

**CITY OF TWENTYNINE PALMS
CITY COUNCIL
ORDINANCE NO. 312**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, ADOPTING AN AMENDMENT TO THE CITY OF TWENTYNINE PALMS MUNICIPAL CODE, ADDING CHAPTER 15.10, WASTEWATER SERVICES.

WHEREAS, the City of Twentynine Palms General Plan was adopted by the City Council on April 24, 2012; and

WHEREAS, the City of Twentynine Palms has an operational wastewater treatment facility in the downtown area; and

WHEREAS, the City is proposing the installation of a larger wastewater treatment system; and

WHEREAS, the City has proposed an amendment to the Municipal Code for regulations regarding connections to the proposed wastewater treatment system; and

WHEREAS, connection to an operational sewer system is mandatory when within the specified vicinity; and

WHEREAS, on October 09, 2023, the Municipal Code Amendment was duly noticed in the Desert Trail, a newspaper of general circulation within the City of Twentynine Palms; and

WHEREAS, on October 24, 2023 the City Council of the City of Twentynine Palms conducted a duly noticed and advertised Public Hearing on the Municipal Code Amendment as reflected in "Exhibit A" in accordance with the California Government Code Section 65350 et. seq. and California Government Code Section 65853 et. seq., required by law for this amendment; and

WHEREAS, a Public Hearing was held by the City Council on October 24, 2023, at which time the Council introduced Ordinance No. 312, adding Chapter 15.10 Wastewater Services to the Municipal Code, and

WHEREAS, on October 24, 2023, at the above noted Public Hearing for the Development Code Amendment, the City Council of the City of Twentynine Palms considered the potential environmental impacts that may occur with the adoption of the proposed Development Code Amendment and recommended that in accordance with the California Environmental Quality Act (CEQA) Guidelines Section, the proposed zoning text amendment has been reviewed for its potential to impact the environment. Pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act, the activity is covered by the common-sense exemption that CEQA applies only to projects which have the

potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, the City Council found that on the basis of the whole record before it, including any public comments received, there is no substantial evidence that the Development Code Amendment would have a significant effect on the environment and that the proposed CEQA determination reflected the City Council's independent judgment and analysis; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, TAKES THE FOLLOWING ACTIONS:

Section 1. Based upon the review of the proposed amendment to the Municipal Code, Chapter 15.10 Wastewater Services, the City Council finds that the proposed amendment does not have the potential to have an adverse impact on the environment and, in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), the activity is covered by the common-sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Section 2. The City Council finds that the proposed amendment is consistent with the City's adopted General Plan Goals and Policies as the proposal will support the implementation of the General Plan and State law.

Section 4. The City Council of the City of Twentynine Palms amends the Municipal Code as reflected in Exhibit "A."

Section 5. Notice of Adoption. The City Clerk of the City of Twentynine Palms shall certify to the adoption of this Ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the City in a manner permitted by Section 36933 of the Government Code of the State of California.

Section 6. Introduction Date. Ordinance No. 312 was introduced by Council action on the 24th day of October 2023.

Section 7. Effective Date. Ordinance No. 312 becomes effective thirty (30) days after the second reading by City Council.

Section 8. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and, to this end, the provisions of this Ordinance are declared to be severable.

PASSED, APPROVED, AND ADOPTED this 14th day of November 2023.

McArthur Wright, Mayor

ATTEST:

Cindy Villescas CMC, City Clerk

APPROVED AS TO FORM:

A. Patrick Munoz, City Attorney

I hereby certify that the foregoing is a true copy of Ordinance No. 312, introduced on the 24th day of October 2023 and duly adopted by the City Council of the City of Twentynine Palms in a meeting held on the 14th day of November 2023, in Twentynine Palms, California by the following vote, to wit.

AYES:	COUNCILMEMBER:	BILDERAIN, MINTZ, SCOTT, WRIGHT
NOES:	COUNCILMEMBER:	
ABSENT:	COUNCILMEMBER:	KLINK
ABSTAIN:	COUNCILMEMBER:	

Cindy Villescas CMC, City Clerk

EXHIBIT A

TITLE 15 - UTILITIES

CHAPTER 15.10 - WASTEWATER SERVICES

15.10.010 - Purpose

This Chapter is intended to comply with applicable Federal and State of California Laws and Regulations, to permit the City to meet applicable standards of treatment plant effluent quality, to provide for the regulation of wastewater discharges, establishing quantity and quality of limitations on all wastewater discharges which may adversely affect the City's sewerage systems, processes, or effluent quality. It is the intent of such regulation to improve the quality of wastewater being discharged, collected, and transported by the City. It is the City's policy to discourage any increase in the quantity (mass emission) of waste constituents being discharged where such increase could be detrimental to the sewage system.

