

**TITLE 13
WATER AND SEWER**

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Chapter 01

GENERAL WATER PROVISIONS

Sections:

- 13.01.010 Purpose.**
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- 13.01.040 Definitions.**

13.01.010 Purpose.

The purpose of this title to develop and maintain an adequate and safe water supply to serve commercial, industrial, residential, and public facility land uses as established in the General Plan. The provisions of this title shall apply to:

- A. Water supplies and services operated by the City;
- B. The design, construction, alteration, use and maintenance of public water mains, reservoirs, distribution systems, pumping equipment and facilities, pressure reducing stations, connections and other services operated by the City;
- C. All system appurtenances connecting to the City's distribution system;
- D. The issuance of permits and the collection of fees for services and improvements to the City's distribution system;
- E. Fees to pay for the cost of checking plans, inspecting construction and making record plans of City facilities permitted in this title;
- F. Providing penalties for violations of any of the provisions of this title; and
- G. All other necessary or related matters.

13.01.020 Management.

Except as otherwise provided in this title or by state law, the management, control, and care of the City's water system shall be vested in the Director of Public Works under the supervision of the City Manager and City Council. Any powers granted to or duties imposed upon the Director of Public Works may be delegated by the Director of Public Works to other City personnel or contractor hired by the City.

13.01.030 Abbreviations.

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

AWWA	American Water Works Association
FCCC & HR	Foundation for Cross-Connection Control and Hydraulic Research

13.01.040 Definitions.

For the purposes of this Chapter, the following words and phrases shall have the following meanings:

“Applicant” means an individual or agency applying for utility service.

“Commercial service” means provision of water for use in connection with commercial premises devoted primarily to operations for profit, other than industrial purposes, including offices, stores, markets, apartments, hotels, motels, automobile trailer parks or courts, service stations and the like.

“Corporation stop” or “corporation cock” means the valve adjoining the water main on a service connection.

“Cross connections” means that all applicable sections of Chapter 6.28 of the Ceres Municipal Code shall apply.

“Customer” or “Consumer” means the owner, agent or authorized tenant of the owner of the property receiving water service. “Developer” means a person or corporation requesting water service from the City for the purpose of land development, regardless of the number of services.

“Development” means the improving of developed or undeveloped land to more fully use the available land or structures. A development may be a subdivision.

“Director” shall mean the Director of Public Works.

“Domestic service” means the provision of water for household residential purposes, including water for sprinkling lawns, gardens and shrubbery; watering livestock; washing vehicles; and other similar and customary purposes.

“Employee” means any person designated by the City Manager or the Director of Public Works to perform work and labor for the Public Works Department, excluding contractors and their employees.

“Fire protection service” means the provision of water to premises for automatic fire protection.

“Flat rate service” means the provision of water in unmeasured quantities for a fixed periodic

charge.

“Idler” means that piece of pipe used to conduct water in place of a meter in flat rate service.

“Industrial service” means the provision of water to industrial premises where the water is primarily used in manufacturing or processing activities.

“Irrigation service” means the provision of water for commercial agricultural, floricultural, or horticultural, or landscape irrigation uses. No water from an irrigation service may enter the sewer system.

“Lateral” means the horizontal piping which extends from a building to the sewer main.

“Mains” means the distribution pipelines located in streets, highways, public ways or public utility easements which are used to distribute water to the customers, service connections, and fire hydrants.

“Meter” means the device used to measure water consumption; i.e., water meter.

“Meter rate service” means the provision of water in measured quantities for a charge based on the quantity of water supplied.

“Metered service connection” means the portion of the distribution system by which water is conveyed from the water main to the premises, including the tap, meter, meter box, pipe, corporation stop, curb stop or shut-off valve.

“Multiple-family dwelling” means a dwelling occupied as a permanent residence or home for two (2) or more customers, or families of customers, living independently of each other.

“Municipal” or “Public use” means the provision of water to a municipality or other public body.

“Premises” means a parcel of real estate, including any improvements thereon, which is determined by the City to be a single unit for purposes of receiving, using and paying for service. In making this determination, the City shall take into consideration such factors as whether the unit could reasonably be subdivided and whether the unit is being used for a single enterprise, apartment or dwelling.

“Private water line” means the portion of the distribution system located on the customer’s side of the metered service connection.

“Record drawings” means a set of construction plans updated to reflect all changes occurring after plan approval and during the construction of work, showing exact dimensions, geometry and location of all elements reflecting as-built conditions.

“Residential service” means the provision of water for household purposes, including water used

on the premises for irrigating lawns, gardens and shrubbery; washing vehicles; and other similar and customary purposes pertaining to single or multiple-family dwellings.

“Rentable unit” means any building or portion thereof that can be used as a completely independent unit.

“Service connections” means the pipes, valves and other facilities by which means the utility conducts water from its distribution mains to and through the meter, or to the curbstop or shutoff valve on an unmetered service connection.

“Special services and users” means those services and users not otherwise provided for in this Chapter.

“Subdivider” shall have the same definition as the term is defined under Title 17 Subdivisions.

“Subdivision” shall have the same definition as the term is defined under Title 17 Subdivisions.

“Temporary service” means the service for circuses, bazaars, fairs, construction work, irrigation of vacant property, and similar uses, that because of their nature will not be used steadily or permanently.

“Utility” means the public utility or publicly owned utility named in this Chapter.

“Utility service” means the water and/or sewer and/or refuse service.

“Water wasting” means the use of water in such a manner that excess water is used and not effectively utilized for the lawfully intended purpose.

“Water facilities” means all wells, sources of supply, storage, treatment, transmission, distribution and pumping facilities, service connections and any other appurtenance in connection with the City’s distribution system. Unless otherwise specified, “water facilities” do not include facilities and appurtenances operated by California Water Service Company.

“Water system” means the system of pipelines and other appurtenances by which the City conveys water to its customers.

CHAPTER 02

GENERAL WATER USE REQUIREMENTS

Sections:

13.02.010	General.
13.02.020	Responsibility.
13.02.030	Deposit Required.
13.02.040	Ownership – Control.
13.02.050	Unauthorized Service.
13.02.060	Fraudulent Use.
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13.02.080	Access.
13.02.090	Unsafe Apparatus.
13.02.100	Inspection.
13.02.110	Interference with City Employees.
13.02.120	Obstructions Prohibited.
13.02.130	Continuity of Service.
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13.02.180	Responsibilities of Account Holders.
13.02.190	Income from City System – Water Fund.
13.02.200	Installation and Maintenance of Services – Subdivisions.

13.02.010 General.

The City shall operate and maintain the water system in an efficient and economical manner and supply water as fairly and equitably as possible. The charges to be made for service shall be set at rates necessary to enable the City to recover all costs of supplying water including, but not limited to, the costs for the following:

- A. Purchasing, pumping, treating, storing, transmitting and distributing water;
- B. Customer service;
- C. Administration;
- D. Overhead;
- E. Debt service;
- F. Replacement and maintenance of facilities; and

G. All other necessary and appropriate expenses.

13.02.020 Responsibility.

The City shall be responsible for operating, maintaining, and replacing all portions of the water system and water facilities which are owned by the City. The City owned water system shall serve designated areas within and out the corporate limits of the City as approved by the City Council. The City may purchase existing systems or construct new works as may be necessary to supply to the people within the designated areas an adequate and safe domestic water supply. The City shall endeavor to supply safe, potable, continuous and sufficient water at adequate pressure to all consumers at all times. The installation of a measuring device upon private property or within a portion of the distribution system not owned by the City shall not create any obligation of the City for the operation, maintenance or replacement of any water facilities not owned by the City.

13.02.030 Deposit Required.

A. An advance deposit shall be required from each resident of the City who uses City sewer, garbage, or water service based on credit worthiness as determined by the City. The policy for collecting the deposit and the amount of the deposit shall be set by resolution of the City Council.

B. Any and all advance deposits may be used to apply against the balance due for any water service account, sewer service account, or garbage service account at the time the account is closed.

13.02.040 Ownership – Control.

Any portion of the distribution system, including any water main, service connection or meter which is located in City property, the public right-of-way or in easements, shall be under the exclusive control of the City and owned, managed and operated under the direction of the Director.

13.02.050 Unauthorized Service.

No person shall supply water to any person or to any premises except as authorized by City permit or as approved in writing by the City for service outside the City or for temporary service.

13.02.060 Fraudulent Use.

When the City has discovered that a customer has obtained water service by fraudulent means, or has diverted the water service for unauthorized use, at the discretion of the Director, the service to that customer may be discontinued without notice. The City shall not be required to restore service until the customer has complied with all rules and requirements of the City and the City has been reimbursed for the full amount of the service rendered and the actual or estimated costs to the City incurred by reason of the fraudulent use.

13.02.070 Private Water Lines.

The customer shall be responsible for the proper operation and maintenance of the customer's private water line and for any damages to the distribution system or the property of a third party or loss or waste of water resulting from the customer's private water line. All water must be applied efficiently and used in a reasonable and beneficial manner.

13.02.080 Access.

The City shall have access at all reasonable hours, and at all times during emergency situations at the discretion of the Director, to meters, service connections and other property owned by the City, whether located on or off the customer's premises, for the purposes of inspection, installation, repair, maintenance, operation, turn on, turn off or removal of the City's property.

13.02.090 Unsafe Apparatus.

If an unsafe or hazardous condition is found to exist on the customer's premises, or if the use of water thereon by apparatus, appliances, equipment or otherwise is found to be detrimental or damaging to the City or its customers, the service may be shut off without notice; provided, that the City shall notify the customer immediately of the reasons for the discontinuance and the corrective action to be taken by the customer before service can be restored.

13.02.100 Inspection.

A. A customer's private water line shall be open for inspection at all reasonable times for good cause to a representative of the City. However, before a City representative enters a customer's premises for the purpose of inspecting non-City-owned facilities, the City shall obtain the occupant's consent or the City shall give twenty-four (24) hour advance notice, in writing, to the occupant of the City's intention to enter and inspect the customer's private water line.

B. For purposes of this section, good cause for inspection shall be determined by the Director of Public Works or City Engineer and may be based on visual or other substantial evidence received by the Public Works Department demonstrating any of the following:

1. Failure of the customer to maintain his or her facilities in a suitable condition to prevent waste of water;
2. The existence of any unprotected cross-connections on the customer's premises or the lack of adequate backflow protection at the service connection;
3. Any violation by the customer of any rules and regulations of the City regarding water service; or
4. Any situation which presents an immediate or substantial health hazard to the public water system or to City residents.

13.02.110 Interference with City Employees.

Except as otherwise provided by this Code or by state law, it is unlawful for any person to interfere, seek or cause to interfere with the inspection, installation, removal, maintenance or other lawful activity by a City representative, of any part of the distribution system owned by the City, or with the inspection by a City representative of non-City owned facilities.

13.02.120 Obstructions Prohibited.

No person shall place or cause to be placed on any water line easements any wires, fences, trees, buildings or other structures, either temporary or permanent, or any refuse, rubbish, debris, or other objects which may impede or otherwise interfere with the ready access by the City to any portion of the distribution system owned by the City or which impedes or otherwise interferes with the optimal flow of the water line. Any such obstruction, upon the written request of the Director, shall immediately be removed by the violator at no expense to the City or removed by the City at violator's expense, and shall not be replaced.

13.02.130 Continuity of Service.

The City shall not be liable for any interruption, shortage or insufficiency of water supply or for pressure at the customer's point of connection, or for any loss or damages occasioned thereby.

13.02.140 Street Work.

A. When a person opens, grades, excavates, fills or performs other street construction where it is deemed necessary to expose, remove, raise, lower or otherwise affect any portion of the distribution system owned by the City, the person performing the street construction shall obtain a City encroachment permit. Advance notice in accordance with requirements of the encroachment permit shall be submitted in writing to the City of the person's intention to perform the construction and immediate notice upon exposure or contact with such system for review and approval by the City.

B. At its option, the City may elect to perform the removal, raising, lowering or other construction of the City's distribution system which is necessitated by the street construction. In the event that the City performs any construction in accordance with the applicant, the applicant shall be required to indemnify the City for the design, construction and installation of the distribution system.

Prior to the City performing construction on its distribution system, the applicant or customer responsible for such street construction shall pay the City a reasonable deposit in an amount not to exceed the estimated cost of the City's construction. Upon completion of the construction, the City shall refund that portion, if any, of the deposit which exceeds the actual costs of construction and the applicant or customer responsible for the construction shall pay the amount, if any, by which the actual costs of construction exceed the deposit.

C. The person performing the street construction shall be liable for any damage to the City's distribution system resulting from the street construction or from the person's construction on the City's distribution system.

13.02.150 Subcontractors.

Portions of this chapter may be waived at the discretion of the Director for persons hired by the City to construct any part of the City's distribution system.

13.02.160 Standards.

All procedures, design, work, materials, capacities, facilities and other improvements shall be

based on the applicable provisions of the most current State and local regulations and generally accepted standards of water works practice insofar as deemed appropriate by the City considering the conditions and where not in conflict with City standards. Such regulations and standards are included in but not necessarily limited to the following sources:

- A. Waterworks Standards of the California Department of Public Health Services;
- B. Titles 17 and 22 of the California Administrative Code;
- C. California Safe Drinking Water Act;
- D. Uniform Plumbing Code; and
- E. American Water Works Association.

13.02.170 Water Efficient Landscaping.

Reference is hereby made to Title 18. Such chapter refers to the State's Model Water Efficient Landscape Ordinance (MWELO), and requires all vegetation and landscaping required by the zoning regulations to employ drought resistant species.

13.02.180 Responsibilities of Account Holders.

- A. No person shall supply water in any way for use outside the premises to which the service is assigned (or appurtenant) without the special permission of the Director of Public Works.
- B. Access to service connections and water meters must be provided at all times.
- C. All persons must keep their service pipes in good order at their own expense and may be held liable for damages which may result from their failure to do so.
- D. It is unlawful for any person to adjust, interfere, or tamper with City water service connections, valves, or meter equipment or to construct a bypass around a meter or service. Examples of tampering shall include, but not be limited to: turning water service on after it has been shut off by the City; obstructing access to the meter service box; and altering or damaging meter equipment so that it malfunctions or is non-operational. Upon the City's discovery that tampering has occurred, the water service shall be turned off or locked, or the curb stop shall be sealed.
- E. The account holder of the premises where the tampering occurred shall be responsible for payment of the actual cost to repair all damages associated with the tampering, and for an additional charge for the tampering which shall be set by resolution of the City Council. All costs and charges shall be added to the account of the water service customer and must be paid before water service is restored to the premises.

13.02.190 Income from City System – Water Fund.

The Director of Finance shall collect all moneys that shall become due to the City for water services, payments for extensions, and all other costs, charges, penalties, and fees as provided in

this Chapter and shall pay them into the City Treasury and account for them in the same manner as the Director of Finance pays into the City Treasury and accounts for all other sums received in their official capacity. All moneys so collected shall be placed in special funds to be known as the Water Service Fund, and the Water Quality Sinking Fund, as appropriate, and such money shall be expended for the administration, engineering, operation, maintenance and expansion, including the purchase of water systems, land and/or easements, for the Ceres water system.

13.02.200 Installation and Maintenance of Services – Subdivisions.

A. An application for the installation, relocation, or change in size of service shall be submitted and the appropriate fees paid prior to any work being done.

B. Where a City-owned main or lateral is in service:

1. The developer shall have any work on water services done by a licensed plumbing contractor.

2. The City may install, relocate or change in size any service connection up to two inches (2") if staff is available and upon deposit of an amount equal to the estimated cost of the work; i.e., labor, equipment, materials, including meter, if required, and overhead.

3. The developer shall pay the actual cost for any work done by the City. If the actual cost is greater than the estimate, the developer will be billed the difference; if the cost is less, the excess will be refunded.

C. All meters, meter boxes, and associated equipment within the City Standards shall be approved by the City prior to installation by the developer. All meters and associated equipment within the City of Ceres Standard Construction Details shall be installed by the property owner and approved by the City prior to acceptance. The City will maintain all meters.

D. The City will maintain services from the water main to the water meter or meter idler, whichever occurs first, within the City right-of-way or public utility easement. Any service, irrespective of any other portion of this Code, that is not located within the City right-of-way or public utility easement shall be maintained by the consumer.

CHAPTER 03
RATES AND CHARGES

Sections:

- 13.03.010 Metered Service Required.**
- 13.03.020 General Rate Provision and Rate Schedule.**
- 13.03.030 Water Connection Fee.**

13.03.010 Metered Service Required.

All consumers shall be metered.

13.03.020 General Rate Provision and Rate Schedule.

The rates, fees and charges for service shall be set by resolution of the City Council.

A. Metered Rates: Metered rates shall apply to all uses specified in Section 13.03.010.

B. Construction Water: Temporary service for construction and grading and compaction shall be available for six (6) month intervals with all fees and charges paid in advance by a cash deposit.

1. The temporary service may be extended by the City Engineer or Director of Public Works for additional six (6) month periods upon payment of the appropriate fees.

2. Upon approval of the City Engineer or Director of Public Works, construction water may be obtained from a fire hydrant.

3. The rates charged for construction water, the deposit required and other administrative rules applicable to the use of and payment for construction water shall be established by resolution of the City Council.

C. Water Service Outside City Limits: The water service charges for persons outside the City limits shall be one and one-half (1½) times the charge for similar usage inside the City, except for public school district schools.

D. Temporary Business Water Service:

1. For this subsection, a temporary business shall be defined as seasonal or theme-oriented business such as fireworks stands, pumpkin lots, Christmas tree lots, or similar uses operated for a period of less than thirty (30) days during a twelve (12) month period (reference Ceres Zoning Ordinance Title 18).

2. A temporary business may receive water from the City system upon payment of two (2) times the minimum monthly nonresidential service charge.

3. For temporary businesses only, service may be provided to a parcel of land for which the water connection fees have not been paid.

13.03.030 Water Connection Fee.

A. When the City installs a service connection or meter, the City shall collect the connection fees prescribed by resolution of the City Council from the applicant prior to the installation of service connections and meters, except for service under Section 13.03.020 (D), for temporary business water service. The installation of any service connection or meter which entails unusual conditions resulting in additional costs shall be installed on the basis of actual cost.

