

ORDINANCE NO. 10.13

AN ORDINANCE AMENDING ARTICLES I, II, AND III OF
CHAPTER 35 OF THE MOUNTAIN VIEW CITY CODE,
RELATING TO WATER, SEWAGE, AND OTHER MUNICIPAL SERVICES

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY
ORDAIN:

Section 1. Council Findings. The City Council of the City of Mountain View finds and declares that Articles I, II, and III of Chapter 35 of the Mountain View City Code, relating to water, sewage, and other municipal services, shall be revised.

Section 2. Article I of Chapter 35 of the Mountain View City Code is hereby amended to read as follows:

**“ARTICLE I.
IN GENERAL.**

SEC. 35.10. Owners of premises – Duty to keep service pipes, etc., in good repair.

The owners of premises taking city water, or having sewer connections, shall keep their service pipes, stopcocks, service lines, sewer lateral, plumbing, and all apparatus connected therewith, in good repair at their own expense.”

Section 3. Article II of Chapter 35 of the Mountain View City Code is hereby amended to read as follows:

**“ARTICLE II.
PROVISIONS PERTAINING TO WATER SUPPLY.***

*For state law as to water and water systems generally, see H. & S. C. A., Sec. 4010 to 4038.

**DIVISION 4.
BACKFLOW PREVENTION.**

SEC. 35.28.19. Definition of terms.

Terms used in this ordinance, unless the context requires otherwise, are defined as follows:

(a) Auxiliary water supply. Any water supply on or available to the premises other than water supplied by the city through a city-approved service connection.

(b) Backflow. The reverse flow of water or any other fluid or substance or any combination or mixture thereof from the customer’s system into the city’s water distribution system.

(c) Backflow prevention device. A city-approved device that prevents backflow into the city’s water distribution system.

(d) Cross-connection. An unprotected actual or potential connection between a potable water system used to supply water 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 changeover devices, or other devices through which backflow could occur, shall be considered to be cross-connections.

(e) Customer. Any person or organization who receives water from the city.

(f) Customer's water system. The water piping system located immediately downstream from the water meter on any premises.

(g) City's water distribution system. The water distribution system owned and operated by the city, including the service connection to the city's water mains.

(h) Premises. A piece of land together with such building and appurtenances, if any, located hereon.

(i) Water service connection. The water meter and piping system between the meter and the city water main. The water service connection is owned by the city."

Section 4. Article III of Chapter 35 of the Mountain View City Code is hereby amended to read as follows:

**"ARTICLE III.
PROVISIONS PERTAINING TO SEWER SERVICE AND SEWAGE DISPOSAL.***

*For state law as to authority of cities to construct, etc., sewers and drains, see California Government Code Sec. 38900. As to sanitation and sewage systems, see California Health & Safety Code Sec. 57470, *et seq.*

**DIVISION 1.
GENERALLY.**

SEC. 35.29. Definitions.

For the purpose of this article, the following words and phrases shall be defined herein. Words, terms, and phrases used in this article not otherwise defined shall be as defined or interpreted as used in the Federal General Pretreatment Regulations, published at Title 40 CFR, Part 403. Terminology for analytical testing shall be that contained in "Guidelines Establishing Test Procedures for the Analysis of Pollutants," published at Title 40 CFR, Part 136.

"Annual average" shall mean the average measured over any twelve (12) month period of time.

"Auto body facility" shall mean a facility that performs body work and repair using body filler, primers, paints, etc. For the purposes of this article, "auto body facility" shall also include related body repair facilities such as boat body repair, airplane body repair, etc., when these same processes are used.

"Average concentration of a substance" shall mean the total daily discharge weight of the substance divided by the total daily discharge volume at the point of discharge.

"Best management practices (BMPs)" shall mean cost-effective practices which comply with stormwater discharge and sanitary sewer discharge regulations, and are accepted by the City of Mountain View and the Santa Clara Valley urban runoff pollution prevention program for minimizing discharges of polluted water, grease from food service facilities, or industrial waste to the storm or sanitary sewer system, thereby protecting water quality in streams, the groundwater basin, and the bay.

“Building drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the wall of the building and conveys it to the building sewer, beginning two (2) feet outside the inner face of the building.

“Building sewer” shall mean the extension from the building drain to the public sewer or other place of disposal. The property owner is responsible for maintenance and repair of the building sewer.

“Cesspool” shall mean a lined or partially lined underground pit into which raw sanitary sewage is discharged and which is designed to retain solids but permits liquids to seep through the bottom and sides.

“CFR” shall mean the Code of Federal Regulations.

“Collection system” means the pipes, junction boxes, channels, or other conveyance apparatus used to move or convey stormwater or sewage.