This Chapter also provides for regulation of the fees and charges, connections, other miscellaneous permits, and the establishment of penalties for violation of the provisions hereof. The provisions of this Chapter shall apply to the direct or indirect discharge of all liquid wastes carried to facilities of the City, and all City public or private sewerage disposal systems.

15.10.020 - Definitions

Unless otherwise defined herein, terms related to water quality shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation. The testing procedures for waste constituents and characteristics shall be performed pursuant to City guidelines and may be amended from time to time. Other terms not herein defined are defined as being the same as set forth in the latest adopted edition of the International Conference of Building Officials Uniform Building Code and the International Associate of Plumbing and Mechanical Officials Uniform Plumbing Code.

The terms hereinafter set forth unless otherwise specified shall have the following meanings:

- (a) *Agency* means an administrative division or group.
- (b) *Applicant* means any person applying for wastewater service.
- (c) *Biochemical oxygen demand or B.O.D.* means the quantity of oxygen utilized in the biological oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade expressed in terms of mass per volume (mg/l).
- (d) *Building sewer* means that portion of any sewer beginning at the plumbing or drainage outlet of any building, industrial facility or preliminary treatment facility, and continuing to the point of its connection with the sewer mainline.
- (e) *Buy-in fee* means a fee required of all sewer connections identified as being outside of an established sewer assessment district.
- (f) *City* means the City of Twentynine Palms.
- (g) *City Manager* means the City Manager of the City of Twentynine Palms and includes the duly designated representative of the City Manager.
- (h) *Code* means the City Municipal Code.
- (i) *Commercial* means any discharger not covered by the residential description. This shall include, in part, apartments, trailer parks, schools, stores and businesses and others not covered by the residential description.
- (j) *Connection fee* means a fee imposed by the City for connecting directly to a City public sewer.

- (k) *Contractor* means any person who performs the work of installing or connecting mains, sub-mains, laterals, or building sewers to the public sewer.
- (l) *Cost* means the cost of labor, material, transportation, supervision, engineering, and all other necessary overhead expenses.
- (m) *County* means the County of San Bernardino.
- (n) *Critical wastewater discharger* means any collection system non-residential discharger that generates either a significant amount of flow and/or constituents of the flow that require pre-treatment to meet the requirements of the State and Federal Clean Water Acts.
- (o) *Customer* means any person supplied or entitled to be supplied with wastewater service by the City.
- (p) *Developer* means any person who shall construct or develop any property which may require wastewater service from the City.
- (q) *Development* means parcels of land on which one or more dwelling units, commercial or industrial buildings, or other improvements are built.
- (r) *Development impact fee* means a fee to incrementally pay for future construction of public sewer in the City.
- (s) *Discharger* means any person that discharges or causes a discharge of wastewater directly or indirectly to a public or private sewer.
- (t) *Domestic wastewater* means liquid wastes: A) from the non-commercial preparation, cooking and handling of food; or B) containing human excrement and similar matter and from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.
- (u) *Effluent* means wastewater discharged flows from the City for treatment.
- (v) *Fats, oils, and grease (FOG)* means any vegetable or animal product that is used in or is a by-product of the cooking of food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions.
- (w) *Fee schedule* means the schedule of fees, rates, and charges established by the City or other agency related to wastewater services, including but not limited to sewer user charges, consumption charges, connection fees, development impact fees, buy-in or capacity fees, plan checking fees, and inspection fees.
- (x) *Food Service Establishment* means any place where food is prepared and intended for individual portion service and includes the site at which individual portions are provided.
- (y) *Garbage* means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of food.
- (z) *Industrial pre-treatment permit* means a permit issued by the City for industrial wastewater discharges.
- (aa) *Main* means gravity and pressurized (force-main) sewer collection and transmission pipelines located in streets, highways, alleys, easements or rights-of-way which are used for collection and transmission of wastewater.
- (bb) *Manhole* means a hole, usually with a cover, through which a person may enter a sewer or confined space.
- (cc) *Mass emission rate* means 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 a particular constituent or combination of constituents.
- (dd) *May* means that the related conduct or procedure is permissive and not mandatory.