B. The water connection impact fee (public facility fees – water) shall not exceed the estimated reasonable cost of providing the water service. The fee shall be established by resolution by the City Council, which may be amended from time to time, in accordance with state law.

C. Any establishment of a new water connection or of an increase in an existing water connection fee shall adhere to the notice and hearing requirements established by state law.

D. In addition to the charges required herein, a water connection fee (public facility fee-water), as appropriate, shall be paid for any new connections or expansions of use as provided in the Administrative Procedures of the Ceres public facility fees. The amount of the fee shall be set by resolution of the City Council.

E. The minimum connection fee outside the City limits shall be one and one-half (1½) times the base fee in the City limits, except for public school district schools.

F. The purpose of the connection fee is to provide the City with funds to construct, or reimburse for the construction of major improvements, such as wells and water treatment facilities, to achieve the above stated goal. The funds may also be used to construct or reimburse for the construction of pipelines, if the purpose of the pipeline is to create a loop in the water system, and the pipeline extends through an area where no development is occurring or is part of the City's large diameter water distribution system as defined in the Ceres public facility fee program.

CHAPTER 04

SPECIAL WATER SERVICES

Sections:

13.04.010 Construction Water Service.

13.04.020 Outside City.

13.04.030 Special Situations.

13.04.010 Construction Water Service.

A. Before temporary construction water service can be supplied through a fire hydrant, the applicant shall procure a City construction water permit.

B. All fees and deposits under the construction water permit shall be paid prior to permit issuance. Monthly City equipment rental charges, deposit amounts, and water usage fees shall be set by resolution.

C. Application Procedure.

1. The applicant shall pay a nonrefundable application fee for connection to a meter or outlet of locations and conditions at Director's discretion. In addition to the application fee, the applicant shall pay a nonrefundable maintenance fee for future maintenance, testing and recalibration of the City's equipment.

2. An approved reduced pressure backflow prevention device may be required by the City for construction water service per this section. If such a device is required by the City, the applicant shall provide his or her own certified backflow device. Such device must be approved by the City prior to any water being used through the device.

3. In addition to the fees described in subsections (C)(1) and (2) of this section, the applicant shall make a quantity rate deposit toward monthly charges and water usage to be determined by the City based on the estimated duration of the temporary service and the estimated quantity of water to be used. Any overpayment shall be refunded upon verification of the final meter reading and duration of temporary service. Applicant shall pay any excess charges determined upon final meter reading within thirty (30) calendar days of the applicable bill being mailed or otherwise delivered to applicant by the City.

4. In addition to payments under subsections (C)(1) through (3) of this section, the applicant shall also pay a deposit for all City equipment to be rented. The deposit amount shall be determined by the City based upon the replacement cost of all items rented, including administrative costs. Upon termination of temporary service and return of all rented equipment, the City shall refund the deposit if the equipment and the outlet to which it was attached have not been damaged.

5. All charges imposed in subsections (C)(1) through (4) of this section shall be paid in advance of service.

6. Rates and fees for temporary construction water service shall be set by resolution.

D. Water Trucks.

1. All water trucks utilizing a fire hydrant within the City as a water source must obtain a construction water permit from the City and be equipped with a certified air gap separation device or use an approved reduced pressure backflow preventer when filling the truck's water tank.

2. All water trucks wishing to utilize an air gap separation device instead of an approved backflow prevention device must submit evidence of certification of the air gap separation device for review and approval by the City. Upon approval by the City, the construction water permit will be modified to include an air gap separation device approval. The permit must be required to be with the water truck at all times.

3. The air gap separation device approval shall be good for two (2) years from the month of issuance. All trucks using an air gap separation device instead of a backflow prevention device for all temporary construction water usage through a fire hydrant within the City shall submit certification of the air gap device annually.

E. Construction Water Permit Conditions.

1. The City may designate a particular hydrant or hydrants to be used under a particular construction water permit. Any hydrant restrictions will be noted on the permit.

2. The permit or a complete copy shall be kept at the job site or in the water truck and upon request must be shown to any representative of the City.

3. The permit is valid for one (1) year from the date of issuance. In order to continue to obtain water through a fire hydrant after one (1) year, the permittee must bring in the meter/backflow unit for inspection and an intermediate meter reading and apply for reissuance of the permit.

4. The permittee shall so conduct his or her operations as to offer the least possible obstruction and inconvenience to the public. The permittee shall be solely and completely responsible for the safety of all persons and property surrounding the hydrant or work area and by accepting the permit shall agree to indemnify the City for any damage or injury that occurs as a result of any actions authorized by the permit.

5. The permittee shall take whatever precautions necessary to prevent damage to all existing improvements, including aboveground and underground utilities, trees, shrubbery that is not

specifically shown to be removed, fences, signs, mailboxes, survey markers and monuments, buildings, structures, the City's property, adjacent property, and any other improvements or facilities within or adjacent to the work area. If such improvements or property are damaged by the permittee's operations, they shall be repaired or replaced at the permittee's expense, to a condition at least as good as the condition they were in prior to the start of the permittee's operations.

6. The permittee must replace all improvements in City rights-of-way and within public streets to a condition equal to or better than what existed prior to his or her entry onto the job site.

7. All public or private facilities, including but not limited to gravel surfacing at existing canals, structures, telephone cables, roadways, curbs, gutters, parking lots, private drives, levees and embankments for creeks, ponds and reservoirs disturbed during construction shall be repaired or replaced by the permittee to match facilities existing prior to construction. In addition, the permittee shall be responsible for any materials or workmanship repairs required to such facilities or adjoining areas for a period of one (1) year after acceptance of such facilities.

8. The permittee shall adopt all practical means to minimize traffic interference and public inconvenience, discomfort or damage. The permittee shall protect against damage to any pipes, conduits, or other structures crossing the trenching or encountered during the work and shall be responsible for any damage done to such pipes or structures, or damage to property resulting therefrom. The permittee shall repair or replace any such structures without delay.

9. In the event that the permittee refuses or neglects to restore any loss or repair any damage for which he or she is responsible under this permit, the City may itself, or through the employment of others, restore any such loss or repair any damage; the cost and expense of doing so, including any reasonable engineering, legal, consultant, or contractor fees, and any costs for administrative and managerial services, shall be charged to the permittee.

10. The permittee agrees to operate the hydrant main valve and any other valves used to control the flow of water with a pentagon spanner-type fire hydrant wrench only. Use of pipe wrenches or other devices which damage or deform the bronze operating nut is strictly prohibited. All hydrant outlet caps shall be replaced when the hydrant is not in use. Permanent attachments to fire hydrants are not permitted. Fire safety dictates that attachments to hydrants shall be removed at the end of each work day. Permittee shall cease using temporary construction water from any fire hydrant at any time upon request of the Director.

11. The permittee may be billed a monthly charge for rental of City equipment in an amount specified by City resolution.

12. Water usage through the meter shall be paid first from the initial water usage fee, then from the deposits paid for City equipment.

13. Deposits for City equipment shall be refunded upon return of the equipment to the City, less appropriate deductions for water used over the initial water usage fee and for items or elements lost, damaged, stolen, or otherwise rendered unusable as determined by the City. If the deposit amount does not cover all water usage fees above the initial amount paid or the repair or replacement of any damaged City equipment, the permittee will be billed directly and shall pay in full within thirty (30) calendar days of the bill being mailed or otherwise delivered by the City.

14. The meter and backflow assemblies must be used in the proper configuration at all times when obtaining temporary construction water from any fire hydrant within the City.

15. In submitting a permit application, the permittee specifically obligates him or herself and thereby agrees to protect, hold free and harmless, defend and indemnify the City, and each of its officers, employees and agents, from any and all liability, penalties, costs, losses, damages, expenses, causes of action, claims or judgments, including attorney's fees, which arise out of or are in any way connected with the permittee's, his or her contractor's, or his or her subcontractor's agents, employees and representatives, resulting in liability irrespective of whether or not any acts or omissions of the parties to be indemnified hereunder may also have been a contributing factor to the liability.

16. In any and all claims against the City or the engineer and his or her consultants, and each of their officers, employees and agents, by any employee of the permittee, his or her contractor, any subcontractor, anyone directly or indirectly employed by any of them, or anyone for whose actions any of them may be liable, the indemnification obligation under this section shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the contractor or any subcontractor under worker's compensation statutes, disability benefit statutes, or other employee benefit statutes.

17. Any City equipment issued for a particular construction job shall be returned to the City prior to final of any engineering permits.

18. The City may require a performance bond and/or liability insurance to be submitted prior to issuance of the permit. Further information on these requirements are specified by City policy, adopted and updated by resolution from time to time.

F. Violations/Penalties.

1. Failure to comply with any of the permit conditions noted herein shall result in a verbal warning to the person or company that they are in violation of this code and construction water meter policy and must immediately correct the violation. An issued construction water permit may be revoked for failure to immediately correct the violation or for repeated violations.

2. Any person or company violating any provisions of this chapter, or any permit conditions, shall be deemed guilty of an infraction, and, in addition to any other City remedies, may be

punished by a fine prescribed by resolution of the City Council.

13.04.020 Outside City.

A. The City may provide or allow water service to persons outside its boundaries when the Director finds, and the City Council concurs, that such service shall not adversely affect the water service within the City and that a surplus of water and pipeline capacity exists.

B. In the event that, because of increased usage or other causes, service outside the City becomes adverse to the City's interests or the interest of City customers located within the City, or surplus water or pipeline capacity is no longer available for such outside use, the City may discontinue or disconnect the service outside the City one hundred twenty (120) days after the City gives written notice to the person or premises receiving the water that such outside service is to be terminated. In cases of emergency, at the sole discretion of the Director, the City may make exceptions to the noticing requirement or as otherwise provided for in a water service agreement.

C. Except as set forth in this section, the rules and regulations of the City shall apply to all customers outside the City.

D. Rates and charges to all customers outside the City shall be one hundred fifty percent (150%) of the applicable rates and charges for customers within the City set forth in Chapter 13.03.

E. Prior to receiving service, a customer outside the City shall deposit an amount equal to at least six (6) months of the City's applicable rates for water service.

F. The supply of water to persons outside the City shall not create a vested right with the person outside the City to continue to receive water service from the City nor any credit or refund for improvements made to receive such water service.

13.04.030 Special Situations.

The City Council shall have the power to establish by agreement with [applicants for special services] the rates to be charged for providing water service for special services and users.

CHAPTER 05

CITY WATER FACILITIES – CONNECTION TO AND CONSTRUCTION

Sections:

- 13.05.010** **General.**
- 13.05.020** **Metered Service Required.**
- 13.05.030** **Installation.**
- 13.05.040** **Size of Service Connection.**
- 13.05.050** **Installation of Private Water Line.**
- 13.05.060** **Installation of City Facilities.**
- 13.05.070** **Service of Parcels with Multiple Units.**
- 13.05.080** **Relocation of Service Connection at Customer’s Request.**
- 13.05.090** **Relocation of Service Connection at City’s Request.**
- 13.05.100** **Change of Meter at Customer’s Request.**
- 13.05.110** **Separate Service Connection.**
- 13.05.120** **Division of Services.**
- 13.05.130** **Plans.**
- 13.05.140** **Easements and Rights-of-Way.**
- 13.05.150** **Performance Bond.**
- 13.05.160** **Liability.**
- 13.05.170** **Dedication Requirements.**
- 13.05.180** **Record Drawings.**
- 13.05.190** **Inspection.**
- 13.05.200** **Certification.**
- 13.05.210** **Ownership Upon Dedication.**

13.05.010 **General.**

Nothing in this Chapter shall be construed as preventing or limiting the right of the City to require or undertake the preparation of engineering, economic, environmental or financing evaluations from any person requesting water service from the City, which service necessitates the installation of City water facilities, and thereafter to require the construction of such facilities as a condition of service, all without cost to the City.

13.05.020 **Metered Service Required.**

Every connection made to the City’s water system or service connection shall provide for and include a meter. A meter shall be supplied or approved by the City and must be installed prior to any connection to the City’s distribution system.

13.05.030 **Installation.**

A. Whenever practicable, the service connection from the water main to the customer’s property line shall be installed at the time the main is constructed.

B. Main line extensions, service connections and meters shall be installed only after the City's issuance of a permit and after payment by the customer of all City fees and charges.

C. Main line extensions, service connections and meters shall be installed, at the City's option, either by the City or by persons hired by the City or under the supervision of City employees.

D. When main line extensions, service connections or meters are not installed by the City, the main line extension, service connection or meter shall be installed only by bonded contractors licensed to perform such installation, in accordance with all applicable local, State, and Federal laws and regulations, including City standards.

E. When the City determines that any installation shall be performed by the City or persons hired by the City, the applicant shall pay in advance an amount of funds equal to the approximate costs of construction and other necessary expenses. Upon completion of construction, the City shall refund any funds paid by the applicant in excess of the actual costs to be borne by the applicant and the applicant shall pay the amount, if any, by which the actual costs exceed the deposit.

F. When required under California Labor Code, the applicant will comply with all requirements to pay prevailing wages for the construction of City water facilities.

13.05.040 Size of Service Connection.

A. The size of the service connection shall be approved by the City in advance. Except when specifically approved by the Director, standard size for a single-family service connection shall be one (1.0) inch.

B. The size of industrial, commercial and multifamily residential service connections shall be determined on a case by case basis by the Director, based on existing capacity or any other factors affecting the City's distribution system.

13.05.050 Installation of Private Water Line.

Applicants and customers shall install all private water lines at their own expense, according to this code, California Plumbing Code and California Building Code, and any other applicable City, State and Federal laws or regulations. The private water line shall remain the sole property of the customer.

13.05.060 Installation of City Facilities.

A. An applicant who installs or causes to be installed any part of the City's water facilities shall be responsible for the costs of installation, and all incidents thereof.

B. The City may require the installation of facilities larger than that necessary to adequately serve the applicant's property. When the City requires such an installation, provisions of Chapter 13.06.050.D, shall apply.

C. All water services installed shall have an approved wheel valve where the service pipe enters the house or structure, ahead of any branch line, including irrigation system, and on the house side of any meter or idler. No water distribution system shall be connected so as to contaminate the City water supply either by cross connection or otherwise.

13.05.070 Service of Parcels with Multiple Units.

Separate parcels under single control or management shall be supplied through individual service connections unless otherwise authorized by the City Engineer or Director of Public Works.

13.05.080 Relocation of Service Connection at Customer's Request.

Upon a customer's written request, a service connection may be relocated by the City; provided, that the relocation, in the opinion of the Director, is not detrimental to the City's distribution system. The cost of the relocation shall be borne by the customer and shall be payable in advance to the City. The cost of the relocation shall include the applicable costs and fees for all construction (if the construction is performed by persons hired by the City), design, installation, inspection, administration, legal expenses, overhead and any other necessary related expenses.

13.05.090 Relocation of Service Connection at City's Request.

Where a service connection is relocated for the convenience or protection of the City, the relocation shall be at the expense of the City provided the relocation is not made necessary by the customer.

13.05.100 Change of Meter at Customer's Request.

A. A customer may apply in writing to the City to change the size of an installed meter in accordance with this chapter. Such approval shall be at the sole discretion of the Director. Any increase in the size of a meter shall only be approved if sufficient capacity exists to accommodate such increase.

B. If the existing service connection is adequate to serve the proposed change in meter size and the City determines that the change is necessary or advisable, the City shall authorize a change. Before the meter is changed, the customer shall pay all applicable fees and charges to the City, including meter installation costs.

C. If the existing service connection is inadequate to serve the proposed meter change, the service connection can be changed at the customer's expense. Before the meter and service connection are changed, the customer shall pay all applicable fees and charges to the City.

13.05.110 Separate Service Connection.

Each service connection shall serve a single premises. No person shall cause or permit water to be received by a premises from a service connection that serves a different premises.

13.05.120 Division of Services.

When a premises currently served by the City's distribution system through a single service connection is divided into two (2) or more premises, the existing meter and service connection

shall be considered to belong to the premises which the meter or service connection most directly enters, and the new premises shall require the installation of additional meters and service connections and the payment of all applicable fees and charges at the owners expense. Owner may be required to provide engineering calculations to ensure adequate pressure will be provided to the proposed additional premises with the approval of the Director

13.05.130 Plans.

A. Each application for a permit for which installation of City water facilities is necessary shall conform to any submittal requirements set forth by the Community Development Department, City Engineer and Public Works Department.

B. Plans submitted by the applicant for installing City water facilities shall be the exclusive property of the City. A statement indemnifying the City for the design, construction and installation of City water facilities shall be included on the cover sheet or general notes sheet of such plans.

C. The Director shall determine the adequacy of the proposed City water facilities as to size, type and quality of materials, and as to the location of facilities to serve the proposed development, including off-tract pipelines and other appurtenances.

D. The Director must certify in writing whether plans and specifications submitted conform to City standards before any permits related thereto can be issued.

13.05.140 Easements and Rights-of-Way.

A. Any applicant who installs or proposes to install public water facilities shall furnish the City all necessary easements and rights-of-way for such public facilities and the subsequent operation and maintenance thereof.

Any applicant who installs or proposes to install private water facilities connecting to the City's distribution system shall provide evidence to the City of all necessary easements and rights-of-way for the inspection of such private facilities.

The City shall not obtain any private easements on behalf of an applicant.

B. If the applicant cannot furnish the necessary easements and rights-of-way for public water facilities that applicant proposes to connect to the City's distribution system, the City may, at its sole option, acquire such easements and rights-of-way. In such case, the applicant shall be required to pay all costs to the City for the acquisition of the easement or right-of-way.

C. Until the necessary easements and rights-of-way have been properly executed and recorded, the City shall not approve any plans for City water facilities to be constructed by a person across the property of another person, the City shall not accept for public use any such City water facilities, and no person shall place into use any such City water facilities. In such cases, the applicant shall indemnify the City for any damage to the property of another prior to approval of any plans.

13.05.150 Performance Bond.

Each applicant or customer shall post a surety bond, cash or other security satisfactory to the City to guarantee the faithful performance of any agreement or obligation for the construction of City water facilities. The surety bond, cash or security shall be in the sum of one hundred percent (100%) of the estimated cost of the work, or in such other sum as may be fixed by the City. The surety bond, cash or security shall, in addition to guaranteeing the faithful performance of the work, guarantee the maintenance of the portion of City water facilities constructed by the applicant for a period of one (1) year following the City's written acceptance of the work.