“Commercial vehicle washing facility” shall mean a commercial facility where vehicle washing is a primary business activity. Commercial vehicle washing facilities shall include, but are not limited to, mobile washing rigs.

“Consistent compliance” shall mean a person that has had no regulated materials discharged to the sanitary sewer which exceed applicable federal and local wastewater discharge limits during the reporting period.

“Constituent” shall mean a component or part.

“Cooling system blowdown” shall mean water routinely discharged from a cooling water system to maintain efficient operation of the system.

“Cooling water” shall mean water which is used to cool fluids or equipment in commercial or industrial processes or air-conditioning systems.

“Cooling water system” shall mean the pipes, heat exchangers, and other appurtenances used to convey cooling water in cooling towers, direct contact cooling systems, and similar fixed cooling systems. Multiple units of a cooling water system serving a building or piece of equipment are considered as one (1) system if the cooling water distribution system units are physically connected.

“Cycles of concentration” shall mean the flow rate of water added to a cooling tower water system divided by the flow rate of water discharged from a cooling system.

“Discharger” shall mean any person who discharges, causes, or allows the discharge of industrial waste or polluted water into a city sewer or storm drain.

“Domestic sewage” shall mean the liquid and waterborne wastes derived from ordinary living processes, free from industrial wastes, and of such character as to permit satisfactory disposal without special treatment into the city’s sewerage system. This shall mean waste from bathrooms, kitchens, and laundry rooms.

“Domestic waste” shall mean the liquid and waterborne wastes derived from ordinary living processes, free from industrial wastes, and of such character as to permit satisfactory disposal without special treatment into the city’s sewerage system. Domestic waste includes wastes from bathrooms, kitchen sinks, and laundry rooms.

“Emergency” shall mean any situation arising from sudden and reasonably unforeseeable events beyond the control of the discharger, including acts of God which requires immediate corrective action to restore normal operation.

“EPA” shall mean the United States Environmental Protection Agency.

“Exceptional waste” shall mean that subset of waste that may not conform to the general standards described in Sec. 35.32.12 but does conform to the prohibitions described in Sec. 35.32.11 and all applicable federal pretreatment standards.

“Facility” shall mean a building or buildings, appurtenant structures, and surrounding land area used by a single business entity at a single location or site.

“Fire chief” shall mean the fire chief of the fire department of the City of Mountain View or his/her administrative authority.

“Food service facility” shall mean any commercial or industrial facility that prepares food for the public or for institutional patrons, and uses or generates grease when preparing this food, and/or washes greasy dishes. “Food service facility” does not include any facility that prepares food for off-site cooking and consumption, or any facility that does not use, generate, or dispose of grease in cooking or preparing food.

“Garbage” shall mean solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

“Grease” shall mean, and shall include, fats, oils, waxes, ether-soluble material, or other related constituents. Grease may be of vegetable or animal origin, including butter, lard, margarine, vegetable fats and oils, and fats in meats, cereals, seeds, nuts, and certain fruits. Grease may also be of mineral origin, including petroleum, kerosene, lubricating oil, and road oil. Grease in the sewer system is generally present as, but need not be, a floatable solid, a liquid, a colloid, an emulsion, or in a solution.

“Grease removal device” shall mean an interceptor or other mechanical device designed, constructed, and intended to remove, hold, or otherwise prevent the passage of grease to the sanitary sewer.

“Ground surfaces” shall mean and shall include dirt, gravel, or other unpaved surfaces.

“Hazardous materials” shall mean any material so designated by Chapter 24 of the Mountain View city code.

“Hazardous waste” shall mean a material designated as a hazardous waste by 40 CFR Part 261 or California Code of Regulations (CCR) Title 22, Division 4.5.

“Industrial user” shall mean any person who discharges, causes, or permits the discharge of industrial wastes into a city sewer or storm drain.

“Industrial wastes” shall mean the water from any production, manufacturing, or processing operation of whatever nature, including institutional and commercial operations, containing regulated materials other than domestic waste. For the purposes of this chapter, contaminated groundwater shall be included in the definition of industrial waste.

“Insignificant noncompliance” shall mean any violation of: this chapter, any compliance directive, any notice of violation, any administrative order, any hearing

order, or any terms and conditions of the discharger's permit, that does not meet the definition of "significant noncompliance."

"Instantaneous maximum" shall mean the highest concentration or other measure of pollutant magnitude taken at any discrete point in time.

"Instantaneous minimum" shall mean the lowest concentration or other measure of pollutant magnitude taken at any discrete point in time.

"Interceptor" shall mean a receptacle or trap designed and constructed to intercept, separate, and prevent the passage of prohibited substances into the sewer system.

"Interference" shall mean a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the plant, its treatment processes, or operations, or its sludge processes, use, or disposal.