- (ee) *Milligrams per liter or mg/l* means the number of milligrams of a substance in one liter of water or other liquid.
- (ff) *Owner* means the person or persons whose name(s) are recorded on the deed for a given property, and/or person in legal possession of the property, or an executor, administrator, guardian, or trustee of the owner.
- (gg) *Onsite wastewater treatment system(s) (OWTS)* means individual treatment and disposal systems, community collection, treatment and disposal systems, and alternative collection, treatment and disposal systems that use subsurface disposal. OWTS do not include “gray water” systems pursuant to Health and Safety Code Section 17922.12
- (hh) *Permit* means any written authorization required pursuant to this Chapter or any other regulation of the City.
- (ii) *Person* means any individual, firm, company, partnership, association and private or public or municipal corporation, the United States of America, the State of California, a district and any political subdivision, governmental agency and mandatory thereof.
- (jj) *Plumbing fixture unit (PFU)* means the plumbing fixtures as identified in the California Plumbing Code, latest edition.
- (kk) *Pollutant* means any constituent or characteristic of wastewater on which a discharge limitation may be imposed either by the City or by a regulatory body of competent jurisdiction.
- (ll) *Pretreatment* means the treatment that the City may require prior to permitting discharge of sewerage into any City sewerage facility.
- (mm) *Public agency* means the City or other public body duly organized under the laws of the State of California.
- (nn) *Public sewer* means a sewer owned and operated by the City or other local governmental agency, and as to which the City possesses direct or indirect regulatory powers.
- (oo) *Regulatory agency* means the State Department of Health Services, a California Regional Water Quality Control Board of competent jurisdiction, the State Water Quality Control Board, the County Environmental Health Services Department and the City Building and Safety Official.
- (pp) *Sewage* means wastewater.
- (qq) *Sewer (sewage) facilities or wastewater facilities* means any facilities used in the conveyance, pumping, disposal and treatment of wastewater.
- (rr) *Sewer lateral* means the pipe that connects a structure to the publicly-owned main sewer line.
- (ss) *Shall* means that the related conduct or procedure is mandatory and not permissive.
- (tt) *Standard methods* means procedures described in the current edition of Standard Methods for the Examination of Water and Wastewater, as published by the American Public Health Association, the American Water Works Association and Water Pollution Control Federation.
- (uu) *Storm water* means rain water, surface water, groundwater, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process water.
- (vv) *Street* means any public highway, road, street, drive, avenue, alleyway, court, easement or right-of-way.
- (ww) *User* means any person who discharges, causes, or permits a discharge directly or indirectly to a City sewer.
- (xx) *Waste* means sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such wastes placed within containers of whatever nature, prior to and for the purpose of disposal.

- (yy) *Wastewater* means waste and water, whether treated or untreated, discharged into or permitted to enter a City sewer, or private system.
- (zz) *Wastewater constituents and characteristics* means the individual chemical, physical, bacteriological, and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify, or measure the quality and quantity of wastewater.

15.10.030 - Standards for quality and testing

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited or placed, in any unsanitary manner on public or private property within the boundaries of the City any human or animal excrement, garbage, or objectionable waste.
- B. It shall be unlawful to discharge to any manhole or system outlet within the City except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.
- C. Except as hereinafter provided, it is unlawful to construct any septic tank, seepage pit, leach line, or other facility intended or used for the disposal of wastewater within any existing City sewered area.

15.10.040 - Connection to public sewer required

- A. All new residential, commercial, industrial and institutional projects are required to connect to the public sewer if the property is located within 200 ft. of a public sewer, when measured from property line to existing sewer location.
- B. Existing buildings and facilities connected to private sewage disposal systems and located within 200 ft. of a public sewer, when measured from property line to existing sewer location, are required to connect to the public sewer when:
1. There is a failure, either biological or structural, of the private sewage disposal system.
 2. Additions, alterations, or modifications adding plumbing fixtures to the building or facilities that would exceed the capacity of the private sewage disposal system.
- C. The City may require connection to the public sewer when information is available that private sewage disposal is causing or may cause deterioration of the quality of the groundwater in all or any portion of the City.

