 days after date of invoice, a basic penalty of 5% of the base invoice amount, not to exceed a maximum of \$1,000.00; and
 - 2. Interest at a rate of 1.5% per month of the sum of base invoice amount and basic penalty shall accrue from and after the 31st day after date of invoice.
- C. Any invoice outstanding and unpaid after 60 days shall be cause for immediate initiation of permit revocation proceedings or immediate suspension of the permit.
- D. Penalties charged under this section shall not accrue to those invoices successfully appealed.

13.02.805 Remedies Nonexclusive

The remedies provided for in this chapter are not exclusive. The General Manager may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will be in accordance with the City's Enforcement Response Plan. However, the General Manager may take other action against any user when the circumstances warrant.

Further, the General Manager is empowered to take more than one enforcement action against any noncompliant user.

13.02.810 Collection of Delinquent Accounts

Collection of delinquent accounts shall be in accordance with the City's policy for collection of delinquent obligations owed to the City, as amended from time to time; any such action for collection may include an application for an injunction to prevent repeated and recurring violations of this chapter.

13.02.815 Recovery Costs Incurred by City

- A. In the event a user fails to comply with any of the terms and conditions of this chapter, an administrative order, a permit suspension or revocation, a Consent Order, or a permit issued hereunder, the City shall be entitled to reasonable attorney's fees and costs which may be incurred in order to enforce any of said terms and conditions with or without filing proceedings in court.
- B. The city may require the user to pay any additional costs incurred which are reasonably related to the enforcement of a user's discharge permit or any requirements of this chapter. These costs may include any inspections, monitoring, sampling or other investigations required by the city on a non-routine basis; procurement of water records; additional treatment; reasonable attorney fees and other legal costs, whether or not civil enforcement is pursued in court; any expert analysis required on a non-routine basis; any damage to the POTW; costs required to resume normal operations of the POTW; and any other costs incurred by the city in its enforcement efforts. These costs shall be based upon actual cost, including actual staff time incurred for such enforcement activities. These costs are due and payable as directed in any notice and are not subject to appeal. The city shall provide the user an accounting of these costs upon the user's request.

13.02.820 Financial Security / Amendments to Permit

- A. Compliance Deposit

Users that have been subject to enforcement and/or collection proceedings may be required to deposit with the City an amount necessary to guarantee payment of all charges, fees, penalties, costs and expenses that may be incurred in the future, before permission is granted for further discharge to the collection system.
- B. Delinquent Accounts

The City shall review and examine user's account to determine whether previously incurred fees and charges have been paid in accordance with time requirements prescribed by this chapter. The City may thereafter issue an amendment to the user's control mechanism in accordance with the provisions of Article 4 and Section 13.02.820.E. of this chapter.
- C. Bankruptcy

Every user filing any legal action in any court of competent jurisdiction, including the United States Bankruptcy Court, for purposes of discharging its financial debts or obligations or seeking court-ordered, protection from its creditors, shall, within 10 days of filing such action, apply for and obtain the issuance of an amendment to its control mechanism.

D. Permit Amendments

The City shall review and examine user's account to determine whether previously incurred fees and charges have been paid in accordance with time requirements prescribed by this chapter. The City may thereafter issue an amendment to the user's permit in accordance with the provisions of Article 4 and Section 13.02.820.E.

E. Security

An amendment to a control mechanism issued pursuant to Sections 13.02.720, 13.02.725, and 13.02.730, may be conditioned upon the user depositing financial security in an amount equal to the average total fees and charges for three (3) calendar months during the preceding year. Said deposit shall be used to guarantee payment of all fees and charges incurred for future services and facilities furnished by City and shall not be used by the City to recover outstanding fees and charges incurred prior to the user filing and receiving protection from creditors in the United States Bankruptcy Court.

F. Return of Security

In the event the user makes payment in full within the time prescribed by this chapter of all fees and charges incurred over a period of two (2) years following the issuance of an amendment to the control mechanism pursuant to Sections 13.02.820 (B), (C), (D), the City shall either return the security deposit posted by the user or credit their account.

G. Water Supply Severance

Water service to the user may be severed for any violation. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

13.02.825 Judicial Review

A. Purpose and Effect

Pursuant to Section 1094.6 of the California Code of Civil Procedure, the City hereby enacts this part to limit to 90 days following final decisions in adjudicatory administrative hearings the time within which an action can be brought to review such decisions by means of administrative mandamus.

B. Definitions

As used in this section, the following terms and words shall have the following meanings:

1. Decision shall mean and include adjudicatory administrative decisions that are made after hearing, or after revoking, suspending, or denying an application for a permit or a license.

2. Complete Record shall mean and include the transcript, if any, of the proceedings, all pleadings, all notices and orders, any proposed decision by the General Manager, the final decision, all admitted exhibits, all rejected exhibits in the possession of the City or its offices or agents, all written evidence, and any other papers in the case.
3. Party shall mean a person whose permit or service has been denied, suspended, or revoked.

C. Time Limit for Judicial Review

Judicial review of any decision of the City or its officer or agent may be made pursuant to Section 1094.5 of the Code of Civil Procedure only if the petition for writ of mandate is filed not later than the 90th day following the date on which the decision becomes final. If there is no provision for reconsideration in the procedures governing the proceedings or if the date is not otherwise specified, the decision is final on the date it is made. If there is provision for reconsideration, the decision is final upon the expiration of the period during which reconsideration can be sought; provided that if reconsideration is sought pursuant to such provision the decision is final for the purpose of this section on the date that reconsideration is rejected.

D. Preparation of the Record

The petitioner may request, in writing, the complete record of the proceedings. The record shall be prepared by the City officer or agent who made the decision and shall be delivered to the petitioner within 90 days after filing the written request. The City may recover from the petitioner its actual costs for transcribing or preparing the record.

E. Extension

If the petitioner files a request for the record within ten (10) days after the date the decision becomes final, the time within which a petition, pursuant to Section 1094.5 of the Code of Civil Procedure, may be filed shall be extended to not later than the 30th day following the date on which the record is either personally delivered or mailed to the petitioner or the petitioner's attorney of record, if appropriate.

F. Notice

In making a final decision, the City shall provide notice to the party that the time within which judicial review must be sought is governed by Section 1094.6 of the Code of Civil Procedure.

G. Administrative Civil Penalties

Notwithstanding the foregoing in Section 13.02.820, and pursuant to Government Code Section 54740.6, judicial review of an order of the City Manager imposing administrative civil penalties pursuant to Section 13.02.765(D) may be made only if the petition for writ of mandate is filed not

later than the 30th day following the day on which the order of the City Manager becomes final.

EXHIBIT C

Chapter 13.03 - WATER SERVICE SYSTEM

[Attached behind this page]

Chapter 13.03 - WATER SERVICE SYSTEM

ARTICLE I – GENERAL

ARTICLE II – FEES, CHARGES AND BILLING

ARTICLE III – WATER SERVICE CONNECTIONS

ARTICLE IV – WATER MAINS

ARTICLE V – WATER METERS

ARTICLE VI – BACKFLOW PREVENTION

ARTICLE VII – CAPITAL FACILITIES EXPANSION FEE AND FUND

ARTICLE VIII – WATER WELLS

Article I - General

13.03.010 - Department created—Supervision.

A Utilities department is created in the City and the supervision of such department shall be under the direction of the Utilities General Manager.

13.03.011 - Office of General Manager created—Appointment, duties, compensation.

The office of Utilities General Manager is created, which office shall be appointed by the City manager. The Utilities General Manager shall be the administrative officer of the water authority and shall discharge such duties and receive such compensation as shall be provided by resolution or ordinance or by the City manager.

13.03.012 - Application for service required.

All applications for water must be made in writing on forms provided by the City and must be signed by the applicant.

13.03.013 - Liability for cost of changing connection.

Should the service connection installed pursuant to the request of an applicant be of the wrong size or installed at a wrong location, the cost of all charges required shall be paid by the applicant; provided, however, the provisions of this subsection shall not apply where there is no error in said application.

13.03.014 - Conditions of connection.

Every service connection made upon receipt of an application as provided above shall be subject to the following conditions:

- A. The applicant shall pay the stipulated rates at the time and in the manner provided in this chapter.
- B. The utilities department may change rates and temporarily discontinue the service at any time without notice to the consumer.
- C. The utilities department and the City shall not be liable for any damage by water or otherwise resulting from defective plumbing, broken or faulty service or water mains, or resulting from any condition of the water itself, or any substance that may be mixed with or be in the water as delivered to any consumer.

13.03.015 - Deposits required—Amount.

Consumers guarantee deposits are required for water service pursuant to section 13.03.113.

13.03.016 - Deposits not interest-bearing.

No interest shall be payable at any time upon any deposit made by any consumer for service under the provisions of this chapter.

13.03.017 - Application of deposit.

Guarantee deposits shall be refunded after twelve (12) months of continuous, satisfactory payment history (i.e., no delinquencies). If an account is closed in fewer than twelve (12) months, or if an account is closed with any balance remaining on deposit, such balance shall be applied to the closing bill. Any balance in excess of ninety-nine cents (\$0.99) of any deposit remaining after the closing bill for service has been settled will be returned promptly, provided nothing is owing to the utilities department by the depositor for water delivered to any former address. Further application of deposits shall be made as provided in section 13.03.113.B.

13.03.018 - Connection and meter installation charges.

A. The utilities department shall make charges as adopted by ordinance of the City Council or Authority for installation of and the perpetual maintenance of all water services, meters and appurtenances thereto, same to remain the property of the utilities department. Such charges, in addition to all other usual and regular charges of such utilities department, including charges for water main extensions and connections, must be paid before work will be performed.

B. Whenever an installation is required by an applicant that is not covered by the above schedule of charges, such work will be done with charges based upon the cost of such installation as required by an applicant, which will be established by ordinance of the City Council or Authority.

C. The schedule of charges adopted by the City Council or Authority will include meter boxes except where the basement is excavated to the curb line, in which case the applicant shall provide at his or her own expense an adequate vault and cover to house such meter and appurtenances in accordance with utilities department requirements.

D. If a meter and service installation exceeds fifty (50) feet in length or for any other valid reason it cannot be installed for the amount stated in the above schedule of charges due to the peculiarity of the proposed services, the water department reserves the right to make such installation on the basis of the costs of such installation as determined by the utilities department.

E. When services are installed for automatic fire sprinkler service, the applicant must install at his or her own expense a detector check valve of design and at a location approved by the utilities department.

F. When a meter and service are installed, and application is made for an increase in size of service and meter at the same location, a schedule of credits as adopted by ordinance of the City Council or Authority will be allowed for the meter removed on the above schedule of charges for installation.

G. Whenever services, meters, fire hydrants or other appurtenances are required to be moved or exchanged by an applicant for any reasons whatsoever, the charges for such removal shall be made on the basis of the cost of such removal as determined by the utilities department.

13.03.019 - Monthly charges.

Monthly charges shall be made for water and for fire hydrants, pursuant to ordinance duly adopted by the City Council of the City of Coachella, California or the Authority for those rates within the City limits, outside the City limits and for the circumstances where each customer's water is measured through a meter.

13.020 - Reading of meters, billing of charges—When bills due.

For convenience in the reading of meters and the preparation of water bills, the utilities department is expressly authorized, and it shall be its duty, to divide the City into districts. These districts may, from time to time, be revised or changed as necessary or desirable, in order to equalize the work of reading meters and billing. The meters in each district so established shall be read on approximately the same day of each and every month, except when Saturdays, Sundays and legal holidays intervene. Water bills on such meter readings shall be prepared and mailed to the consumers in each district on approximately the same day of each or every other month, except when Saturdays, Sundays and legal holidays intervene. Fifteen (15) days shall be allowed from the date of mailing such bills for the payment thereof.

13.03.021 - Charge when property vacant.

In case a house becomes vacant the regular minimum rate shall be charged and collected from the owner thereof whether water is used or not, unless the utilities department is notified in writing of the fact that the property is unoccupied and the utilities department is requested to cut off the water service there from.

13.03.022 - Individual connections and meters required—Exceptions.

A. Two or more buildings under one ownership and on the same lot or parcel of land must be supplied by individual or separate service connections and meters except in the case of a court or in case of buildings located on the rear of an inside lot, one service and meter may be installed by the owner to cover more than one building.

B. The utilities department, however, reserves the right to limit the number of buildings or the area of the land under one ownership to be supplied by one service connection.

C. A service connection shall not be used to supply adjoining property of a different owner, or to supply property of the same owner across a street or alley.

D. When property provided with a service connection is subdivided, such service connection shall be considered as be-longing to the lot or parcel of land which it directly enters.

13.03.023 - Combining readings of separate meters.

For the purpose of making charges, all meters supplying a consumer's premises will be considered separately, and the readings thereof will not be combined, except that where the water department shall, for operating necessity, install in place of one meter, two or more meters, then the readings of such two or more meters will be combined for the purpose of making charges; provided, however, that the minimum water rates shall be applied to each such meter.

13.03.024 - Resale, misuse of water.

Unless specially agreed upon the consumer shall not resell any of the water received by him from the utilities department to any other person, or for any other purpose or on other premises than specified in his application for service.

13.03.025 - Curb cock required—Liability for damage.

Every service connection installed by the utilities department shall be equipped with a curb cock or wheel valve on the inlet side of the meter; such valve or curb cock being intended exclusively for the use of the utilities department in controlling the water supply through the service connection pipe. If the curb cock or wheel valve is damaged by consumer's use to an extent requiring replacement, such replacement shall be at the consumer's expense.

13.03.026 - 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 distributing system at the location of the proposed service connection, and to hold the utilities department harmless from all damage arising from low pressure or high pressure conditions or interruptions of service.

13.03.027 - Work requiring changes in mains and connections.

Where persons, corporations or contractors making improvements, etc., requiring excavations in streets wherein water mains and service connections exist, requiring such water mains and service connections to be cut and refitted, lowered or raised, etc., said persons, corporations or contractors shall make written request to the utilities department, insuring the payment of all costs incurred by the utilities department in making the changes necessary or required to be made.

13.03.028 - Fire service connections.

A. When a fire service connection is installed the valve governing same will be closed and sealed and remain so until a written order is received from the owner of the premises to have water turned on. After water is turned on the utilities department shall not be held liable for damages of any kind whatsoever that may occur to the premises serviced by reason of the installation, maintenance, use, fluctuation of pressure, or interruption of supply.

B. In no case shall any connection be made with any sprinkler or fire service without written consent of the utilities department, and should it be found that any such unauthorized connection has been made, or that water has been used from a sprinkler or fire service for any other purpose than extinguishing a fire, the water service shall be shut off and not turned on again until a sum equivalent to the monthly minimum provided for at that time, for a similar sized regular installation, is paid covering the entire period during which the service has been installed. A standard meter of the equivalent size of the service pipe shall be installed by the utilities department at the owner's expense at rates provided in Section 13.03.018.

C. The utilities department reserves the right to install on each fire service connection a by-pass meter, such installation to be made at the expense of the owner of the property.

13.03.029 - Water to pass through meter.

A. All services not otherwise provided for in these rules and regulations shall be metered, and all City water used on any premises shall pass through a meter.

B. No by-pass or connection between the meter and the main shall be made, maintained or permitted except as may be installed by the utilities department for sprinkler or fire service. Water served to any premises, where there is or has been any infringement of this section will be shut off at once, and will not be turned on again until full satisfactory settlement has been made with the utilities department for such infringement.

13.03.030 - Use of water from hydrants.

A. Persons wishing to take a supply of water from a fire hydrant must make application to the utilities department for such service. The utilities department will make the necessary connections and install a meter of required size.

B. When water is required for construction purposes of any type, upon making proper application a service connection will be made with a main or at a hydrant at the most accessible point to the construction work. When the connection is not sufficiently accessible and water must be taken to the work in a tank wagon or barrel, such supply shall be taken through the meter as installed. In no case will water be furnished for any purpose except through a meter.

13.03.031 - Unauthorized turning water on or off.

Turning on or off water at the curb or inlet side of the meter by other than authorized employees of the utilities department in any instance or for any purpose whatsoever is unlawful.

13.03.032 - Using water to test pipes and fixtures.

Whenever plumbers or other persons connecting service pipes to the property or outlet side of the meter may use the water for testing pipes and fixtures at an unoccupied building, they shall see that water is properly shut off before leaving same.

13.03.033 - Boiler connections.

A. It is unlawful for any person or persons to draw water from any City water supply pipe direct into any stationary steam boiler.

B. All boilers or other heaters supplied with City water shall be installed in compliance with the City's plumbing

code and California state safety regulations.

13.03.034 - Charge for temporary connections.

A temporary service connection may be installed at the same charge as provided for a regular service connection.

13.03.037 - Temporary connections remote from property.

When water service is required by an owner of real property on which there now exists or is planned for immediate construction a dwelling, other structure or improvement requiring domestic water service and there is no water main adjacent to such property the utilities department may grant permission to said applicant to have a service connection and meter set at the nearest existing water main. The applicant must agree in writing to the following conditions, to pay all costs of installation and maintenance of a pipeline from the service connection and meter to his or her property and assume all responsibility, liability for, and the payment of all costs and damages growing out of the installation, operation or failure of such pipeline. Such connection and pipeline shall be installed and used as a temporary arrangement only; that no water shall be conveyed through such pipeline for the use of any residence or property other than the property for which it was originally intended; and that at such time as a regular permanent water main may be installed to serve the property under this agreement, and on written demand of the utilities department the applicant must bear his or her proportionate share of the costs of such main extension and at his or her expense shall install a regular domestic water service, and shall discontinue the use of such temporary service connections and pipeline.

13.03.038 - Special arrangements for short term temporary service.

For temporary service over a short period, special arrangements may be made to secure water supply as follows:

- A. From an installed service connection not in use.
- B. From an outlet at the inlet side of a meter on a service connection that is in use, provided the applicant shall first secure the owner's permission to make such connection, and shall agree to pay the cost of making the connection.
- C. From house faucets, provided the applicant shall first have arranged with the consumer who pays for water used through the service.

13.03.039 - Emergency shut-off required.

Consumers are instructed that in laying service pipe from the building to the meter, it is compulsory that a full way gate valve be placed in the line, inside the meter box, for use in shutting off the water in case of emergency.

13.03.040 - Meter reading period—Charge when meter defective—To whom bills mailed.

Under ordinary conditions continuous service meters shall be read monthly on approximately the same day of the month, provided, however, that the utilities department may, at its discretion, read the meter of any consumer on a bi-monthly schedule and a bill issued showing the period covered by the meter readings, the quantity of water used and the total charge for the service rendered. If the meter readings indicate that a large or unusual consumption has occurred, the readings will be checked before the bill is mailed. The utilities department's services will be available without charge in assisting in locating the probable causes of high consumption. When it is impossible to read the meter due to any obstructions, an average bill, or a series of average bills, will be rendered, and the accumulated over-read or under-read (if any) will be adjusted at the next actual reading date. If the meter fails to register, the charge for water will be based upon the average of the comparable period of the preceding year, taking into consideration the volume of business, weather conditions, and any other factors that may assist in determining an equitable charge. Unless the applicant for water service shall direct otherwise, all bills will be mailed to the premises where water service is furnished.

13.03.041 - Meter testing—Adjustment of bill.

- A. When the accuracy of a water meter is in question, the utilities department shall upon the request of the

consumer cause an official test to be made upon deposit by the consumer in an amount established by ordinance of the City Council or Authority.

B. If, upon examination of the meter to ascertain the accuracy of its operation, it shall be found to register over three percent more water than actually passes through it, another meter will be substituted therefor, and the fee charged for such test will be refunded to the person making the application. An adjustment for a period of three months prior to the test will be made on the basis of the percentages the meter is in error.

13.03.042 - Shutting off water at consumer's request.

Upon application of the owner or occupant of a building or premises served by a water service connection to have the water shut off at the supply or inlet side of the meter, the department will shut the water off, and at the same time will record the reading of the meter.

13.03.043 - Shutting off water for repairs, extensions and violations.

The department reserves the right to shut off the water supply from any premises at any time without notice, for the purpose of making repairs, extensions or other necessary purposes, or for any infraction of this chapter.

13.03.044 - Wasting water prohibited.

It is unlawful for any person to willfully or neglectfully waste water in any manner whatsoever, and any person having knowledge of any conditions whereby water is being wasted shall immediately notify the department of such fact.

13.03.045 - Water emergency regulations authorized.

The City manager or Utilities General Manager is hereby authorized to determine and declare that a water shortage emergency exists in any or all parts of the City, and upon such determination, to promulgate such regulations, rules and conditions relative to the time of using water, the purpose or purposes for which it may be used, and such other necessary limitations as will, in his or her opinion, relieve the water shortage in any such section or sections of the City.

13.03.046 - Notice of declaration of emergency.

Upon such emergency declaration by the City manager or Utilities General Manager, it shall be his or her duty to have public notice given by publishing a notice giving the extent, terms and conditions respecting the use and consumption of water, at least once in the official newspaper of such City. Upon such declaration and publication of such notice due and proper notice shall be deemed to have been given each and every consumer supplied with water by the City.

13.03.047 - Charges for turning water on and off.