13.05.160 Liability.

The City and its officers, agents and employees shall not be liable for any injury or death of any person or damage to any property arising during or stemming from the performance of any work by applicant. The applicant shall be answerable for, indemnify and hold harmless the City and its officers, agents and employees, including all costs, expenses, attorney's fees and other fees and interest incurred in defending the same or in seeking to enforce this provision. The applicant shall be solely liable for any defects in the performance of the applicant's work or for any failure, damage, injury, claim or loss which may develop therefrom. Any agreement entered into between the City and an applicant pursuant to this chapter shall require the applicant to carry insurance in a form acceptable to the City and shall require the applicant to indemnify the City.

13.05.170 Dedication Requirements.

An offer of dedication of City water facilities, excluding any private water lines, shall be included in any application for a permit. The City shall not accept for dedication any portion of City water facilities which are not constructed in conformity with the requirements of this chapter or any agreement with the City.

13.05.180 Record Drawings.

Record drawings, including blueline prints, reproducible drawings and electronic files delineating as-built conditions of water lines and appurtenances, consistent with building permit, Engineering, Community Development Department and/or Public Works Department requirements, shall be filed with the City prior to, and as a condition of, the City's approval and acceptance of construction by an applicant. No certificate of final inspection shall be issued until such prints and drawings are filed.

13.05.190 Inspection.

The Director shall have the right to inspect all work during and subsequent to its construction. When the construction is completed, the work must be inspected and approved by the Director before the newly constructed City water facilities may be connected to the City's distribution system.

13.05.200 Certification.

The Director shall authorize the acceptance of water facility improvements after the Director determines that all work done under a permit or agreement has been constructed according to, and

meets the requirements of, all applicable provisions of this chapter, all other applicable City, State and Federal laws or regulations, and all permit or agreement conditions, and after all fees have been paid.

13.05.210 Ownership Upon Dedication.

When the certificate of final inspection and completion is issued, the City shall accept the offer of dedication and authorize the connection of the new City water facilities. Upon connection to the City's distribution system, the new City water facilities, excluding private water lines, shall become the exclusive property of the City.

CHAPTER 06

EXTENSIONS AND ADDITIONS

Sections:

- 13.06.010 Water Main Extension.**
- 13.06.020 Assessment District Formation.**
- 13.06.030 Size of New Main Line.**
- 13.06.040 Reimbursement for Extensions.**
- 13.06.050 Extensions and Additions – Subdivisions.**

13.06.010 Water Main Extension.

Any person requesting water service from the City which necessitates an extension of the City's main line shall enter into an agreement with the City.

13.06.020 Assessment District Formation.

At the City's sole option, the City may utilize any statutory or other procedure concerning assessment districts to finance the construction of the main line extension, metered service connections and related appurtenances.

13.06.030 Size of New Main Line.

The City may require the installation of a main line larger than that necessary to adequately serve the applicant's property. When the City requires the installation of a larger main line, the City shall either:

- A. Pay the difference in cost, as determined by the City, between the size necessary to serve the applicant's construction and the larger main line; or
- B. Perform the installation itself, subsequent to the receipt from the applicant of a sum sufficient to cover necessary expenses, of the main line required by the applicant; or
- C. Require the applicant to construct the larger line subject to reimbursement as hereinafter provided; or
- D. A combination of subsections A through C of this section.

13.06.040 Reimbursement for Extensions.

When an applicant enters into an agreement with the City which requires the installation of a main line larger than that necessary to adequately serve the applicant's property, the agreement shall provide for a reimbursement to the applicant above its fair share cost, as negotiated and specified in the agreement.

13.06.050 Extensions and Additions – Subdivisions.

A. Any subdivision or development which is in the area that is to receive water service from the Ceres water system shall, at their own cost and expense, install, and construct the necessary main lines, laterals, service connections and fire hydrants. The subdivider or developer shall convey ownership thereof to the City. When development occurs, the developer shall pay to the City the water connection fees as set forth in Chapter 13.070 for each lot or parcel to be served in such subdivision. Such main lines shall extend to the farthest limits of the subdivision or development as approved by the City Engineer and Department of Public Works.

B. If a well is required by the City to be installed, the City may enter into a repayment agreement with the developer or subdivider for an amount equal to the cost of the well. Said repayments shall be made from the connection fees paid to the City for connections made in the area specified in the agreement.

C. The mains, laterals, service connections, location and type of fire hydrants shall be shown and described in plans and specifications prepared in accordance with City standards and approved by the City Engineer before any construction work is started on such extension. The size of the water mains shall be as designated by the City Engineer to conform with the planned requirements as identified in the adopted Water Master Plan for the coordination of all water service within the Ceres water system. Water mains shall be looped unless otherwise approved by the City Engineer or Public Works Director.

D. When a developer is required by the City's water master plan to install a water line larger than what is required for their development, the City Council may authorize an agreement for repayment by the City or other third party beneficiaries of the difference between the cost of the size of water line required by the development and the cost of the larger water main. Said repayment shall be in accordance with the administrative procedures of the Ceres Public Facility Fees as provided under Title 13.

CHAPTER 07

PERMITS

Sections:

- 13.07.010 Connection Permit Required.**
- 13.07.020 Application.**
- 13.07.030 Transfer of Permit.**
- 13.07.040 Waiver.**
- 13.07.050 Issuance Requirements.**
- 13.07.060 Compliance.**
- 13.07.070 Duration.**

13.07.010 Connection Permit Required.

No persons, other than those specifically excluded by this chapter, shall uncover or cause to be uncovered, construct or cause to be altered, or connect to or cause to be connected to, any public water main or other portion of the City's distribution system or services owned by the City without first obtaining a permit from the Director, paying the applicable fees, and complying with all other applicable provisions of this chapter.

13.07.020 Application.

Any person legally entitled to apply for and receive a permit shall make application for a connection permit on forms provided by the City for that purpose and shall provide any additional information required by the City to evaluate the application. An applicant shall describe the proposed construction and location, ownership, occupancy and use of the premises in connection therewith. The Director may require, in addition to the information specified, any additional information from the applicant which will enable the Director to determine that the proposed connection complies with the provisions of this chapter.

13.07.030 Transfer of Permit.

A. Upon prior written approval of the City, a person to whom a connection permit has been issued may transfer such permit to another person solely for the same use and premises for which the permit was issued, subject to all terms and conditions under which permit was issued. The transferee shall meet the requirements of the City relating to the transfer.

B. Usage of a connection permit for a premises other than the premises for which the permit was issued shall be an unauthorized usage and shall render the permit void and invalid.

C. A person engaging in an unauthorized usage of a connection permit shall be in violation of this chapter. The City may discontinue service or impose any other penalty provided in this chapter or at law, in accordance with the provisions of this chapter. Any usage not specifically authorized by a valid connection permit shall require a new application to the City. If the City issues the permit, the applicant shall pay the appropriate current fees and charges.

13.07.040 Waiver.

The provision of this article may be waived by the Director for contractors constructing City water facilities or improvements under contract with the City, or under contract awarded by the City under proceedings pursuant to any of the special procedure statutes of the State provided for the construction of City water facilities and the assessing of the expenses thereof against the lands benefited thereby.

13.07.050 Issuance Requirements.

A. Plan Checking. No permit shall be issued until the Director has checked and approved the plans in accordance with the applicable provisions of this chapter.

B. Payment of Fees and Charges. No permit shall be issued until all fees and charges in connection therewith are paid to the City.

13.07.060 Compliance.

The applicant's signature on an application for a permit or the applicant's acceptance of any permit shall constitute an agreement by the applicant to comply with all the provisions, terms and requirements of the City's water code, with all other rules and regulations of the City, and with the plans and specifications the applicant has filed, together with such corrections or modifications, if any, as may be permitted or required by the City in writing. This agreement shall be binding upon the applicant and the applicant's successors in interest, and may be altered only by the City in writing upon the applicant's written request.

13.07.070 Duration.

If work under a permit is not commenced within six (6) months from the date of issuance of the permit or if, after commencing, any work is discontinued for a period of one (1) year, the connection permit shall become void and no further work shall be undertaken until a new permit shall have been secured and a new fee paid therefor at applicable rates then in effect, unless otherwise agreed to in writing by the Director or City Manager or by approval of the City Council.

CHAPTER 08

WATER CONSERVATION

Sections:

13.08.010 Requirements – Green Building Standards Code.
13.08.020 Management.

13.08.010 Requirements – Green Building Standards Code.

The City's water efficiency and conservation measures are provided in Title 15, Green Building Code, which adopts by reference the 2010 California Green Building Code and its water efficiency and conservation measures.

13.08.020 Rules and Regulations.

A. The City shall provide a comprehensive water conservation program through limitations on water usage and through public education. Landscaping systems shall be properly designed, installed, maintained, and operated to prevent the wasting of water. The use of drought-tolerant landscaping shall be encouraged. Serving water in restaurants only upon customer request shall be encouraged.

B. Utility customers shall not be permitted to engage in water wasting.

1. Acts constituting water wasting shall include, but shall not be limited to, any of the following acts:
 - a. Failure to comply with the following schedule when watering lawns, plants, or garden, or using outdoor water for other purposes. In accordance with the City's adopted Drought Preparedness Plan, restrictions on the allowable watering days and times may vary in accordance with drought conditions. Typical requirements included in the Drought Preparedness Plan:
 - (1) No lawn/garden watering, or other outdoor use, will be allowed between twelve o'clock (12:00) noon and seven o'clock (7:00) P.M., every day.
 - (2) Dwellings or establishments with odd-numbered street addresses shall use outdoor water only on Sundays and/or Wednesdays, depending on the drought stage.
 - (3) Dwellings or establishments with even-numbered street addresses shall use outdoor water only on Tuesdays and Saturdays, depending on the drought stage.
 - (4) No dwelling or establishment may use outdoor water on Mondays unless a determination is made of special circumstances by the Director of Public Works or his or her designee
 - b. Watering lawns or gardens such that excess water leaves the property or area being watered.
 - c. Watering outdoor landscaping while raining.

- d. Washing vehicles, equipment, or boats using an open hose which is not equipped with a shut-off nozzle.
- e. Hosing down driveways, streets, parking lots and building exteriors without the consent of the Director of Public Works or his or her designee except for valid health or safety reasons.
- f. Having leaky faucets or plumbing fixtures on the premises.
- g. Operating evaporated coolers which are not equipped with a recirculating pump.
- h. The City of Ceres allows water waivers upon request to the Public Works Department for the following reasons:
 - (1) Health/Safety
 - (2) Irrigation: System maintenance, installation, and inspection
 - (3) Livelihood: Business that depends on water usage

CHAPTER 09

ENFORCEMENT OF CITY WATER CODE VIOLATIONS

Sections:

- 13.09.010 Enforcement – First Warning.**
- 13.09.020 Enforcement – Issuance of Citation.**
- 13.09.030 Enforcement – Penalties.**
- 13.09.040 Enforcement – Right to Appeal.**
- 13.09.050 Enforcement – Right to Discontinue Water Service.**
- 13.09.060 Enforcement – Authority.**
- 13.09.070 Discontinuance of Water Service.**
- 13.09.080 Notice Prior to Discontinuance of Service for Nonpayment.**
- 13.09.090 Shut Off and Turn On of Service on Weekends, Holidays or After Hours.**
- 13.09.100 Authority to Settle Controversies Relating to Discontinuance and to Permit Amortization of Delinquent Bills.**
- 13.09.110 Notice Required Prior to Discontinuance of Service for Failure to Comply with Amortization Agreement.**
- 13.09.120 Public Nuisance.**
- 13.09.130 Abatement.**
- 13.09.140 Default – Recovery of Costs.**
- 13.09.150 Means of Enforcement Only.**
- 13.09.160 Cumulative Remedies.**
- 13.09.170 Violation – Penalty.**

13.09.010 Enforcement – First Warning.

Should the Department of Public Works determine that any utility customer, or person using the utilities with the consent of the customer, has violated the provisions of this Title, the utility customer shall be served, either personally, by mail, or by posting at the residence or business premises of the customer, a warning notice stating the acts or conduct which constitute the violation and stating that any further violation(s) will result in the issuance of a citation.

13.09.020 Enforcement – Issuance of Citation.

A. Should a utility customer, or person using the utilities with the consent of the customer, violate the provisions of this Title after being served a warning notice as provided in Section 13.09.010 such person shall be issued a citation. Said citation shall state:

1. The date, time, and circumstances of the violation;
2. The location of the violation;

3. The amount of the penalty imposed;
4. The appeal rights of the customer.

B. The citation may be served either personally, by certified mail, or by posting at the residence or business premises of the customer.

C. Separate houses, buildings, living, or business quarters on the same parcel or on adjoining parcels, under a single control or management, may be served at the option of the applicant, by either of the following methods:

1. Through separate service connection to each unit, provided that the pipeline system from each service is independent of the others, and it is not interconnected. Turning off the service to a unit turns off all water to the inside of the unit.
2. Through a single service connection to the entire premises; provided that the water piping for all units is interconnected. If multiple units are served through a single service, the property owner shall be responsible for the payment of charges for all services supplied to all units. The property owner shall sign an agreement with the City to hold the City harmless for any damage that may occur due to the water being disconnected for nonpayment of charges.

13.09.030 Enforcement – Penalties.

The amount of the penalty imposed for citations issued under this Chapter shall be established by the City Council, and may be amended from time to time by resolution of the City Council. Any penalty imposed may be added to and collected as part of the regular municipal utility account of any person or business against whom the penalty has been assessed. Failure of the utility customer to pay the penalty shall be cause for termination of utility services. Said penalty may also be collected in any manner allowed by law.

13.09.040 Enforcement – Right to Appeal.

A utility customer shall have the right to appeal the citation before the City's Director of Public Works or their designee, provided the request for an appeal is filed with the Department of Public Works within ten (10) days from the service of the citation. Notice of the appeal hearing and the rules and regulations regarding the conduct of the appeal hearing shall be those provided in Title 1.

13.09.050 Enforcement – Right to Discontinue Water Service.

Failure of any utility customer to pay the penalty fees imposed as provided pursuant to this Chapter shall be grounds to discontinue water service until compliance is obtained.

13.09.060 Enforcement – Authority.

The City Council does hereby designate the following persons as persons who are authorized to investigate violations of this Title, serve warning notices, and issue citations required or authorized by this subsection:

- A. Water Conservation Officers;
- B. Code Enforcement Officers;
- C. Sworn Police Officers;
- D. Community Service Officers;
- E. Volunteers in public service and field employees of the Department of Public Works who are specifically designated by the Director of Public Works.

13.09.070 Discontinuance of Water Service.

Service may be discontinued for any one (1) of the following reasons:

A. For service being received through a master meter, delinquency in the payment of any bill, except that residential service shall not be discontinued to a residential occupant for nonpayment in any of the following situations:

1. During the pendency of any investigation by the City of a customer dispute or complaint;
2. When a customer has been granted an extension of the period for payment of a bill;
3. For an indebtedness owed by the customer to any other public agency or when the obligation represented by the delinquent account or other indebtedness was incurred with any public agency other than the City;
4. When a delinquent account relates to another property owned, managed or operated by the customer; or
5. When a public health or building officer certifies the termination would result in a significant threat to the health or safety of the residential occupants or the public;

B. For service through an individual meter, delinquency in the payment of any bill, except that residential service shall not be discontinued to a residential occupant for nonpayment in any of the following situations:

1. During the pendency of any investigation by the City of a customer dispute or complaint;
2. When a customer has been granted an extension of the period for payment of a bill;
3. For an indebtedness owed by the customer to any other public agency or when the obligation represented by the delinquent account or other indebtedness was incurred with any public agency other than the City;
4. When a delinquent account relates to another property owned, managed or operated by the customer; or
5. When: (a) a licensed physician or surgeon certifies that to do so will be life-threatening to

the customer; (b) the customer is financially unable to pay for service within the normal payment period; and (c) the customer is willing to enter into an amortization agreement with the City and requests permission to amortize, over a period not to exceed six (6) months, the unpaid balance of any bill asserted to be beyond the means of the customer to pay within the normal payment period;

C. The unauthorized taking of water or the taking of water in excess of the amount paid for;

D. Failure of the customer to maintain his or her facilities in a suitable condition to prevent waste of water;

E. The existence of any unprotected cross-connections on the customer's premises or the lack of adequate backflow protection at the service connection;

F. Any violation by the customer of any rules and regulations of the City governing water service;

G. Any situation which presents an immediate health hazard to the public water system. In such cases, the City may discontinue water service immediately without notice, and service shall be locked and remain inactive until corrective action has been approved by the City. The City shall attempt to contact the customer by telephone and shall mail a certified letter to the customer as soon as reasonably possible to set forth the reasons for the emergency. Conditions that create a basis for the immediate discontinuance of water service shall include, but are not limited to, the following items:

1. Direct or indirect connection between the public water system and a sewer line;
2. Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants;
3. Unprotected direct or indirect connection between the public water system and an auxiliary water system.
4. Sanitary sewer overflows, either into the storm drainage system or on private property, exacerbated by continued use of the public water system.

13.09.080 Notice Prior to Discontinuance of Service for Nonpayment.

A. Before any proposed discontinuance of service for nonpayment of a delinquent account, except those as described in subsection C of this section, the City shall provide a notice of delinquency to the customer to whom the service is billed of the proposed discontinuance.

B. Every notice of discontinuance of service required by this section shall include all of the following information:

1. The name and address of the customer whose account is delinquent;

2. The amount of the delinquency;
3. The date by which payment or arrangements for payment is required in order to avoid discontinuance and, if different, the date discontinuance of service is scheduled;
4. The telephone number of a representative of the City who can provide additional information or institute arrangements for payment.