15.10.050 - Maintenance of sewer laterals

The owner of any property connecting to the local sewer collection system shall be required to maintain the sewer lateral from their building or structure to the sewer main at their own expense. The City's responsibility shall be limited to maintenance of main sewers and manholes. The City does not maintain privately owned sewer laterals.

15.10.060 - Onsite wastewater treatment system (OWTS)

- A. When connection to the public sewer is not required, an OWTS may be installed in conformance with the State Water Resources Control Board Onsite Wastewater Treatment System Policy and the City of Twentynine Palms requirements. The provisions of the State Water Resources Control Board Onsite Wastewater Treatment System Policy, as amended, are incorporated herein by reference with the same force and effect as if the provisions therein were specifically and fully set out herein.
1. Permits for construction and sizing requirements shall be established by the State Water Resources Control Board OWTS Policy and the City using requirements from the California Plumbing Code/Building Code.
 2. The Owner of OWTS shall be responsible for the cost and processing of all necessary approvals and permits with the State Water Resources Control Board.

3. Private OWTS shall be operated and maintained in a sanitary manner at all times, in accordance with State Water Resources Control Board requirements, and at no expense to the City. The property owner is responsible for all maintenance and expenses of their OWTS.
- B. If a biological failure of a private OWTS occurs after a public sewer has become available to the property served by such system, the property shall be immediately connected to the public sewer. A biological failure is defined as collapse or saturation of the leach field, seepage pit or cesspool, or biological failure of the tank itself, or any combination of such conditions. The property owner is responsible for obtaining and paying for all permits associated with the sewer connection in advance of such connection.

Prior to connection to the public sewer the following shall be completed and inspected by the City's Building and Safety Department:

1. Concrete and/or steel tanks and seepage pit(s) shall be pumped of all liquids and solids and the pump ticket shall be provided to the City.
2. The bottom of all tanks shall be broken and inspected by the City.
3. The lids for the tanks and seepage pit(s) shall be removed.
4. All tanks and seepage pit(s) shall be filled with material approved by the City.
5. When a building or structure is proposed to be placed within the required setbacks of a private sewage disposal system, as defined in the California Plumbing Code, the septic tank and/or seepage pit shall be removed entirely.

15.10.070 - Wastewater discharge regulations

- A. The wastewater discharged to the public sewer shall meet applicable regulations prescribed and adopted by the City. Said regulations are adopted by reference and made a part of this Chapter.
- B. No person shall discharge wastewater directly or indirectly into sewage facilities owned or operated by the City which cause or are capable of causing either alone or by interaction with other substances, the following:
 1. A fire or explosion;
 2. Obstruction of flow in the sewer system or damage to the sewage facilities;
 3. Interference with effective maintenance or operation of the sewage system;
 4. Air pollution by the release of toxic or malodorous gases or gas-producing substances;
 5. Interference with the wastewater treatment process;
 6. Unsuitability of the City's effluent or any other product of the treatment process;
 7. Discoloration or any other condition of the quality of the City's treatment works effluent to such an extent that receiving water quality requirements established by regulatory agencies cannot be met; or
 8. Conditions at or near sewage facilities which violate any statute or any regulation or ordinance of any public agency or State or Federal regulatory body of competent jurisdiction.
- C. Discharging of storm water into the sanitary sewer system or sewage into any storm water system is unlawful.
- D. Permission to discharge any substance except domestic sewage into the sanitary wastewater system of the City will be considered in accordance with the conditions of each case and shall be subject to City rules, regulations and requirements. Approval or permission may require the owner to provide, at the owner's expense, such preliminary treatment as may be necessary to reduce objectionable characteristics and constituents in wastewater as may be appropriate to satisfy the requirements specified in the regulations of the City. Plans, specifications, and other information relating to proposed preliminary treatment facilities shall be submitted to the City for approval of the

City Engineer and Public Works Manager. Construction of such facilities shall not commence until said required facilities are provided for proper treatment of any waters or wastes and they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