A. A charge in an amount established by ordinance of the City Council or Authority will be made by the department for turning on the water supply, when requested by the consumer. No charge will be made for shutting off of the water supply, when requested by the consumer, incident to the closing of an account.

B. When service has been disconnected on account of nonpayment of water bills, or on account of failure to make the required cash guarantee deposit, or for any other violation of this chapter, a charge in an amount established by ordinance of the City Council or Authority shall be made by the department for turning on the water. The amount, plus the consumer's unpaid outstanding bills, must be paid by the consumer before service is renewed.

13.03.048 - Unauthorized turning on of water.

It is unlawful for the occupants of the premises to turn on the water, or cause it to be turned on, after it has been shut off at the curb or meter for any of the above reasons, and in addition to any other penalties prescribed by law, the water will be shut off again, the curb cock shall be sealed, the meter taken out, and a charge, in an

amount established by ordinance of the City Council or Authority, will be made for the expenses incurred.

13.03.049 - Removal of non-registering meters.

When a non-registering meter is removed for failure to operate, a notice shall be left on the premises informing the consumer that the old meter supplying such premises has been removed for failure to operate, and that a new meter has been set in its place. This notice shall also inform the consumer that in the event the removed meter shall be found upon examination to have been injured and rendered ineffective because of the backing up of hot water or steam from the consumer's water heater or boiler, the expense of the damage caused thereby will be charged to such consumer.

13.03.050 - Admission of department employees.

Employees of the utilities department shall be admitted during all reasonable hours to the consumer's premises for the purpose of inspecting, testing, checking, changing, or reading water meters installed thereon, and shall upon request and proper identification be admitted for said purpose to any building or structure located upon such premises. All employees of the utilities department engaged in such work shall be furnished with identification badges or letters of authority from an official of the utilities department.

13.03.051 - Employees not to make repairs or be paid money.

Employees of the utilities department are prohibited from making any sort of repairs to consumer's fixtures on the property side of the meter. No money shall be paid to any utilities department employee for any service unless he or she shall be an authorized collector for the City.

13.03.052 - Turning water on at vacant premises—Valve required on property side of meter.

Whenever, in response to a turn-on order, a utilities department employee shall find the house or property vacant, he or she shall endeavor to ascertain if water is running on the inside of the building. If this is found to be the case the water will be left shut off at the meter and a notice shall be left at the house stating why the water was not turned on. All property owners shall be required, for their own convenience and safety, to have or provide a full way gate valve in the line inside the meter box on the property side of the meter.

13.03.053 - Using water without making application.

A. A person taking possession of premises and using water through an active service connection without having made application to the water department for water service shall be held liable for the water delivered from the date of the last recorded meter reading, and if the meter was, found inoperative the quantity of water consumed will be estimated.

B. If proper application for water service is not made promptly upon notification to do so by the water department, or if accumulated bills for service are not paid immediately, the service may be discontinued by the water department without further notice.

13.03.054 - Department not liable for damages inside meter.

The utilities department's jurisdiction and responsibility ends at the meter, and the water department will in no case be liable for damages occasioned by water running from open or faulty fixtures, or from broken or damaged pipes beyond the utilities department's meter.

13.03.055 - Miscellaneous services of department.

The utilities department is always willing to render any reasonable service in connection with the supply of water service to consumers upon application at the main office of the utilities department; provided, however, that reasonable charges may be made for any expense involved in rendering the service.

13.03.056 - Mains declared property of department.

All water pipes which have been approved by the utilities department, constructed in streets, easements, alleys, or other public thoroughfares within the corporate limits of the City shall become the property of the utilities department.

13.03.057 - Notice before working on street—Liability for damages.

All persons, who open, grade, re-grade, fill, excavate, or otherwise work on a street, shall give at least three days' written notice to the utilities department for the removal, raising, lowering, or otherwise displacement of any water mains, pipes, fittings, meters, or other water system property that may interfere with such street work. Persons performing such work shall be liable for damage to City properties.

13.03.058 - Use of fire hydrants.

Fire hydrants are provided for the sole purpose of extinguishing fires, and are to be opened and used only by the fire department and utilities department, or such other persons as are specially authorized by the utilities department, upon such person or persons making application at the main office of the utilities department.

13.03.059 - Manner of opening fire hydrants.

To insure safety of fire hydrants for fire protection, any person authorized by the utilities department to open fire hydrants will be required to use only an approved Spanner wrench, and to replace the caps on outlets when the same are not in use. Failure to meet this requirement will be sufficient cause to prohibit further use of the hydrants, and the refusal of subsequent authorization for use of the fire hydrants.

13.03.060 - Taking water away from fire hydrant.

It is unlawful for any person or persons to carry away any water from any fire hydrant without a written permit, furnished upon a regular application, from the utilities department.

13.03.061 - Obstructing access to hydrants and water fixtures.

It is unlawful for any person to place upon or about any fire hydrant, gate valve, manhole, curb-cock stop-cock, meter or meter box connected with water pipes of the system of water-works, any material, debris or structure of any kind so as to prevent free access to the same at all times.

13.03.062 - No rent for meters and appliances.

No rent or other charge shall be made by the consumer against the utilities department nor by said utilities department against the consumer for placing or maintaining any meter or appliance upon the consumer's premises.

13.03.063 - Relocating connection.

Any person desiring to change the location of a service that has already been installed shall make application to the utilities department and, upon payment in advance of the cost of time and material, including excavation and repaving, as estimated by the City Engineer, the utilities department will cause said change to be made.

13.03.064 - Meters and appliances department property—Maintenance.

All water meters and appliances installed by the utilities department at its expense upon the consumer's premises shall remain at all times the property of the City and shall be maintained, repaired, and renewed by the utilities department when rendered unserviceable by normal wear and tear, and may be removed from the consumer's premises at any time.

13.03.065 - Care by consumers to avoid damage to department property.

A. The consumer shall exercise reasonable care to prevent water meters and appliances on his/her premises from being injured or destroyed, and shall refrain from interfering with the same. Where replacements, repairs, or adjustments of any water meter or other appliance are rendered necessary by any act resulting from malice or neglect of the consumer, or any member of his or her family, or of anyone employed by him or her, the cost thereof shall be charged to and paid for by the consumer on presentation of the bill therefor.

B. Any damage which may result from hot water or steam from any boiler or heater on the consumer's premises shall be paid for by the consumer on presentation of a bill there-for.

13.03.066 - Permission required for work affecting department property—Bypasses prohibited.

It is unlawful for any person to move, alter, interfere with, or remove, or cause the same to be done, any water meter or appliance installed by the utilities department without first obtaining written permission from the Utilities General Manager, or to make or maintain any bypass or other connection between the meter and main water line.

13.03.067 - Additional connection charge when consumer has not paid cost of main extension.

Every applicant for water service for mains installed prior to the date of application who has not theretofore either in person or through his predecessor, in interest, paid his or her proportionate share of the cost of the water main, with respect to the property to be served, shall before such application will be acted upon or water furnished pursuant thereto, pay to the utilities department a main connection charge (front footage fee) in an amount established by ordinance of the City Council or Authority for each lineal foot of existing water main adjacent to the parcel. Such connection charge is in addition to all other usual and regular charges of the utilities department including charges for service connection and meter installation.

13.03.068 - Main extensions and replacement at City cost.

Whenever the Utilities General Manager recommends and the public interest or convenience requires the extension of any water main or the replacement of any substandard water main or mains of the utilities department, the City Council or Authority may make water main extensions and replacements of substandard mains, provided that funds are available.

13.03.069 - Extensions to un-subdivided property.

A. When an application is made for water service which requires a water main extension to serve property not conventionally subdivided into City lots, the area shall be considered acreage, and the extension shall be made at the expense of the applicant as hereinafter provided.

B. The required extension shall originate at the nearest adequate existing water main as determined by the Utilities General Manager and shall extend to and full length along the property to be provided with water service.

13.03.070 - Extension designs—Specifications.

A. The design, location, materials and standards of construction of any and all extensions shall be approved by the Utilities General Manager.

B. The design of an extension shall be based upon consideration of adequate capacity to meet the present and future requirements of the area to be benefited, of distribution system operation and efficiency, of maintenance requirements, and of anticipated life of such extension.

C. Extensions shall generally be located on the south and east sides of dedicated City streets or in rights-of-way granted to the City for water main location. Under no circumstances shall any structure be placed over any water main or extension.

D. Materials and standards of construction shall be those which have been adopted and are used by the utilities department for the area and class of service to be provided.

13.03.071 - Cost of extensions to or in populated areas.

The cost of an extension to or in a populated area shall be borne by the applicant requiring such extension, in conformity with the following provisions:

A. Upon receipt of an application for water service which requires an extension, when such application is properly filled out and provides an accurate description of the property to be served, the City Council shall cause the utilities department to prepare a map showing the area to be benefited by such extension and to make an estimate of cost of installation of the proposed extension. The applicant shall then deposit an amount established by ordinance of the City Council or Authority with the City. Following receipt of such deposit, the water superintendent shall cause the proposed extension to be constructed. Or, upon approval of the Utilities General Manager and subject to specifications of and inspection by the utilities department, the proposed extension may be installed by private contract at the applicant's sole expense.

B. Where subsequent service connections are made to the extension and where a portion or all of the cost of main extensions was paid by the applicant, the water main charges received by the City for subsequent service connections to the extension for a period of five years following the date of completion of the extension, the applicable portion of the cost shall be refunded to the person who paid for such extension or to his or her successors or assigns as provided in this chapter.

Sale of the property in this chapter referred to and conveyance of the title thereto shall constitute an assignment to the purchaser of such property, and payment of such amount as become due to the maker thereof or the purchaser of such property shall constitute a discharge of the obligations to the City of the amount so paid.

After the expiration of the five year period, any water main construction charges subsequently received shall become the sole property of the City.

A water main construction charge for each and every service connection to an extension installed under the provisions of this section, shall be paid before such service connection is made. The water main construction charge is separate from and is in addition to the service connection charge.

C. All main extensions shall be required to be eight inches in diameter or larger if required by their development. If a larger main extension is required by the City engineer, the line shall be installed by the developer at a rate determined by the City engineer.

13.03.072 - Extensions to areas subdivided by conveyances.

A. The City Council is authorized to make water main extensions for the benefit of areas of the City which have been subdivided by means of conveyances, and not pursuant to any regular statute of the state or ordinance of the City, if it is in the best interests of the City to make such extensions.

B. A charge for each and every service connection to an extension installed under the provisions of this section shall be paid by the person receiving such connection before any such connection is actually made. The construction charge to be paid pursuant to the terms of this chapter is separate from and is in addition to the service connection charge. The amount of the construction charge to be charged for such water main extension shall be determined in the same manner as that provided for in subsections A and B of Section 13.03.071.

13.03.073 - Main to be installed before street paved.

Before any street within a subdivision is paved with a permanent type of pavement, any required water main shall be installed in that street.

13.03.074 - Extensions to new subdivisions.

All extensions of water mains into areas of the City hereafter subdivided, shall be installed according to the design and requirements of the utilities department and at the cost of the sub-divider; further provided, that such installations shall be made under written agreement between the sub-divider and the City.

13.03.075 - Alternative procedures for mains and extensions to new areas.

The following procedure for the installation of water mains and extensions thereof is intended as an alternate procedure to any other presently authorized by ordinance or law, and is not intended to in any way be exclusive.

A. Whenever the council of the City determines that the public interest and necessity demand the acquisition, construction and completion of water mains to undeveloped areas of the City not yet adequately served with water, for the purpose of providing such areas with water service, and appropriate moneys out of the treasury of the City for such public improvements, no person shall be permitted to connect his property to such water main nor receive water service from the City through such water main until said property owner has paid to the City the proportionate share of the cost of said water main with respect to the property of said property owner to be served; and no application, either by petition or otherwise, shall be approved by the council for the installation and completion of a water main under this section unless and until the property owners to be benefited or a sufficient number thereof shall have paid to the City, or agreed to pay, such proportionate share of the cost of said water main as in the opinion of the council insures the payment of the cost of the public improvement. Such payments shall be in addition to any other fee prescribed by any ordinance of the City or by the ordinance for the installation and connection of laterals with said water main reaching to the property of the property owners to be served.

B. Whenever the council determines that the public interest of the City will be served by the extension of water mains into new areas not adequately served with water, no persons shall be permitted to make a connection with such extension water main until the property owner whose property shall be served by said extension water main shall have paid to the City his or her proportionate share of the cost of said extension, and no application for a connection or service from said extension water main shall be approved unless and until such person shall have paid to the City his or her proportionate share of the cost of the extension water main.

C. No new water mains or extensions of existing water mains designed to serve an area of the City not yet adequately served by water shall be installed by said City under this section until the following conditions shall have been performed and the following requirements fulfilled:

1. Whether initiated by the property owners by petition or initiated by the council itself by resolution, the council shall cause a map or plat to be prepared by the City engineer and filed with the City clerk, which map or plat shall show the exterior boundaries of the entire area proposed or designed to be eventually served by the proposed public improvement, or in lieu thereof a written description of the area to be served by such public improvement, together with an estimate of the total cost of the initial improvement.

2. The adoption of an ordinance of the City Council or Authority which shall prescribe a minimum initial contribution to be paid by the property owners of the area to be benefited by the construction of the initial unit of such public improvement, which shall be sufficient in amount to satisfy the council that the construction cost will be paid.

D. Wherever used in this section the phrase "extension water main" is defined to mean any extension of the water main as defined in this section and also any extensions of said water main.

E. There is created in the office of the City treasurer, a fund to be known as "Water Capital Fund" into which fund all moneys received from property owners pursuant to the terms of this section shall be paid, and the moneys in such fund shall be used for no other purpose than the construction of water mains to serve undeveloped areas of the City, or extensions thereof.

13.03.075 - Additional regulations authorized.

The City Council or Authority may, by resolution, provide such rule and regulations as it may deem necessary or advisable to accomplish the intent and purposes of this chapter.

13.03.076 - Water system connection charge.

All newly constructed buildings within the City which connect to the City water system shall pay a water system "connection fee". Such connection charge for each type of building or use shall be set by City Council or Authority ordinance.

13.03.082 – 13.03.100 – Reserved.

Chapter 13.03 - Article II – FEES, CHARGES AND BILLING

13.03.101 - Collection.

A. The rates set out in this chapter shall be charged and collected by the City of Coachella Finance department for all water sold, supplied, distributed or transported by the City, except as may be established by contract.

B. The City will require each prospective customer to apply for the service desired, and also to provide the department with the necessary information to establish credit. The customer will be charged a new account fee in an amount established by ordinance of the City Council or Authority when applying for service. An additional fee in an amount established by ordinance of the City Council or Authority may be charged if the customer requires same day turn on.

C. All service applications which require the installation of a new meter will be charged an amount established by ordinance of the City Council or Authority for the first meter and for each subsequent meter to be installed at a single premises, when all meters are installed at one (1) time.

13.03.102 - Water meter rates and commodity charge.

A. The meter rates and commodity charges for water sold, supplied, distributed or transported to customers, whether within or outside of the City limits, unless otherwise herein specified, shall be in amounts established by the City Council or Authority.

13.03.103 - Calculation of water bill.

The monthly bill shall be the sum of the customer charge, commodity charge and the replenishment assessment charge as set forth in Sections 13.03.102 and 13.03.120.

13.03.104- Private fire lines—Inside City limits.

A. The rate for water service and water consumed by private fire lines used exclusively for fire protection, whether such lines be connected with automatic sprinkling systems or to hose attachments, shall be in an amount established by ordinance of the City Council or Authority.

13.03.105 - Private fire lines—Outside City limits.

Private fire line service involving use of surplus water may be made available to customers located outside the City in accordance with rates, terms and conditions contained in contracts approved by the council.

13.03.106 - Additional charge.

A. In addition to the monthly rate for private fire lines set out in Sections 13.03.104 and 13.03.105, the commodity charge specified in Section 13.03.102 shall be charged for all water used for other than fire-extinguishing purposes as recorded on the bypass meter. The department may, as it sees fit, read any such bypass meter and render bills accordingly.

13.03.107 - City use.

A. All services furnished to the City, except to the utilities department, shall be paid for at the rates established by this chapter, and all water furnished to the City, except to the utilities department, shall be paid for at the meter rates and commodity charge established by this chapter. Where it is impracticable to furnish such water through a meter for sewer flushing, street sweeping, watering trees, storm drain flushing, construction purposes, and all miscellaneous uses not specifically mentioned in this chapter, such water shall be paid for at the commodity charge established by this chapter. The monthly volume of unmetered water used for such purposes shall be estimated by the Utilities General Manager and charges for such water shall be made in accordance with such estimates.

B. The commodity charge of the foregoing rates is subject to the replenishment assessment charge described in Section 13.03.120.

13.03.108 - Construction and miscellaneous uses.

A. Water for construction and miscellaneous uses shall service connection under the conditions stated in Sections 13.03.147 through 13.03.151. The charges be furnished through a metered temporary for use of such water shall be the appropriate meter rates specified in Section 13.03.102.

B. The commodity charge of the rates in this section is subject to the replenishment assessment charge as described in Section 13.03.120.

13.03.109 - Standby or partial service.

The rates provided in this chapter are not applicable to standby or partial service. This type of service may be furnished in accordance with rates, terms, and conditions contained in contracts approved by the council.

13.03.110 - Application for service.

The Utilities department shall require each business or commercial applicant for water service to sign an application for the service desired, and also to establish credit. All applications shall be required to provide the following information:

- A. Name of applicant;
- B. Name of all responsible parties;
- C. Social security number of applicant and all responsible parties;
- D. Driver's license or California identification card;
- E. If business, tax identification number, articles of incorporation, and/or limited partnership documents;
- F. Purpose for which service is to be used;
- G. Location of premises;
- H. Address to which bills are to be mailed or delivered;
- I. Telephone number where applicant can be reached;
- J. Present address and telephone number of applicant and all responsible parties;
- K. Previous address and telephone number of applicant and all responsible parties;
- L. Place of work or business of applicant and all responsible parties;
- M. Whether applicant is owner, agent or tenant of premises;

- N. Necessary information to establish the credit of the applicant and all responsible parties;
- O. Other premises receiving service or having received service for same applicant, service name, and all responsible parties;
- P. Whether premises have been previously supplied;
- Q. Date service is to commence;
- R. Such other information as may be necessary to establish identity and credit worthiness of applicant and all responsible parties;
- S. Complete and accurate application to restore disconnected service, due to an initial incomplete application.

13.03.111 - Application for service—Single-family domestic.

Before the commencement of use of water service in single-family domestic premises, the applicant shall inform the department as to desire for water service, sign an application for water service and provide the following information:

- A. Name of applicant;
- B. Name of roommate or spouse;
- C. Social security number of applicant and roommate or spouse;
- D. Driver's license or California identification card for applicant and roommate or spouse;
- E. Location of premises;
- F. Address to which bills are to be mailed or delivered;
- G. Telephone number where applicant can be reached;
- H. Present address and telephone number of applicant if different than premises;
- I. Previous address and telephone number of applicant and roommate or spouse;
- J. Place of work or business of applicant and roommate or spouse;
- K. Whether applicant is owner, agent or tenant of premises;
- L. Necessary information to provide identity of applicant and roommate or spouse;
- M. Necessary information to establish the credit of the applicant and roommate or spouse;
- N. Other premises receiving service or having received service for same applicant, roommate or spouse;
- O. Whether premises have been previously supplied;
- P. Date of commencement of service;
- Q. Such other information as may be necessary to establish identity and credit worthiness of applicant and roommate or spouse.

13.03.112 – Non-compliance.

Any customer who fails to timely pay a water bill pursuant to this chapter may be subject to disconnection of the

customer's water service and to all disconnection and reconnection fees, in addition to any enforcement mechanisms available to the City under section 13.03.114 or any other provision of law.

13.03.113 - Deposit.

A. Each applicant for water service shall deposit with the finance department a sum in the estimated amount of three (3) months' charges for accounts billed monthly, or four (4) months' charges in the case of accounts billed bimonthly. If the account has a master meter, each applicant for water service, shall deposit with the department a sum in the estimated amount of three (3) months' charges in the case of accounts billed monthly, and four (4) months' charges in the case of accounts billed bimonthly. The deposit is calculated by taking into account all services billed by the department including, but not limited to: water, sewer, utility tax, replenishment assessment charge, and state surcharge, as determined by the department. Such deposit shall be in the form of cash, check, money order, time certificate from a commercial bank or savings and loan, or cashier's check. Deposit amounts shall be no less than the amount established by ordinance of the City Council or Authority. The calculated deposit shall be added to the applicant's first bill and will be due in accordance with Section 13.03.114 of this code.

B. Any such application for water service who shall have been a customer of sewer service furnished by the department and who shall, during the most recent twelve (12) months within the eighteen (18) months prior to the date of application, have paid before the issuance of any disconnection notice or late charge, all bills for services levied to such applicant by the department and who shall have provided all necessary information for credit identification of such applicant, have no unpaid delinquent closing bills or delinquent accounts with the department, and have a satisfactory rating from a credit reporting agency as chosen by the department, shall not be required to make or maintain any such deposit. Any deposit previously made by such applicant shall, after such twelve (12) months' consecutive payment of bills, be applied to such customer's account after any other unpaid delinquent accounts for such customer are satisfied.