C. Whenever the City furnishes any individually metered residential service to residential occupants in a multi-unit residential structure, mobile home park or permanent residential structures in a labor camp, as defined in Cal. Health & Safety Code § 17008, where the owner, manager or operator is listed by the City as the customer of record, the City shall provide a notice of delinquency ten (10) days prior to discontinuance of service to each of the residential occupants similar to that listed in subsection B of this section, except that the notice will state that the property owner is responsible for the delinquent account and that residential occupants have the right to be customers. If it is not reasonable or practical to post the notice on the door of each residential unit, the City shall post two (2) copies of the notice in each accessible common area at each point of access to the structure or structures.

13.09.090 Shut Off and Turn On of Service on Weekends, Holidays or After Hours.

No water service shall be shut off to any customer or user because of any delinquency in payment commencing on any Saturday, Sunday, legal holiday or at any time during which the business offices of the City are not open to the public. Water service may be turned on to a customer or user outside of normal business hours after receipt of payment of delinquencies within seventy-two (72) hours, regardless of the time of day payment is received by the City.

13.09.100 Authority to Settle Controversies Relating to Discontinuance and to Permit Amortization of Delinquent Bills.

The Finance Director or designee is authorized to investigate complaints and review disputes pertaining to any matters for which service may be discontinued and to rectify errors and settle controversies pertaining to such matters. The Finance Director or designee is also authorized, upon a proper showing by a residential customer of the customer's inability to pay a delinquent bill during the normal period, to grant permission to amortize the unpaid balance over a reasonable period of time, not to exceed twelve (12) months.

13.09.110 Notice Required Prior to Discontinuance of Service for Failure to Comply with Amortization Agreement.

If an amortization agreement is authorized by the Finance Director, no discontinuance of service shall be affected for any residential customer complying with such agreement, if the customer also keeps the account current as charges accrue in each subsequent billing period. The City shall not discontinue service unless the customer has failed to comply with the amortization agreement or has failed to keep the account current as charges accrue in each subsequent billing period for sixty (60) days or more. Prior to discontinuing service, the City shall give notice to the customer, at

least five (5) business days prior to his or her discontinuance of the City's intent to disconnect service conditions the customer is required to meet to avoid discontinuance; but the notice does not entitle the customer to further investigation by the City. The notice shall be posted in a prominent and conspicuous location at the customer's property.

13.09.120 Public Nuisance.

Continued habitation of any building or continued operation of any commercial or industrial facility where water service has been discontinued is 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 or commercial facility during the period of such violation.

13.09.130 Abatement.

During the period of any disconnection, the habitation of such disconnected premises by human beings shall constitute a public nuisance, which shall authorize the City to bring proceedings for the abatement of the occupancy of the premises during the period of the disconnection. In such event, and as a condition of restoring service, the City shall be paid necessary charges for or incurred in the restoration of service. In any administrative action or legal proceeding initiated by the City to abate a public nuisance under this chapter, the prevailing party shall be entitled to recover attorney's fees; provided, that attorney's fees shall only be available in those actions or proceedings in which the City has provided notice at the commencement of such action or proceeding that the City intends to seek and recover attorney's fees.

13.09.140 Default – Recovery of Costs.

A. In the event that any customer fails to make any payment provided for in this chapter, the customer and subject property shall be in default, and the City may declare the balance, or any remaining balance, due and payable.

B. In the event the City is required to bring legal action to enforce any provision of this chapter, including but not limited to the collection of delinquent fees, penalties or other charges, the prevailing party shall be entitled to recover its reasonable attorney's fees, interest, court costs and other costs incurred in such action; provided, that such fees shall only be available in those actions or proceedings in which the City has provided notice at the commencement of such action or proceeding that the City intends to seek and recover attorney's fees.

13.09.150 Means of Enforcement Only.

The City declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations, and not as a penalty.

13.09.160 Cumulative Remedies.

The remedies set forth in this article for the collection and enforcement of rates, charges and penalties are cumulative and may be pursued alternatively, concurrently or consecutively with remedies made available by local and state law.

13.09.170 Violation – Penalty.

Each and every day or part of a day that a violation of this chapter continues shall be deemed a separate offense under this chapter and shall be punishable as such.

CHAPTER 10

COLLECTION – ENFORCEMENT OF RATES

Sections:

- 13.10.010 Combined Billing.**
- 13.10.020 Billing Period.**
- 13.10.030 Liability.**
- 13.10.040 Due Date and Delinquency.**
- 13.10.050 Delinquency – Penalties – Partial Payment.**
- 13.10.060 Meter Testing.**
- 13.10.070 Adjustment of Bills.**

13.10.010 Combined Billing.

All water service rates and charges may be billed on the same bill as, and collected together with, rates and charges for other City services. If all or any part of such bill is not paid, the City may discontinue any or all of the services for which the bill is rendered in the manner set forth in this article.

13.10.020 Billing Period.

The City shall issue bills for residential, commercial and all other forms of service rendered pursuant to this chapter at least every two (2) months. The City may issue bills every month for service rendered. In switching from one (1) billing period to another billing period, the City may issue bills for a service period longer than one (1) month, but less than or equal to two (2) months. Each bill shall specify the dates of the service period.

13.10.030 Liability.

A. The City shall bill the property owner or designee directly for all service provided to the owner's property.

B. The property owner shall be liable for payment of all City charges regardless of whether the bill is sent to the owner's personal business or residential address, or to the address of the owner's property to which the service is supplied.

13.10.040 Due Date and Delinquency.

The City's bill for service rendered is due and payable when issued. Each bill shall specify the date it is issued and the date when payment is due. A bill shall be delinquent if payment for the entire amount of the bill is not received by the City by the later of:

A. The last day of the service period specified on the bill; or

B. One (1) month after the date the bill is issued by the City.

13.10.050 Delinquency – Penalties – Partial Payment.

A. Basic Penalty. City shall levy a basic penalty of ten percent (10%) of each months charges for the first delinquent month. City shall levy an additional penalty of one-half percent (0.5%) per month to all delinquent charges and basic penalties remaining unpaid thereafter, until the City Council requests the City Finance Director to include the amount of all delinquencies on the bills for taxes levied against the appropriate premises as set forth in Title 13.

B. Partial Payment. Moneys paid where any portion of an account is delinquent shall first be credited to the delinquent portion of the bill and then to the current billing.

C. The Basic penalty and additional penalty may be reduced in accordance with criteria authorized by the City Council.

13.10.060 Meter Testing.

The City may test meters at any time or shall test a meter upon the request of a customer who first deposits with the City an amount prescribed by resolution of the City Council. If the test indicates the meter is registering within five percent (5%) of accuracy, the testing fee will be retained by the City to cover its cost of testing. If the test indicates the meter is more than five percent (5%) in error, the testing fee shall be refunded to the customer and the City shall repair or replace the meter at its discretion. If the meter error is over five percent (5%), resulting in an overcharge of the customer, the City shall refund to the customer the estimated overcharge for a period of two (2) billing cycles immediately preceding the meter testing. If an error is found that has resulted in the customer underpaying, a supplemental bill may be rendered to the customer equal to the difference between the customer's average bill for the preceding two (2) billing cycles.

13.10.070 Adjustment of Bills.

The City may adjust or grant rebates from the rates or fees provided in this chapter in the event of a dispute relating to a charge to a customer.

CHAPTER 11

TERMINATION

Sections:

- 13.11.010** Termination of Water Service.
- 13.11.020** Violations.
- 13.11.030** Discontinuance of Water Service.
- 13.11.040** Notice Prior to Discontinuance of Service for Nonpayment.
- 13.11.050** Amortization of Delinquent Bills for Service.
- 13.11.060** Notice Required Prior to Discontinuance of Service for Failure to Comply with Amortization Agreement.

13.11.010 Termination of Water Service.

Whenever the Finance Department receives a request from any account holder to terminate or discontinue the water service on any property for the reason that the property is unoccupied and does not require such service, the Finance Department shall terminate both water services as of the date specified and shall make no further charges for water services until the account holder requests resumption of water service. Until such request is received, all such charges as may be provided for in this Title shall be due and payable. Such termination of service shall not apply to automatic fire services, unless approved in writing by the Fire Department.

13.11.020 Violations.

Any violations of this Chapter may be charged as either an infraction or a misdemeanor and shall be punishable as provided in Title 19.

13.11.030 Discontinuance of Water Service.

Service may be discontinued for any one (1) of the following reasons:

A. For service being received through a master meter, delinquency in the payment of any bill, except that residential service shall not be discontinued to a residential occupant for nonpayment in any of the following situations:

1. During the pendency of any investigation by the City of a customer dispute or complaint;
2. When a customer has been granted an extension of the period for payment of a bill;
3. For an indebtedness owed by the customer to any other public agency or when the obligation represented by the delinquent account or other indebtedness was incurred with any public agency other than the City;

4. When a delinquent account relates to another property owned, managed or operated by the customer; or
 5. When a public health or building officer certifies the termination would result in a significant threat to the health or safety of the residential occupants or the public;
- B. For service through an individual meter, delinquency in the payment of any bill, except that residential service shall not be discontinued to a residential occupant for nonpayment in any of the following situations:
1. During the pendency of any investigation by the City of a customer dispute or complaint;
 2. When a customer has been granted an extension of the period for payment of a bill;
 3. For an indebtedness owed by the customer to any other public agency or when the obligation represented by the delinquent account or other indebtedness was incurred with any public agency other than the City;
 4. When a delinquent account relates to another property owned, managed or operated by the customer; or
 5. When: (a) a licensed physician or surgeon certifies that to do so will be life-threatening to the customer; (b) the customer is financially unable to pay for service within the normal payment period; and (c) the customer is willing to enter into an amortization agreement with the City and requests permission to amortize, over a period not to exceed twelve (12) months, the unpaid balance of any bill asserted to be beyond the means of the customer to pay within the normal payment period;
- C. The unauthorized taking of water or the taking of water in excess of the amount paid for;
- D. Failure of the customer to maintain his or her facilities in a suitable condition to prevent waste of water;
- E. The existence of any unprotected cross-connections on the customer's premises or the lack of adequate backflow protection at the service connection;
- F. Any violation by the customer of any rules and regulations of the City governing water service;
- G. Any situation which presents an immediate health hazard to the public water system. In such cases, the City may discontinue water service immediately without notice, and service shall be locked and remain inactive until corrective action has been approved by the City. The City shall attempt to contact the customer by telephone and shall mail a certified letter to the customer as soon as reasonably possible to set forth the reasons for the emergency. Conditions that create a basis for the immediate discontinuance of water service shall include, but are not limited to, the following items:

1. Direct or indirect connection between the public water system and a sewer line;
2. Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants;
3. Unprotected direct or indirect connection between the public water system and an auxiliary water system;
4. Sanitary sewer overflows, either into the storm drainage system or on private property, exacerbated by continued use of the public water system.

13.11.040 Notice Prior to Discontinuance of Service for Nonpayment.

A. Before any proposed discontinuance of service for nonpayment of a delinquent account, except those as described in subsections C and D of this section, the City shall provide a notice of delinquency to the customer to whom the service is billed of the proposed discontinuance.

B. Every notice of discontinuance of service required by this section shall include all of the following information:

1. The name and address of the customer whose account is delinquent;
2. The amount of the delinquency;
3. The date by which payment or payment arrangements must be made to avoid discontinuation of service;
4. A description of the procedure by which the customer may request an alternative payment arrangement, which may include an extension, amortization, or alternative payment schedule;
5. The procedure for the customer to obtain information on financial assistance, if applicable;
6. The telephone number of a representative of the City who can provide additional information or institute arrangements for payment.

C. Whenever the City furnishes residential service through a master meter in a multi-unit residential structure, mobile home park or farm labor camp as defined in Cal. Health & Safety Code § 17008, where the owner, manager or farm labor employer is listed by the City as the customer of record, the City shall provide a notice of delinquency to each of the residential units at least ten (10) business days before discontinuation of water service. The notice will be addressed to "Occupant," will contain the information required in subsection B of this Section and will also inform the residential occupants that they have the right to become customers of the City without being required to pay the amount due on the delinquent account. If it is not reasonable or practical to post the notice on the door of each residential unit, the City shall post two (2) copies of the notice in each accessible common area at each point of access to the structure or structures.

D. Whenever the City furnishes any individually metered residential service to residential occupants in a multi-unit residential structure, mobile home park or permanent residential structures in a labor camp, as defined in Cal. Health & Safety Code § 17008, where the owner, manager or operator is listed by the City as the customer of record, the City shall provide a notice of delinquency to each of the residential occupants at least ten (10) business days before discontinuation of water service. The notice will be addressed to "Occupant," will contain the information required in subsection B of this Section and will also inform the residential occupants that they have the right to become customers of the City without being required to pay the amount due on the delinquent account. If it is not reasonable or practical to post the notice on the door of each residential unit, the City shall post two (2) copies of the notice in each accessible common area at each point of access to the structure or structures.

13.11.050 Amortization of Delinquent Bills for Service.

The Finance Director or his or her designee shall review every request or complaint received by a customer regarding disputed bills or extensions; provided, that the request or complaint is received by the City within the required time frame. For complaints or requests pertaining to disputed bills, the customer must submit the complaint or request within fifteen (15) calendar days of receiving the disputed bill which shall be calculated by counting five (5) calendar days from the date the City mailed the disputed bill. For requests for an extension in time to pay a bill, the requests must be received within twelve (12) calendar days of the date the City first mails or posts the notice of discontinuance of service pursuant to this chapter. For requests for extensions, the review shall include consideration of whether the customer shall be permitted to amortize the unpaid balance of the account over a reasonable period of time, not to exceed twelve (12) months.

13.11.060 Notice Required Prior to Discontinuance of Service for Failure to Comply with Amortization Agreement.

If an amortization agreement is authorized by the Finance Director, no discontinuance of service shall be effected for any residential customer complying with such agreement, if the customer also keeps the account current as charges accrue in each subsequent billing period. The City may discontinue water service if a customer who has been granted an alternative payment arrangement under this section fails to do any of the following for sixty (60) days or more:

1. To pay his or her unpaid charges by the extended payment date;
2. To pay any amount due under an alternative payment schedule or amortization agreement;
or
3. To pay his or her current charges for water service.

The City will post a final notice of intent to disconnect service in a prominent and conspicuous location at the service address at least five (5) business days before discontinuation of service. The final notice will not entitle the customer to any investigation or review by the City.

CHAPTER 12

AUTOMATIC FIRE SERVICES AND HYDRANTS

Sections:

13.12.010 Automatic Fire Service.

13.12.020 Fire Hydrants.

13.12.010 Automatic Fire Service.

- A. Automatic fire service connections shall be furnished with adequate provision to prevent the use of water from such services for purposes other than fire extinguishing.
- B. The applicant shall be required to obtain a building permit.
- C. Pipes for automatic fire service shall be installed by the applicant after the plans have been approved by the City Engineer and Fire Chief or their designees.
- D. Quantitative Charges:
 - 1. No charge shall be made for water used to extinguish accidental fires.
 - 2. Occasionally water may be obtained for a private fire service for filling a tank connected with the fire service, but only if written permission is secured from the City in advance and an approved means of measurement is available. The rates for general use shall be applied.
- E. A monthly fire service standby charge collected for private fire protection services shall be set by resolution.
- F. If water is used through a fire service connection for purposes other than extinguishing fires, the City shall have the right to install a meter on the fire service line at the owner's expense.
- G. The City shall assume no responsibility for loss or damage because of lack of water or pressure and shall merely agree to furnish such quantities and pressure as are available in its general distribution system. The service shall be subject to shutdowns and variations required by the operation of the system.
- H. Automatic fire services shall be disconnected from the water system only for the following reasons:
 - 1. For repair on the fire service. The Fire Marshal shall be notified of all such disconnections;
 - 2. Upon receipt of a written request from the Fire Marshal;
 - 3. If it is found that contamination is entering the City water system from the automatic fire service connection. The Fire Marshal shall be notified in writing of the disconnection.

13.12.020. Fire Hydrants.

A. No persons other than those designated and authorized by the Fire Department or Public Works Department shall open any fire hydrant, attempt to draw water from it, or in any manner damage or tamper with it.

B. If a property owner or other party desires a change in the size, type, or location of an hydrant, he shall bear all costs involved in such changes. Any change in the size, type, or location of a fire hydrant must be approved by the Fire Department.

C. Tampering with any fire hydrant for the unauthorized use of water therefrom, or for any other purpose, is declared to be a misdemeanor punishable as provided in Title 19.

CHAPTER 13

WELL STANDARDS

Sections:

- 13.13.010 Purpose and Definitions.**
- 13.13.020 Well Permits.**
- 13.13.030 Well Standards.**
- 13.13.040 Variances for Well Standards.**
- 13.13.050 Classification of Wells.**
- 13.13.060 Well Inspections.**
- 13.13.070 Well Completion Reports.**
- 13.13.080 Appeals for Denial of Well Permits.**
- 13.13.090 Right of Entry and Inspection.**
- 13.13.100 Abatement of Abandoned Wells.**
- 13.13.110 Civil Enforcement Procedure for Wells.**
- 13.13.120 Reports to the Regional Board.**

13.13.010 Purpose and Definitions.

A. It is the purpose of this Chapter to protect the health, safety, and general welfare of the people of the State of California and the City of Ceres by ensuring that the groundwaters of this State will not be polluted or contaminated. To this end, minimum requirements are contained in this Chapter for construction, reconstruction, repair, and destruction of water wells, cathodic protection wells, and monitoring wells.

B. Except as otherwise required by the context of this Chapter, the terms used in this Chapter shall have the same meaning as in chapter 10 of division 7 of the California Water Code and the Department of Water Resources Bulletins 74-81 and 74-90 and subsequent supplements or revisions.

“Person” means any person, firm, board enforcement agency, corporation, or governmental agency, to the extent authorized by law.

“Section headings” when contained in this Chapter, shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any section.

Tense and Gender: Words used in the present tense include the future as well as the present. Words used in the masculine gender include the feminine and neuter. The singular number includes the plural, and the plural the singular.

“Well” or “Water well” is defined under Water Code, section 13710, to mean “...any artificial excavation constructed by any method for the purpose of extracting water from, or injecting water into, the underground. This definition shall not include: (a) oil and gas wells, or geothermal wells constructed under the jurisdiction of the Department of Conservation, except those wells converted to use as water wells; or (b) wells used for the purpose of (1) dewatering excavation during construction, or (2) stabilizing hillsides or earth embankments.” The State Water Resources Control Board does not intend that potholes, drainage trenches or canals, waste water ponds, shallow root zone piezometers, stock ponds, or similar excavations be included within the definition of wells.