- E. For critical wastewater dischargers, as defined in Section 15.01.020, the City may require installation of special flow monitoring components, including weir plates and sampling manholes, which shall become property of the City. Depending on the type of discharger, the City may require monitoring and sampling test information/results on a periodic basis, and/or may conduct its own sampling. Any sampling manhole shall be accessible and safely located and shall be constructed in accordance with plans approved by the Public Works Manager. The special flow monitoring components shall be installed at the owner's expense and shall be maintained by owner at all times so as to be safe and accessible.
- F. No statement contained in this Division shall be construed as preventing special agreement or arrangement between the City and any person whereby any industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by discharger.
- G. Connection of swimming pools and swimming pool equipment to sanitary sewers shall not be permitted and the discharge of swimming pool effluent to a City sewerage facility is prohibited.
- H. Grease, oil, and/or sand trap interceptors shall be required, at the owner's expense, in all facilities which discharge liquid wastes containing grease, flammable wastes, sand and/or other wastes containing harmful ingredients in accordance with the Uniform Plumbing Code. All interceptors shall be to type, and capacity approved by the Building Official and shall be installed and located so as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials, capable of withstanding abrupt and extreme changes in temperature.

Required interceptors and traps shall be of substantial construction, watertight, and equipped with easily removable covers, and shall be effectively trapped and vented. All grease, oil, and sand interceptors shall be maintained at the owner's expense, in continuously efficient operation at all times. All construction shall conform with City standards. The facilities required to use the aforementioned interceptors are, but are not limited to, food service establishments, gas stations, car washes, automotive mechanics, and paint shops, and shall be permitted in accordance with Section 15.01.160.

15.10.080 - Sewer connection approval and design

- A. Authorization to construct or install sewers or make connection to the City sewer system must be obtained from the City in advance. Application for such authorization shall be made at the office of the City. All construction shall comply with the City's development standards and details, and City's Wastewater Master Plan.
- B. Sewer line extensions may be made within the City in those instances when service is required but no wastewater facilities currently exist or are available and adequate capacity exists to allow such connection. In this instance, the total construction cost plus all fees and charges as may be applicable must be borne solely by the applicant. The length of said sewer extension will vary, but as a general rule the sewer shall be installed to the furthest property line of the property to be served.
- C. Wastewater facilities may be required to be oversized and/or construction extended beyond that required to serve the applicant but is needed to comply with the City's master plan. Per such situation, consideration may be given to reimburse excess costs as determined by the City in accordance with Section 15.01.110.
- D. Plans, profiles and specifications shall be prepared by a civil engineer licensed by the State of California, at the expense of the applicant and such plans shall be subject to approval by the City.
- E. The owner, developer, or contractor shall pay all necessary plan check and inspection fees in advance of construction. The City shall also charge the applicant all related administrative and engineering fees incurred by the City.

- F. The applicant shall call for his/her own bids and let his/her own contracts. The applicant shall not, however, award any such contracts until after receiving written approval of the plans and specifications from the City.
- G. The owner of a property and/or business unit where additional plumbing fixtures were installed but did not obtain a sewer permit shall be responsible for obtaining a permit and paying the current permit fees due at the time the violation was discovered along with any subsequent and delinquent sewer use charges.

15.10.090 - Construction of sewers

A. Any person proposing to construct and/or install sewers within the City for connection to the City's wastewater system shall be appropriately licensed by the State of California to perform said work. All contractors, before performing such work, shall first file with the City a policy or certificate of insurance with an endorsement naming the City as additional insured with coverages as determine by the City.

All policies to remain in effect for the entire duration of any work performed.

1. Workman's Compensation Insurance as required by applicable State of California law for all employees to be engaged in construction or installation of the projects.
 2. The contractor shall be duly licensed by the State of California with a Class "A" General Engineering Contractor or Class "C42" Sanitary Sewer Contractor.
 3. Contractor shall obtain a City of Twentynine Palms business license and City encroachment permit.
 4. Contractor shall provide a valid Cal OSHA annual excavation permit.
 5. Prior to the City's issuance of a permit, the contractor shall provide evidence of all required certificates of insurance and performance bonds as established by the City.
 6. No excavation for sewers shall be made in any street within the City until an excavation permit has been obtained from the City's Engineering Department. Any and all permits required by local agencies shall be obtained by the owner or contractor and any fees therefore shall be paid by the owner or contractor.
- B. Responsibility for defects.
1. All persons performing work which is governed by the provisions of this Chapter shall be held strictly responsible for any and all acts and omissions of agents, subcontractors, and employees in connection with said work. Said persons, upon being notified in writing by the City of any defects arising from construction or of any violation of the provision of this Chapter, shall take immediate steps to correct such defect or violation.
 2. In the event any construction, when inspected by the City, is found to be in violation of the provision of this Chapter, the contractor shall take such steps as may be necessary to place the construction in compliance herewith.
- C. In all buildings in which the plumbing system is too low to permit gravity flow to the public sewer, sanitary sewage carried by the building sewer shall be lifted by artificial means (pump station) and discharged to the public sewer at the expense of the owner.