"Loading dock" shall mean that area of a facility where loading and unloading of trucks would take place, plus an additional radius of ten (10) feet.

"Machine shop" shall mean a fixed facility which cuts, grinds, polishes, deburs, or machines metal parts but does not conduct metal finishing as that term is defined by the EPA in 40 CFR, Part 433.

"Metal fabrication facility" shall mean a fixed facility that forms, welds, and assembles metal pieces, but does not conduct metal finishing as that term is defined by the EPA in 40 CFR, Part 433.

"National pretreatment standard" or "pretreatment standard" shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sec. 307(b) and (c) of the Federal Water Pollution Control Act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to Sec. 403.5, 40 CFR.

"Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

"New sources" shall mean a facility from which there is or may be a discharge of pollutants, construction of which began after the publication of a proposed pretreatment standard pursuant to Sec. 307(c) of the Clean Water Act, that will apply to the facility if the standards are promulgated, provided certain location and construction criteria are met. Such location and construction criteria are defined in 40 Code of Federal Regulations 403.3(k).

"Noncategorical" shall mean any person who is not subject to EPA categorical regulations or standards but who is subject to the prohibitions and limitations specified in this chapter.

"NPDES" shall mean national pollution discharge elimination system.

"Nuisance" shall mean damage to the community resulting from prohibited practices in the disposal of sewage or industrial wastes.

"On a compliance schedule" shall mean a person that has been placed on a compliance schedule as a result of an administrative hearing or compliance directive and is in compliance with that schedule.

“Once-through cooling system” shall mean a cooling system through which water passes only once before discharge to a drain, including laboratory benchtop cooling systems.

“Organic solvent” shall mean any solvent which contains carbon in its molecular structure.

“Pass-through” shall mean a discharge which exits the Palo Alto treatment plants into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the plant’s NPDES permit (including an increase in the magnitude or duration of a violation).

“Person” shall mean any individual, partnership, firm, association, corporation, organization, or public agency.

“Photographic materials processing” shall mean developing silver-bearing film, including, but not limited to, X-ray film and photographic paper.

“Photoprocessing washwater” shall mean water that has been used to wash or rinse fix or bleach fix from photographic film or paper.

“Photoprocessor” shall mean any person who engages in photographic materials processing.

“Plant” shall mean the City of Palo Alto regional water quality control plant.

“Point of discharge” shall mean the point(s) designated as such in the industrial waste discharge permit. Where no designation is made, it shall mean the point where the private sewer joins a public sewer.

“Polluted water” shall mean water to which any constituent has been added either intentionally or accidentally that would render such water unacceptable for disposal to storm or native drainage or directly to surface waters as described in Sec. 35.31.3.3.

“Premises” as used herein shall refer to and include a lot, parcel of land, building, or establishment.

“Pretreatment requirement” shall mean any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, imposed on an industrial user.

“Pretreatment system” shall mean a treatment system at an industrial or commercial facility that is designed to treat wastewater prior to entering the sewer collection system.

“Private sewer” shall mean a sewer privately owned and not directly controlled by public authority. Private sewer shall include the sewer lateral.

“Public sewer” shall mean a sewer which is controlled by public authority.

“Public works director” shall mean the director of the public works department of the City of Mountain View or his/her administrative authority.

“Regulated materials” are those materials for which discharge standards have been established in Sec. 35.32.12 of Chapter 35 of the MVCC.

“Sampling location” shall mean an access box, valve, spigot, or similar structure from which samples representative of an industrial wastewater discharge from a particular process or processes, piece of equipment, activity, building, or facility are collected.

“Sanitary sewage” or “sewage” shall mean water-carried wastes from residences, business property, institutions, and industrial property excluding ground, surface, stormwaters, and industrial wastes.

“Secondary containment” shall have the same meaning as is specified in the Hazardous Materials Ordinance (Chapter 24 of the Mountain View city code).

“Seepage pit” shall mean a device comprised of one (1) or more pits extending into porous strata, lined with open-jointed masonry or similar walls, capped and provided with a means of access such as a manhole cover, and into which wastewater disposal system effluent is discharged.

“Septic tank” shall mean a watertight receptacle into which raw sanitary sewage is discharged and which is designed to retain solids, to digest organic matter, and to allow the liquid effluent to discharge into the soil through a system of open-joint piping or a seepage pit meeting the requirements set forth in the Uniform Plumbing Code (latest edition).

“Sewage” shall mean industrial wastes, sanitary sewage, or any combination thereof.

“Sewage treatment plant” shall mean any arrangement of devices and structures used for treating sanitary sewage and industrial wastes.

“Sewer” shall mean a pipe or conduit for carrying sewage.