13.13.020 Well Permits.

A. Permit Applications:

1. No person shall dig, bore, drill, deepen, modify, repair, or destroy a water well, cathodic protection well, observation well, monitoring well or any other excavation that may intersect groundwater without first applying for and receiving a permit as provided in this Chapter unless exempted by law.
2. Any person who commences any work for which a permit is required by this Chapter without having obtained a permit shall be required, if subsequently granted a permit for this work, to pay double the standard permit fee.
3. The above provisions shall not apply to emergency work required on short notice to maintain drinking water, agricultural supply systems, or if needed to protect the health and safety of the people or water system. In such cases, the person responsible for the emergency work shall:
 - a. Apply for a permit within three (3) working days after commencement of emergency work.
 - b. Satisfy the enforcement agency that such work was urgently necessary.
 - c. Demonstrate that all work performed was in conformance with the technical standards as designated in subsection D3 of this Section.

B. Applications for permits shall be made to the Ceres Engineering or Public Works Department on forms approved by the agency and shall contain all such information the Engineering or Public Works Department requires to accomplish the purposes of this Chapter. The application shall be accompanied by the required filing fee as established by the City Council which may be amended from time to time by resolution. If the Engineering or Public Works Department finds the application contains all necessary information, it shall issue to the applicant a comprehensive permit containing such conditions as are necessary to fulfill the purposes of this Chapter.

C. Permit Conditions:

1. When the Engineering or Public Works Department issues a permit pursuant to this Chapter, it may condition the permit in any manner necessary to carry out the purposes of

this Chapter. Conditions may include, but are not limited to quantity and quality testing methods, sanitary seals, temporary caps, and abandonment.

2. The Engineering or Public Works Department may require a performance bond as a condition to the permit.

3. All construction, reconstruction, or destruction work on wells shall be performed by a person who possesses an active C-57 contractor's license in accordance with the provisions of the Business and Professions Code, section 7000, et seq., and Water Code section 13750.5.

4. The permit shall contain a clause requiring the safe and appropriate handling and disposal of drilling fluids and other drilling materials used in connection with the permitted work.

5. 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.

6. It shall be the responsibility of the permittee to maintain a copy of this permit on the drilling site during all stages of construction or destruction.

E. The Engineering or Public Works Department shall deny an application for a permit if, in its judgement, issuance of a permit is not in the public interest.

F. The permittee shall complete the work authorized by the permit within the time and before the date set out in the permit. If there have been exceptional circumstances, the Engineering or Public Works Department may grant the applicant an extension. Upon the expiration of the permit, no further work shall be done unless and until the applicant has received an extension or a new permit.

G. Permit Suspension and Revocation:

1. The Engineering or Public Works Department may suspend or revoke any permit issued pursuant to this Chapter, whenever it finds that the permittee has violated any of the provisions of this Chapter, or has misrepresented any material fact in his application, or any supporting documents, for such a permit. Prior to ordering any such suspension or revocation, the Engineering or Public Works Department shall give the permittee an opportunity for a hearing concerning the pending suspension or revocation, after reasonable notice. The hearing shall be before the Engineering or Public Works Department head or his designated representative. An appeal may be made as set forth below under Title 1

2. No person whose permit has been suspended or revoked shall continue to perform work for which the permit was granted until, in the case of suspension, such permit has been reinstated by the Engineering or Public Works Department.

3. Upon inspection of any permit, the Engineering or Public Works Department may order the permittee to perform any work reasonably necessary to protect the underground waters from pollution or contamination, or safety of the public. No permittee who has held any permit issued pursuant to this Chapter shall fail to comply with any such order.

H. Liability:

1. A permittee shall assume all liability imposed by law for personal injury or property damage resulting from any work performed by the permittee or his or her agent under the permit, or resulting from failure of the permittee to perform each obligation under said permit. If any claim of such liability is made against the City, its officers, employees, or agents, the permittee shall defend, indemnify, and hold them and each of them harmless from such claim.

13.13.030 Well Standards.

Except as otherwise specified, the standards for the construction, repair, reconstruction, or destruction of wells shall be as set forth in:

A. The California Department of Water Resources Bulletin 74-81 "Water Well Standards, State of California" except as modified by subsequent revisions.

B. All subsequent Bulletin 74-81 supplements or revisions adopted by the Department of Water Resources.

C. All persons owning an abandoned well as defined as the well standards shall destroy it or cause it to be destroyed in accordance with the City's Standard for Well Abandonment.

13.13.040 Variances for Well Standards.

The Engineering or Public Works Department shall have the power under the following specified conditions to grant a variance from any provision of the standards referenced above and to prescribe alternative requirements in their place.

A. There must be, in a specific case, a special circumstance where practical difficulties or unnecessary hardship would result from the strict interpretation and enforcement of any standard.

B. The granting of such a variance is consistent with the purposes of this Chapter.

13.13.050 Classification of Wells.

All wells within the City of Ceres will be placed into one of the three following classifications: "Active Well," "Inactive Well," "Abandoned or Unused Well."

A. "An active well" is a well that has been utilized at least once in the preceding twelve (12) months for the extraction of groundwater. If the pump from an active water well has been removed for repair or replacement, the well is still considered to be an active well. During the repair period, the well shall be adequately covered to prevent injury to people and to prevent the entrance of undesirable water or foreign matter.

B. An "inactive" or "standby" well means a well that has not been used for a period of one (1) year or more for the production of groundwater, but is maintained in such a condition that it could be

so used, or a monitoring well maintained for such use, or a cathodic protection well maintained for such use.

1. Wells used for monitoring are considered inactive wells so long as they are maintained for this purpose. However, such wells shall be in compliance with this chapter and bear an appropriate cap with the label, "Monitoring Well," and the name of the agency or organization using the well. It shall be securely locked when not in use.
 2. Cathodic protection wells or test wells deep enough to promote inter-aquifer transfer of groundwater shall be considered inactive wells as long as they remain functional.
- C. An abandoned or unused well may be defined under one or more of the following:
1. A well, other than a monitoring well, which has been out of service continuously for one (1) year or more, and does not meet the definition of a standby well.
 2. A monitoring well from which no measurement or sample has been taken for a period of three (3) years.
 3. A well which is in such a state of disrepair that it cannot be made operational for its intended purpose.
 4. A test hole or exploratory boring twenty-four (24) hours after construction and testing work has been completed.
 5. A cathodic protection well that is no longer functional for its original purpose.
 6. Any boring that cannot be satisfactorily completed as a well. The final determination as to the status of a well will be made by the City.

13.13.060 Well Inspections.

The Engineering or Public Works Department shall make an inspection of the annular seal construction work. It may make an initial inspection of each proposed drilling site, an inspection at the completion of the work, and inspections at such other times as it deems appropriate.

A. Upon receipt of an application, the Engineering or Public Works Department may make an inspection of the drilling site prior to the issuance of a well permit. The purpose of this inspection is to determine whether there are any site conditions such that the Engineering or Public Works Department shall do the following:

1. Require relocation of the drilling site should the location shown on the permit application be too close to potential sources of pollution.
2. Set additional conditions if needed to remediate any previously unknown groundwater quality protection problems.

B. The Engineering or Public Works Department shall inspect the annular space grout depth prior to the sealing.

1. The Engineering or Public Works Department shall be notified by the well driller a minimum of twenty-four (24) hours prior to commencement of drilling and provide the anticipated time to commence the sealing of the annular space. Drillers who anticipate completing a well in less than one (1) day shall notify the Engineering or Public Works Department twenty-four (24) hours prior to commencement of drilling and provide the anticipated time to commence the sealing of the annular space.

C. If requested by the Engineering or Public Works Department, the driller shall notify the Engineering or Public Works Department within seven (7) days of the completion of their work at each drilling site. The Engineering or Public Works Department may make a final inspection after completion of the work to determine whether the well was completed in accordance with this Chapter.

D. The Engineering or Public Works Department may waive inspections should any of the following conditions exist:

1. Inspections may be waived where the work will be inspected by the staff of the Stanislaus County Environmental Resources Department, California Regional Water Quality Control Board, or the California Department of Health Services, if these designated agencies will inspect and report to the Engineering or Public Works Department on all drilling features required by the standards.

2. Inspections may be waived for monitoring wells that will penetrate only aquifers containing degraded waters or will penetrate only formations that normally contain no water.

3. Initial inspections may be waived when the drilling site is well known to the Engineering or Public Works Department staff and it is known that no significant threats to groundwater quality exist in the area.

13.13.070 Well Completion Reports.

The driller shall provide the Engineering or Public Works Department a completion report within thirty (30) days of the completion of any well construction, reconstruction, or destruction job.

A. "A copy of the "Report of Completion" (Water Well Driller's Report, Department of Water Resources Form 188) required by Water Code section 13751 shall be submitted by the permittee to the Engineering or Public Works Department within thirty (30) days of construction, alteration, or destruction of any well. This report shall document that the work was completed in accordance with the standards and all additional permit conditions. This section shall not be deemed to release any person from the requirement to file said report with the State Department of Water Resources.

B. In accordance with Water Code section 13752, reports shall not be made available for inspection by the public but shall be made available for inspection by governmental agencies for use in

making studies. Reports shall be made available to any person who obtains written authorization from the owner of the well.

C. Nothing in this Chapter shall be deemed to excuse any person from compliance with the provisions of Water Code sections 13750 through 13755 relating to notices and reports of completion or any other Federal, State, or local reporting regulations.

13.13.080 Appeals for Denial of Well Permits.

A. *Right of Hearing:* Any person whose application for a permit has been denied, or granted conditionally, or whose permit has been suspended or revoked, or whose variance request has been denied, may appeal to the City Council, in writing, within ten (10) days after any such denial, conditional granting, suspension, or revocation. Such appeal shall specify the grounds upon which it is taken, and shall be accompanied by a filing fee as set forth in this Chapter. The City Clerk shall set such appeal for hearing at the earliest practicable time, and shall notify the appellant and the Ceres Public Works Department, in writing, of the time so set at least five (5) days prior to the hearing.

B. *Action by the City Council:* After such hearing, the City Council may reverse, wholly or partly, or may modify the order or determination appealed from.

13.13.090 Right of Entry and Inspection.

A. Whenever the Director, an authorized enforcement official, or inspector need to make an inspection to enforce any provisions of this Chapter, a request for entry of the premises or building must be made to the property owner or occupant.

B. Any request for entry shall state that the property owner or occupant has the right to refuse entry, and that in the event such entry is refused, inspection may be made upon issuance of a warrant issued by a court of competent jurisdiction.

C. In the event the owner or occupant refuses entry after such request has been made, the enforcement official is empowered to seek a warrant from a court of competent jurisdiction in obtaining such entry.

13.13.100 Abatement of Abandoned Wells.

All persons owning an abandoned well as defined in the well standards shall destroy it before December 31, 1991, except those excluded by State law.

13.13.110 Civil Enforcement Procedure for Wells.

1. Whenever the Engineering or Public Works Department determines that a well (a) has not been completed in accordance with a well permit or the plans and specifications relating thereto; (b) has been constructed without the required permit; or (c) an abandoned well has not been destroyed in accordance with the standards, the Engineering or Public Works Department may record a notice of violation with the office of the County Recorder. The owner(s) of the property, as revealed by the assessment roll, on which the violation is situated and any other person responsible for the

violation shall be notified of the recordation, if their current address is available. If the property owner(s) or authorized agent disagree with the determination, he may submit evidence to the Engineering or Public Works Department indicating that there is no violation and then shall have a right to appeal an adverse decision of the Engineering or Public Works Department to the City Council in accordance with the provisions of the following subsection.

2. Appeal; Action by the City Council:
 - a. Upon receipt of the notice of appeal, the City Council shall within fifteen (15) days following the filing of the appeal, set a date for public hearing thereon.
 - b. The evidence before the City Council shall consist of the records in the Engineering or Public Works Department's files and any other relevant evidence which, in the judgment of the City Council, should be considered to effectuate and implement the policies of this Chapter.
 - c. The City Council may reverse or affirm, wholly or in part, or modify the decision or the notice of violation and may make such order as should be made. Such action shall be final.
3. The Engineering or Public Works Department shall submit a removal of notice of violation to the County Recorder when (a) it is determined by the Engineering or Public Works Department or the City Council, after review, that no violation of this Chapter exists; or (b) all required and corrective work has been completed and approved by the Engineering or Public Works Department.
4. In addition to being subject to prosecution, any person who violates any of the provisions of this Chapter may be made the subject of a civil action. Appropriate civil action includes, but is not limited to, injunctive relief and cost recovery.
5. The remedies available to the City Council to enforce this Chapter are in addition to any other remedies available under ordinance or statute, and do not replace or supplant any other remedy.

13.13.120 Reports to the Regional Board.

Pursuant to Water Code section 13225(c), the Public Works Department shall submit a report, not less than annually, to the California Regional Water Quality Control Board(s) having jurisdiction in their area. This report shall contain the following data, unless the Regional Board determines a lesser amount of information is necessary:

- A. The number of wells constructed or destroyed.
- B. Descriptions of all well destructions undertaken by the Public Works Department using its regulatory authority under nuisance abatement powers.
- C. A description of each specific case where variances were granted and the circumstances that made a variance necessary.

D. A description of each specific case where an inspection was waived and the circumstances that made the waiver necessary.

CHAPTER 14

SEWER DEFINITIONS AND USE REQUIREMENTS

Sections:

- 13.14.010 Purpose.**
- 13.14.020 Administration.**
- 13.14.030 Abbreviations.**
- 13.14.040 Definitions.**
- 13.14.050 Disclaimer of Liability.**

13.14.010 Purpose.

This chapter sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) for the City of Ceres and enables the City of Ceres to comply with all applicable State and Federal laws, including the Clean Water Act (33 U.S.C. § 1251 et seq.) and the Porter–Cologne Water Quality Control Act. The objectives of this chapter are:

- A. To prevent the introduction of pollutants into the POTW that will interfere with its operation;
- B. To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into the disposal facilities, or otherwise be incompatible with the POTW;
- C. To protect both POTW personnel, who may be affected by wastewater and sludge in the course of their employment, and the general public;
- D. To promote reuse and recycling of industrial wastewater;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and
- F. To enable Ceres to comply with U.S. Environmental Protection Agency sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

13.14.020 Administration.

Except as otherwise provided herein, the Director of Public Works shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the Director of Public Works may be delegated by the Director of Public Works to other City personnel.

13.14.030 Abbreviations.

BOD	biochemical oxygen demand
CF	cubic feet

CFR	Code of Federal Regulations
COD	chemical oxygen demand
DU	dwelling unit
EPA	U.S. Environmental Protection Agency
gpd	gallons per day
mg/l	milligrams per liter
mgd	million gallons per day
POTW	publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
TSS	total suspended solids
umhos/cm	umhos per centimeter
U.S.C.	United States Code
WDR	wastewater discharge requirements

13.14.040 Definitions.

For the purposes of this Title, and except where otherwise expressly defined in another section of this Title, the following words and phrases shall have the meanings provided in this Section. Where words and phrases are not expressly defined under this Section, they shall be construed as their ordinary meaning within the context which they are used:

“Act” or “the Act” means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.

“Approval authority” means the State of California Central Valley Regional Water Quality Control Board.

“Authorized representative of the user” means:

1. If the user is a corporation:

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

b. The manager of one (1) or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
3. If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
4. The individuals described in subsections (1) through (3) of this definition may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of Ceres.

“Biochemical oxygen demand” or “BOD” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty (20) degrees centigrade, usually expressed as a concentration (e.g., mg/l).

“Director” means the [Director of Public Works or City Engineer] of the City of Ceres who is charged with certain duties and responsibilities by this chapter, or a duly authorized representative.

“Dwelling unit” means a structure serving as the residence of any individual or family.

“Environmental Protection Agency” or “EPA” means the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

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

“Grab sample” means a wastewater sample taken without regard to the flow of wastewater and over a period of time not to exceed fifteen (15) minutes.

"House Connection" means a privately owned and maintained residential sewer pipe conveying sewage from a single building or premises to its connection with a main line.

“Indirect discharge” or “discharge” means the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

"Industrial Connection" means a privately owned and maintained sewer pipe, other than residential, conveying sewage from a single building or complex of buildings to its connection with a ~~collection line~~ or main line. The house connection and industrial connection may be the same pipe.

"Industrial Sewage" means all trade waste produced by industrial plants or factories, and does not include sanitary sewage from residences or from hotels, restaurants, eating houses, business establishments, from premises engaged solely in the sale, storage or repair of goods, wares, or merchandise, or from bathrooms, sinks, or drinking fountains in industrial plants or factories.

"Instantaneous maximum allowable discharge limit" means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

"Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore prevents sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II, commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

"Lateral sewer" means the horizontal piping which extends from a building to the sewer main.

"Local limits" means pollutant limits established by the City to protect against pass through, interference or high maintenance or operational costs.

"Main Line" means a sewer pipe six inches (6"), or larger in diameter designed to serve large areas and receiving sewage from house, commercial or industrial connections.

"Medical waste" means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharp instruments, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes

"New source" means:

1. Any new building, structure, facility, or installation from which there is (or may be) a discharge of pollutants; provided, that:

a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or

b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsections (1)(b) or (c) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

3. Construction of a new source as defined under this subsection has commenced if the owner or operator has:

a. Begun, or caused to begin, as part of a continuous on-site construction program any placement, assembly, or installation of facilities or equipment; or significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

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

“Noncontact cooling water” means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

“Pass through” means a discharge which exits the POTW into the disposal facilities in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City’s WDR, including an increase in the magnitude or duration of a violation.

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

“pH” means a measure of the acidity or alkalinity of a solution, expressed in standard units.

“Pollutant” means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal,

agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

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

“Pretreatment requirements” means any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

“Pretreatment standards” or “standards” shall mean prohibited discharge standards and local limits.

“Prohibited discharge standards” or “prohibited discharges” means those absolute prohibitions against the discharge of certain substances listed in Chapter 13.15.