15.10.100 - Construction of lateral sewers

- A. Application for lateral sewers and the required clean-out to be constructed shall be made at the office of the City by the property owner or his agent.
- B. Whenever possible, lateral sewers and the clean-outs will be terminated at the property line at a location chosen by the owner or his/her agent. If this cannot be accomplished, the City shall establish the termination point of the lateral sewer.

- C. Lateral sewers (minimum four inch size for single-family residential, minimum six inch required for multi-family, commercial), must be constructed to serve each building in a development. A clean-out shall be installed on each lateral at the property line to accommodate testing and future cleaning operations. The cost of the lateral connection, including clean-out, shall be borne by developer or property owner. Building sewer laterals shall not be connected to City sewers until permits for connection have been issued by the City.
- D. All excavations for a lateral sewer installation shall be adequately guarded with barricades and/or lights to protect the public from hazard. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be restored in a manner satisfactory to the City and any other person having jurisdiction at the sole expense of the person responsible for such installation.

15.10.110 - Reimbursement and Payback Agreements

- A. Oversized Sewers. The City may reimburse a developer for installing oversized sewers which upon completion, contain excess capacity above those required for the developer's project or subdivision, provided the City has sufficient funds available in the City's budget or by mutually agreed contract. City standards require a minimum of eight-inch sewers, of which no reimbursement for excess capacity will be considered by the City.
- B. Sewer Extensions. The City may enter into a Payback Agreement for those persons who install sewer lines that may serve other properties other than their own. Under such agreements, the City may agree to refund up to 95% of the sewer cost (excepting therefrom the cost of that portion of the sewer having a direct benefit to the applicant's/developer's project) to be collected from property owners or developers of properties adjacent to and which connect to said sewer line extension for a period of time up to but not exceeding ten years from the effective date of the agreement.
- C. The developer may apply for reimbursement and/or Payback Agreement by complying with the following:
 - 1. Approved sewer plans are to be submitted to the City along with detailed sewer requirements of the project and documentation of excess capacity eligible for reimbursement or properties eligible for future connection in advance of construction; and
 - 2. Entering into an agreement with the City setting forth the maximum amount of reimbursement or Payback, or an amount equal to an equitable percentage of the total cost necessarily incurred in constructing the main sewer, and also setting forth the terms and conditions under which reimbursement and/or Payback will be paid; and
 - 3. Each and every reimbursement agreement and/or Payback Agreement entered into pursuant to this Chapter, and each reimbursement and/or Payback schedule established therefore shall expire and be of no further force or effect ten years from the date of approval of such agreement by the City.

15.10.120 - Liability clause

- A. All developers, contractors, plumbers, and other person or organization installing, constructing, maintaining, repairing or otherwise working on private sewer or disposal systems or on or in conjunction with the City's system shall indemnify and hold harmless, the City, its officers, employees, and agents, and hold and save harmless from and defend against any and all actions or causes of action, claims, demands, liabilities, losses, damage or expense of whatever kind or nature, except as otherwise provided for in this Chapter, including attorney's fees, which the City, its officers, employees, or agents may at any time sustain or incur by reason of or as a consequence of, or arising out of or from the actions, or failure to act, of said indemnifying party.
- B. The City does not, by acceptance of any sewer facilities, accept or assume any liabilities in behalf of any third party unless specifically so accepted or assumed in writing by the City.