C. Upon the discontinuation of any service, any balance of such deposit remaining in the hands of the department, after all bills for services to such customer have been paid, shall be returned.

D. On the failure of any customer to comply with the terms of this chapter regarding the payment of bills, the department may require the customer to reestablish credit in the manner specified in subsection A of this section for original service.

13.03.114 - Payment—Enforcement.

A. All charges for water sold, furnished, supplied, or delivered by the department shall be due and payable upon presentation of the bill, and if not paid within twenty (20) days thereafter, shall be deemed delinquent. The department may issue a disconnection notice for any delinquent bill and all services for a customer receiving such notice by mail or other delivery may be disconnected without further notice. If payment is not received thirty-eight (38) days from the original mailing of a bill, the larger of fifteen dollars (\$15.00) or one and one-half (1.5%) percent of the unpaid balance will be charged and collected in addition to other amounts due from the customer. There will be a charge rendered for any dishonored or returned payment received on an account. The amount charged shall be established by resolution and shall include the actual costs for all payments which are not honored by the appropriate financial institutions for any reason.

B. Water service will not be disconnected if, within forty-eight (48) hours following the delivery of a disconnection notice, customer submits a written protest of the disputed bill containing all facts and evidence necessary to review the protest or if the bill is satisfied. The Utilities General Manager shall have final and conclusive determination of these protests and shall provide this determination to the customer in writing. Should the protest be denied, water service shall be disconnected within either forty-eight (48) hours from the date of personal service of the determination or within five (5) days from the date of mailing of the determination.

C. If the customer is receiving service from the department at more than one (1) premises, service at any or all of the customer's premises receiving service shall be subject to disconnection and discontinuance without further notice when a notice of disconnection has been mailed or delivered to such customer and bills for service at any one (1) or more premises are not paid within the time specified above.

D. Delinquent master metered accounts will be charged a processing fee for unpaid accounts that result in the posting of tenant notices for disconnection of service more than once in a two-year period. The amount of the fee charged shall be established by resolution and shall include the actual cost of processing a delinquent master metered account. The schedule for such fee shall remain on file and be available from the City clerk of the City.

E. Master metered accounts that are delinquent to the point of posting tenants with a "notice of disconnection" will be assessed an administrative penalty as follows:

1. An administrative penalty of two hundred fifty dollars (\$250.00) for the second occurrence in a two-year period;
2. An administrative penalty of five hundred dollars (\$500.00) for each additional occurrence in a two-year period. The customer whose account is delinquent may appeal assessment, pursuant to sections 13.02.780 and 13.02.785.

F. When service has been disconnected for nonpayment of bills or as a result of theft of service described in subsection H below, it shall not be reconnected to the same customer except upon payment of all prior billing for service at this account and all other accounts for this customer and any other amounts due to the department as a result of meter tampering, unauthorized use or theft as set forth in subsection H below. When the City sends a representative to disconnect the service for nonpayment of charges or other noncompliance with the provisions of this chapter or rules and regulations adopted pursuant hereto, the account shall be charged an amount established by ordinance of the City Council or Authority. If a customer turns on or causes to be turned on a disconnected service, the department may again turn off the service using any means to ensure that service may not be reconnected by the customer or an agent of the customer and may charge and collect an amount established by ordinance of the City Council or Authority in addition to any other applicable fees and costs associated with meter tampering, unauthorized use or theft of service described in subsection H below.

G. Each time a department representative returns to a customer's premises to reconnect a service, an additional fee shall be charged and collected from the customer before service is restored. When same-day service restoration is requested, the service restoration fee shall be an additional amount. The City Council shall establish such amounts by ordinance.

H. The following provisions shall apply where it has been determined by the general manager that the unauthorized use or theft of water has occurred by a customer:

1. Service may be disconnected and a fee in an amount established by ordinance of the City Council shall be charged and collected in addition to any other amounts due from the customer including, but not limited to, costs associated with the repair and/or replacement of any damaged meters, meter locking devices and/or other related equipment, loss of revenue related to such theft, attorney's fees, City personnel time, resources and investigative costs, in addition to any penalties provided for in any other section of this code or imposed due to violation of state or local law, if a customer has:
 - a. Caused or allowed interference of registration or recording of usage or the bypassing of the meter either partially or completely; or
 - b. Restored service by any means after service has been terminated for nonpayment or obtained water without making the proper application or receiving proper authorization from the Coachella Utilities department; or
 - c. Damaged, removed, or tampered in any manner with any part of a meter, meter seal, or meter locking device; or
 - d. Obtained service by use of a metering device which is not authorized by the Coachella Utilities department; or
 - e. Fraudulently obtained, or attempted to obtain, service by the use of a false name and/or identification, or by placing the account in the name of someone else after service has been

disconnected for nonpayment of service fees and/or due to theft of service and circumstances associated therewith as described in this section.

2. Any customer who has been determined by the Utilities General Manager to have engaged in any of the acts described in subsection H.1. and has had notice of disconnection mailed or delivered shall have service disconnected if proper connection, to the satisfaction of the department, is not established within forty-eight (48) hours of the delivery of the notice. Service shall be restored or established only upon proper connection, to the satisfaction of the department, and the payment of all outstanding fees and costs by the customer. Where the customer has had prior notice of disconnection mailed or delivered by the department and has restored connection without authorization, or where the conduct of the customer has resulted in a hazardous condition, service may be disconnected immediately and shall not be restored until proper connection, to the satisfaction of the department, has been established and all outstanding fees and costs have been paid by the customer.

3. Any customer who has been determined by the Utilities General Manager to have engaged in any of the acts described in subsection H.1. may appeal the assessment of administrative penalties and costs as described in Sections 13.02.780 and 13.02.785 after the notice of the assessed charges.

I. In the event that a premises is vacant or there is no responsible party on file with the City, the owner of such premises or landlord of such premises shall be liable to the City for the payment of any charges incurred. This includes all charges incurred between the time a tenant vacates the premises and the premises are re-occupied by a new tenant.

J. The department may apply interest to all delinquent accounts.

13.03.115 - Disputed or erroneous bills.

Whenever the correctness of any bill for water is in dispute, the utilities and or finance department will cause an investigation to be made.

Bills reflecting clerical or meter errors shall be adjusted to a correct basis as determined by the City's investigation for a period of not to exceed six (6) months prior to discovery of the error. Adjustments for slow or fast meters shall be made in accordance with Sections 13.03.206 and 13.03.207.

In cases where other factors required for application of rate schedule or other provisions, are not subject to exact determination or are in question, or in disputed cases relative to service or rate application, the department shall establish such factors by tests, analyses and investigations to determine the proper basis for making an adjustment, if any. Adjustments in the billing shall then be authorized by the Utilities General Manager as shown to be proper. Such adjustments shall be subject to review, when requested by the customer or by the City manager.

Sec. 13.03.116 - Lien for delinquent charges.

Any water rates authorized pursuant to this article which remain unpaid for 60 days past the date upon which they were billed may be collected thereafter by the City, as provided as follows:

(1) The City shall cause a report of delinquent water fees to be prepared periodically. The City Council shall fix a time, date and place for hearing the report and any objections or protests thereto. The report shall contain a list and description of each parcel of real property to which is attributed a delinquency in the payment of water rates, for a period of 60 days or more, the names of the owners and the total amount of the delinquency attributable to that parcel.

(2) The City Council shall cause notice of the hearing to be mailed to the owners of the property with delinquencies, as listed on the latest equalized assessment roll. Such notice shall be sent not less than 14 days prior to the date of the hearing and shall inform the recipients of the amount of unpaid water rates and penalties. Such notice shall inform the owners that the unpaid water rates and penalties will be assessed against and shall result in a lien on their property.

(3) At the hearing, the City Council shall hear any objections or protests of the landowners who are to be assessed for delinquent fees. The City Council may make such revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.

(4) The delinquent water rates, and any penalties thereon, set forth in the confirmed report shall constitute a special assessment against the respective parcels of land and are a lien on the property for the amount of delinquent fees, the late charges, and cost of lien. The City clerk shall certify, over his signature, that the report has been adopted by the City Council in its final form, and file the report with the county auditor. In addition, the City clerk shall also record the amount of unpaid charges with the county recorder.

Sec. 13.03.117 - Termination of service.

If all structures in which water is served are removed from a property served by the water system, or if the structure in which water is served is demolished, then the City shall consider the service disconnected and shall provide a prorated adjustment of monthly assessment based upon the first day of the month following the notification of removal or demolition of the structure by the City building official. The owner shall be entitled to a refund of the deposit or to such portion of the deposit as may be unused, upon written application therefore. Termination of service shall be considered equivalent to disconnection.

Sec. 13.03.118 - Reconnection.

After a building water service has been disconnected from the City water system, it shall not be reconnected until all delinquent charges plus penalties, all charges which have accrued since the time of disconnection, any supplementary connection charges, and the estimated cost of reconnection have been paid; the deposit restored to the required amount; and any required guarantee for the payment of bills has been made. In addition to the connection charge, the deposit shall be paid or restored to the required amount as provided in this article. All of the charges, deposits and other amounts required to be paid shall be paid before the building water service is reconnected to the City water system.

Sec. 13.03.119 - Restoration of terminated service.

After service to a property has been terminated, the water service connection permit issued for the property shall be considered cancelled. The permit and service shall not be considered as restored until all delinquent charges plus penalties, all charges which have accrued since time of termination, and a restoration charge in an amount established by ordinance of the City Council or Authority has been paid and the deposit restored to the required amount. In addition to the amount provided in this section, all of the charges, deposits and other amounts required to be paid shall be paid before the permit and service are restored.

Sec. 13.03.120 - Annual review of rates; pass-through of rate increases.

(a) The water rates established by this article shall be subject to annual review and evaluated in conjunction with annual fiscal year budget preparation. Water rates shall be set based upon the actual cost to the City, and shall include costs for providing water service, capital reserve requirements, any administrative overhead allocation as determined by the annual review, plus any deficit recovery as determined by the City Council or Authority. Administrative overhead cost shall be assessed for providing support services to the enterprise fund and shall be set annually by the City Council or Authority through an adopted cost allocation plan.

(b) Any increase in any currently applicable, legally adopted monthly charge assessed by an agency or district providing water replenishment service to the City shall be immediately passed through to the affected property owners. Any amounts over-collected by the City shall be applied first to the deficit recovery, if any, then to fund balance.

Sec. 13.03.121—13.03.140. - Reserved.

Chapter 13.03. – Article III WATER SERVICE CONNECTIONS

13.03.141 - Inside City limits.

The department shall furnish, install and maintain all service connections and the charges for these facilities shall be at the expense of the owner of the premises.

A. Water Services. The service connection installation charges shall be the cost to the department and shall include meter housing. Water service installation costs are charged in accordance with the department schedule of charges for water service connections, adopted by resolution of the council, and on file in the office of the Utilities General Manager. The water connection fees shall be adjusted by resolution of the council on an as-needed basis.

B. Private Fire Line Protection Services. The charge for the private fire protection service connection installation including bypass meter, check valve and housing shall be at the cost to the department, charged in accordance with the department schedule of charges for water service connections, adopted by resolution of the council, and on file in the office of the Utilities General Manager. The water connection fees shall be adjusted by resolution of the council on an as-needed basis.

13.03.142 - Outside City limits.

Charges outside City limits are the same as inside City.

13.03.143 - Separate connections required—Exceptions.

Two (2) or more houses or buildings under the same ownership and on the same lot or parcel of land may be supplied through the same service connection or a separate service connection may be provided for each house or building. The department shall have the right to limit the number of houses or buildings, or the area of the land under one (1) ownership, to be supplied by one (1) service connection. The same service connection shall not be used to supply water to property in a single ownership which is separated by a public street, alley or right-of-way or which is non-adjointing. The same service connection shall not be used to supply water to adjoining property of a different ownership.

13.03.144 - Connection.

In making application for a water service connection, the applicant shall specify the premises to be served by such service connection and only the premises so specified shall receive water through such service connection.

13.03.145 - Violation—Disconnection—Notice.

Any service connection used in violation of Section 13.03.143 or 13.03.144 may be disconnected by the department after a thirty (30) day written notice of intention to disconnect such connection has been mailed to the person in whose name service is rendered at such person's address as shown by the records of the department. The notice shall contain a statement of the reasons for such disconnection and the proposed date of disconnection.

13.03.146 - Subdivision.

When property provided with a service connection is subdivided, each service connection shall be considered as belonging to the lot or parcel of land which is nearest to it.

13.03.147 - Temporary service connection—Purpose.

A temporary service connection may be installed for construction purposes, temporary concessions or any other special use where it is not practicable or reasonable under the circumstances to install a permanent service connection.

13.03.148 - Temporary service connection—Deposit.

Upon application for a temporary service connection, no water shall be supplied through such temporary service

unless a deposit for service has been so made and remains in the hands of the department undiminished. The deposit shall be in an amount established by ordinance of the City Council or Authority.

13.03.149 - Temporary service connection—Charges.

When a temporary service connection is terminated and disconnected, the cost of equipment, installation and disconnection shall be totaled, the salvage value of the material recovered deducted there from and the balance remaining of the original deposit shall be refunded. Should the total cost of the equipment, installation and disconnection exceed the amount of the deposit, the applicant shall be billed for such excess.

13.03.150- Temporary service connection—Duration.

A temporary service connection shall be terminated and disconnected within six (6) months after installation, unless an extension of time is granted by the department.

13.03.151- Temporary service connection—Conversion to permanent service connection.

A temporary service connection conforming with all requirements of a permanent service connection may be made permanent; provided, that all charges required for a permanent service connection at that premises are paid.

13.03.152 -13.03.170 - Reserved.

Chapter 13.03 – Article IV - WATER MAINS

13.03.171 - Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention the following terms shall, for the purpose of this chapter have the meanings indicated in this section:

"Authority" means the Coachella Water Authority.

"Distribution main" means a water main, or a part of the capacity thereof, designed or used to distribute water for fire protection and domestic use within a given territory served by the City.

"Supply main" means a water main, or a part of the capacity thereof, designed or used for the purpose of transporting water to a distribution main.

"Water main" means the principal pipe or conduit laid in a street or right-of-way through which water is transported or distributed by the City.

13.03.172 - Water line contamination.

No person shall connect, cross-connect, maintain or install any tank, fixture, receptacle or other device in or on any premises which is connected to any water line, pipe or conduit, which conveys or carries any water for domestic or human consumption if the plan, arrangement, connection, maintenance or installation is such as to make possible any contamination or pollution of such water.

13.03.173 - Property serviced.

Except where it is impracticable to do so, all property shall be served with water from a water main installed in a street or right-of-way on which such property fronts or to which it is contiguous. If there be no such main, an extension of an existing water main shall be required as a condition to obtain service.

13.03.174 - Connection to existing main.

A. If there is an existing water main from which service may be obtained, property not previously connected to the main may receive water service through such main upon payment of the service connection installation charge provided for in Sections 13.03.141 and 13.03.142 and except as provided in this section, upon payment of the water construction charge provided for in Section 13.03.175.

B. No water main construction charge shall be required to be paid where such existing water main or any main which it may have replaced has been or shall have been constructed for the benefit of such property and at no expense to the City, either from its general fund, water fund or moneys derived from a bond issue authorized by election.

13.03.175 - Computation of construction charge.

When a water main construction charge is required to be paid, the amount thereof shall be the percentage of the cost of constructing the main that is equal to the percentage that the area sought to be connected is of the entire area of all land determined by the Utilities General Manager to be benefitted by the construction of such main. In calculating the area to be connected within the area to be benefitted, all of the area of any parcel up to five thousand (5,000) square feet shall be included, plus fifty (50) percent of the area of any parcel over and above the first five thousand (5,000) square feet.

13.03.176- Extension—Made at applicant's expense—Type of construction.

A. Where a water main extension is required to provide water service, it shall be made at the expense of the person applying for such service, except as provided in this chapter. Such extension shall extend from the nearest water main in place to and for the full length of that portion of the street or right-of-way on which the property to be served fronts or to which it is contiguous.

B. Such extension shall be an AWWA approved material, or equal, of adequate capacity to meet the requirements for a distribution main in the territory to be immediately or ultimately served thereby as determined by the Utilities General Manager in accordance with efficient operating requirements of the water system.

13.03.177- Extension—Application—Deposit—Charges.

A. Upon the receipt of an application for a water main extension to serve property having no available water main and a deposit in such an amount as the Utilities General Manager shall estimate to be sufficient to pay the cost of making the same, the Utilities General Manager shall cause such extension to be made. The actual cost of such extension shall be taken at not less than the amount which would be required to be paid as a water main construction charge if an available main existed. The application shall describe the property intended to be benefitted by such extension.

B. Upon the completion of such extension and the determination of the actual cost thereof, any remaining portion of such deposit in excess of such cost shall be refunded. In case such deposit is insufficient, the applicant shall be liable to the City for such deficiency. The service connection installation charge provided for in Sections 13.03.141 and 13.03.142 shall be in addition to the amounts required to be paid by this section.

13.03.178- Application—Supply-main charge.

When application is made for a water main extension the applicant, in addition to all other charges provided for in this title shall be required to pay a supply-main charge. Such charge shall be based upon the cost of the supply main serving the territory in which the property for which the water main extension is applied for is located. The Utilities General Manager shall determine the ratio which the property bears to the total area of the territory served or to be served by such supply main and the benefit which it will receive from such supply main and shall fix the amount of the charge accordingly.

13.03.179 - Reimbursement of construction costs.

If a water main extension has been installed at no expense to the City either from its general fund, water authority

fund or from moneys derived from a bond issue authorized by election for the benefit of certain property, the water main construction charges thereafter received by the City, within fifteen (15) years from the date of the completion of the installation of such extension, for subsequent service connections thereto from all other property, shall be refunded to the person who paid for such extension or to such person's successors or assigns; provided, that the amount of such refund shall in no case exceed the actual cost of such extension less the amount which would have been required to be paid by this chapter as a water main construction charge for service to the property for the benefit of which the extension was originally made.

13.03.180 - Installation in new subdivisions.

A. Where a water main extension is required to serve property in a new subdivision, the provisions of Sections 13.03.176, 13.03.177 and 13.03.179 shall apply. If there is an existing water main from which such property or any portion thereof may be served, water main construction charges as provided for by Sections 13.03.174 and 13.03.175 shall be paid by the sub-divider.

B. Where it is necessary to install pumping and reservoir equipment to establish and maintain adequate water pressure and supply for service to new subdivisions, as determined by the Utilities General Manager, the applicant shall deed to the City permanent graded sites and access thereto for such equipment; shall pay the cost of the connecting main to the water storage facility, shall pay the benefiting cost of booster pumping and water storage facilities, and other necessary appurtenances. Benefiting costs as determined by the Utilities General Manager, shall be the ratio which the property bears to the total area of the territory, served or to be served by such booster pumping and water storage facilities and the benefits which it will receive from such facilities and shall fix the amount of the charge accordingly.

C. In addition to providing the water system in the subdivision and other water facilities and their costs as required in this section, the developer shall pay to the department such amount as is required, in the judgment of the Utilities General Manager, to conform off-tract water facilities to the requirement of the subdivision. The design of the water facilities for the subdivision and of all off-site water facilities shall conform to the requirements of the department and shall comply with all applicable ordinances, rules and regulations.

D. The applicant shall also deed to the City all rights-of-way that may be necessary for permanent or temporary pipelines or other equipment.

13.03.181 - Territory annexed.

A. All territory annexed after January 1, 2012 and to be served with water by the City shall provide distribution mains meeting department standards and specifications. These distribution mains shall be installed and conveyed to the City. If on the date of annexation of any territory to the City, the distribution mains in place do not meet City standards and specifications, they shall be replaced with mains meeting such standards and specifications at the expense of the property owners to be benefitted. When the department determines that a substandard main existing on the date of annexation is adequate to serve the property adjacent thereto for a substantial number of years, in lieu of immediate construction of a new main, such existing substandard main may be conveyed to the City, and a special area charge shall be paid to the development on behalf of each parcel of property adjoining such main before water service is provided to such parcel by the City. Such special area charge shall be calculated by the department so as to recover from the owners of property benefitted, on the basis of area, their share of the cost of replacing the substandard main with a main meeting City standards and specifications. The detailed formula for calculating such charges and the method of payment shall be prescribed in rules and regulations adopted pursuant to this chapter.

B. In addition to requirement of Subsection A of this section, all territory annexed after January 1, 2012, shall pay for the cost of acquiring and constructing the supply and transmission mains and water producing, pumping and storage facilities required to serve such territory and pay a proportionate share of the unpaid cost of other supply and transmission mains and water producing, pumping and storage facilities which benefit such territory. The costs shall be determined by the department and method of payment shall be prescribed in rules and regulations adopted pursuant to this chapter.

13.03.182 - Variances.

Where the strict enforcement of the provisions of this chapter will present practical difficulties or work unnecessary hardships or will result in an ultimate cost or charge to an applicant for water service which is not or will not be commensurate with the benefits to be received, the utilities department shall fix the amount of such cost or charge in such an amount and may prescribe such conditions respecting refunds and such conditions relating to service as are in harmony with the purposes and spirit of this chapter.