“Publicly owned treatment works” or “POTW” means a “treatment works,” as defined by Section 212 of the Act (33 U.S.C. § 1292) which is owned by the City of Ceres. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

“Septic tank waste” means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

“Settleable solids” means that matter in wastewater that will not stay in suspension for one (1) hour, but settles to the bottom.

"Sewage" means sanitary wastewater discharged from dwellings or from rest rooms of business or industrial establishments designed for human occupancy or use. Sewage shall not include industrial waste, stormwater, or irrigation water.

"Sewer Connection Fee" means the fee charged by the City for the right to connect to an existing main line when the property being served has not previously paid or made provision for the payment of its proportionate share of the reasonable cost of construction of main sewer lines.

"Sewer District" means all that area designated by the City Council to receive sewer service.

"Sewer Facility Fee" means the fee charged by the City for permission to connect to the City sewer system. Such fees shall be used to fund or reimburse the City for the reasonable cost of construction of trunk lines, pump stations, treatment works, and sewage disposal.

"Industrial Sewer Service Charge" means the monthly service charge to be assessed to industrial

users for the use of the City sewer system and to treat the industrial waste. The industrial sewer service charge may be based on the effort to treat the industrial waste using flow, biological oxygen demand, suspended solids or other factors to determine the rate.

"Sewers" means only those pipelines designed and constructed to collect and convey sewage to the disposal site.

"Sewer Service Charge" means the monthly service charge assessed to all users of the sewer system for the reasonable costs of operation, maintenance, and replacement of the sewer system and including the treatment and disposal of all sewage and industrial waste discharged into the sewer system.

"Sewer System" means the piping, pump stations, treatment facilities, and other facilities required to transport, treat, and dispose of all sewage and industrial waste discharged from house and industrial connections.

"Significant industrial user" means:

1. A user that:

- a. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or
- b. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
- c. Is designated as such by City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any local limit or requirement.

2. Upon a finding that a user meeting the criteria in subsection (1) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any local limit or requirement, City may at any time, on its own initiative or in response to a petition received from a user, determine that such user should not be considered a significant industrial user.

"Slug load" or "slug" means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards contained in Chapter 13.15.

"Storm water" means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

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

"Treatment Facilities" means those facilities required to process the sewage and industrial waste

as necessary to meet all applicable local, state, and federal regulations. The term treatment facility also means those facilities required to dispose of the treated wastewater.

“Trunk line” means a sewer pipe of diameter of twelve inches (12”) or greater conveying sewage from main lines to the disposal site. House or industrial connections shall not be permitted to connect directly to trunk lines.

“User” or “industrial user” means a source of indirect discharge.

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

“Wastewater discharge permit” means the permit required before a significant industrial user can discharge wastewater to the POTW.

“Wastewater discharge requirements” means those requirements imposed by the California Regional Water Quality Control Board on the POTW.

13.14.050 Disclaimer of Liability.

- A. The degree of protection required by this Title is considered reasonable for regulatory purposes, and is based on scientific, engineering and other relevant technical considerations.
- B. The standards set forth in this Title are minimum standards, and this Title does not imply that compliance will ensure that there will be no unauthorized discharge of pollutants into the waters of the United States.
- C. This Title shall not create liability on the part of the Title, or any officer or employee thereof, for any damages that result from reliance on the code or any administrative decision lawfully made thereunder.

CHAPTER 15

GENERAL SEWER USE REQUIREMENTS

Sections:

- 13.15.010 Connection Requirements**
- 13.15.020 Sewer Line Construction.**
- 13.15.030 Repairs – Maintenance.**
- 13.15.040 Prohibited Discharge Standards.**
- 13.15.050 Local Limits for All Dischargers.**
- 13.15.060 Additional Local Limits for Commercial and Industrial Dischargers.**
- 13.15.070 City's Right of Revision.**
- 13.15.080 Dilution.**
- 13.15.090 Extension of Sewer Mains.**
- 13.15.100 Service Outside City.**
- 13.15.110 Rules and Regulations.**
- 13.15.120 Concealment and Abetting.**

13.15.010 Connection Requirements

A. No property within the City limits shall dispose of sewage other than into the POTW. The introduction of septic tank waste or waste hauled from other jurisdictions is prohibited.

B. No property within the City or within a territory hereafter annexed to the City shall tie into or connect with the POTW without first obtaining a permit from the City.

C. Each applicant for a permit shall pay a connection fee as set forth by resolution by the City Council.

D. The Director upon receipt of the fee shall issue the permit and at the time of issuance inform the person to whom the permit is issued of the location of the tie-in connection. All connections made with the sewer system shall be in conformity with plans and specifications approved by the Director and are subject to inspection by the Director.

E. Premises situated outside the City may, upon issuance of a permit pursuant to subsection B of this section, be connected to the POTW, by paying all costs and fees appropriate thereto, as set forth by ordinance, and thereafter paying the user fees set in Chapter 13.16.

F. Domestic sewage, consisting essentially of human waste, may be passed into the POTW without screening. Industrial waste must be screened through the equivalent of twenty (20) mesh screen. No peach, plum, cherry, apricot, or other fruit pits may be discharged or permitted to enter into the POTW.

G. The Director shall determine what commercial businesses and industries should be required to install an approved means of measurement, including but not limited to an improved flume or an

automatic recording device. The measurement of sewage may be required to determine the amount of the user charge or to monitor flows.

13.15.020 ~~Collection~~ Sewer Line Construction.

The conditions under which sewer lines may be constructed are as follows:

- A. Sewer lines may be financed by the formation of assessment districts in accordance with existing State laws governing the formation of such districts.
- B. The owner of any undeveloped subdivision, tract, area, or lot within the sewer district may make private arrangements for the construction of sewer lines to serve such subdivision, tract, area or lot in accordance with plans and specifications prepared by a registered engineer in accordance with the City's improvement standards and approved by the City, at their own expense, and by employing a licensed contractor to perform the work. The owner shall reimburse the City for costs incurred for plan checking and inspection of the work.
- C. The City Council, by resolution, may enter into reimbursement agreements with subdividers or developers to provide partial recovery of the reasonable costs that are incurred to extend sewer lines which provide service to areas outside the subdivider's or developer's project. The reimbursements shall be made from sewer connection fees paid from parcels designated in the agreement as benefiting from the extension.

13.15.030 Repairs – Maintenance.

The City shall not be responsible for the repair, maintenance, cleaning or replacement of a lateral sewer.

13.15.040 Prohibited Discharge Standards.

A. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, State, or local pretreatment standards or requirements.

B. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- 1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Celsius) using the test methods specified in 40 CFR § 261.21;
- 2. Wastewater having a pH less than 5.5 or more than 9.0, or otherwise causing corrosive structural damage to the POTW or equipment;
- 3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one-half (0.5) inch or one and twenty-seven hundredths (1.27) centimeters in any dimension;

4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
5. Wastewater having a temperature greater than one hundred five (105) degrees Fahrenheit (forty (40) degrees Celsius), or which will inhibit biological activity in the treatment plant resulting in interference;
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 POTW in a quantity that may cause acute worker health and safety problems;
8. Trucked or hauled pollutants including septic tank waste;
9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, is sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
10. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent;
11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
12. Storm water, surface water, groundwater, artesian well water, roof runoff, street drainage, yard drainage, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Director;
13. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
14. Medical wastes, except as specifically authorized by the Director in a wastewater discharge permit;
15. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to be considered toxic to plant or animal life;
16. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

- 17. Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 milligrams per liter (100 mg/l), except as specifically authorized by the Director in the wastewater discharge permit;
- 18. Wastewater causing two (2) readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the lower explosive limit of the meter.

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

13.15.050 Local Limits for All Dischargers.

A. The local limits listed in subsection B of this section are established to prevent pass through, interference, and short-circuiting at the wastewater treatment plant; and to protect against detrimental impacts to the environment, including the natural groundwater resource, in the vicinity of the wastewater treatment plant. No person shall discharge wastewater containing in excess of these local limits, unless specifically authorized by the Director, or his/her authorized designee, in the wastewater discharge permit.

The local limits listed in subsection B of this section apply at the point where the wastewater is discharged into the publicly owned wastewater collection system. The concentration based on local limits listed in subsection B of this section shall be instantaneous peak limits, unless specifically stated otherwise. All concentration-based local limits for metallic substances are for “total” metal, unless indicated otherwise, and are the maximum allowable for any given sample.

B. Local Limits.

Constituent	Limit	Constituent	Limit
Conventional Constituents			
mg/l daily average BOD	250	mg/l peak BOD	400
umhos/cm daily average electrical conductivity	1,300	umhos/cm daily peak electrical conductivity	2,000
mg/l daily average suspended solids	250	mg/l peak suspended solids	400
mg/l total dissolved solids	800		
ml/l daily average settleable solids	15	ml/l peak settleable solids	25
Trace Elements and Miscellaneous Toxics			
mg/ arsenic	1.0	mg/l cadmium	0.7
mg/l chromium	0.4	mg/l copper	2.5
mg/l cyanide	1.0	mg/l lead	0.15
mg/l nickel	1.4	mg/l silver	0.3
mg/l zinc	1.3		

Constituent	Limit	Constituent	Limit
Organic Compounds			
mg/l organic solvents	2.0		

To protect against detrimental impacts to the environment, including the natural groundwater resource, the Director may impose mass limitations in addition to, or in place of, the concentration-based local limits listed in this subsection B.

13.15.060 Additional Local Limits for Commercial and Industrial Dischargers.

A. The additional local limits listed in subsection B of this section are established for commercial and industrial dischargers to prevent pass through, interference, and short-circuiting at the wastewater treatment plant, and to protect against detrimental impacts to the environment, including the natural groundwater resource, in the vicinity of the wastewater treatment plant. The concentration-based local limits listed in subsection B of this section shall be instantaneous peak limits, unless specifically stated otherwise. The additional local limits apply at the point where the wastewater is discharged into the publicly owned wastewater collection system.

B. Additional Local Limits.

Constituent	Limit	Constituent	Limit
Additional Constituents			
mg/l chloride	80	mg/l sodium	107

To protect against detrimental impacts to the environment, including the natural groundwater resource, the Director may impose mass limitations in addition to, or in place of, the concentration-based local limits listed in this subsection B.

13.15.070 City’s Right of Revision.

City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

13.15.080 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 Director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

13.15.090 Extension of Sewer Mains

The City may require a sewer main or trunk sewer line to be designed to serve beyond the limits of the immediate subdivision, area or tract. In such cases, the City Council may enter into a reimbursement agreement for that sewer portion of the cost of construction of the trunk sewer line or sewer main line required to provide sewer service which is in excess of that which would be

required for the lots to be immediately served by such a line. No reimbursement shall be made for sewer mains or trunk sewer lines less than ten inches (10") in diameter.

13.15.100 Service Outside City.

Upon proper determination that sewer service can be made available to an area outside of the City, the City Council may designate such area to receive sewer service. Sewer lines serving such area shall be provided under the applicable provisions and in the same manner as provided in this Chapter for areas within the City.

13.15.110 Rules and Regulations.

A. There shall be a separate connection to the sewage system for each building unit designated in this Chapter, except that multiple dwellings or buildings on a lot, as shown on the assessor's parcel maps, may be connected by the same house or industrial connection.

B. Permits for sewer connections shall be obtained from the City's Department of Public Works. Such permits connections will not be permitted until the main line is completed and certified as ready for use by the City Engineer.

C. The provisions of Section 6.01.090 relating to common billing for municipal services, payment, and notice and termination of service shall apply equally to charges for sewer service, and those provisions are incorporated in this Chapter by reference.

D. A two-percent discount will be made on all sewer bills paid six (6) months in advance, and a five-percent (5%) discount will be made on all sewer bills paid one (1) year in advance.

E. All persons, firms or corporations must keep their house or industrial connections in good order at their own expense and may be held liable for damages which may result from their failure to do so. A City inspector shall be admitted at all reasonable hours to all parts of any premises connected with the sewage system for the purpose of checking the fixtures and establishment of service charges as provided in this Chapter. The City will only repair or replace that portion of a house connection within the City right-of-way that has been damaged by a City maintained tree as defined in Title 12.

F. Upon advance notice to the Finance Department, sewer service charges may be stopped if the property will be vacant for at least one (1) month and if garbage service is also stopped. If any premises are to remain unoccupied for one (1) or more full calendar months and no municipal solid waste accumulates during such vacancy, no charge shall be made during that time, provided the City is notified in writing of such contemplated vacancy on or before the last day of the preceding month. If either sewer or garbage service is recommenced after being stopped, charges shall be imposed for both sewer and garbage.

G. All commercial facilities, where food is prepared for sale, shall be equipped with a grease interceptor, having a minimum size of at least one hundred pounds (100 lbs.).

13.15.120 Concealment and Abetting.

It is unlawful and a violation of this Title or any person to cause, permit, aide, abet, or conceal a violation of any provision of this Title.

CHAPTER 16

SEWER FEES, RATES, AND CHARGES

Sections:

- 13.16.010 Sewer Service Charges.**
- 13.16.020 Other Rates and Charges.**
- 13.16.030 Sewer Service Fund.**
- 13.16.040 Sewer Connection Fee**
- 13.16.050 Sewer Connection Account.**
- 13.16.060 Sewer Facility Fee.**
- 13.16.070 Sewer Facility Fund.**
- 13.16.080 Collection Provisions.**

13.16.010 Sewer Service Charges.

A. The charges for sewer service shall be set by resolution of the City Council in accordance with California Health and Safety Code section 5471, as amended. The City Council may also set fees for other services provided by the City Sewer Division by resolution.

When sewer service is turned on or terminated at any time between the beginning and ending of the monthly billing period for any flat rate or unmetered installation, the amount charged for that month shall be prorated on a daily basis from the date of commencement or termination of service as is appropriate.

B. The City shall cause to be billed the bimonthly user charges pursuant to this chapter for the previous two (2) month period. Said payment shall be due and payable upon receipt and shall be delinquent on the first day of the month following receipt. Upon becoming delinquent, said payment shall be subject to a ten percent (10%) penalty. Thereafter, if the payment remains unpaid, it shall be subject to an additional penalty of one-half percent (0.5%) per month on the payment and any penalty imposed.

C. Charges to Constitute a Lien – Disconnection.

1. Each user charge levied pursuant to this chapter on property within the limits of the City is hereby made a lien upon the premises served by a connection to the POTW.
2. In the event of a failure of payment of the user charge as provided herein for properties located outside of the City limits, the Director is authorized and directed to disconnect such property from the POTW.

13.16.020 Other Rates and Charges.

1. Rates for garbage grinders, other than household type, and for any other device which discharges waste to the sewer system not specified under this Chapter shall be fixed by the City Council by resolution.

2. Industrial sewer service rates, fees and charges shall be set by resolution of the City Council and may be adjusted to compensate the City for the effect the discharge may have on the system. Such factors as Biological Oxygen Demand (BOD) and Suspended Solids (SS) may be used.

13.16.030 Sewer Service Fund.

All moneys collected by the City for sewer service and industrial sewer service charges as set forth under this Chapter shall be placed in a special sewer service fund and shall be expended for operation, maintenance, administrative overhead, and replacement of the sewer system, including any real property, easements or rights-of-way to be used in the City sewer systems, or for payment of principal or interest on any City sewer bonds. Sewer service funds may be expended for the repair or replacement of a house connection in the City right-of-way only if the house connection has been damaged by a City maintained tree, as provided in subsection 13.15.110.E.

13.16.040 Sewer Connection Fee

1. Any person, firm or corporation owning or controlling a lot or parcel of land within the City limits, or within any territory designated by the City Council to receive sewer service, may connect their properties to the City sewer system upon construction of the house or industrial connection, at their own expense, payment of the sewer connection fee, and payment for encroachment permits; building permits and inspection fees as required by ordinance. No house or industrial connections can be connected directly to a trunk sewer line. Connection to a manhole is not considered a direct connection.

2. The sewer connection fee shall not exceed the estimated reasonable cost of providing the sewer service. The fee shall be established by resolution by the City Council, which may be amended from time to time, in accordance with state law.

3. If the sewer system is connected by the owner or controller of a property, the property shall be exempt from payment of the sewer connection fee.

4. Any establishment of a new sewer connection or of an increase in an existing sewer connection fee shall adhere to the notice and hearing requirements established by state law.

5. If the sewer system is extended by a developer, the development which will be served by the extension is exempt from the payment of connection fees. The construction of a sewer manhole is considered an extension of the sewer system. The construction of a house connection is not an extension of the sewer system.

6. The connection fee shall be set by resolution of the City Council, and may be adjusted annually or more frequently as deemed necessary by the City Council in accordance with state law.

13.16.050 Sewer Connection Account.

All money collected by the City for sewer connection fees as set forth under this Chapter shall be placed in a special sewer connection account and shall be expended for the construction, or repayment for construction, of the sewer lines serving the tract or territory from which the fees

were collected. This includes reimbursing the City for sewer mains constructed to serve areas without sewer and, paying the City of Modesto's connection fee for areas where waste-water is treated by Modesto.

13.16.060 Sewer Facility Fee.

The purpose of the sewer facility fee is to develop and maintain an adequate and safe sewer system to serve commercial, industrial, residential, and public facility land uses as established in the General Plan. The purpose of the Sewer Facility Fee is to provide the City with funds to construct, or reimburse for the construction of major improvements, such as trunk lines, pump stations, and treatment facilities to achieve the above stated goal.

In addition to the charges above, sewer facility fees shall be paid in accordance with the current public facility fee administrative procedures. Any additional residential units added to parcels, including the area annexed prior to December 14, 1960, shall pay facility fees for each additional unit added to the parcel after the effective date of the ordinance codified in this Chapter, as provided in said administrative procedures.

The sewer facility fee shall be set by resolution of the City Council, and may be adjusted annually or more frequently as deemed necessary by the City Council.

13.16.070 Sewer Facility Fund.

All moneys collected by the City from the sewer facility fee shall be placed in a special sewer facility fund and shall be expended for the construction or repayment for construction of main sewer lines and trunk sewer lines in accordance with Section 13.15, pump stations, treatment facilities, and other major facilities required to treat or dispose of the wastewater discharged into the sewer system.