“Sewer lateral” shall mean the sewer piping used to convey sewage from a building or facility on a parcel (private or public property) to the point of connection to the city-owned sewer main. Each sewer lateral is owned by and is the responsibility of the entity that owns the property or facility from which that sewer lateral conveys sewage or wastewater.

“Sewer system” or “sewer collection system” shall mean all sewers, pumping stations, treatment plants, and other facilities owned or operated by the City of Mountain View and used for carrying, collecting, treating, and disposing of sanitary sewage and industrial wastes.

“Shall, may.” Shall is mandatory. May is permissive.

“Significant industrial user” shall mean any person subject to EPA categorical regulations, any discharger with a wastewater discharge greater than twenty-five thousand (25,000) gallons/day, or any person with the potential to discharge pollutants with deleterious effects on the regional water quality control plant.

“Significant noncompliance” shall mean any violation by an industrial discharger of one or more criteria set forth in 40 CFR 403.8(f) (viii).

“Simple payback period” shall mean the number of years required to allow the dollar value of an investment in water-pollution control to be exceeded by cost savings resulting from the investment.

“Slug” shall mean any nonroutine discharge that violates any of the specific prohibitions listed in 40 CFR 403.5(b) or Sec. 35.32.6.2 of this article.

“Spent photoprocessing solution regeneration” shall mean the treatment of photoprocessing washwater, fix, or bleach fix for reuse.

“Spent solutions” shall mean waste or spent photoprocessing fixer, bleach fix, stabilizer from washless systems, silver-bearing cleaning solutions, and functionally similar solutions other than photoprocessing washwater.

“Status unknown” shall mean a circumstance where samples were scheduled to be taken by the regional water quality control plant and were not, samples were taken but not yet analyzed by the report due date, or where a new discharger has yet to be sampled.

“Storm sewer” or “storm drain system” shall mean a sewer which carries storm and surface waters and drainage, but excludes sanitary sewage and prohibited industrial wastes.

“Stormwater” shall mean the flow in sewers resulting from rainwater.

“Threatened discharge” is a condition creating a substantial probability of harm when the probability and potential extent of harm make it reasonably necessary to take immediate action to prevent, reduce, or mitigate damages to persons, property, or natural resources. Domestic sewage, sanitary sewage, industrial wastes, and polluted waters that are no longer contained within their primary containment are considered to be threatened discharges unless they are actively being cleaned up.

“Unpolluted water” shall mean water to which no constituent has been added, either intentionally or accidentally, that would render such water unacceptable for disposal to storm or natural drainages or directly to surface waters.

“Upset” shall mean an exceptional incident in which there is temporary noncompliance with effluent permit discharge limitations because of factors beyond the reasonable control of the regional water quality control plant.

“Urban runoff program” shall mean the program monitored and enforced by the City of Mountain View to control unauthorized discharge of polluted water to the storm drain native drainage, or directly to surface waters as described in Sec. 35.31.3.3.

“Vehicle” shall mean a mode of transporting people or things. Vehicles shall include, but are not limited to, automobiles, trucks, recreational vehicles, tractors, airplanes, and boats.

“Vehicle fluid” shall mean a liquid used in or drained from a motor vehicle. Vehicle fluids shall include, but are not limited to, gasoline, diesel fuel, motor oil, brake fluid, radiator fluid, hydraulic fluid, transmission fluid, and coolant.

“Vehicle service facility” shall mean a commercial or industrial facility that conducts one (1) or more of the following operations with respect to vehicles or components of vehicles: vehicle repair, fuel dispensing, vehicle fluid replacement, engine or engine parts cleaning, body repair, vehicle salvage, wrecking, vehicle washing, vehicle rinsing, and auto detailing.

“Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.

“Wet sanding” shall mean the use of water and sandpaper for the removal of paint.”

Section 5. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 6. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 7. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

The foregoing ordinance was regularly introduced at the Special Meeting of the City Council of the City of Mountain View, duly held on the 17th day of September, 2013, and thereafter adopted at the Regular Meeting of said Council, duly held on the 24th day of September, 2013, by the following roll call vote:

AYES: Councilmembers Abe-Koga, Bryant, Kasperzak, Siegel, Vice Mayor Clark, and Mayor Inks

NOES: Councilmember McAlister

ABSENT: None

NOT VOTING: None

ATTEST:

APPROVED:

LORRIE BREWER, MMC
CITY CLERK

JOHN M. INKS
MAYOR

I do hereby certify that the foregoing ordinance was passed and adopted by the City Council of the City of Mountain View at a Regular Meeting held on the 24th day of September, 2013, by the foregoing vote, and was published in the *San Jose Post Record* by reference on the 20th day of September, 2013, and posted in three prominent places in said City.

City Clerk
City of Mountain View

GAH/7/ORD/761-09-24-13o-E