13.03.183 - Distribution system water pressure.

Any distribution system extension requiring a new water system pressure service zone shall be designed to provide a minimum operating pressure throughout the new distribution system zone of no less than sixty-five (65) pounds per square inch at all times.

The pressure for compliance is measured at the "service connection" to the water main in the street.

13.03.184 – 13.03.200 Reserved.

Chapter 13.03 - Article V - WATER METERS

13.03.201- Water meters.

The department shall furnish, set and maintain all meters, and the charges for the meters and installation shall be at the expense of the owner of the premises.

A. Water Meters. Water meters shall be installed on all water services. For new meter installations an application fee in an amount established by the City Council or Authority will be charged for each water meter to be installed at that premises.

B. Detector Check Meters. There shall be installed on all private fire line connections a check valve of a type approved by the National Board of Fire Underwriters and equipped with a bypass meter. Detector check meter charges are in an amount established by ordinance of the City Council or Authority.

13.03.202- Monthly readings—Special readings.

In order to determine the rates to be charged each customer of water under the terms of this chapter, meters shall be placed upon each service connection to measure the water furnished or delivered, except in cases of the rates specified in Sections 13.03.104 and 13.03.108. All meters shall be read by the department at intervals of approximately one (1) month, or as nearly so as the convenient operation of the department will permit except as provided for in Section 13.03.203. The interval between two (2) successive meter readings shall be deemed and regarded as a month for the purposes of this chapter, and all rates shall be computed accordingly. When service is commenced or discontinued between regular meter readings, the customer charge will not be prorated and the bill shall be the customer charge applicable to the size meter through which such service is taken plus the commodity charge.

13.03.203- Bimonthly readings—Computation of bill—Special readings.

A. The utilities department may cause bimonthly reading of meters for all or any portions of the system whenever it determines that such practice will result in a more economical collection of bills for water. When such bimonthly reading of meters occurs, the department shall read such meters at intervals of approximately two (2) months, or as near thereto as the convenient operation of the department will permit, and the interval between two (2) successive meter readings shall be deemed and regarded as two (2) months for the purposes of this chapter.

B. The customer charge shall be twice the customer charge prescribed in this chapter, and the commodity charge shall be computed by applying the rates prescribed in this chapter to one-half the water consumed during a two-month period and multiplying the results by two (2). When service is commenced or discontinued between regular meter readings, the customer charge will not be prorated and the bill shall be the customer charge applicable to the size meter through which such service is taken if service period is one (1) month or less, or twice such customer charge if service is for a period in excess of one (1) month, plus in either case the commodity charge.

13.03.204 - Separate water meters required—Exception.

A separate meter shall be placed for each individual residential dwelling unit and upon each separate service connection and the rate to be paid shall be computed separately upon each meter. For multi-residential buildings the department may install less than one (1) meter for each resident dwelling unit when needed to meet other goals of the City's general plan.

For non-residential services, the department may in lieu of a single meter and where special operating or service conditions require, install such number of meters on a service connection as shall be necessary to equal the capacity of such a single meter. For billing purposes, the consumption as registered by a battery of meters installed pursuant to this section shall be combined and charged for at such rate including the monthly minimum charge, as though the water were supplied through a single meter.

Meters shall be installed in close proximity to the building itself and screened in a manner required by the City. Installation of meters in the parkway next to the street curb may be allowed if the number of meters is four (4) or fewer and the configuration of the parkway shows that the location is appropriate. The technical specifications of the installation shall be as required by the Utilities General Manager.

13.03.205 - Ownership—Replacement and repairs.

All water service connections, meters and housings installed by the department or conveyed to the department, however provided for, shall remain at all times the property of the City and shall be maintained, repaired and renewed by the department when rendered unserviceable through reasonable use. Where replacement, repairs or adjustments are rendered necessary by the act, negligence or carelessness of the customer, any member of the customer's family, person in the customer's employ, or agent of the customer, any expense caused to the City thereby shall be charged and collected from the customer. The water meter may not be altered or tampered with or removed by anyone other than the City of Coachella utilities department personnel. No meter seal may be broken by anyone other than the City of Coachella utilities department personnel. Utilities department may give its prior consent to seal breaking by the customer when deemed necessary by the utilities department. Unauthorized alteration, tampering or removal by any party, including a licensed plumber, will result in the customer being charged unauthorized meter alteration fees and any other applicable charges described in subsection H. No rent or charge will be paid by the department where such facilities are located on the customer's premises. The department may relocate its facilities as required by operating conditions, and may relocate any and all of its facilities from customer's premises at the termination of service.

13.03.206 - Meter tests.

A. Whenever the accuracy of a water meter is questioned, the customer may demand that the meter be examined and tested by the department. Such demand shall be made in writing to the department, and shall be accompanied by a deposit in an amount established by ordinance of the City Council or Authority. Upon receipt of such demand and deposit, the department shall cause the meter to be examined and tested. Such customer shall have the right to require the department to conduct the test in the customer's presence or in the presence of an expert or other representative appointed by the customer.

B. If the meter shall be found to register over two (2) percent more than actually passes through it under conditions of normal operation, then the meter shall be properly adjusted or another meter will be substituted therefor, and the deposit shall be refunded to the customer. If the meter is found to register not over two (2) percent more than actually passes through it, the deposit shall be retained by the department as partial compensation for the examination and test.

13.03.207 - Adjustment of bills for meter error.

A. When a meter is found to register over two (2) percent more than actually passes through it, the department will refund to the customer the overcharge based on the corrected meter readings for the period in which the meter was in use, not exceeding six (6) months; provided, that if the actual cause and period of error can be definitely determined, the correction shall be made to cover such period.

B. If the meter upon test as herein provided is found not to register or to register less than ninety-eight (98) percent of the actual usage, an average bill or a bill for the water used but not covered by the bills previously rendered, for a period not to exceed six (6) months, shall be rendered to the customer by the department; provided, that if the actual cause and period of error can be definitely determined, the correction may be made to cover such period.

13.03.208 - Access to water meter.

A. All meters used for billing purposes will be furnished and installed by the department on the customer's premises in accordance with the "Water Service Requirements" of the department and so located and spaced as to be accessible for inspection, reading, and testing. The owner of any premises shall, at the owner's expense, provide extension to the owner's plumbing for an approved meter location to comply with the foregoing whenever the existing meter has become inaccessible for inspection, reading, and testing by reason of changes in building or any changes made for the convenience of tenant or owner.

B. For billing purposes, if a water meter becomes inaccessible for inspection, reading, or testing, the department shall make reasonable estimates of water usage, until such time as access to the meter is restored.

13.03.209 – 13.03.240 – Reserved.

Chapter 13.03 – Article VI BACKFLOW PREVENTION

13.03.254 - Purpose.

The purpose of this chapter is:

A. To protect the public water supply of the City by isolating the customer's water system from the City water service, thus preventing contamination or pollution from the customer's premises to the City water system;

B. To eliminate both potential and existing cross-connections between the potable water system and non-potable water systems within the customer's premises;

C. To maintain the backflow prevention program by administering an inspection and testing program of backflow prevention assemblies installed near the meter.

13.03.255 - Policy.

A. The City of Coachella utilities department has a responsibility to protect the public water system from contamination caused by the backflow of contaminants through the water service connection. If in the judgment of the department, where contamination is possible, an approved backflow prevention assembly is required, the department shall give notice to the customer to install the approved assembly or assemblies at the service connection to the premises. The customer shall immediately install the approved assembly or assemblies at the customer's own expense. Failure, refusal or inability on the part of the customer to install the approved assembly or assemblies shall constitute grounds for disconnecting water service to the premises until the backflow assembly or assemblies have been installed.

B. These regulations shall apply to all premises served water by the department.

C. These regulations are adopted pursuant to the state of California Administrative Code Title 17, Public Health, entitled "Regulations Relating to Cross-Connections" and all subsequent amendments. This title requires that each water purveyor develop and implement a comprehensive backflow prevention program for protecting the public water supply from contamination or pollution.

13.03.256 - Definitions.

The following words and phrases shall have the meanings ascribed to them, unless otherwise noted:

"Approved backflow prevention assembly" means a device or a physical separation that has been designed specifically for preventing the backflow of water or liquid from entering the system and the device that has passed laboratory and field evaluation tests performed by a recognized testing organization which has demonstrated their competency to perform such tests to the California Department of Public Health.

"Approved water supply" means any water supply whose use is regulated by the state or local health agency.

"Auxiliary supply" means any water supply on or available to the premises other than the City water supply.

"AWWA Standard" means an official standard developed and approved by the American Water Works Association (AWWA).

"Backflow" means 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. Back siphonage is one (1) cause of backflow. Back pressure is the other cause.

"Backflow prevention supervisor" means a person, designated by the Utilities General Manager and at the expense of the water user, to maintain the backflow prevention assemblies and to prevent cross-connections on the premises.

"City water system" means the source facilities and distribution system under the control of the utilities department up to and including the meter.

"Contamination" means an impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual or potential hazard to the public health.

"Cross-connection," means and includes any unprotected actual or potential connection or structural arrangement between a potable water system used to supply for drinking 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 change-over devices and other temporary or permanent devices through which or because of which "backflow" can or may occur are considered to be cross-connections.

"Customer's water system" means and includes all facilities beyond the service meter. The system or systems may include both potable and non-potable water systems.

"Department," when used in this chapter, means the utilities department of the City.

"Double check detector assembly" (DCDA) means a backflow prevention device consisting of a line size double check valve assembly in parallel with a detector meter and meter size double check valve assembly. Each double check valve assembly is to be equipped with properly located test cocks and a tightly closing shutoff valve at the end of the assembly.

"Double check valve assembly" (DCVA) means an assembly composed of at least two (2) 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.

"Double check valve backflow prevention assembly" (DCV) means a backflow prevention device consisting of two

(2) independently operating spring-loaded check valves. In the event one (1) valve is obstructed, the second valve should close to prevent reverse flow. The device should include tightly closing resilient seated shutoff valves at each end of the assembly and be fitted with properly located resilient seated test cocks.

Hazard, Degree of. "Degree of hazard" is a term derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

1. "Health hazard" means any condition, device, or practice in the water supply system and its operation which could create, or in the judgment of the division, county or state health official, may create a danger to the health and well-being of the water customer.
2. "Plumbing hazard" means a plumbing type cross-connection in a customer's potable water system that has not been properly protected by an approved air-gap or approved backflow prevention assembly.
3. "Pollution hazard" means an actual or potential threat to the physical properties of the water system or to the drinkability of the public of the customer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.
4. "System hazard" means an actual or potential threat of severe damage to the physical properties of the public potable water system or the customer's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

"Health agency" means the California Department of Public Health.

"Local health agency" means the County of Riverside Department of Public Health.

"Person" means an individual, corporation, company, association, partnership, municipality, public utility or other public body or institution.

"Pollution" means the presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

"Premises" means any and all areas on a customer's property which are served or have the potential to be served with water.

"Public water system" means a system for the provision of piped water to the public for human consumption by the City.

"Reduced pressure detector check assembly" means a backflow prevention device consisting of a line size reduced pressure principle device in parallel with a detector meter and meter size reduced pressure principle device. Each reduced pressure principle device is to be equipped with properly located test cocks and a tightly closing shutoff valve at each end of the assembly.

"Reduced pressure principle backflow prevention assembly" (RPBA) means an assembly incorporating not less than two (2) independently acting approved check valves together with an automatically operated differential relief valve located between the check valves. The unit shall include properly located test cocks and tightly closing shutoff valves at each end of the assembly.

"Service connection" means the point of connection of a user's piping to the water supplier's facilities.

"Water supplier" means the City of Coachella utilities department.

"Water user" means any person obtaining water from an approved water supply system.

13.03.257 Cross-connection prohibited.

No water service connection shall be installed or maintained to any premises where actual or potential cross-connections are known to exist unless such cross-connections are abated or controlled to the satisfaction of the department.

13.03.258 - Surveys and investigations.

A. Existing Facilities. At all reasonable times, the customer's premises shall be open to the department for the purpose of conducting surveys and investigations to determine whether there are actual or potential cross-connections within the customer's premises through which contamination or pollution could backflow into the City water system, provided, however, that the department will seek permission to enter any occupied residence unless there exists an emergency or condition immediately threatening the public health, safety or welfare.

B. New Buildings and Facilities. The City development services and engineering departments, in cooperation with the utilities department, will review plans and other conditions to determine if a backflow assembly is required or waived as water service protection for new buildings and facilities. If the installation of a backflow prevention assembly is required in the building or as a meter protection, a plumbing permit shall be issued by the City to comply with the City plumbing code. Existing commercial and industrial buildings and facilities will be reviewed for compliance with City backflow prevention ordinance when changes in occupancy occur or when required by the Utilities General Manager.

13.03.259- Type of protection required.

A. The type of protective device that may be required to prevent backflow into the approved water supply (listing in an increasing level of protection) includes: double check valve assembly (DC), reduced pressure principle backflow prevention assembly (RP), and an air-gap separation (AG). The customer may choose a higher level protection than required by the department.

B. The minimum types of backflow protection that shall be installed on customer's premises at the service connection whenever the following degrees of hazard exist are as follows:

Degree of Hazard	Prevention	Minimum Type of Backflow Prevention
1. Sewage and Hazardous Substances.		
a.	A system where the City water system is used to supplement a recycled water supply. If an emergency exists where potable water is connected to a recycled water system, potable water system shall be isolated by an air-gap separation as determined by the Utilities General Manager and the health agency. An approved backflow prevention assembly shall be installed on the potable water line.	AG
b.	A system where there are wastewater pumping and/or treatment plants and there is no interconnection (but the potential exists) with the City water system. This includes multifamily buildings, but not a single-family residence, that has a sewage lift pump. A reduced pressure principle backflow prevention assembly may be provided in lieu of an air-gap if approved by the Utilities General Manager and the health agency.	AG
c.	A system where recycled water is used and there is no interconnection (but the potential exists) with the potable water system. A reduced pressure principle backflow prevention assembly may be provided in lieu of an air-gap if approved by the Utilities General Manager and the health agency.	AG
d.	A system where hazardous substances are handled such as to create an actual or potential hazard to the City water system. This shall include systems having auxiliary water supplies, tanks or industrial piping systems containing process fluids or used waters originating from the City	AG

	water system which are no longer under the sanitary control of the City. This, however, does not include a single-family residence that has a sewage lift pump. A reduced pressure principle backflow prevention assembly may be provided in lieu of an air-gap if approved by the Utilities General Manager and the health agency.	
e.	A system where there are irrigation systems into which fertilizers, herbicides or pesticides are, or can be, injected.	RP
2. Auxiliary Water Supplies.		
a.	A system where there is an unapproved auxiliary water supply which is interconnected with the public water system. A reduced pressure principle backflow prevention assembly may be provided in lieu of an air-gap if approved by the Utilities General Manager and the health agency.	AG
b.	A system where there is an unapproved auxiliary water supply and there are no interconnections with the public water system. A double check valve assembly may be provided in lieu of a reduced pressure principle backflow prevention assembly if approved by the Utilities General Manager and the health agency.	RP
3. Fire Protection Systems. All fire protection systems will be required to have backflow prevention devices as described below. However, Class I and Class II fire protection systems will be exempt from these requirements. Class I and Class II fire protection systems are defined under Section 13114.7 of the California Health and Safety Code (Refer to AWWA Manual M-14).		
a.	A fire system that is directly supplied or from the public water system and an unapproved auxiliary water supply is available for use on or to the premises (not interconnected). A double check valve assembly may be provided in lieu of a reduced pressure principle backflow prevention assembly if approved by the Utilities General Manager and the health agency.	RP reduced pressure detector check assembly
b.	A fire system that is supplied from the public water system and interconnected with an unapproved auxiliary water supply. A reduced pressure principle backflow prevention assembly may be provided in lieu of an air-gap if approved by the Utilities General Manager and the health agency.	AG
c.	A fire system supplied by the recycled water and the department's water system is used as a supplemental supply.	AG
d.	A fire system that is supplied from the department's water system and there exists a recycled water supply to the premises (not interconnected). An RP assembly may be provided in lieu of an AG if approved by the Utilities General Manager and the health agency.	AG
e.	A fire system that is supplied from public water system and where either elevated storage tanks or fire pumps which take suction from the private reservoirs or tanks are used. A double check valve assembly may be provided in lieu of a reduced pressure principle backflow prevention assembly if approved by the Utilities General Manager and the health agency.	RP or reduced pressure detector check assembly
f.	A fire system that is interconnected with more than one service connection from the City water system and check no other system hazard exists.	DC or double check detector check assembly
4. Other Systems.		
a.	A system that requires a booster pump on RP the service connection line. (For fire service requirements, refer to subsection (B)(3)(e) of this section.)	RP
b.	A system where there are intricate plumbing and piping arrangements or	RP

	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.	
c.	A system that is restricted, classified or closed to on-site inspection.	RP
D	A system where there is a repeated history of cross-connections being established or reestablished within customer's premises.	RP
e.	A system with internal cross-connections that cannot be permanently corrected and controlled to the satisfaction of the Utilities General Manager and the health agency.	RP
f.	Two or more services supplying water from different street mains to the same building, assembly, structure or premises through which an inter-street main flow may occur, shall have a double check valve on each water service to be located adjacent to and on the property side of the respective meters.	DC
g.	Other systems which may be specified by the department from time to time.	
Devices to be specified		

13.03.260 - Backflow Prevention Assemblies.

A. Approved Backflow Prevention Assemblies. Only backflow prevention devices which have been approved by the Utilities General Manager shall be acceptable for installation by a water user connected to the public water system.

B. Backflow Prevention Assembly Installation.

1. The approved backflow assembly shall be installed at the expense of the customer.
2. Air-Gap Separation (AG). The air-gap separation shall be located on the customer's premises 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 (2) pipe diameters of the supply inlet, but in no case less than one (1) inch above the overflow rim of the receiving tank as specified in the current edition of the Uniform Plumbing Code requirements for minimum air-gaps for water distribution.
3. Reduced Pressure Principle Backflow Prevention Assembly (RP). The approved reduced pressure principle backflow prevention device shall be installed on the customer's premises and as close to the service connection as is practical. The device shall be installed a minimum of twelve (12) inches above grade and no more than thirty-six (36) inches above grade measured from the bottom of the device and with a minimum of twelve (12) inches side clearance. The assembly 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 Utilities General Manager.
4. Double Check Valve Assembly (DC). The approved double check valve assembly shall be located as close as practical to the user's connection and shall be installed horizontally above grade and in a manner where it is readily accessible for testing and maintenance. If it is necessary to put a double check valve assembly below the grade, upon the approval of the assistant general manager and the local health agency, it must be installed in a vault such that there is a minimum of twelve (12) inches between the bottom of the vault and the bottom of the assembly so that the top of the assembly is not more than a maximum of eight (8) inches below grade, so there is a minimum of twenty-four (24) inches of clearance between the side of the assembly with the test cocks and the side of the vault, and a minimum of twelve (12) inches clearance between the other side of the assembly and the side of the vault. The vault must have adequate drainage to prevent flooding. Special consideration must be given to double check valve assemblies of the "Y" type. These devices must be installed on their "side" with the test cocks in a vertical position so that either check

valve may be removed for service without removing the assembly. Vaults which do not have an integrated bottom must be placed on a three-inch layer of gravel.

5. Approved backflow assemblies shall have at least the same cross-sectional area as the water meter. If a continuous water supply is necessary, two (2) sets of approved backflow assemblies shall be installed in parallel. Where parallel assemblies are required, the sum of the cross-sectional areas of the assemblies shall be at least equivalent to the cross-sectional area of the meter.

6. There shall be no outlet, tee, tap or connection of any sort between the water meter and the approved backflow assembly. A "Y" strainer and/or pressure-reducing valve installed before the approved backflow assembly are the only exceptions.

7. Approved backflow assemblies shall not be bypassed, made inoperative or removed without specific written authorization by the Utilities General Manager.

8. Approved backflow assemblies shall be protected, when necessary, from extreme weather or site condition that could cause physical damage to or malfunction of the backflow assembly.

C. Backflow Prevention Device Testing and Maintenance.

1. The owners of any premises on which, or on account of which, backflow prevention assemblies are installed, shall have the assemblies tested by a certified backflow prevention assembly tester licensed by the local health agency. Backflow prevention assemblies must be tested at least annually and immediately after installation, relocation or repair. The department may require a more frequent testing schedule if it is determined to be necessary by the Utilities General Manager. 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 utilities department 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.

2. The department will supply affected water users with a list of certified backflow assembly testers licensed by the local health agency to test backflow prevention assemblies. The department 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.