15.10.130 - Rates, fees and charges

- A. The City has established fees that will increase from time to time and are approved by resolution and these charges may include the following:
1. Inspection fees;
 2. Plan checking fees;
 3. Local and regional connection fees;
 4. User fees;
 5. Mass emission fees (if required);
 6. Buy-in or capacity fees (if required);
 7. Development impact fees (if required);
 8. Annexation fees, upon application;
 9. Other fees deemed appropriate by the City.
- B. The sewer lateral inspection fee, to include the sewer clean-out, shall be set forth in the sewer permit application form and will provide for initial inspection and processing of permit. An additional fee shall be charged for each re-inspection.
- C. The sewer line construction inspection shall be determined upon review of the project improvement plans.
- D. The City's plan checking fee, in accordance with a fee schedule approved by Council, will apply under one or more of the following conditions:
1. Any person or persons desiring plan checking by the City.
 2. Any new sewer system that will be deeded to the City for operation and maintenance.
 3. Any new sewer system that will be constructed within existing or new road easements or utility easements, or both.
 4. Plan checking fees shall be paid to the City prior to checking of the plans by the City.
- E. City connection charges will be required for all new connections to the City's sewer system. Connection charges are also applicable to certain existing developed properties or facilities whereby the use of the sewer has been increased by additions to previously developed properties whereby the fixture unit load has exceeded the original fixture count.
- A connection fee per plumbing fixture unit (P.F.U.) has been established per City ordinances or resolutions as amended and by per fixture unit using the assigned factors as adopted and in effect when the connection fee is to be paid. This portion of the connection fee will be collected to meet future treatment and conveyance capacity needs.
- F. Sewer user fees will be established by the City Council and measured on the basis of each unit designed for single-family, multiple-family, or mobile home dwelling use, and each commercial shop or office with individual restroom facilities. Sewer user fees for commercial and industrial connections to the sewer system with public and/or centralized sewer use facilities will be assessed on the basis of plumbing fixture unit count. Sewer user fees for schools will be assessed on the basis of student enrollment and staff count. Said sewer user fees defray the treatment plant operation and maintenance expenses and sewer system maintenance and operation expense. This fee shall be the monthly rate set by the action of the City Council. The sewer user charge will be payable to the City on a schedule as determined by the City.
- G. Buy-in or capacity fees are required of all sewer connections outside of an established Sewer Assessment District. These fees apply to new construction as well as to tenant improvements,

additions, etc. These fees are for properties that have not previously paid or contributed in off-site improvements (for example, fees levied by a sewer assessment district).

- H. Development impact fees (DIF) are required in those areas located outside an established sewer assessment district, but within the boundaries of previously master planned for sewer areas. This fee shall apply where a new home is being constructed in a previously master planned sewer area where the property is currently served by a septic system. These fees are intended to fund future trunk sewer extensions of the City's sewer collection system.
- I. Administration and overhead (application) fees will be set periodically by the City Council. The amount will be calculated on the basis of a sum per lineal foot of total pipeline and lateral length for the project. Said sum will be based substantially on the City's cost and expenses.
- J. Unless otherwise provided, payment of fees and charges described in this section shall be due before a final inspection can be performed by the City, excepting that:
 - 1. Development impact fees are due at sewer permit issuance.
 - 2. Commercial tenant improvements or additions of any kind that propose an increase to the plumbing fixtures shall pay all fees at sewer permit issuance.
 - 3. Any existing building, previously served by a septic system, requiring connection to the City sewer shall pay all required fees at sewer connection permit issuance.
 - 4. For fees associated with sewer extensions, the City may set fees at each stage namely, initial planning, detailed design and construction and associated inspection fees before work can begin. The fee at each stage shall be paid in full to the City prior to work being performed.
- K. For reimbursement of eligible sewer costs as provided in Section 15.01.110 of this Chapter, the City may establish a reimbursement schedule which sets forth connection charges for future users, all or part of which is to be reimbursed to the initial developer or property owner. Such reimbursement method may take into consideration inflation and interest charges.
- L. The City Council will review fees and charges periodically and amend them as appropriate.

15.10.140 – Assessment Districts

- A. In specific areas of the City, where the majority of property owners desire sewer service, or in those instances wherein the health and welfare of the community is felt to be jeopardized by deteriorating or failing septic systems, the City Council may consider a Sewer Assessment District.

Upon receipt of the Engineering and Bond Counsel data required by law for said improvement project, the City will review the design, engineering, construction, and administrative costs to determine the cost/benefit ratio of the project. If found to be satisfactory, the Council may elect to proceed with the required Assessment District proceedings according to all applicable laws governing such Assessment District formation.

15.10.150 - Inspections and monitoring

- A. City officials bearing proper credentials and identification shall be permitted to enter all properties which are required to maintain industrial pretreatment facilities for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the City's sewerage facilities in accordance with the provisions of this section.
- B. City officials are authorized to obtain information from users concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. All information and data on a user shall be available to the public and government agencies 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 which are validly classifiable as trade secrets.

- C. While performing the necessary work on private properties referred to in this section, City employees and representatives shall observe all safety rules applicable to the premises established by the user.
- D. City officials bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspections, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement.