13.16.080 Collection Provisions.

The Finance Director or any other person authorized by resolution of the City Council shall be in charge of the collection of all moneys that may become due to the City by virtue of this Chapter, and shall pay the moneys into the City treasury and account for them in the same manner as are all other sums received.

CHAPTER 17

UNAUTHORIZED USE OF SEWERS

Sections:

13.17.010 **Unauthorized Use of Sewer System.**

13.17.020 **Unauthorized Used–Violations.**

13.17.010 **Unauthorized Use of Sewer System.**

A. Unauthorized use of the sewer service shall be defined as follows:

1. Dumping of solid or liquid material into the sewer system by way of a house or industrial connection, manhole, or other opening into said system without first obtaining a permit from the City to do so;
2. Discharging or causing to be discharged any rainwater, stormwater, groundwater, street drainage, subsurface drainage, yard drainage, water from yard fountains, ponds, swimming pools, recreational vehicles or lawn sprays or any other contaminated water into any sewage facility which directly or indirectly discharges to the sewer system owned by the City.
3. It is a violation of this Chapter to discharge sewage into any facility or appurtenance not approved for the acceptance of sewage by the City.

B. In emergency situations, the Director of Public Works or his designee has the authority to grant temporary variances for the discharge of liquid other than wastewater to the sewer system.

13.17.020 **Unauthorized Used–Violations.**

The penalties for unauthorized use of the sewer system are as follows:

A. Any unauthorized use as defined under Section 13.17 may, in the discretion of the City Attorney, be charged as either an infraction or misdemeanor and shall be punishable as provided in Chapter 1.16.

B. If the unauthorized use consists of an illegal connection to the City sewer, the following shall also apply:

1. If the connection is from a source that can connect to the sewer system, the person causing the illegal connection, or receiving the benefit therefrom, shall pay the appropriate current sewer connection and facility fees, building permit fees, and a penalty equivalent to two (2) years' worth of sewer service charges calculated at the current rate.
2. If the connection is from a source that cannot connect to the sewer system, the connection shall be immediately severed, and the point of connection sealed as directed by the Director of Public Works or his appointed representative. The person causing the illegal connection

or receiving the benefit therefrom shall pay all costs for performing and inspecting the work, and a penalty equivalent to two years' worth of sewer service charges calculated at the current rate.

C. If the unauthorized use is the dumping of solid or liquid material into the sewer system, all costs of inspection, treatment, removal, or monitoring the discharge shall be paid.

CHAPTER 18

DISCHARGES OF FATS, OILS, AND GREASE FROM FOOD SERVICE ESTABLISHMENTS

Sections:

- 13.18.010 Purpose.**
- 13.18.020 Definitions.**
- 13.18.030 Fog Wastewater Discharge Permit (Fog WDP) Required.**
- 13.18.040 Fog Discharge Limitation.**
- 13.18.050 Public Sewer Overflows; Public Nuisance; Abatement Orders and Cleanup Costs.**
- 13.18.060 Best Management Practices (Bmps) Required.**
- 13.18.070 Prohibitions.**
- 13.18.080 Fog Pretreatment Required.**
- 13.18.090 Commercial Properties.**
- 13.18.100 Grease Interceptor Requirements.**
- 13.18.110 Grease Trap Requirements.**
- 13.18.120 Grease Interceptor Maintenance Requirements.**
- 13.18.130 Variance and Waiver of Grease Interceptor or Grease Trap Requirement.**
- 13.18.140 Fees/Purpose.**
- 13.18.150 Charges and Fees.**
- 13.18.160 Grease Disposal Mitigation Fee.**
- 13.18.170 Fog WDP Application.**
- 13.18.180 Fog WDP Application Fee.**
- 13.18.190 Fog WDP Conditions.**
- 13.18.200 Fog WDP Duration and Renewal.**
- 13.18.210 Exemption From Fog WDP.**
- 13.18.220 Nontransferability of a Fog WDP.**
- 13.18.230 Facilities and Drawing Submittal Requirements.**
- 13.18.240 Monitoring and Reporting Conditions.**
- 13.18.250 Recordkeeping Requirements.**
- 13.18.260 Falsifying Information or Tampering with Process.**
- 13.18.270 Inspections and Sampling Conditions.**
- 13.18.280 Notification of Spill.**
- 13.18.290 Notification of Planned Changes.**
- 13.18.300 Harmful Discharge.**
- 13.18.310 Determination of Noncompliance with Fog WDP Conditions.**
- 13.18.320 Compliance Schedule.**
- 13.18.330 Fog WDP Suspension or Revocation.**
- 13.18.340 Violation–Penalty.**

13.18.010 Purpose.

A. The purpose of this Chapter is to facilitate the maximum beneficial use of the City's sewer services and facilities while preventing blockages of the sewer lines resulting from discharges of fats, oils, and grease (FOG) into the public sewer, and to specify appropriate fog discharge requirements for food service establishments (FSES) as defined in this Chapter.

B. This Chapter shall apply to both direct and indirect discharge of wastewater containing FOG carried to the public sewer.

C. The provisions set forth in this Chapter are designed to ensure compliance with federal, state and local laws and regulations, and to allow the City to meet applicable standards.

D. This Chapter also establishes quantity and quality standards of all discharges containing FOG, which may alone or collectively cause or contribute to FOG accumulation in the sewer facilities causing or potentially causing or contributing to the occurrence of sanitary sewer overflows (“SSOs”).

13.18.020 Definitions.

Unless otherwise defined under this Chapter, terms related to water quality shall be as adopted in the latest edition of Standard Methods for Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Environment Federation. Testing procedures for waste constituents and characteristics shall be as provided in 40 Code of Federal Regulations 136.

Subject to the foregoing, the meaning of the terms used in this Chapter shall be as follows:

“Best Management Practices (“BMPS”) means the activities, prohibitions, maintenance procedures and other management practices to prevent or reduce the direct or indirect introduction of FOG into the public sewer.

“Change In Operations” means any change in the ownership, food types, or operational procedures that have the potential to change the amount of FOG discharged by FSES in an amount that alone or collectively causes or creates a potential for SSOs to occur.

“Collection system” means portions of the public sewer consisting of all pipes, sewers and conveyance systems conveying wastewater to the publicly owned treatment works (POTW), excluding privately owned sewer service lateral line connections.

“Compliance Schedule” means a time schedule, enforceable under the provisions of this Chapter, that contains increments of progress (e.g., milestones, in the form of dates). These milestones shall be for the commencement or completion of major events leading to the construction and operation of additional pretreatment facilities or the implementation of policies, procedures or operational management techniques required for permittees to comply with all applicable federal, state or local

environmental regulations which may directly or indirectly affect the quality of the permittee's wastewater.

“Composite Sample” means a collection of individual samples obtained at selected intervals based on an increment of either flow or time. The resulting mixture (composite sample) forms a representative sample of the waste stream discharged during the sample period.

“Director” means the City's Director of Public Works or his or her authorized representative.

“Discharger” means any person who discharges or causes a discharge of wastewater directly or indirectly to the public sewer.

“Effluent” means any wastewater outflow from a FSE or privately-owned sewer service lateral that is discharged into the public sewer.

“Enforcement Officer” means any City employee or agent of the City with authority to enforce the provisions of this Chapter and the authority to make any decision, on behalf of the Director, required or called for by this Chapter.

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

“FOG control program” means the FOG control program developed by the City, as required by and pursuant to State Water Resources Control Board Order No. 2006-0003, and any subsequent modifications.

“Fog Wastewater Discharge Permit (“FOG WDP”)” means a permit issued by the City, subject to the requirements and conditions established by the City, authorizing a permittee to discharge wastewater from a FSE into the public sewer.

“Food grinder” means any device installed in the plumbing or sewage system for grinding food or food waste.

“Food Service Establishment (“FSE”)” means a facility, including but not limited to, any commercial entity within the boundaries of the City, operating in a permanently constructed structure such as a room, building or place, or portion thereof, maintained, used or operated for the purpose of storing, preparing, service or manufacturing, packing or otherwise handling food for sale to other entities, or for consumption by the public, its members or employees, and which has any process or device that uses or produces FOG, or grease vapors, steam, fumes, smoke or odors that are required to be removed by an exhaust hood pursuant to Health and Safety Code section 114149.1 or in accordance with the California Uniform Retail Food Facilities Law (“CURFFL”) (Health and Safety Code sections 113700 et seq.). A limited food preparation establishment is not considered an FSE when engaged only in reheating, hot holding, or assembly of ready to eat food products, provided that there is no wastewater discharge containing a significant amount of FOG.

“Grab Sample” means a sample taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

“Grease Control Device” means any grease interceptor, grease trap or other mechanism, device or process which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap, collect or treat FOG prior to it being discharged into the public sewer. A grease control device may also include any other proven method to reduce FOG subject to the approval of the Director.

“Grease Disposal Mitigation Fee” means a fee charged to a permittee when there are physical limitations to the property that make the installation of the usual and customary grease interceptor or grease control device for the FSE, impossible or impracticable. The grease disposal mitigation fee is intended to cover the costs of increased maintenance of the public sewer, for inspection and cleaning of FOG that a usual and customary, and properly maintained, grease control device would otherwise prevent from entering the public sewer.

“Grease Interceptor” means a multi-compartment device that is generally required, according to the California Plumbing Code, to be located underground between an FSE and the connection to the public sewer. These devices primarily use gravity to separate FOG from the wastewater as it moves from one compartment to the next. To be effective, these devices must be cleaned, maintained and have the FOG removed and disposed of in a proper manner, at regular intervals.

“Grease Trap:” means a grease control device that is used to serve individual plumbing fixtures and should only be used in those cases where the use of a grease interceptor or other grease control device is determined by the Director to be impossible or impracticable. A grease trap is typically installed indoors, under or near a dishwashing sink.

“Hot Spots” means the areas in sewer lines that have experienced SSOs or that must be cleaned or maintained frequently to avoid blockages of the public sewer.

“Hearing Officer” means a person appointed by the City to review FOG violations that are appealed pursuant to Title 1.

“Infiltration” means water entering the public sewer from the ground through such means as defective pipes, pipe joints, connections or manhole walls.

“Inflow” means water entering the public sewer system through a direct stormwater or runoff connection which may cause an almost immediate increase in wastewater flows in the public sewer.

“Inspector” means a person authorized by the Director to inspect any existing or proposed wastewater generation, conveyance, processing or disposal facilities.

“Interceptor” means a grease interceptor.

“Manifest” means that receipt which is retained by a permittee for the disposal of FOG, recyclable wastes or liquid wastes.

“New Construction” means any structure planned or under construction for which a sewer connection fee has not been paid.

“Obstruction” means any discharge which, alone or in combination with discharges from other sources, inhibits or disrupts the public sewer, operations or is otherwise a violation of the Ceres Municipal Code, including, but not limited to its waste discharge requirements.

“Permittee” means a food service establishment that has received a Fats, Oils and Grease Wastewater Discharge Permit and is subject to the requirements and conditions established in this Chapter or as otherwise established by the Director.

“Public Sewer” means a sewer which is controlled by a public authority.

“Publicly Owned Treatment Works (“POTW”)” means the Ceres Wastewater Treatment Facility.

“Remodeling” means any physical or operational change to a FSE causing a change in FOG quantity or consistency or that involves any one or a combination of the following:

1. Under slab plumbing in the food processing area;
2. A thirty percent (30%) increase in the net public seating area;
3. A thirty percent (30%) increase in the size of the kitchen area; or
4. Any change in the size or type of food preparation equipment.

“Sanitary Sewer” means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

“Sewage” means a combination of the water carried waste from residences, business buildings, institutions and industrial establishments, together with such inflow and infiltration as may be present.

“Sewer Facilities or System” means Any and all facilities used for collecting, conveying, pumping, treating and disposing of sewage, wastewater or sludge.

“Sewer Lateral” means a building sewer as defined in the latest edition of the California Plumbing Code. It is the wastewater connection between the building’s wastewater facilities and a public sewer.

“Sludge” means any solid, semi-solid or liquid decant, subnate or supernate from a manufacturing process, utility service, or pretreatment facility.

“Storm Drain” means a pipe or conduit for carrying storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

“User” means any person who contributes, causes or permits the contribution of wastewater into the POTW.

“Waste” means the sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation or of human or animal nature, including such wastes placed within containers of whatever nature prior to and for the purpose of disposal.

“Wastewater” means the liquid and water-carrying industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, FSEs and institutions, whether treated or untreated, which is discharged into or permitted to enter the POTW.

13.18.030 Fog Wastewater Discharge Permit (Fog WDP) Required.

No person shall discharge, or cause to be discharged, any wastewater from FSEs directly or indirectly into the public sewer without first obtaining a FOG WDP pursuant to this Chapter.

13.18.040 Fog Discharge Limitation.

No FSE shall discharge FOG, or cause FOG to be discharged into the public sewer that causes an SSO or that may accumulate or cause or contribute to blockages in the public sewer or the public sewer lateral which connects the FSE to the public sewer.

13.18.050 Public Sewer Overflows; Public Nuisance; Abatement Orders and Cleanup Costs.

Any FSE determined by the Director to have contributed to a sewer blockage, SSO or any public sewer obstruction resulting from the discharge of wastewater or waste containing FOG, shall be ordered to install and maintain a grease interceptor, and may be subject to a plan to abate the nuisance created by sewer line failures and blockages, SSOs or any other public sewer obstruction. SSOs may cause threat and injury to public health, safety, and welfare of life and property and are hereby declared public nuisances. Furthermore, sewer lateral failures and SSOs caused by FSEs alone or collectively, are the responsibility of the private property owner, FSE, and individuals who are responsible officers or owners of the FSE. If the Director determines that the public health and safety require the City to act immediately to contain and clean up any SSO caused by blockage of a private or public sewer lateral or system serving an FSE, or if the City so acts at the request of the property owner or operator of the FSE, or because of the failure of the property owner or FSE to abate the condition causing immediate threat of injury to the health, safety, welfare, or property of the public, the City's costs for such abatement may be entirely borne by the property owner or the owner/operator of the FSE, and individuals who are responsible officers or owners of the FSE and may constitute a debt to the City, due and payable upon the City's request for reimbursement of such costs depending upon the Director's determination of the cause of the SSO.

13.18.060 Best Management Practices (Bmps) Required.

Every FSE shall implement BMPs in its operations, in accordance with the requirements and guidelines established by the Director, to minimize the discharge of FOG to the grease control device or the public sewer. Detailed requirements for BMPs shall be specified in the FOG WDP and all FSEs are required, at a minimum, to comply with the BMPs set forth in the FOG WDP as well as any additional BMPs established by the Director. BMPs may include, but are not limited to, kitchen practices and employee training procedures that are essential in minimizing FOG discharge to the public sewer.

13.18.070 Prohibitions.

FSEs are prohibited from doing any of the following:

A. Installing food grinders in the plumbing system of new construction. All FSEs that undergo a change in operations or remodeling shall remove any existing food grinders concurrent with such change or remodeling, except as otherwise expressly allowed by the Director.

B. Introducing any additives into an FSE's plumbing system, grease trap or grease interceptor for the purpose of emulsifying FOG, biologically or chemically treating FOG for grease remediation or as a supplement to grease interceptor maintenance, unless a specific written authorization from the Director is first obtained.

C. Disposing waste cooking oil into the public sewer or storm drain. All waste cooking oils shall be collected and stored properly in receptacles such as rendering bins, barrels or drums for recycling or other acceptable methods of disposal.

D. Discharging wastewater with temperatures in excess of one hundred forty degrees Fahrenheit (140°F) into any grease control device, including grease traps and grease interceptors.

E. Discharging wastes containing fecal materials from toilets, urinals, washbasins or other fixtures to waste lines directed to grease interceptors or other grease control devices, or vice versa.

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

G. Operating grease interceptors with FOG and solids accumulation exceeding twenty-five percent (25%) of the design hydraulic depth of the grease interceptor. The grease and solids layers combined shall not exceed twenty-five percent (25%) of the total interceptor liquid depth to avoid overloading the interceptor.

H. Discharging FOG and other pollutants into the public sewer system.

13.18.080 Fog Pretreatment Required.

A. Every FSE is required at the time of construction, remodel, or change in operations to install, operate and maintain an approved type and adequately sized grease interceptor necessary to

maintain compliance with the objectives of this Chapter, subject to the variance and waiver provisions of Section 13.04.130. The grease interceptor shall be adequate to separate and remove FOG contained in wastewater from FSEs prior to discharge to the public sewer as determined by the then current Uniform Plumbing Code (UPC). Fixtures, equipment, and drain lines located in the food preparation and clean up areas of any FSEs that are a source of FOG discharges shall be connected to the grease interceptor.

B. Compliance shall be established as follows:

1. New construction of any FSE shall include complete installation of an approved type and adequately sized grease interceptor, with a minimum size of one thousand (1,000) gallons, prior to commencing discharges of wastewater to the public sewer.

2. *Existing FSEs.*

a. Any existing FSE, which, in the Director's determination, has caused or contributed to grease-related blockage in the public sewer, has one or more sewer laterals connected to hot spots or has contributed significant FOG to the public sewer, shall be deemed to have reasonable potential to adversely impact the public sewer and shall be required to install grease interceptors within one hundred eighty (180) days upon issuance of written notification by the Director.

b. Any existing FSE or FSE that changes ownership or that undergoes remodeling or a change in operations, as defined in this Chapter, shall be required to install a grease interceptor or to obtain a variance or waiver in accordance with Section 13.18.130.

13.18.090 Commercial Properties.

Any owner of a commercial property where FSEs are located or their official designee shall be responsible for the installation and maintenance of a grease interceptor serving multiple FSEs that are located on a single parcel.

13.18.100 Grease Interceptor Requirements.

A. Any FSE required by this Chapter to provide FOG pretreatment shall install, operate, and maintain an approved type and adequately sized grease interceptor necessary to maintain compliance with the objectives of this Chapter.

B. Grease interceptor sizing and installation shall conform to Chapter 10 Traps and Interceptors of the 2018 or most current edition of the Uniform Plumbing Code. Grease interceptors shall be constructed in accordance with the design approved by the Director and shall have a minimum of two (2) compartments with fittings designed for grease retention. The Director reserves the right to make determinations of grease interceptor size, adequacy, location and need, based on review of relevant information, including, but not limited to grease interceptor performance, waste stream characteristics, facility location, maintenance needs, and or inspection needs.