D. Backflow Prevention Assembly Removal.

1. Approval must be obtained from the Utilities General Manager before a backflow prevention assembly is removed, relocated or replaced.

a. Removal. The use of a device may be discontinued and the device removed from service upon presentation of sufficient evidence to the Utilities General Manager to verify that a hazard no longer exists or is not likely to be created in the future.

b. Relocation. An assembly may be relocated following confirmation by the general manager that the relocation will continue to provide the required protection and satisfy installation requirements. A re-test will be required following the relocation of the device.

c. Repair. An assembly 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 Utilities General Manager. A re-test will be required following the repair of the assembly.

d. Replacement. An assembly may be removed and replaced provided the water use is discontinued until the replacement assembly is installed. All replacement assemblies must be approved by the Utilities General Manager and must be commensurate with the degree of hazard involved.

13.03.261 - Backflow prevention supervisor.

At each of the premises, where a determination has been made that backflow protection is necessary, a "backflow prevention supervisor" shall be designated by and at the expense of the water customer. Such backflow prevention supervisor shall be responsible for the monitoring of the backflow prevention assemblies 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 Utilities General Manager shall be promptly notified by the backflow prevention supervisor so that appropriate measures may be taken to overcome the contamination. The water customer shall inform the Utilities General Manager of the backflow prevention supervisor's identity, mailing address, email address and telephone number on an annual basis and whenever a change occurs.

13.03.262 - Administrative procedures.

A. Water Supply Survey.

1. The Utilities General Manager and his/her designee shall review all requests for new services to determine if backflow protection is needed. Plans and specifications must be submitted to the Utilities General Manager 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 assembly is necessary to protect the public water system, the required device must be installed before service will be granted.
2. The Utilities General Manager may require an on-premises inspection to evaluate cross-connection hazards. Any customer who cannot or will not allow an on premises inspection of their piping system shall be required to install the backflow prevention assembly the Utilities General Manager considers necessary.
3. The Utilities General Manager may require a re-inspection for cross-connection hazards of any premises to which water is serviced by the department. Any customer who cannot or will not allow an on premises re-inspection of their piping system shall be required to install, at the meter, the backflow prevention assembly the Utilities General Manager considers necessary.

B. Customer Notification—Device Installation.

1. The Utilities General Manager shall notify the water user of the survey findings, listing corrective action to be taken if required. A period of thirty (30) days shall be given to complete all corrective action required including installation of backflow prevention assemblies. The notice shall be in writing and shall also state that service to the water use may be terminated should the water user fail to take the required corrective actions within the allotted time period.
2. If the required corrective action is not taken within the 30-day period as provided in subsection (B)(1) above, the Utilities General Manager may terminate water service to the affected water user until the subject device is installed and tested with passing results.

C. Customer Notification—Testing and Maintenance.

1. The Utilities General Manager shall notify each affected water user when it is time for the backflow prevention assembly installed on their service connection to be tested and verified, by a certified assembly device tester, to be functioning correctly. Said notice shall be in writing and shall provide the water user thirty (30) days to have the device tested. The notice shall include the necessary form(s) to be completed and resubmitted to the department by the water user. The written notice shall also state that service to the water user may be terminated should the water user fail to take the required corrective actions within the allotted time period.
2. If the required action is not taken within the 30-day period as provided in subsection (C)(1) above, the Utilities General Manager may terminate water service to the affected water user until the subject device is tested with passing results.

13.03.263 - Water service termination.

A. General. When the department encounters water uses that represent a clear and immediate hazard to the potable water supply that cannot be immediately abated, the Utilities General Manager shall institute the procedure for terminating the water service.

B. Basis for Termination. Conditions or water uses that create a basis of water service termination shall include, but are not limited to, the following items:

1. Refusal to install required backflow prevention assembly;
2. Refusal to test a backflow prevention assembly;
3. Refusal to repair a faulty backflow prevention assembly;
4. Refusal to replace a faulty backflow prevention assembly;
5. Removal and/or bypassing without prior approval of a backflow assembly where required;
6. Direct or indirect connection between the public water system and a sewer line;
7. Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants;
8. Unprotected direct or indirect connection between the public water system and an auxiliary water system;
9. A situation which presents an immediate health hazard to the public water system;
10. Non-designation of a user's supervisor when required within a specific time period;
11. Non-submission of records of tests, repairs and maintenance to the department upon a second letter request of their submission; and
12. Non-payment of fees/charges incurred by the department in connection with the administration of the backflow prevention program.
13. Maintenance and utilization of backflow prevention device(s) which is/are not approved by the department.

C. Water Service Termination Procedures.

1. For conditions in subsection (B) (1), (2), (3), (4), (10), (11) or (12) of this section, the water service to a customer's premises shall be terminated after two (2) 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.
2. For conditions in subsection (B) (5), (6), (7), (8) or (9) of this section, the following steps shall be taken by the department:
 - a. Make reasonable effort to advise water user of intent to terminate water services;
 - b. Terminate water supply and lock service valve. The water service shall remain inactive until correction of violations has been approved by the Utilities General Manager and any charges due to the department have been paid by the water customer.

13.03.264 - Backflow prevention assembly charge.

Where backflow prevention assemblies must be maintained and tested, an administrative fee established by

ordinance of City Council or Authority to be billed per month per backflow prevention assembly shall be charged.

13.03.265 – Non-compliance.

A. Upon non-compliance by the water user following the notice pursuant to Section 13.03.260(C)(2) regarding the periodic testing of the backflow prevention assembly, the department shall have the option, at its sole discretion, of hiring a certified contractor to test the backflow prevention assembly, terminating water service, or pursuing any other available remedy. In addition to any available remedy, the department may charge and collect an administrative penalty in the amount of two hundred fifty dollars (\$250.00) per assembly device in addition to any other amounts due from the customer including, but not limited to, costs associated with the testing, repair and/or replacement of the assembly device, any related equipment and City personnel time and resources connected to the necessary remedial actions. Nonpayment of such expenses and fee may result in termination of water service or additional administrative, legal, equitable or other remedies.

B. Upon noncompliance by the user following the thirty (30) days notice pursuant to Section 13.03.260(B)(1) regarding the installation of the required backflow prevention assembly, the department shall have the option, at its sole discretion, of installing or hiring a licensed contractor to install the approved assembly, terminating water service, or pursuing any other available remedy. In addition to any available remedy, the department may charge and collect an administrative penalty in the amount of two hundred fifty dollars (\$250.00) per assembly device in addition to any other amounts due from the customer including, but not limited to, costs associated with the installation of the device and City personnel time and resources connected to the necessary remedial actions. Nonpayment of such fee and expenses may result in termination of water service or additional administrative, legal, equitable or other remedies.

C. Any water user whose water service has been terminated under the provisions set forth in subsection (A) or (B) above, shall have the service reconnected only upon proper installation, assembly and/or testing of the assembly device(s) and the payment of all outstanding penalties, fees and costs.

D. Any user who has been assessed administrative penalties and costs by the department as a result of noncompliance pursuant to the provisions contained in subsection A or B above, may appeal the assessment of administrative penalties and costs described pursuant to Sections 13.02.780 and 13.02.785.

Secs. 13.03.266 – Secs. 13.03.275 Reserved.

Chapter 13.03 - Article VII – CAPITAL FACILITIES EXPANSION FEE AND FUND

Sec. 13.03.270 - Intent and purpose.

The City Council hereby declares that the fees required to be paid by this article are solely for the purpose of producing revenue. The continued increase in housing in the City, with the attendant increase in water, has created an urgent need to provide the necessary water facilities and the financing thereof.

Sec. 13.03.271 – Water facilities expansion fee.

(a) In addition to any other fees prescribed by this Code, water facilities expansion fees shall be payable to the City for all new dwelling units and mobile home or trailer spaces which will make use of the water facilities of the City.

(b) Every person constructing a dwelling in a different location or providing a new dwelling unit in a one-family or multi-family dwelling, dwelling group, apartment hotel or mobile home or trailer providing trailer spaces in a mobile home or trailer park, shall pay a water facilities expansion fee in an amount established by City Council or Authority. Every person constructing a non-residential, industrial or commercial building, moving an industrial or commercial building to a different location, providing a new industrial or commercial facility shall pay a water facilities expansion fee in an amount established by ordinance of the City Council or Authority. The water facilities

expansion fee shall be paid prior to the issuance of the building permit for the subject unit or space.

(c) The water expansion fee will be determined based on the fee in effect at the time of building or water service permit issuance for the expanding development.

Secs. 13.03.272 —13.03.285. - Reserved.

Sec. 13.03.286. - Policy.

It is the policy of the City Council that the water service be operated as a utility, and that it shall be operated in a prudent manner with adequate reserves to meet emergencies, to replace and to upgrade parts of the system as needed.

Sec. 13.03.287. - Funds established.

The following water funds are to be created and maintained:

(1) *Maintenance and operating fund.* The water maintenance and operating fund is to be created and maintained for the purpose of paying for the expenses associated with the maintenance and operation of the water system. Such expenses are to include direct water treatment, distribution, and pumping costs, direct accounting and billing costs, and direct preventative and emergency water storage, pumping, treatment, and distribution system maintenance costs, as well as general and departmental overhead as defined in section 13.01.010. The source of the money for this fund is to be water permit fees, interest earnings and water service charges. Refundable water deposits provided by property owners are accounted for within this fund, and the amount of such deposits shall not be reflected in the fund balance.

(2) *Water replacement fund.* The water replacement fund is to be created and maintained for the purpose of paying for replacing and upgrading parts of the water system as they wear out, deteriorate or become obsolete. All items deemed to be replacement of existing facilities shall be paid for from this fund. The source of the money for this fund is to be through City Council authorized transfers from the water maintenance and operating fund. Such transfers are to be authorized so that funds will be available to pay for future replacement of parts of the water system. The determination as to the amount of money to be held in this fund will be made by taking into consideration the estimated life and replacement cost of the various parts of the sewer system using the following formula:

The summation of the following:

(Replacement cost of water system facility additions) X (0.10) X (Age of water system facilities) ° (75 years)

(3) *Water capital fund.* The water capital fund is to be created and maintained for the purpose of paying for new water facilities found necessary because of the development of the City. Such facilities could include, but are not limited to, pumping stations, water tanks, wells, treatment plants, imported water, transmission mains, meters, distribution system, booster stations, and any necessary equipment. An annual appropriation shall be made from this fund for general and department overhead. The source of the money for this fund is to be water connection charges, interest earnings, water installation charges, property assessments, and government grants.

(4) *Water facilities expansion fund.* The water facilities expansion fund is to be created and maintained for the purpose of paying for water facilities needed for the expansion of the City including, but not limited to, wells, treatment plants, booster stations, transmission mains, imported water, and other necessary appurtenances to properly expand the City's water system. The source of the money for this fund is to be the water facilities expansion fee collected pursuant to section 13.03.271.

Sec. 13.03.288. - Appropriations.

Appropriations from the various funds provided for in this article shall be pursuant to authorization in the annual budget or by special action of the City Council.

Sec. 13.03.289. - Allocation of interest earnings.

Moneys in the water funds may be commingled with moneys in other funds for cash management and interest earnings purposes, but each water fund shall be credited with its pro rata share of all interest earnings based on the fund's average balance.

Sec. 13.03.290. - Loans from water funds.

Loans between water funds or to other funds may only be made pursuant to authorization of the City Council and shall be for a specific time period. During such time that moneys are on loan from any fund, interest shall be paid annually to the fund. The interest rate during this loan period shall be at least the average rate for the City's interest-bearing deposits during the loan duration. No loans shall be made from the maintenance and operating fund and the water replacement fund. Existing loans shall be brought into compliance with this section within five years.

Sec. 13.03.291. - Allocation of personnel and equipment costs.

(a) *Personnel.* The total number of employees in the water maintenance and operating budget shall be determined using the following formula:

(Total number actual hours proposed to be charged to the water maintenance and operating fund for permanent employees for the proposed operating budget) ÷ (2,080 hours)

Personnel costs will be charged on actual number of hours worked. Personnel costs include salaries and related benefits.

(b) *Equipment.* The original purchase cost charged to the water capital fund shall be no more than its pro rata share of time used in water activities. The motor pool rental charges shall also be based on the actual hours used; the motor pool shall be responsible for the replacement of these capital items.

13.03.292. —13.03.300. - Reserved

Chapter 13.03 – Article VIII - WATER WELLS

13.03.301 - Purpose—Authority and implementation.

The purpose of this chapter is to provide minimum standards for construction, reconstruction, abandonment and destruction of all wells in order to protect underground water resources and provide safe water to persons within the City. Pursuant to the authority cited in Section 13801(c) of the California Water Code, the Riverside County Health Department shall enforce the provisions of this chapter within its jurisdiction.

13.03.302 - Definitions.

Whenever in this chapter the following terms are used, they shall have the meanings respectively ascribed to them in this section:

"Abandoned wells and abandonment" applies to a well whose original or functional purpose and use has been discontinued for a period of one year and which has not been declared for reuse by the legal owner with the department, or a well in such a state of disrepair that it cannot be functional for its original purpose or any other function regulated under this chapter. Exploration holes shall be considered abandoned twenty-four (24) hours after construction and testing work has been completed.

"Agriculture well" means any well used to supply water for irrigation or other agricultural purposes, including so-called "stock wells."

"Annular seal" or "sanitary seal" means the approved material placed in the space between the well casing and the wall of the drilled hole (the annular space).

"Cathodic protection well" means any artificial excavation in excess of fifty (50) feet constructed by any method for the purpose of installing equipment or facilities for the protection electrically of metallic equipment in contact with the ground, commonly referred to as "cathodic protection."

"Community water supply well" means any well which provides water for public water supply systems.

"Contamination" means an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease.

"Cross-connection" means any unprotected connection between any part of a water system used or intended to supply water for domestic purposes and any source or system containing water or other substances that are not or cannot be approved as safe, pure, wholesome and potable for human consumption.

"Department" means the City utilities department.

"Distribution system" includes the facilities, conduits or any other means used for the delivery of water from the source facilities to the customer's system.

"Exploration hole" means an uncased excavation for the purpose of immediately determining the existing geological and/or hydrological conditions at the site either by direct observation or other means.

"Individual domestic well" means any well used to supply water for domestic needs other than a public water supply system.

"Industrial well" means any well used primarily to supply water for industrial processes and may supply water intentionally or incidentally for domestic purposes.

"Lateral (horizontal) well" means a well drilled or constructed horizontally or at an angle with the horizon as contrasted with the common vertical well and does not include horizontal drains or "wells" constructed to remove subsurface water from hillside, cuts or fills.

"Monitoring well" means an artificial excavation by any method for the purpose of observing, monitoring or supplying the conditions of a water-bearing aquifer, such as fluctuations in groundwater levels, quality of groundwaters or the concentration of contaminants in underground waters.

"Person" means any individual, firm, corporation, association, for profit or nonprofit organization, trust, partnership, special district or governmental agency to the extent authorized by law.

"Pollution" means an alteration of water by waste to a degree which unreasonably affects such water for beneficial uses or facilities which serve such beneficial uses. "Pollution" may include "contamination."

"Public water system" means a system regardless of type of ownership for the provisions of piped water to the public for domestic use, if such system has at least five service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days of the year. A public water system includes:

1. Any collection, treatment, storage and distribution facilities which are used primarily in connection with such system and which are under control of the water supplier.
2. Any collection or pretreatment storage facilities which are used primarily in connection with such system but are not under control of the water supplier.

"Reconstruction" means certain work done to an existing well in order to restore its production, replace defective casing, seal off certain strata or surface water, or similar work, not to include the cleaning out of sediments, surging or maintenance to the pump or appurtenances where the integrity of the annular seal or water-bearing strata are not violated.

"Source facilities" includes wells, stream diversion works, infiltration galleries, springs, reservoirs, tanks, and all other facilities used in the production, treatment, disinfection, storage or delivery of water to the distribution system.

"Utilities General Manager" means the general manager or his or her duly authorized representative.

"Water well" means any artificial excavation constructed by any method for the purpose of extracting water from or injecting water into the ground. This definition shall not include:

1. Oil and gas wells, or geothermal wells constructed under the jurisdiction of the California State Department of Conservation, except those wells converted to use as water wells; or
2. Wells used for the purpose of:
 - a. Dewatering excavation during construction; or
 - b. Stabilizing hillsides or earth embankments.

13.03.303 - Permit requirement.

A. No person or entity, as principal agent or employee, shall dig, drill, bore, drive, reconstruct or destroy a well that is to be, or has been, used to produce or inject water, a cathodic protection well, or a monitoring well without first filing a written application to do so with the department, and receiving and retaining a valid permit as provided in this section.

B. No person or entity shall engage in any activity subject to the jurisdiction of this chapter without first paying all applicable fees to the department of fire for each activity in the amounts set forth by resolution or ordinance of the City Council.

C. Any person who shall commence any work for which a permit is required by this department without having obtained a permit therefor shall, if subsequently granted a permit, pay double the permit fee for such work; provided, however, that this provision shall not apply to emergency work when it shall be established in writing to the satisfaction of the Utilities General Manager that such work was urgently necessary and that it was not practical to obtain a permit before commencement of the work. In all cases in which emergency work is necessary, a permit shall be applied for within three working days after commencement of the work. The applicant for a permit for any such emergency work shall, in any case, demonstrate that all work performed is in compliance with the technical standards of Section 13.03.310.

D. An application for a permit to construct a water well, monitoring well or cathodic protection well shall be submitted to the department on a form and in a manner prescribed by the department, and shall include the following information:

1. A plot plan showing the proposed well location with respect to the following items within a radius of five hundred (500) feet from the well:
 - a. Property lines, including ownership;
 - b. Sewage or waste disposal systems (including reserved waste disposal expansion areas) or works for carrying or containing sewage or waste;
 - c. All intermittent or perennial, natural or artificial bodies of water or watercourses;
 - d. The approximate drainage pattern of the property;
 - e. Other wells, including abandoned wells;
 - f. Access road(s) to the well site; and

g. Structures.

2. Location of the property with a vicinity map, including the legal description of the property (assessor's parcel map/tract map number).
3. The name and state license number of the general contractor (when applicable) and the C-57 license number of the person responsible for constructing the well.
4. The proposed well depth, including casing size and zones of perforations and strata to be sealed off, if such data can be reasonably projected.
5. The proposed use of the well.
6. Location of underground storage tank(s) within five hundred (500) feet of the proposed well.
7. Location and classification by visual inspection of any solid, liquid or hazardous waste disposal sites, to include municipal and individual package sewage treatment plants within two thousand (2,000) feet of the proposed well.
8. Where proposed work is reconstruction or destruction of a water well, monitoring well or cathodic protection well, provide the following information, if available:
 - a. Method of reconstruction or destruction of well;
 - b. Total depth;
 - c. Depth and type of casing used;
 - d. Depth of perforation;
 - e. Well log; and
 - f. Any other pertinent information.
9. Other information as may be deemed necessary for the department to determine if the underground waters will be adequately protected.

E. As a condition of a construction or reconstruction permit, any abandoned wells on the property shall be destroyed in accordance with standards provided in this chapter.

13.03.304 - Conditions of approval.

Permits shall be issued after compliance with the standards provided and incorporated by reference in this chapter. Plans shall be submitted to the department demonstrating compliance with such standards. Permits may include conditions and requirements found by the department to be reasonably necessary to accomplish the purpose of this chapter. Completion bonds, contractor's bonds, cash deposits or other adequate security may be required to insure that all projects are performed completely and properly to protect the public's health and safety and the integrity of underground water resources.

13.03.305 - Conditions of denial.

Where the department determines that the standards of this chapter have not been met, it shall deny the application.

13.03.306 - Expiration or extension of permit.

A. Each permit issued pursuant to this chapter shall expire and become null and void if the work authorized thereby has not been completed within six months following the issuance of the permit.

B. Any permit issued pursuant to this chapter may be extended at the option of the department. Each individual extension granted by the department shall be for not longer than one hundred twenty (120) days. In no event shall the department grant an extension which would make the total term of the permit exceed one year. Application for extension shall be made on a form provided by the department. The application shall be accompanied by a fee in the amount set forth by ordinance or resolution of the City Council.

C. Upon expiration of any permit issued pursuant hereto, no further work may be done in connection with construction, repair, reconstruction or abandonment of a well unless and until a new permit for such purpose is secured in accordance with the provisions of this chapter.

13.03.307 - Permit revocation or suspension.

A. A permit issued in this chapter may be revoked or suspended by the Utilities General Manager as hereinafter provided if he or she determines that a violation of this chapter exists, that written notice has been directed to the permittee specifying the violation, and that the permittee has failed or neglected to make the necessary adjustments within fifteen (15) days after receiving such notice.

B. A permit may be so revoked or suspended by the Utilities General Manager if he or she determines at a hearing held for such purpose that the person to whom any permit was issued pursuant to this chapter has obtained the same by fraud or misrepresentation.

13.03.308 - Hearings.

A. Any person whose application for a permit has been denied or whose permit has been suspended or revoked may request a hearing. The person shall file with the department a written petition requesting the hearing and setting forth a brief statement of the grounds for the request. The hearing officer shall be the City manager or his or her designee. At the time and place set for the hearing, the hearing officer shall give the petitioner and other interested persons adequate opportunity to present any facts pertinent to the matter at hand. The hearing officer may, when he or she deems it necessary, continue any hearing by setting a new time and place and by giving notice to the petitioner of such action.