15.10.160 - Fats, oils, and grease (FOG)

- A. The City is required to reduce or eliminate the adverse effects of fats, oils, and grease (FOG) on the wastewater collection system and thereby protect public health and the environment by minimizing public exposure to unsanitary conditions. The City shall regulate the direct and indirect discharge of fats, oil, and grease into the city's wastewater collection system in compliance with all applicable laws.
- B. Permit Required. Any food service establishment (FSE) discharging into the public sewer shall obtain a permit from the city which shall be referred to as a FOG discharge permit (hereafter, permit). The permit may include conditions to pre-treat wastewater prior to discharge, restrict peak flow of discharges, prohibit certain wastewater components, restrict discharges to specific hours of the day, pay additional fees to defray city costs caused by the discharge, or other conditions necessary to meet the purpose and intent of this chapter. No person shall discharge wastewater in excess of the quantity and quality limitations set by the permit.
- C. Permit Application. Persons seeking a permit shall complete and file with the city an application in the form prescribed by the city and submit the applicable fees as adopted by city council resolution. The applicant shall submit the following information:
 1. Name, address, and phone number of applicant
 2. Name, address, and phone number of property owner
 3. Volume of wastewater to be discharged
 4. Time of daily food preparation operations
 5. Description of food preparation, type and number of meals served, cleanup procedures, dining room capacity, size of kitchen, and number of employees
 6. Other information required by the city

The City shall review the application within five business days and may require additional information and an on-site inspection of the waste discharge system. Once the city has determined that the application is complete, it shall issue a conditional permit or deny the permit application, stating the reason(s) for the denial. Denial of a permit shall be without prejudice.

- D. Term of Permit. A permit issued under this chapter shall be valid for one year. The terms and conditions of the permit may be subject to modification by the city should the conditions of the permit change, if any change in city, state, or federal law necessitates a change, or if it is found that the purpose and intent of the permit are not being met.
- E. Transfer. Permits are issued for a specific use and operation. Any change occurring to the use or operation shall require a new or revised permit.
- F. Revocation of Permit. The city may revoke the permit for any business found to be in violation of this section or if any of the following occur:
 1. Failure to comply with the conditions of the permit
 2. Failure to install required pre-treatment devices

3. Failure to comply with reporting or pre-treatment requirements
 4. Knowingly provides false discharge information, either on the permit, or in required reports
 5. Refusal by permittee to allow an inspection during regular business hours or after hours if an emergency condition exists
 6. Interferes with an inspection or the sampling of discharge
 7. Causes or contributes to a sewer blockage or overflow within the public sewer or fails to address the conditions leading to one or more overflow event(s) from a private system in a twenty-four-month period
- G. Fees. Fees for permits and other services necessary to enforce this section shall be established by resolution of the city council.
- H. Maintenance Reports. The permittee shall maintain records on the premises, of all grease interceptor cleaning, maintenance of the grease interceptor, and service manifests for removal of the waste. The permittee shall make all maintenance reports available to the city during inspections during regular business hours. City representatives may enter the premises at any time to respond to an emergency related to sewer spill due to grease collection.

15.10.170 - Enforcement

The City Manager and other designated City officials shall have the primary responsibility for the enforcement of this Chapter. The City may, at its option, elect to enforce the provisions of this Chapter under any of the methods of enforcement available to it, including criminal prosecution, abatement of nuisances, civil remedies, or any other legal or equitable appropriate means. The City may elect to enforce the Chapter provisions by more than one method concurrently.

15.10.180 - Penalties.

Any person who willfully commits any of the acts prohibited by this Chapter or violates any other prohibition in this Chapter is guilty of a violation of this Chapter, punishable in accordance with Chapter 1.04 of the City of Twentynine Palms Municipal Code.

Violations of this Chapter shall be considered a public nuisance and are subject to the provisions established in Chapter 1.04 of the City of Twentynine Palms Municipal Code.

15.10.190 - Notice of adoption

The City Clerk of the City of Twentynine Palms shall certify to the adoption of this Chapter and cause publication to occur in a newspaper of general circulation and published and circulated in the City in a manner permitted under Government Code § 36933.

15.10.200 - Effective date

This Chapter shall become effective 30 days after the date of its adoption.

15.10.210 - Severability

If any provision of this Chapter, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Chapter are declared to be severable.