B. At the close of the hearing, or within thirty (30) working days thereafter, the hearing officer shall order such disposition of the application or permit as he or she has determined to be proper, and shall, by postage prepaid, registered mail, notify the petitioner of his or her final determination.

13.03.309 - Licensing and registration of water well drillers and contractors.

No persons shall engage in any activity listed in Section 13.03.303 of this chapter unless he or she is in compliance with the provisions in this section and possesses a valid C-57 license in accordance with the California Contractor's State License Law (Chapter 9, Division 3 of the Business and Professions Code), or possesses a license appropriate to the activity to be engaged in. Such person shall register annually with the department and pay the registration fee specified in City fee resolution or any successor resolution, prior to commencing any activity regulated by this chapter.

13.03.310 - Standards.

Standards for the construction, reconstruction, abandonment or destruction of wells shall be the standards recommended in the Bulletins of the California Department of Water Resources as follows: Bulletin No. 74-81, Chapter II, Water Wells, and Bulletin No. 7490 (Supplement to Bulletin 74-81), as these bulletins may be amended by the state from time to time. The content of such bulletins is incorporated by reference with the following additions or modifications:

Bulletin No. 74-90, Monitoring Well.

(1) Exploration holes for determining immediate geological or hydrological information relating to on-site sewage disposal systems, liquefaction studies, hazardous materials investigations or geotechnical investigations for construction purposes, such as foundation studies, are exempt from the monitoring well destruction standards of Part III Bulletin 74-90; provided, that a zone of low permeability over-lying

sediments with water-bearing capabilities has not been penetrated. For the above-listed cases, the excavation or boring shall be backfilled with native soils immediately after the investigatory work has been completed. Where a zone of low permeability has been penetrated, the hole shall be abandoned as specified in Bulletin 74-90, Part III. When the excavation or boring is to be left open and unattended (such as at the end of a work shift), the person in charge of the construction shall take all necessary precautions to ensure that the excavation has not created a public health or safety hazard.

13.03.311 - Lateral (horizontal) well standards.

The location and design of lateral wells shall be in accordance with the standards recommended in the State of California, Department of Health Services' publication Requirements for Use of Lateral Wells in Domestic Water Systems, as such publication may be amended by the state from time to time. The content of such publication is incorporated in this chapter by reference.

13.03.312 - Required inspection of well site.

A site inspection by the department is required prior to issuance of a permit for a well that is to be part of a public water system or other wells that possess a high potential for contamination as determined by the fire chief. In the event that the well is to serve a system under the direct jurisdiction of the State Department of Health Services, then that agency may perform the site inspection and notify the fire chief of its approval or disapproval.

13.03.313 - Required inspections of wells.

A. A well inspection shall be requested of the department at least two working days in advance of the following activities:

1. For individual domestic wells, agricultural wells, cathodic protection wells and monitoring wells:
 - a. The filling of the annular space or conductor casing; and
 - b. Immediately after the installation of all surface equipment and (for individual domestic wells) after the well has been disinfected and purged.
2. For community wells:
 - a. All community water wells shall be inspected at the frequencies stated in subsection 1 of this section for individual domestic water wells. In addition, a site inspection prior to issuance of a permit is required in accordance with Section 13.03.303.
3. For all wells, any other operation or condition for which a special inspection is stipulated on the well permit.
4. For well destruction (all wells):
 - a. During the actual sealing of the well; and
 - b. Immediately after all well destruction work has been completed.

B. Upon failure to notify the department of the filling of the annular space, approved geophysical tests including sonic log and gamma ray log shall be conducted at the owner's expense to substantiate that an annular seal has been properly installed.

C. If the enforcement agency fails to appear at the well site at the time designated for sealing, the well may be sealed without the presence of the enforcement agency. However, the driller shall seal the well in accordance with the standards of this chapter and the permit in the absence of any inspection.

13.03.314 - Discharge of drilling fluids.

Drilling fluids and other drilling materials used in connection with cathodic protection, monitoring or water well construction shall not be allowed to discharge onto streets or into waterways, and shall not be allowed to discharge to the adjacent property unless a written agreement with the owner(s) of the adjacent property is obtained; provided, however, that such fluids and materials are cleaned up and removed within thirty (30) days after completion of the well drilling and there is no violation of waste discharge regulations. This section shall not operate to prohibit the surface discharge of contaminated groundwater, provided such discharge is carried out in compliance with a lawful order of a regional water quality board.

13.03.315 - General location of water wells.

A. It is unlawful for any person or entity to drill, dig, excavate or bore any water well at any location where sources of pollution or contamination are known to exist, have existed or otherwise substantial risk exists that water from that location may become contaminated or polluted even though the well may be properly constructed and maintained. Exceptions to the above include the following:

1. Extraction wells used for the purpose of extracting and treating water from a contaminated aquifer;
2. Wells from which water is to be treated to meet all State Department of Health standards and requirements; and
3. Wells from which water will be blended with other water sources resulting in water that meets all State Department of Health standards and requirements.

B. Every well shall be located an adequate distance from all potential sources of contamination and pollution as follows:

Source of Contamination and Pollution	Minimum Distance (in Feet)
Sewer	50
Watertight septic tank	100
Subsurface sewage leach line or leach field	100
Cesspool or seepage pit	150
Animal or fowl enclosures	100
Any surface sewage disposal system discharging 2,000 gallons/day or more	200

C. Minimum distances from other sources of pollution or contamination shall be as determined by the department upon investigation and analysis of the probable risks involved. Where particularly adverse or special hazards are involved as determined by the health department, the foregoing distances may be increased or specially approved means of protection, particularly in the construction of the well, may be required as determined by the department.

13.03.316 - Well logs.

A. Any person who has drilled, dug, excavated or bored a well subject to this chapter shall, within thirty (30) days after completion of the drilling, digging, excavation or boring of such well, furnish the department with a complete log of such well on a standard form provided by the State Department of Water Resources. This log shall include depths of formations, character, size distribution (i.e., clay, sand, gravel, rocks and boulders) and color for all lithological units penetrated, the type of casing, pump test results when applicable, and any other data required by the department. The department may require inspection of the well log during any phase of the well's construction and where necessary to achieve the purposes of this chapter may require modification of the work as originally planned.

B. Well logs furnished pursuant to this chapter shall not be made available for inspection by the public, but shall be made available to governmental agencies for use in making studies, provided that any report shall be

made available to any person who obtains written authorization from the owner of the well.

13.03.317 - Water well surface construction features.

- A. Check Valve. A check valve shall be provided on the pump discharge line adjacent to the pump for all water wells.
- B. Sample Spigot. An unthreaded sample spigot shall be provided on the pump discharge line of any water well used as a public water supply adjacent to the pump and on the distribution side of the check valve.
- C. Water Well Disinfection Pipe. All community water supply wells and individual domestic wells shall be provided with a pipe or other effective means through which chlorine or other approved disinfecting agents may be introduced directly into the well. The pipe shall be extended at least four inches above the finished grade and shall have a threaded or equivalently secured cap on it.
- D. Water Well Flow Meter. A flow meter or other suitable measuring device shall be located at each source facility and shall accurately register the quantity of water delivered to the distribution system from all community water supply wells serving the public water supply system.
- E. Air-Relief Vent. An air-relief vent, when required, shall terminate downward, shall be screened and otherwise shall be protected from the entrance of contaminants.
- F. Backflow Prevention Assembly. Agricultural wells equipped with chemical feeder devices for fertilizers, pesticides or other non-potable water treatment shall be furnished with an approved backflow prevention assembly or a sufficient air gap to ensure that a cross-connection with the well does not exist.

13.03.318 - Disinfection of water wells.

Every new, repaired or reconstructed community water supply well or individual domestic well, after completion of construction, repair or reconstruction, and before being placed in service, shall be thoroughly cleaned of all foreign substances. The well gravel used in packed wells, pipes, pump, pump column, and all well water contact equipment surfaces shall be disinfected by a department-approved method. The disinfectant shall remain in the well and upon all relevant surfaces for at least twenty-four (24) hours. Disinfection procedures shall be repeated until micro-biologically safe water is produced, as set forth in the California Code of Regulations, Title 22, Domestic Water Quality Monitoring.

13.03.319 - Water quality standards.

- A. Water from all new, repaired and reconstructed community water supply wells shall be tested for and meet the standards for microbiological, general mineral, general physical, chemical and radiological quality in accordance with the California Code of Regulations, Title 22, Domestic Water Quality and Monitoring.
- B. In addition to the microbiological standards required in Section 13.03.318 above, all individual domestic water wells shall be tested for and meet the nitrate, fluoride and total dissolved solids (TDS) standards in accordance with the California Code of Regulations, Title 22, Domestic Water Quality and Monitoring.
- C. At the discretion of the Utilities General Manager, for the purpose of protecting the health and safety of the public, any new, repaired or reconstructed individual domestic water well or community well shall be tested for and must meet any or all additionally specified water quality standards in accordance with the California Code of Regulations, Title 22, Domestic Water Quality and Monitoring. Exceptions would be community well water to be either treated or blended with other water sources to meet State Department of Health Services standards and requirements. Such treatment or blending must be approved by the State Department of Health Services.

13.03.320 - Private well evaluations.

- A. All individual domestic water wells for which the owner requests a department evaluation of water quality shall be tested for water quality standards for individual domestic water wells as provided for in Section 13.03.318 of this chapter. The department shall perform a well-site inspection and conduct the microbiological sampling

portion of the evaluation. Any additional testing, including any pump test to determine the yield quantity of the well, shall be performed by state-certified individuals at the expense of others.

B. The department shall collect an evaluation service fee in accordance with City fee resolution or any successor resolution.

13.03.321 - Well abandonment.

A. If after thirty (30) days of abandonment the owner has not declared to the department a proposed reuse of the well per Section 13.03.323 and the well has been found by the department to be a hazard, whereby its continued existence is likely to cause damage to groundwater or a threat to public health and safety, the department shall direct the owner to destroy the well in accordance with Section 13.03.310 of this chapter.

B. Upon removal of the pump, the casing shall be provided with a threaded or equivalently secured watertight cap. The well shall be maintained so that it will not be a hazard to public health and safety until such time as it is properly destroyed.

13.03.322 - Public nuisance abatement.

Where an abandoned well has been identified and the owner fails to comply with the department's order to destroy the well, such well may be declared a public nuisance pursuant to Government Code Section 50231, and thereafter abated pursuant to Title 5, Division 1, Part 1, Chapter 1, Article 9 of the California Government Code. Where abatement is undertaken at the expense of the City, such cost, including reasonable attorney's fees, shall constitute a special assessment against the parcel and shall be added to the next regular tax bill as enumerated under Government Code Section 50244 et seq.

13.03.323 - Declaration of proposed reuse.

Where a well is unused or its disuse is anticipated, the owner may apply to the department, in writing, stating an intention to use the well again for its original or other approved purpose. The department shall review such a declaration and may grant an exemption from certain of the provisions of Section 13.03.324 of this chapter, provided no undue hazard to public health or safety is created by the continued existence of the well. Thereafter, an amended declaration shall be filed annually with the department. The original or subsequent exemption may be terminated for cause by the department at any time.

13.03.324 - Administrative variance.

Subject to approval by the State Department of Health Services, the Utilities General Manager may grant an administrative variance of the provisions of this chapter where documentary evidence establishes that a modification of the standards as provided herein will not endanger the general public's health and safety and strict compliance would be unreasonable in view of all the circumstances.

13.03.325 - Violations and penalties.

A. The Utilities General Manager, or his or her designee, may at any and all reasonable times enter any and all places, property, enclosures and structures for the purpose of conducting examinations and investigations to determine whether all provisions of this chapter are being complied with, provided however, that the Utilities General Manager or designee will seek to obtain permission before entering any occupied residence, unless there exists an emergency or condition immediately threatening the public health, safety or welfare.

B. It is unlawful for any person, firm, corporation or association of persons to violate any provision of this chapter or to violate the provisions of any permit granted pursuant to this chapter. Any person, firm, corporation or association of persons violating any provision of this chapter or of the provisions of any permit granted pursuant to this chapter shall be deemed guilty of an infraction or misdemeanor as herein specified. Such person, firm, or corporation or association of persons shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter or the provisions of any permit granted pursuant to this chapter is committed, continued or permitted.

C. Any person, firm, corporation or association of persons so convicted shall be guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) for a first violation and guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) for a second violation at the same site. The third and any additional violations on the same site shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or six months in jail, or both. Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor, or may be enforced through other means, administrative or criminal, available to the City. Payment of any penalty in this chapter shall not relieve a person, firm, corporation or association of persons from the responsibility for correcting the violation.

D. Anything done, maintained or suffered in violation of any of the provisions of this chapter is a public nuisance dangerous to the health and safety of the public and may be enjoined or summarily abated in the manner provided by law. Every public officer or body lawfully empowered to do so shall abate the nuisance immediately. The costs of summary abatement may become a lien against the property on which the nuisance is maintained and a personal obligation against the property owner, in accordance with Government Code section 38773.1 or 38773.5

13.03.326 - Conflict with existing laws.

The provisions of any existing ordinance or state or federal law affording greater protection to the public health or safety shall prevail within this jurisdiction over the provisions of this chapter and the standards adopted or incorporated by reference in this chapter.

13.03.327 – 13.03.340 – Reserved.

EXHIBIT D

Chapter 13.16 – Water Quality Control

[Attached behind this page]

Chapter 13.16 – Water Quality Control

13.16.010. Authority.

This Chapter implements the Clean Water Act and the Porter-Cologne Water Quality Control Act and is enacted pursuant to authority conferred by an Areawide Urban Stormwater Run-Off Permit [NPDES Permit No. CAS617002, Order No. R7-2013-0011 issued by the Regional Board pursuant to Section 402(p) of the Clean Water Act.

13.16.020. Purpose and Objectives.

(a) The purpose of this Chapter is to ensure the health, safety and general welfare of the residents of the City of Coachella by prescribing regulations to effectively prohibit non-stormwater discharges into the City's stormwater drainage system and to specifically achieve the following objectives:

- (1) Control discharges to and from the stormwater drainage system, spills, dumping or disposal of materials other than stormwater;
- (2) Reduce the discharge of pollutants in all stormwater discharges;
- (3) Protect and enhance the water quality of local, State and Federal watercourses, water bodies, ground water and wetlands in a manner pursuant to and consistent with the Clean Water Act and Porter-Cologne Water Quality Control Act.

13.16.030. Definitions.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words and phrases not ascribed a meaning by this Chapter have the meanings ascribed by the Clean Water Act, the regulations implementing the NPDES program, the Porter-Cologne Water Quality Control Act, and its implementing regulations, if defined therein, and if not, then the meaning ascribed by the Areawide Urban Stormwater Run-Off Permit.

“Area-wide urban stormwater runoff permit” means the current, regional NPDES permit issued by the Regional Board to the Riverside County Flood Control District, Riverside County and eleven (11) incorporated cities discharging stormwater into the Whitewater River Basin for the regulation of stormwater discharges from municipal separate storm sewer systems (NPDES Permit No. CAS617002, Regional Board Order No. R7-2013-0011, as it currently exists or may be amended, renewed, or reissued).

“BMP” means any Best Management Practice, Best Management Guideline, or Best Management Requirement as adopted by any Federal, State, regional or local agency to prevent or reduce the pollution of Waters of the United States. BMPs are schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce pollutant loading from stormwater or non-stormwater discharges to receiving waters. BMPs also include treatment requirements, operating procedures, and practices to control: plant site runoff, spillage or leaks; sludge or waste storage and disposal; or drainage from raw material or chemical storage.

“City” or “the City” means to the City of Coachella, California.

“City Engineer” means City Engineer for the City of Coachella, or the Engineer’s designee.

“Clean Water Act” means the Federal Water Pollution Control Act, 33 U.S.C. sections 1251-1387.

“Compliance schedule” means the time period allowed by the City for a discharger to achieve compliance with the City’s stormwater regulations. The “compliance schedule” shall contain specific dates by which adequate treatment facilities, devices, or other related equipment and/or procedures must be installed or implemented.

“Construction activity” means any activity used in the process of developing, redeveloping, enhancing, or maintaining land, including but not limited to: land disturbance, building construction, paving and surfacing, storage and disposal of construction related materials.

“Contamination” means the same as defined in the Porter-Cologne Water Quality Control Act; “contamination” is an impairment of the quality of waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. “Contamination” includes any equivalent effect resulting from the disposal of waste whether or not waters of the state are affected.

“Developer” means a person, firm, corporation, partnership, or association who proposes to develop, develops, or causes to be developed real property except that employees and consultants of such persons or entities, acting in such capacity, are not developers.

“Discharge” means any release, spill, leak, flow or escape of any liquid including sewage, wastewater or stormwater, semi-solid or solid substance onto the land or into the City’s stormwater drainage system.

“Discharger” means any person, property owner or occupant of a unit, building, premise or lot in the City who discharges, causes, allows, or facilitates any discharge, directly or indirectly, into the City’s stormwater drainage system.

“EPA” means the Environmental Protection Agency of the United States of America.

“General permit for stormwater discharges from construction activity” means a statewide General NPDES Permit that regulates all stormwater discharges associated with construction projects that disturb one (1) acre or more of land or which result in the disturbance of less than one (1) acre, but which are part of a larger common plan of development or sale, as it now exists and may be amended, renewed or reissued. (NPDES Permit No. CAS000002; Order No. 2009-0009-DWQ).

“General permit for stormwater discharges from industrial activities” means a statewide General NPDES Permit that regulates stormwater discharges associated with industrial activities that are listed in 40 CFR 122.26 (b) (14), as it now exists and may be amended, renewed or reissued. (NPDES Permit No. CAS000001; Order No. 97-03-DWQ).

Hearing officer” means the Public Works Director or any authorized designee, who presides, at the administrative hearings authorized by this Chapter and issues final decisions on matters raised therein.

“Illegal discharge” means any discharge (or seepage) into the City's stormwater drainage system that is not composed entirely of stormwater except for the discharges authorized pursuant to this Chapter. Illegal discharges include the improper disposal of wastes into the stormwater drainage system.

“Illicit connection” means any of the following:

(1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the stormwater drainage system, including but not limited to , any conveyance which allows non-stormwater discharges including sewage, process wastewater and wash water to enter the stormwater drainage system and any connections to the stormwater drainage system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted or approved by a government agency;

(2) Any drain or conveyance connected to the stormwater drainage system, that is not permitted pursuant to a valid NPDES Permit or which has not been documented in plans, maps or equivalent records approved by the City; or

(3) Any connection to the City's stormwater drainage system that is prohibited under this Chapter or any local, state or federal statute, ordinance, order, or regulation.

“National pollutant discharge elimination system (NPDES)” means the EPA's national program under the Clean Water Act to eliminate discharges of pollution into waters of the United States.

“New development” means new construction on a previously undisturbed parcel. New development does not include routine maintenance to maintain the original line and grade, hydraulic capacity, or original purpose of a facility, nor does it include emergency new development required to protect public health and safety.

“NPDES permit” means any permit issued pursuant to the Federal Clean Water Act.

“Notice of intent (NOI)” means a form provided by the State Board that is required to be completed and submitted in order to obtain coverage under one of the State's NPDES General Stormwater Permits prior to the start of certain business activities or construction activities.

“Non-stormwater” means any water discharge to the City's stormwater drainage system that does not originate from a precipitation event.

“Nuisance” means any condition described by all of the following:

(1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

(2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

(3) Occurs during, or as a result of, the treatment or disposal of wastes.

“Permit” means any permit issued by the City.

“Person” means any individual, partnership, committee, entity, association, corporation, public agency, and any other organization, or group of persons public or private; the masculine genders shall include the feminine, the singular shall include the plural where indicated by the context.

“pH” means the measure of the hydrogen ion concentration of water and the standard by which the acidity or alkalinity of a water sample is determined.

“Pollutant” means, but is not limited to, any liquid, solid or semi-solid substances or combination thereof, which causes or threatens to cause a nuisance or contributes or threatens to contribute to a condition of contamination or pollution of the City's stormwater runoff, stormwater drainage system or the impairment or degradation of waters of the state, including but not limited to the following:

- (1) Floatable materials (such as floatable plastics or wood products, and metal shavings, or materials forming films, foam or scum);
- (2) Household waste (such as trash, cleaners, toxic or hazardous chemicals, yard wastes, animal fecal materials, used oil, coolant, gasoline and other vehicle fluids);
- (3) Metals and non-metals, including compounds of metals and non-metals;
- (4) Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants and grease);
- (5) Domestic sewage from sewer line overflows, septic tanks, porta-potties, boats and recreational vehicles;
- (6) Animal wastes (such as wastes from confinement facilities, kennels, pens, stables, and show facilities);
- (7) Substances having a pH less than 6.5 or greater than 8.5, or unusual coloration, turbidity or odor;
- (8) Materials causing an increase in biochemical oxygen demand, chemical oxygen demand or total organic carbon;
- (9) Materials containing base/neutral or acid extractable organic compounds;
- (10) Waste materials and wastewater generated on construction sites from construction activities (such as painting and staining; use of sealants and glues; use of lime; use of wood preservatives and solvents; disturbance of asbestos fibers, paint flakes or stucco fragments; application of oils, lubricants, vehicle maintenance, construction equipment washing, concrete pouring and cleanup; use of concrete detergents; steam cleaning or sand blasting; use of chemical degreasing or diluting agents; and chlorinated water from potable line flushing;
- (11) Those pollutants defined in Section 1362 (6) of the Federal Clean Water Act; and
- (12) Any other constituent or material, including but not limited to pesticides, herbicides, fertilizers, eroded soils, sediment and particulate materials, in quantities that have been determined by the State or EPA to adversely affect the beneficial uses of waters of the State.

Porter-Cologne Water Quality Control Act means Division 7 of the California Water Code (commencing with section 13000).

“Public Works Director” means the Public Works Director of the City of Coachella, or the Director’s designee.

“Redevelopment” means new development on a previously disturbed parcel. Emergency redevelopment activities conducted to maintain original line and grade, hydraulic capacity, or to restore the original purpose of a facility are not included.

“Regional Board” means the Colorado River Basin Regional Water Quality Control Board.

“Sewage” means the wastewater of the community derived from residential, agricultural, commercial, or industrial sources, including domestic sewage, and industrial wastewater.

“SIC (Standard Industrial Classification)” means the statistical classification standard underlying all establishment-based Federal economic statistics classified by industry. The Standard is published in the SIC Manual, 1987, Office of Management and Budget.

“State Board” means the State Water Resources Control Board.

“Stormwater” means rain water, snowmelt runoff, and associated surface runoff and drainage.

“Stormwater drainage system” means all of the property involved in the operation of the stormwater drainage collection and disposal system for the City, including, but not limited to, conduits, natural or artificial drains, channels and watercourses, together with appurtenances, pumping stations and equipment which is tributary to the regional stormwater runoff system.

“Stormwater pollution prevention plan (SWPPP)” means the plan as described in the General Construction Activity Stormwater Permit as issued by the State Board on August 19, 1999, and as may be amended, or the General Industrial Activities Stormwater Permit as issued on April 17, 1997, and as may be amended, which specifies BMPs that will prevent pollutants from contacting stormwater and all products of erosion from moving off site into receiving waters.

“Stormwater quality management plan (WQMP)” means a plan required of new development/redevelopment projects, outlining appropriate non-structural and structural BMPs, including stormwater infiltration and treatment devices that will be implemented and installed to prevent pollutants from being discharged into the City’s stormwater drainage system, during and after construction.

“Violation” means a breach of any provision of this Chapter.

“Waters of the State” means any surface water or groundwater, including saline waters, within the boundaries of the State.

13.16.040. Administration.

The Public Works Director shall administer, implement and enforce the provisions of this Chapter. Any powers granted to or duties imposed upon the Public Works Director, may be delegated by the Public Works Director to persons authorized by the Director and in the employ of the City of Coachella.

13.16.041. Applicability.

This Chapter shall apply to all dischargers, including all residents as well as commercial, industrial and construction enterprises, to the City's stormwater drainage system, and to dischargers outside the City who, by agreement with the City, utilize the City's stormwater drainage system.

13.16.042. Notice.

Unless otherwise provided herein, any notice required by this Chapter shall be in writing and served in person, by first class, registered or certified mail. Notice shall be deemed to have been given at the time of deposit, postage or prepaid, in a facility regularly serviced by the United States Postal Service.

13.16.043. Connections.

(a) The discharge or diversion of stormwater or non-stormwater is permissible when the connection to the City's stormwater drainage system is made in accordance with a valid construction permit, approved construction plan, and, if applicable, an NPDES Stormwater Permit and the discharge is not prohibited under this Chapter.

(b) It is prohibited to establish, use maintain and/or continue or to permit, cause, or facilitate the establishment, use, maintenance, or continuance of any illicit connection to the City's stormwater drainage system. This prohibition is retroactive and applies to connections made in the past, regardless of whether the connection was made under a permit or other authorization or whether the connection was permissible under the law or practices applicable or prevailing at the time of the connection.

(c) Construction permits are required for the construction or modification of any storm drain or conveyor of drainage waters and appurtenant items within:

(1) Dedicated easements, rights-of-way, or public place and/or facility.

(2) Private property so as it may directly or indirectly discharge into the City's stormwater drainage system. Indirect discharges include, but are not limited to, under sidewalk drains, driveway approaches, and unrestricted sheet flow.

13.16.044. Protection of the stormwater drainage system.

Without the prior written approval of the City's Engineer, no person shall construct, modify or cause to be constructed or modified any structure, facility or appurtenant items which may alter the normal functioning of the City's stormwater drainage system, including any action which may alter the capacity, fall, or structural integrity of a storm drain, channel or related structures.

13.16.045. Prohibited discharges.

It is prohibited to:

(a) Discharge non-stormwater directly or indirectly to the City's stormwater drainage system, or any street, lined or unlined drainage channel which leads to the City's storm drain or directly or indirectly into any waters of the State unless such discharge is authorized by either a separate NPDES permit or as otherwise specified in Section 13.16.046 of this Chapter. If such discharge is permitted by a NPDES

permit or is generally exempted, but causes the City to violate any portion of its NPDES permits for stormwater discharges, such discharge is also prohibited;

(b) Discharge stormwater into the City's stormwater drainage system containing pollutants that have not been reduced in compliance with this Chapter;

(c) Throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, left or maintained, any refuse, garbage, sediment or other discarded or abandoned objects, articles, and accumulations, in or upon any street, alley sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private lot of land in the City, so that the same may be and/or may become a pollutant.

(d) Throw or deposit any refuse, garbage or any other pollutants into any fountain, pond, lake, stream or any other body of water in a park or elsewhere within the City.

(e) Discharge any of the following types of waste into the City's stormwater drainage system:

(1) Sewage;

(2) Surface cleaning wash water resulting from mopping, rinsing, pressure washing or steam cleaning of gas stations, and vehicle service businesses or any other business;

(3) Discharges resulting from the cleaning, repair, or maintenance of any type of equipment, machinery, or facility including motor vehicles, concrete mixing equipment, portable toilet servicing, etc.;

(4) Wash water from mobile auto detailing and washing, steam and pressure cleaning, carpet cleaning, drapery and furniture cleaning, etc.;

(5) Waste water from cleaning municipal, industrial, commercial, residential areas (including parking lots), streets, sidewalks, driveways, patios, plazas, work yards and outdoor eating or drinking areas, containing chemicals or detergents and without prior sweeping, etc.;

(6) Stormwater runoff from material or waste storage areas containing chemicals, fuels, grease, oil or other hazardous materials or contaminated equipment;

(7) Discharges from pool or fountain water containing chlorine, biocides, acids or other chemicals; pool filter backwash containing debris and chlorine;

(8) Pet waste, yard waste, debris, sediment, etc.;

(9) Restaurant wastes such as grease, mop water, and wash water from cleaning dishes, utensils, laundry, floors, floor mats, trash bins, grease containers, food waste, etc.;

(10) Chemicals or chemical waste, including but not limited to, oil, gasoline, diesel fuel, and any other petroleum derivative and toxic chemical;

(11) Medical wastes;

(12) Blow down or bleed water from cooling towers and boilers, regenerative brine waste from water softeners or reverse osmosis treatment systems;

(13) Materials or chemical substances that cause damage to the City's stormwater drainage system;

(14) Dredged and fill material

(15) Any other material that causes or contributes or threatens to cause or contribute to a condition of contamination, nuisance or pollution in the City's storm drainage system or causes a violation of any waste disposal regulations, waste discharge requirements, water quality standards or objectives adopted by the State Board, Regional Board, EPA, Riverside County Fire Hazmat, Riverside County Flood Control District or any other public agency with jurisdiction.

13.16.046. Exceptions to the prohibited discharges.

(a) Unless the City determines any of the following discharges of non-stormwater into the City's storm drainage system constitutes a significant source of pollutants, the following discharges are generally exempt from the Prohibited Discharges listed in Section 13.16.045 of this Chapter.

(1) Discharges covered by an NPDES permit or written clearances issued by the Regional or State Board;

(2) Landscape irrigation, lawn watering, and irrigation water;

(3) Water from crawl space pumps;

(4) Air conditioning condensation;

(5) Non-commercial car washing;

(6) Rising ground waters and natural springs;

(7) Ground water infiltration as defined in 40 CFR 35.2005 (20) and uncontaminated pumped ground water;

(8) Water flows from riparian habitats and wetlands;

(9) Water flows generated from emergency response and/or fire fighting activities, however, appropriate BMPs shall be implemented to the extent practicable; BMPs must be implemented to reduce pollutants from non-emergency fire fighting flow;

(10) Waters not otherwise containing wastes as defined in Cal. Water Code Section 13050(d),

(11) Other types of discharges identified and recommended by the City and approved by the Regional Board.

13.16.047. Compliance with best management practices (BMPs).

Any person undertaking any activity or operation in the City that could potentially cause or contribute to stormwater pollution or a discharge of non-stormwater shall minimize the discharge of pollutants to the stormwater drainage system through the installation, implementation, and maintenance of applicable Best Management Practices (BMPs) consistent with the California Stormwater Best Management Practice Handbooks, or equivalent, the current, Riverside County Stormwater Program's "Report of Waste Discharge," or equivalent, or as required by the Public Works Director.

13.16.049. Spill containment.

Persons storing chemicals or chemical waste outdoors shall be required to install spill containment subject to requirements established by the City Engineer/Public Works Director and Federal, State and County Standards. Persons storing any other materials or equipment that are potential sources of stormwater pollution are also required to install spill containment. No person shall operate a spill containment system that could allow incompatible materials and/or wastes to mix, thereby creating hazardous or toxic substances in the event of failure of one or more containers.

Spill containment systems shall consist of a system of dikes, walls, barriers, berms and/or other devices designed to contain the spillage of the liquid contents of the containers stored in them and to minimize the buildup of stormwater from precipitation, and run-on from roof drainage and outside areas. If the spill containment system does not have a roof which covers the entire contained area, the spill containment system shall have the capacity to contain precipitation from at least a twenty-four (24) hour, twenty-five (25) year rainfall event plus ten percent (10%) of the total volume of the material stored there or the volume of the largest container, whichever is greater. Spill containment systems shall also be constructed of impermeable and non-reactive materials to the materials and/or wastes being contained.

Spilled and/or leaked materials and/or wastes and any accumulated precipitation shall be removed from the spill containment system in as timely a manner as is necessary to prevent the overflow of the spill containment system. Unless otherwise approved by the City Engineer/Public Works Director, all chemicals or wastes discharged within the spill containment system shall be disposed of in accordance with all applicable Federal, State, and local rules, regulations, and laws, and shall not be discharged into the City's sanitary sewer system, stormwater drainage system or onto the ground.

13.16.050. Immediate notification of accidental discharge.

Protection of the City's stormwater drainage system from the accidental discharge of prohibited materials or wastes is the responsibility of the person or persons in charge of such material. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City Engineer/Public Works Director prior to any construction. All new and existing industrial and commercial dischargers, all persons in charge of any new or redevelopment project, and any person designated by the Public Works Director shall complete such a plan. Review and approval of such plans and operating procedures shall not relieve the discharger from the responsibility to modify a facility as necessary to meet the requirements of this Chapter.

A notice shall be permanently posted in a prominent place advising employees whom to contact in the event of an accidental discharge. Employers shall ensure that all employees are advised of the emergency notification procedures. In the event of an accidental discharge, it is the responsibility of the discharger to immediately telephone and notify the proper authorities.

All discharges released into the City's stormwater drainage system, including a street or gutter, shall be immediately reported to the City's Public Works Department and Fire Department. All discharges that

pose a threat to human health or the environment shall be reported to the Executive Officer of the Regional Board within twenty-four (24) hours by telephone or e-mail and followed with a written report of the spill event within five (5) days. At a minimum, all sewage spills and all reportable quantities of hazardous materials or hazardous waste shall be reported to the Public Works Director within twenty-four (24) hours.

13.016.051. Written notification of accidental discharge.

Within five (5) working days following an accidental illegal discharge into the City's stormwater drainage system, the person or persons in charge of the material and/or waste which was illegally discharged shall submit a written report to the Public Works Director. The report shall describe in detail the type and volume of the material and/or waste and the cause of the discharge. The report shall also describe in detail all corrective actions taken and measures to be taken to prevent future occurrences.

Such notification of the illegal discharge shall not relieve the user of any fines or civil penalties incurred as a result of the event or any other liability which may be imposed by this Chapter or other applicable laws.

13.16.052. Authority to inspect.

(a) The Public Works Director and any designated representatives shall be authorized, at any reasonable time, to enter the premises of any discharger to the City's stormwater drainage system to determine compliance with the provisions of this Chapter, and to:

(1) Conduct inspection, sampling, monitoring, and other duties to enforce the provisions of this Chapter;

(2) Review any records, reports, test results or other information required to enforce the provisions of this Chapter. Such review may include the necessity to photograph, videotape, or copy any applicable information; and

(3) Inspect any chemicals, materials, wastes, storage areas, storage containers, and waste generating processes, treatment facilities, and discharge locations. Such inspection may include the necessity to photograph or videotape any applicable chemicals, materials, wastes, storage areas, storage containers, waste generating processes, treatment facilities, and discharge locations.

(b) The Public Works Director and any designated representatives shall provide adequate identification when entering the premises of any discharger. If such entry is refused or cannot be obtained, the Public Works Director shall have recourse to every remedy provided by law to secure lawful entry and inspection of the premises.

(c) If the Public Works Director has reasonable cause to believe that non-stormwater discharge conditions on or emanating from the premises are of a nature so as to require immediate inspection to safeguard public health or safety, the Public Works Director shall have the right to immediately enter and inspect said property and may use any reasonable means required to effect such entry and make such inspection, regardless if said property is occupied or unoccupied and regardless if formal permission to inspect said property has been obtained.

(d) Where a discharger has instituted security measures requiring proper identification and clearance before entry onto the premises, the discharger shall make all necessary arrangements with its

security agents in order that, upon presentation of such identification, the Public Works Director or any authorized designated representative(s) shall be permitted to enter the premises without delay, for the purpose of performing their authorized duties. For facilities, which require special clearances to conduct inspections, it shall be the responsibility of the discharger to obtain all necessary clearances on behalf of the City so that the inspection is not impaired.

13.16.140. Prohibited discharges.

In addition to the General Prohibitions in Section 13.16.045 of this Chapter, it is prohibited to discharge any of the following to any street, gutter, alley, sidewalk, storm drain inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private lot of land in the City, so that the same may be and/or may become a pollutant:

- (a) Animal waste, soil, leaves, plant and tree cuttings, grass clippings, weeds, dead trees, fertilizer, soil amendments or mulch, and pesticides;
- (b) Concrete or cement waste, brick and tile work wastes, plaster and drywall tool cleanup water, waste paint or painting cleanup water, asphalt or asphalt cleanup solvents or slurry from saw cutting concrete or asphalt and other construction waste;
- (c) Domestic sewage including wastewater from sinks, washing machines, dishwashers, toilets, campers, motorhomes or trailers;
- (d) Chemicals, degreasers, bleach, steam cleaning or pressure washing wastewater;
- (e) Motor oil, antifreeze, gasoline, diesel, kerosene, solvents, battery acid, brake fluid, transmission fluid, power steering fluid, engine cleaning compounds, engine or parts cleaning washwater or rinsewater and any other vehicular fluids;
- (f) Water softener brine waste, or any other waste water from other household water treatment systems;
- (g) Waste water from draining swimming pools, ponds or fountains which contain chlorine biocides, acids or other chemicals, pool filter backwash containing debris and chlorine;
- (h) Discharges from acid cleaning of swimming pools, ponds or fountains or filter cleaning from the same;
- (i) Any other material that causes or contributes or threatens to cause or contribute to a condition of contamination, nuisance or pollution in the City's storm drainage system or causes a violation of any waste disposal regulations, waste discharge requirements, water quality standards or objectives adopted by the State Board, Regional Board.

13.16.141. Responsibility for illegal discharge of prohibited substances.

The property owner(s) of a lot or parcel from which an illegal discharge originates shall be ultimately responsible for all abatement and cleanup costs associated with an illegal discharge, if the responsible party cannot be located. Likewise, if the tenant of a multi-family residential unit has discharged a prohibited material or waste into the City's storm drainage system or has caused the contamination of

stormwater runoff from the property, and the Public Works Director cannot determine the responsible party or residential unit responsible, the owner of the property from which the discharge originated, shall be responsible for the cleanup and abatement costs to mitigate the condition. Additionally, a property owner will be responsible for all cleanup costs and damages to the City's storm drainage system from a contractor's activities, if the contractor was hired by the owner and cannot be located.

13.16.142. Maintenance of private residential storm drainage systems.

(a) All private residential storm drainage inlets, underdrains and gutters shall be inspected annually and cleaned prior to the beginning of the rainy season if there is evidence of one or more of the following conditions:

- (1) The sediment/debris storage volume is twenty-five percent (25%) or more full;
- (2) There is evidence of illegal discharge;
- (3) Accumulated sediment or debris impairs the hydraulic function of the facility.

(b) Private streets shall also be swept and maintained as needed to prevent sediment, gardening waste, trash, litter and other contaminants from entering the City's storm drainage system.

Industrial and Commercial Requirements

13.16.240. Non-stormwater discharges.

All non-stormwater discharges associated with industrial and commercial activities that discharge into the City's stormwater drainage system are prohibited except as permitted by an individual user's NPDES Stormwater Permit or Section 13.16.046 of this Chapter.

13.16.241. General permit for stormwater discharges from industrial activities.

(a) All facilities described in 40 CFR 122.26(b)(14)(i)-(xi) must obtain coverage under the State's General Permit for Discharges of Stormwater Associated with Industrial Activities, at least fourteen (14) days prior to the startup of business activities. All listed businesses are required to submit a completed Notice of Intent (NOI) form, site map and application fee to the State Board. The State Board also requires the listed businesses to prepare a Stormwater Pollution Prevention Plan (SWPPP), retain a copy of the SWPPP on site and comply with all the requirements of the general permit. Copies of the NOI form are available from the Public Works Department, Environmental Section.

(b) Prior to receiving a business license or certificate of occupancy, all businesses that have filed an NOI for coverage under the State's General Permit and have received a Waste Discharge Identification Number (WDID) from the State Board, must either mail, FAX or hand deliver a copy of the WDID letter from the State to the Public Works Department, Environmental Section as proof of filing.

13.16.242. Conditional category - Notice of non-applicability.

(a) Businesses who own or operate facilities described in 40 CFR 122.26(b)(14)(xi) may prepare a "NOTICE OF NON-APPLICABILITY" in lieu of an NOI if they can certify on this form provided by the State Board that there is no manufacturing process, material, equipment or product storage outside in an

area that is exposed to stormwater runoff. The “Notice of Non-Applicability” must document all of the following:

- (1) All prohibited non-stormwater discharges have been eliminated or otherwise permitted;
 - (2) All significant materials related to industrial activity (including waste materials) are not exposed to stormwater or authorized non-stormwater discharges;
 - (3) All industrial activities and industrial equipment are not exposed to stormwater or authorized non-stormwater discharges;
 - (4) There is no exposure of stormwater to significant materials associated with industrial activity through other direct or indirect pathways such as from industrial activities that generate dust and particulates.
- (b) Businesses in this category are required to submit the Notice of Non-Applicability to the local office of the Regional Board and are required to maintain the above documentation on-site at all times. They are also required to re-evaluate and re-certify once a year that the conditions above are continuously met. Copies of the “Notice of Non-Applicability” form are available from the City's Public Works Department, Environmental Section.

13.16.243. Best management practices (BMPs).

- (a) All businesses, regardless of permit status, shall implement all applicable BMPs, consistent with the California Stormwater Best Management Practice Handbooks, or equivalent, the current Riverside County Stormwater Program's Report of Waste Discharge, or equivalent, or as required by the City, to reduce pollutants in stormwater runoff and reduce non-stormwater discharges to the City's stormwater drainage system in compliance with this Chapter. All structural controls shall be maintained to effectively prevent pollutants from contacting stormwater or remove pollutants from stormwater runoff. Maintenance records for structural and treatment devices, including waste hauling receipts shall be kept for a period of five (5) years and made available to the City's inspector, upon request.
- (b) If structural or treatment controls are not functioning as designed or are not effective in reducing stormwater pollutants or non-stormwater discharges in compliance with this Chapter, the City may require that the control device be repaired, rebuilt or replaced.

Construction, New and Redevelopment Requirements

13.16.340. Stormwater quality management Plan (WQMP) and BMPs.

- (a) Plan Review and BMPs. The City will review project plans and impose terms, conditions, and requirements on the project to ensure compliance with this Chapter, including but not limited to required BMPs. If a project will be approved without application for a building or grading permit, the City will review project plans and impose terms, conditions, and requirements prior to project approval.
- (b) WQMP. Prior to the issuance of any grading or building permit, all qualifying new and redevelopment projects must submit and have approved a Water Quality Management Plan (WQMP) to the City Engineer on a form provided by the City. The WQMP shall identify all BMPs that will be incorporated into the project to control stormwater and non-stormwater pollutants during and after

construction and shall be revised as necessary during the life of the project. The WQMP submittal applies to construction projects covered by the general permit for stormwater discharges from construction activity, as well as to construction projects less than one (1) acre. Qualifying new and redevelopment projects include:

- (1) Home subdivisions of ten (10) units or more. This includes single family residences, multi-family residences, condominiums, apartments, etc.;
- (2) Commercial developments of one hundred thousand (100,000) square feet or more. This includes non-residential developments such as hospitals, educational institutions, recreational facilities, mini- malls, hotels, office buildings, warehouses, and light industrial facilities;
- (3) Vehicle maintenance shops (SIC codes 5013, 5014, 5541, 7532-7534, 7536-7539);
- (4) Food service businesses developing five thousand (5,000) square feet or more of land area;
- (5) All hillside developments that create ten thousand (10,000) square feet or more of impervious area, which are located on areas with known erosive soil conditions or where the natural slope is twenty-five percent (25%) or more, including single family hillside residences that create ten thousand (10,000) square feet or more of impervious area where the natural slope is ten percent (10%) or greater or where erosive soil conditions exist;
- (6) Developments of two thousand five hundred (2,500) square feet of impervious surface or more adjacent to (within two hundred (200) feet) or discharging directly into environmentally sensitive areas such as areas designated in the Ocean Plan as areas of special biological significance or water bodies listed on the CWA Section 303(d) list of impaired waters;
- (7) Parking lots of twenty-five (25) spaces or five thousand (5,000) square feet or more exposed to stormwater. "Parking lot" is defined as land area or facility for the temporary storage of motor vehicles;
- (8) All retail gasoline outlets and restaurants disturbing more than five thousand (5,000) square feet;
- (9) All redevelopment projects adding five thousand (5,000) square feet or more of impervious surface on an already developed site. This includes additional buildings and/or structures, extension of an already existing building footprint and construction of parking lots, etc.

13.16.341. General permit for stormwater discharges from construction activity.

(a) Any developer or owner engaging in construction activities which disturb one (1) acre or more of land shall apply for coverage under the general permit for stormwater discharges from construction activity with the State Board. Any developer or owner engaging in construction activities which disturb less than one (1) acre but which area is part of a larger common plan of development or sale that is greater than one (1) acre must also apply for coverage under the general permit for stormwater discharges from construction activity with the State Board.

(b) Prior to obtaining any City-issued grading and or construction permits the developer or owner shall provide evidence of compliance with the general permit for stormwater discharges from construction activity by providing a copy of the Waste Discharger's Identification Number (WDID) to the City's Public Works Department.

13.16.342. Non-stormwater discharges.

(a) Discharges of non-stormwater from construction activities are generally prohibited except for those discharges listed in Section 13.16.046 of this Chapter or any discharges authorized by the City Engineer or the Regional Board.

(b) All construction site operators must control all waste from construction sites, such as discarded building materials, concrete truck wash out, chemicals, litter, and sanitary waste, which may cause an adverse impact on water quality.

13.16.343. Non-stormwater discharge reporting requirements.

Authorized non-stormwater discharges under Section 13.16.342 shall be reported to the Public Works Director at least five (5) days prior to a planned discharge. Unplanned discharges of non-stormwater into the City's storm drainage system shall be reported as soon as possible and before any discharge is initiated. The City's Public Works Department, Environmental Section will provide a "Non-Stormwater Discharge Notification Form" for any developer that is proposing to discharge any non-stormwater from a construction site. The Non-Stormwater Discharge Notification Form must be submitted to the Public Works Department, Environmental Section, for these discharges, at least five (5) days prior to any planned discharge or as soon as possible for any unplanned discharge. Monitoring may also be required for these discharges. If the City provided form is not utilized, a report must be submitted to the Public Words Director prior to the discharge, which includes the following information:

- (a) Date, time, and location of proposed discharge;
- (b) Type of proposed discharge;
- (c) Estimated average and maximum daily flow rate;
- (d) Frequency and duration of discharge;
- (e) A description of the proposed treatment system (if appropriate);

(f) A description of the path from the point of discharge to the nearest storm drain inlet. All discharges shall be monitored daily for flow volume and shall be recorded in a daily log by the person responsible for the discharge. Discharges shall also be sampled during the first thirty (30) minutes of each discharge and weekly thereafter for continuous discharges for chlorine and total suspended solids. Monitoring data for flow, chlorine and suspended solids and any other required constituents shall be reported to the City's Public Works Department, Environmental section on a weekly basis.

13.16.344. Best management practices.

All construction projects which could potentially have an adverse impact on the City's stormwater drainage system or waters of the state shall install and/or implement appropriate construction and post-

construction BMPs, as listed in their WQMP or the “California Stormwater Best Management Practice Handbook”, or as may be required by the City, to comply with the requirements of this Chapter.

13.16.345. WQMP transfer, access, and maintenance agreement.

(a) The City Manager or any authorized designee is authorized to sign all water quality management plan access, transfer and maintenance agreement documents entered into by the City with project proponents for the on-going and long-term maintenance of all approved stormwater treatment devices, structures and administrative policies designed to minimize the detrimental effects of new development projects on receiving waters, including effects caused by increased pollutant loads and changes in hydrology.

(b) The Public Works Director may require the owner of any new or redevelopment project listed in Section 13.16.340(b) to enter into an agreement for the operation and maintenance of any post-construction control measure and to record such agreement with the County Recorder’s Office. The signature of the owner of the property is sufficient for recording this document. A signature from the City is not required for recording.

Administrative Enforcement Remedies

13.16.440. Notice of correction (NOC).

Whenever the Public Works Director or any authorized designee finds that any discharger has the potential to violate or has already violated any prohibition, limitation or requirement contained in this Chapter, any NPDES stormwater permit or the Basin Plan, the City may serve upon such person a written Notice of Correction stating the nature of the violation and the necessary actions that must be implemented to correct the situation. The Notice of Correction shall set forth a time period by which the problem must be corrected and the penalties for non-compliance.

13.16.441. Notice of violation.

When the Public Works Director or any authorized designee finds that any discharger has failed to comply with a Notice of Correction or has violated or continues to violate any prohibition, limitation or requirement contained in this Chapter, any NPDES stormwater permit or the Basin Plan, the City may serve upon such person a written Notice of Violation stating the nature of the violation and the penalties for non-compliance. At a minimum, the Notice of Violation shall require that the discharger submit to the Public Works Director, within a time period specified in the notice, a plan indicating the cause of the violation and corrective actions which will be taken to prevent recurrence. A discharger shall be guilty of a separate offense for every day during any portion of which any violation of any provision of this Chapter is committed, continued, or permitted by the discharger. Pursuant to Cal. Gov’t Code Sections 53069.4 and 36900(b) the following violation assessments will apply to the issuance of a Notice of Violation by the Public Works Director or any authorized representative:

(a) A first Notice of Violation shall be issued for a first violation of this Chapter and shall be punishable by a fine not exceeding One Hundred Dollars (\$100.00);

(b) A second Notice of Violation shall be issued for a second violation of this same ordinance within one year and shall be punishable by a fine not exceeding Two Hundred Dollars (\$200.00);

(c) A third Notice of Violation shall be issued for a third violation of this same ordinance within one (1) year and shall be punishable by a fine not exceeding Five Hundred Dollars (\$500.00). Each additional violation of the same ordinance within one (1) year shall also be punishable by a fine of Five Hundred Dollars (\$500.00).

13.16.442. Administrative orders.

The Public Works Director may require compliance with any prohibition, limitation or requirement contained in this Chapter, any NPDES stormwater permit or the Basin Plan, by issuing an Administrative Order, enforceable in a court of law or by directly seeking court action. Administrative orders may include Compliance Orders, Stop Work Orders, Cease and Desist Orders, Termination of Service Orders and Immediate Termination of Service Orders.

(a) Compliance orders. The Public Works Director or any authorized designee may issue a Compliance Order to any discharger who fails to correct a violation of this Chapter, any NPDES stormwater permit or the Basin Plan. The order shall be in writing, specify the violation(s) and require appropriate compliance measures within a specified time period. The Compliance Order may include the following terms and requirements:

(1) Specific steps and time schedules for compliance as reasonably necessary to eliminate an existing prohibited discharge or illegal connection or to prevent the imminent threat of a prohibited discharge;

(2) Specific requirements for containment, cleanup, removal, storage, installation of overhead covering or proper disposal of any pollutant having the potential to contact stormwater runoff;

(3) Installation of stormwater treatment devices, containment structures, wash racks and addition and removal of stormwater drains;

(4) Any other terms or requirements reasonably calculated to prevent imminent threat of or continuing violations of this Chapter, including, but not limited to requirements for compliance with best management practices guidance documents promulgated by any federal, state or regional agency.

The Public Works Director or any authorized designee may adopt a proposed compliance schedule submitted by the user or may adopt a revised compliance schedule if the proposed compliance schedule would allow the user to cause harm to the receiving waters and/or the City's storm drainage system.

A Compliance Order shall require the discharger to pay a One Thousand Dollar (\$1,000) penalty fee to the City for the issuance thereof.

(b) Stop work order. The Public Works Director, City Engineer or Building Official may serve a written Stop Work Order on any person engaged in doing or causing to be done, new construction, tenant improvements, alterations or additions, if:

(1) No construction permit has been granted by the City;

(2) Work has begun prior to the submittal of a written WQMP and subsequent approval by the City Engineer or any authorized designee; or,

(3) Violations of this article are found at the site of the new construction, tenant improvements, alterations or additions.

Any person served a Stop Work Order shall stop such work immediately until written authorization to continue is received from the Public Works Director, City Engineer or Building Official. A Stop Work Order shall require the discharger to pay a One Thousand Dollar (\$1,000) penalty fee to the City for the issuance thereof.

(c) Cease and desist order. When the Public Works Director or any authorized designee finds that any discharger has violated or threatens to violate any prohibition, limitation or requirement contained in this Chapter, any NPDES stormwater permit or the Basin Plan, or NPDES Stormwater Permit, the City may issue a Cease and Desist Order directing the discharger to:

(1) Immediately discontinue any illicit connection or prohibited discharge to the City's stormwater drainage system;

(2) Immediately contain or divert any flow of water off the property, where the flow is occurring in violation of any provision of this Chapter; and

(3) Immediately discontinue any other violation of this Chapter.

A Cease and Desist Order shall require the discharger to pay a One Thousand Dollar (\$1,000) penalty fee to the City for the issuance thereof.

(d) Termination of service. When the Public Works Director, City Engineer, or any authorized designee finds any discharger who has a direct connection into the City's stormwater drainage system or has violated an Administrative Order, the City Engineer may terminate storm drain service to the discharger. The discharger shall be liable for all costs for termination of storm drain service incurred by the City. This provision is in addition to any other statutes, rules or regulations authorizing termination of service for delinquency payment or for any other reasons. Storm drain service shall be re-instituted by the City Engineer after the discharger has complied with all the provisions of the Administrative Order. The discharger shall also be liable for all costs for re- instituting storm drain service.

(e) Immediate termination of service. The City Engineer may immediately suspend storm drain service and any non-stormwater discharge permit when such suspension is necessary, in the opinion of the City Engineer, to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, or which significantly or could significantly cause pollution to the receiving waters, ground and/or storm drainage system of the City. Any discharger notified that their storm drain service has been suspended shall immediately cease and eliminate the discharge into the City stormwater drainage system.

In the event of failure to comply voluntarily with the Termination of Service Order, the City Engineer shall take appropriate steps, including immediate severance of all applicable storm drain connections. All persons responsible for a discharge that may endanger the health or welfare of the community or the environment shall be liable for all costs incurred by the City in terminating storm drain service. Storm drain service shall be re-instituted by the City Engineer after the actual or threatened discharge has been eliminated. A detailed written statement, submitted by the discharger, describing the cause of the harmful contribution and the measures to prevent any future occurrence, shall be submitted to the City Engineer within ten (10) working days of the date of storm drain service termination.

13.16.443. Administrative hearing.

(a) Any discharger may request, or the Public Works Director may order, an administrative hearing, at which time, a discharger who causes or allows, or who has caused or allowed, an unauthorized discharge to enter into the City's stormwater drainage system or who continues to allow a violation of this Chapter to exist, may show cause why a proposed enforcement action should not be taken against him. The City Manager, or the City Manager's designee, shall preside over the administrative hearing, at which time each party, including the discharger and the Public Works Director or any authorized designee, shall have the right to present evidence.

(b) A Notice of Hearing shall be served on the discharger specifying the time and place of the hearing and referencing the specific violation of this Chapter, the reasons why the action is to be taken and the proposed enforcement action, directing the discharger to show cause before the Hearing Officer why the proposed enforcement action should not be taken. The Notice of Hearing shall be served personally or by registered or certified mail, return receipt requested at least ten (10) working days prior to the hearing. Service of the Notice of Hearing may be made on any agent or officer of the discharger.

13.16.444. Administrative civil penalties.

(a) Pursuant to Cal. Gov't Code §§ 54739 and 54740.5, the Public Works Director may issue an administrative complaint to any person who violates this Chapter, any prohibition or limitation thereof or any compliance order, cease and desist order, stop work order or injunction. The administrative complaint shall allege the act or failure to act that constitutes the violation, the proposed civil penalty, and the authority under which it is imposed.

(b) The administrative complaint, served on the alleged violator by personal delivery or by certified mail, shall inform the person served that a hearing before the Public Works Director shall be conducted within sixty (60) days of the service of the complaint. The right to a hearing may be waived by the person who has been issued the administrative complaint, in which case the City shall not conduct a hearing. A person dissatisfied with the decision of the Public Works Director may appeal to the City Council of the City of Coachella within thirty (30) days of notice of the Director's decision.

(c) If after the hearing, or appeal, if any, it is found that the person has violated reporting or discharge requirements, the Public Works Director or City Council may assess a civil penalty against that person. In determining the amount of the civil penalty, the Public Works Director or City Council may take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, attempted or taken by the discharger.

(d) Civil penalties may be assessed as follows:

(1) In an amount which shall not exceed Three Thousand Dollars (\$3,000) for each day for failing or refusing to timely comply with any compliance order established by the City;

(2) In an amount which shall not exceed Five Thousand Dollars (\$5,000) per violation for each day of discharge in violation of any discharge limitation, area-wide urban runoff permit condition, or requirement issued, reissued or adopted by the City;

(3) In an amount which shall not exceed Ten Dollars (\$10.00) per gallon for discharges in violation of any stop work order, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the City.

(4) The amount of any civil penalties imposed under this section which have remained delinquent for a period of sixty (60) days shall constitute a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty. The lien provided herein shall have no force and effect until recorded with the County Recorder and when recorded shall have the force and effect and priority of a judgement lien and continue for ten (10) years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of Cal. Code of Civil Procedure §§ 683.110 to 683.220, inclusive.

(5) All monies collected under this section shall be deposited in a special account of the City and shall be made available for the monitoring, treatment, and control of discharges into the City's storm drainage system or for other mitigation measures.

(e) Unless appealed, an order imposing administrative civil penalties shall become effective and final upon issuance thereof, and payment shall become due within thirty (30) days of issuance of an invoice by the City of Coachella. Copies of these orders shall be served by personal service or by registered mail upon the party served with the administrative complaint and upon other persons who appeared at the hearing and requested a copy.

(f) The City may, at its option, elect to petition the Superior Court to confirm any order establishing civil penalties and enter judgement in conformity therewith in accordance with the provisions of Cal. Code of Civil Procedure §§ 1285 to 1287.6, inclusive.

13.16.445. Compensation for damages.

Any person who damages monitoring equipment, has the potential to affect or affects human health or the environment, discharges pollutants into the City's storm drainage system which causes or has the potential to cause increased maintenance of the system, non-routine inspection or sampling of the system, system blockages or other damage or interference in the City's stormwater drainage system, or causes any other damages, including the imposition of fines or penalties on the City by Federal, State or local regulatory agencies, shall be liable to the City for all damages and additional costs, including fines and penalties. An administrative fee, which shall be fixed by the City Manager based on the City's current overhead cost allocation percentage, shall be added to these charges and shall be payable to the City within thirty (30) calendar days of invoicing.

13.16.446. Appeals.

Any decision of the Public Works Director may be appealed. An appeal must be initiated within ten (10) working days after receipt of the notice of any decision or action by filing, with the Public Works Director, a letter of appeal briefly stating therein the basis for such appeal. The hearing on appeal shall be held on a date no more than fifteen (15) working days after receipt of the letter of appeal. The appellant shall be given at least five (5) working days notice of the time and place of the hearing. The City Manager, or the City Manager's designee, shall provide the appellant and any other interested party the reasonable opportunity to be heard and in order to show cause why the determination of Public Works Director should not be upheld. Within forty-five (45) working days of the hearing, the City Manager, or the City Manager's designee, shall make a written decision regarding the appeal. The decision of the City Manager, or the City Manager's designee, shall be final. The imposition of fines or penalties shall be

stayed during the appeal period unless the Public Works Director determines that such a stay would threaten the public safety, health or welfare.

13.16.447. Violations deemed a public nuisance.

(a) In addition to the penalties established by this Chapter, any violation of this Chapter and any threat to public health, safety or welfare is declared and deemed a public nuisance. Such public nuisance may be summarily abated and/or remedied by the Public Works Director, and/or civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken by the City Attorney.

(b) The cost of such abatement, remediation and/or restoration shall be borne by the owner, lessee or tenant of the property causing the violation. The cost thereof shall be a lien upon and against the property and such lien shall continue in existence until the same shall be paid.

Judicial Enforcement Remedies

13.16.540. Legal action.

(a) The City Attorney may commence an action for appropriate legal, equitable or injunctive relief in the Municipal or Superior Court of the County against any person who has violated or continues to violate any provision of this Chapter, the Basin Plan, Federal or State discharge standards or permit conditions, or who violates the requirements of any Administrative Order.

(b) In addition to the penalties provided in this Chapter, the Public Works Director may recover all reasonable attorney fees, court costs, court reporter's fees, expenses of litigation by appropriate suit of law against the person(s) found to have violated any provision of this Chapter or the orders, rules, regulations and permits issued thereunder and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City of Coachella.

13.16.541. Civil penalties.

(a) Persons who continue to violate any provision of this Chapter shall be liable to the City for a maximum civil penalty of Twenty-Five Thousand Dollars (\$25,000) but not less than Three Thousand Dollars (\$3,000) 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) 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 discharger's violation, corrective actions by the discharger, the compliance history of the discharger, and any factor as justice requires.

(c) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for taking any other action against a discharger. The City may institute further legal action to collect such penalties in the event that the violator of this Chapter fails or refuses to pay said penalty within thirty (30) days from the date that it has been assessed.

13.16.542. Criminal prosecution.

(a) Any person who willfully or negligently violates any provision of this Chapter or permit conditions, or who violates any Administrative Order or any other provision of this Chapter is guilty of a misdemeanor, which, upon conviction, is punishable by a fine of not less than Three Thousand Dollars (\$3,000) and/or by imprisonment for a period of not more than six (6) months. Each such person shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provisions of this Chapter is committed, continued or permitted by such discharger, and shall be punishable therefore as provided by this section.

(b) Any person 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 Chapter, stormwater 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 fine of not less than Three Thousand Dollars (\$3,000) per day of violation or by imprisonment or by both.

13.16.543. Falsifying information.

Any person who knowingly makes any false statement, representation, record, report, plan or other document filed with the City, or who falsifies, tampers with or knowingly renders inaccurate monitoring devices or methods required under this Chapter, shall have violated this Chapter and shall be guilty of a misdemeanor.

13.16.544. Remedies nonexclusive.

Each remedy for the enforcement of this Chapter is nonexclusive, and the City may seek cumulative remedies, except that multiple monetary fines or penalties may not be imposed for any single violation of this Chapter.

13.16.545. Consecutive violations.

Each day in which a violation of this Chapter occurs and each separate failure to comply with any enforcement order issued pursuant to this Chapter is a separate violation, separately punishable.

13.16.640. Business inspection fees.

Business inspection fees in an amount established by the City Council shall be collected for those businesses requiring regular compliance inspections under the Areawide Urban Storm Water Run-Off Permit. Affected businesses shall include industrial businesses subject to the California Statewide General NPDES Permit for Storm Water Discharges Associated with Industrial Activities, commercial businesses listed in the Areawide Urban Storm Water Run-Off Permit and other industrial and commercial sites/sources that the City determines may contribute a significant pollutant load to the Municipal Separate Storm Sewer System. The inspection fee shall pay for inspection time including the preparation of inspection reports, review of written Storm Water Pollution Prevention Plans, storm water runoff sampling activities, enforcement response and follow-up as needed. The inspection fees may be adopted by ordinance or resolution and shall be subject to periodic review and revision by ordinance resolution, as part of the City's updated and modified schedule of service fees, inspection fees and processing fees.

General Clauses

13.16.740. Severability.

If any provisions, paragraph, word, section or article of this Chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraph, words, sections, and other chapters, shall not be affected and shall continue in full force and effect.

13.16.741. City's right of revision.

The City Council may establish by ordinance and/or resolution more stringent limitations and requirements related to discharges into the City's stormwater drainage system, if deemed necessary.