C. The grease interceptor shall be installed at a location where it shall be at all times easily accessible for inspection, cleaning, and removal of accumulated grease.

D. An access manhole, with a minimum diameter of twenty-four (24) inches, shall be provided over each grease interceptor chamber and each sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.

13.18.110 Grease Trap Requirements.

A. No new construction, change in operation or remodel of an FSE shall include installation of a grease trap without prior express written permission from the Director.

B. Existing grease traps shall be maintained in efficient operating condition by daily removal of the accumulated grease.

C. Grease traps shall be maintained free of all food residues and any FOG waste removed during the cleaning and scraping process.

D. Grease traps shall be inspected periodically to check for leaking seams and pipes, and for effective operation of the baffles and flow regulating device. Grease traps and their baffles shall be maintained free of all caked-on FOG and waste. Removable baffles shall be removed and cleaned during the maintenance process.

E. Dishwashers and food waste disposal units shall not be connected to or discharged into any grease trap.

13.18.120 Grease Interceptor Maintenance Requirements.

A. Grease interceptors shall be maintained in efficient operating condition by periodic removal of the full content of the interceptor, which includes wastewater, accumulated FOG, floating materials, sludge and solids.

B. All grease interceptors shall be maintained in a manner consistent with the maintenance frequency approved by the Director.

C. All grease interceptors are required to have grease retention fittings as designed for proper function. Any interceptor that does not have the grease retention fittings shall be repaired or retro fitted with appropriate grease retention fittings.

D. No FOG that has accumulated in a grease interceptor shall be allowed to pass into any sewer lateral, public sewer, storm drain or public right-of-way, or onto the surface of any street or parking area.

E. The Director may require any FSE with a grease interceptor to submit data and information necessary to establish the required maintenance frequency of the grease interceptor.

F. The required maintenance frequency for every FSE with a grease interceptor shall be determined in one of the following methods:

1. Grease interceptors shall be fully pumped out and cleaned at a frequency such that the combined FOG and solids accumulation in the grease interceptor does not exceed twenty-five percent (25%) of the total designed hydraulic depth of the grease interceptor. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG from being discharged to the public sewer.

2. Every FSE with a grease interceptor shall fully pump out and clean its grease interceptor not less than once every six (6) months.

3. Grease interceptors shall be fully pumped out and cleaned quarterly when the frequency described in Subsection 13.18.120F.1. has not been established. The maintenance frequency shall be adjusted when sufficient data have been obtained to establish an average frequency based on the requirements described in Subsection 13.18.120F.1. and guidelines adopted by the City pursuant to the FOG control program. The City may change the required maintenance frequency at any time to reflect changes in actual operating conditions in accordance with the FOG control program. Based on the actual generation of FOG from the FSE, the required maintenance frequency may increase or decrease.

4. The owner, operator or FOG WDP permittee of an FSE may submit a request to the Director for a change in the required maintenance frequency at any time. The FSE has the burden of responsibility to demonstrate that the requested change in frequency reflects actual operating conditions based on the average FOG accumulation over time and meets the requirements described in Subsection 13.18.120F.1., and that it is in full compliance with the conditions of its FOG WDP and this Chapter. Upon determination by the Director that the requested revision is justified, the FOG WDP shall be revised accordingly to reflect the change in required maintenance frequency.

5. If the grease interceptor, at any time, contains FOG and solids accumulation exceeding the requirements described in Subsection 13.18.120F.1., the FSE shall be required to have the grease interceptor serviced immediately such that all FOG, and other materials are completely removed from the grease interceptor. If deemed necessary, the Director may also increase the required maintenance frequency of the grease interceptor.

G. Wastewater, accumulated FOG, floating materials, sludge/solids, and other materials removed from the grease interceptor shall be disposed of by waste haulers at an approved disposal site in accordance with all applicable federal, state, or local laws.

H. The Director may direct City staff to service an FSE's grease interceptor if, in the opinion of the Director, the FSE has failed to comply with the terms of the FOG WDP or with this chapter. The FSE shall be responsible for any and all expenses of the City in undertaking such work.

13.18.130 Variance and Waiver of Grease Interceptor or Grease Trap Requirement.

A. An FSE may request that the Director grant a variance from the grease interceptor or grease trap requirement to allow alternative pretreatment technology in lieu of a grease interceptor or grease trap, if the FSE demonstrates that the alternative equals or exceeds the effectiveness of a grease interceptor or grease trap, and that it is impossible or impracticable to install, operate or maintain a grease interceptor or a grease trap. The Director's determination to grant a variance will be based upon, but not limited to, evaluation of the following conditions:

1. There is no adequate space for installation or maintenance of a grease interceptor or a grease trap.
2. There is no adequate slope for gravity flow between kitchen plumbing fixtures and the grease interceptor or the grease trap or between the grease interceptor or the grease trap and the private collection lines or the public sewer.
3. The FSE can prove that the alternative pretreatment technology is equally or more effective than a grease interceptor or a grease trap in controlling its FOG discharge. In addition, the FSE must be able to demonstrate, after installation of the proposed alternative pretreatment, its effectiveness to control FOG discharge through downstream visual monitoring of the public sewer, for at least three (3) months, at its own expense. A variance may be granted if the results show no visible accumulation of FOG in its lateral or tributary downstream sewer lines. Any variance issued pursuant to this Section may be revoked at any time in the discretion of the Director.

B. A conditional waiver of the requirement to install a grease interceptor or a grease trap may be granted for FSEs that the Director determines to have negligible FOG discharge and insignificant impact to the public sewer. Although a waiver from installation of a grease interceptor or a grease trap may be granted, the FSE may be required to provide space and plumbing segregation for future installation of a grease interceptor or a grease trap. The Director's determination to grant or revoke a conditional waiver shall be based upon, but not limited to, evaluation of the following conditions:

1. Quantity of FOG discharge as measured or indicated by the size of the FSE based on water usage, menu, seating capacity, number of meals served, amount of on-site consumption of prepared food, number of plumbing fixtures and other conditions that may reasonably be shown to contribute to FOG discharges;
2. Adequacy of implementation of BMPs and compliance history;
3. Sewer size, grade, condition based on visual and other information, FOG deposition in the sewer by the FSE, and history of maintenance and SSOs caused by FOG from the FSE;
4. Changes in operations that significantly affect FOG discharge; and
5. Any other condition that the Director deems reasonably related to the generation of FOG discharges.

C. Where the installation of a grease interceptor or a grease trap is not feasible and no equivalent alternative pretreatment can be installed, an FSE may be granted a waiver of the grease interceptor or grease trap requirement upon the payment of a grease disposal mitigation fee as described in Section 13.18.160. Additional requirements may also be imposed to mitigate the discharge of FOG into the public sewer. The Director's determination to grant the waiver upon the payment of a grease disposal mitigation fee will be based upon, but not limited to, evaluation of the following conditions:

1. There is inadequate space for installation or maintenance of a grease interceptor or a grease trap.
2. There is inadequate slope for gravity flow between kitchen plumbing fixtures and the grease interceptor or the grease trap or between the grease interceptor or grease trap and the private collection lines or the public sewer.
3. A variance from grease interceptor or grease trap installation to allow alternative pretreatment technology cannot be granted.

D. An FSE may submit to the City of Ceres Wastewater Division an application for waiver or variance from the grease interceptor or grease trap requirement. The FSE bears the burden of demonstrating that the installation of a grease interceptor or a grease trap is not feasible or otherwise required. Upon determination by the Director that reasons are sufficient to justify a variance or waiver, the FOG WDP will be issued or revised to include the variance or waiver and relieve the FSE from the requirement.

E. A variance or waiver shall contain the terms and conditions that serve as the basis for its issuance. A variance or waiver may be revoked by the Director at any time upon his or her determination that any of the terms or conditions for its issuance is not satisfied or if the conditions upon which the variance or waiver was based have changed so that the justification for the variance or waiver no longer exists. The variance or waiver shall be valid so long as the FSE remains in compliance with the terms and conditions until the expiration date specified in the variance or waiver.

13.18.140 Fees/Purpose.

It is the purpose of Sections 13.18 to provide for the recovery of costs from users of the public sewer for the implementation of the program established in this Chapter.

13.18.150 Charges and Fees.

A. The City may adopt charges and fees by resolution which may include:

1. Fees for reimbursement of costs of setting up and operating the City's FOG program;
2. Fees for consistent removal by the City of pollutants otherwise subject to Federal Pretreatment Standards; and

3. Other fees as the City may deem necessary to carry out the requirements contained in this Chapter.

B. Costs incurred by the City as a result of required on-site sampling and analysis shall be reimbursed to the City by the owner, user or FOG DWP permittee.

13.18.160 Grease Disposal Mitigation Fee.

Any FSE that operates without a grease control interceptor or a grease trap may be required to pay an annual grease disposal mitigation fee to equitably cover the costs of increased maintenance of the public sewer as a result of the FSE's inability to adequately remove FOG from its wastewater discharge. This Section shall not be interpreted to allow new construction or an existing FSE undergoing remodeling or a change in operations to operate without an approved grease interceptor or a grease trap unless the Director has determined that it is impossible or impracticable to install or operate a grease control interceptor or a grease trap for the subject facility under the provisions of Section 13.18. of this Chapter.

A. The grease disposal mitigation fee shall be established annually by the Director, and shall be based on the estimated annual increased cost of maintaining the public sewer for inspection and removal of FOG and other viscous or solidifying agents attributable to the FSE resulting from the lack of a grease interceptor or a grease trap.

B. The grease disposal mitigation fee may be waived or reduced, not more frequently than annually, when the discharger demonstrates to the reasonable satisfaction of the Director that the discharger has used BMPs and waste minimization practices on a regular basis that have significantly reduced the introduction of FOG into the public sewer.

C. The grease disposal mitigation fee may not be waived or reduced when the FSE does not comply with the minimum requirements of this Chapter or its discharge into the public sewer in the preceding twelve (12) months has caused or potentially caused or contributed, alone or collectively, sewer blockage or SSOs in the sewer downstream, or in the area surrounding the FSE, in the twelve (12) months prior to the waiver request.

13.18.170 Fog WDP Application.

A. Any person required to obtain a FOG WDP shall complete and file with the Director, prior to commencing or continuing discharges, an application in a form prescribed by the Director. All applicable fees required by this Chapter shall accompany the application. The FOG WDP application may be obtained from the City's Industrial Waste Division.

B. Applicants may be required to submit site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, FOG control device, grease interceptor or other pretreatment equipment and appurtenances by size, location, and elevation for evaluation.

C. Other information related to the applicant's business operations and potential discharge may be requested to properly evaluate the FOG WDP application.

D. After evaluation of the data furnished, the FOG WDP may be issued, subject to terms and conditions set forth in this Chapter and as otherwise determined by the Director to be appropriate to protect the public sewer.

13.18.180 Fog WDP Application Fee.

A FOG WDP application fee shall be paid by the applicant in an amount established by resolution of the City Council. Payment of the FOG WDP application fee must be received by the Director upon submission of the FOG WDP application. A permittee shall also pay any delinquent invoices in full prior to any FOG WDP renewal.

13.18.190 Fog WDP Conditions.

The issuance of a FOG WDP may include, but is not limited to, any of the following conditions or limits:

- A. Limits on discharge of FOG and other pollutants;
- B. Requirements for proper operation and maintenance of grease interceptors and other grease control devices;
- C. Grease interceptor maintenance frequency and schedule;
- D. Requirements for implementation of BMPs;
- E. Requirements for maintaining and reporting status of BMPs;
- F. Requirements for maintaining and submitting logs and records, including waste hauling records and waste manifests including the ultimate disposition of the wastes that contain FOG;
- G. Requirements to self-monitor;
- H. Requirements for the FSE to construct operate and maintain, at its own expense, grease control device and sampling facilities;
- I. Additional requirements as otherwise determined to be reasonably appropriate by the Director to protect the public sewer or as specified by other regulatory agencies; and
- J. Other terms and conditions which may be reasonably applicable to ensure compliance with this Chapter.

13.18.200 Fog WDP Modification of Terms and Conditions.

A. The terms and conditions of an issued FOG WDP may be subject to modification in the sole discretion of the Director during the life of the FOG WDP based on:

- 1. The permittee's current or anticipated operating data;

2. Changes in the requirements of state or federal regulatory agencies that oversee and monitor the City; or

3. A determination by the Director that such modification is appropriate to further the objectives of this Chapter and all applicable regulations.

B. A permittee may request modification of the terms and conditions of an issued FOG WDP. Any request shall be in writing stating the requested change and the reasons for the change. The Director shall review the request, make a determination on the request, and respond in writing.

C. A permittee shall be informed of any change in the FOG WDP limits, conditions or requirements at least forty-five (45) days prior to the effective date of the change. Any changes or new conditions in the FOG WDP shall include a reasonable time schedule for compliance.

13.18.200 Fog WDP Duration and Renewal.

FOG WDPs shall be issued annually. At least thirty (30) days prior to the expiration of the FOG WDP, the permittee shall re-apply and pay applicable fees for the renewal of the WDP in accordance with the provision of this Chapter.

13.18.210 Exemption From Fog WDP.

A. A limited food preparation establishment may not be considered an FSE and may be exempt from obtaining a FOG WDP. Exempt establishments shall be engaged only in reheating, hot holding or assembly of ready to eat food products and as a result, there may not be wastewater discharge containing significant amount of FOG.

B. An exemption from obtaining a FOG WDP may be requested in writing. If the Director determines that the reasons for the request are valid, an exemption may be granted.

C. A limited food preparation establishment may be required to follow the BMPs defined for all FSEs. A limited food preparation establishment that discharges FOG in excess of the defined limits may be reclassified as an FSE and required to obtain a FOG WDP at the Director's discretion.

13.18.220 Nontransferability of a Fog WDP.

A FOG WDP issued pursuant to this Chapter is for a specific FSE, for a specific operation and creates no vested rights. No holder of a FOG WDP shall assign, transfer or sell the FOG WDP or use the FOG WDP on any premises or for any facilities, operations or discharges not expressly encompassed within the FOG WDP. Any FOG WDP that is transferred to a new owner or operator or to a new facility in violation of this Chapter is void.

13.18.230 Facilities and Drawing Submittal Requirements.

Upon request by the City:

A. Any FSE may be required to submit two (2) copies of facility site plans, mechanical and plumbing plans and details to show all sewer locations and connections. The submittal shall be in

a form and content acceptable to the Director for review of the existing or proposed grease control device, grease interceptor, monitoring facilities, metering facilities, and operating procedures. The review of the plans and procedures shall in no way relieve the FSE of the responsibility of modifying the facilities or procedures in the future as necessary to produce an acceptable discharge, and to meet the requirements of this Chapter or the requirements of any other regulatory agency.

B. The City may require the drawings be prepared by a California registered civil, chemical, mechanical, or electrical engineer.

C. All drawings shall be submitted to the Wastewater Division.

13.18.240 Monitoring and Reporting Conditions.

A. The Director may require periodic reporting of the status of implementation of BMPs, in accordance with the FOG control program.

B. The Director may require visual monitoring at the sole expense of the permittee to observe the actual conditions of the FSE's sewer lateral and sewer lines downstream.

C. The Director may require reports for self-monitoring of wastewater constituents and FOG characteristics of the permittee needed for determining compliance with any conditions or requirements as specified in the FOG WDP or this Chapter. Monitoring reports of the analyses of wastewater constituents and FOG characteristics shall be in a manner and form approved by the Director and shall be submitted upon request of the Director. Failure by the permittee to perform any required monitoring, or to submit monitoring reports required by the Director constitutes a violation of this Chapter and shall be cause for the City to initiate all necessary tasks and analyses to determine the wastewater constituents and FOG characteristics for compliance with any conditions and requirements specified in the FOG WDP or in this Chapter. The permittee shall be responsible for any and all costs and expenses of the City in undertaking such monitoring analyses and preparation of reports.

D. Other reports may be required, such as compliance schedule progress reports, FOG control monitoring reports, and any other reports deemed reasonably appropriate by the Director to ensure compliance with this Chapter.

13.18.250 Recordkeeping Requirements.

The permittee shall be required to keep all manifests, receipts and invoices of all cleaning, maintenance, grease removal of/from the grease control device, disposal carrier and disposal site location for no less than three (3) years. The permittee shall, upon request, make the manifests, receipts and invoices available to the Director, any inspector or any enforcement officer. These records may include:

A. An on-site logbook of grease interceptor, grease trap or grease control device cleaning and maintenance practices;

- B. A record of BMPs being implemented, including employee training;
- C. Copies of records and manifests of waste hauling interceptor contents;
- D. Records of sampling data and sludge height monitoring for FOG and solids accumulation in the grease interceptors;
- E. Records of any spills or cleaning of the sewer lateral or public sewer; and
- F. Any other information deemed appropriate by the Director to ensure compliance with this Chapter.

13.18.260 Falsifying Information or Tampering with Process.

It shall be unlawful to make any false statement, representation; record; report; plan or other document that is filed with the City or the Director, or to tamper with or knowingly render inoperable any grease control device, monitoring device or method or access point required under this Chapter.

13.18.270 Inspections and Sampling Conditions.

A. The Director may inspect or order the inspection and sample the wastewater discharges of any FSE to ascertain whether the intent of these regulations is being met and the permittee is complying with all requirements. The permittee shall allow access to the FSE premises, during normal business hours, for purposes of inspecting the FSE's grease control devices or interceptor, reviewing the manifests, receipts and invoices relating to the cleaning, maintenance and inspection of the grease control devices or interceptor.

B. The Director shall have the right to place or order the placement on the FSE's property, or other locations as determined by the Director, such devices as are necessary to conduct sampling or metering operations. Where an FSE has security measures in force, the permittee shall make necessary arrangements so that the Director or an inspector shall be permitted to enter without delay for the purpose of performing their specific responsibilities.

C. In order for the Director to determine the wastewater characteristics of the discharger for purposes of determining compliance with FOG WDP requirements, the permittee shall make available for inspection and copying by the Director, an inspector, an enforcement officer or service personnel, all notices, monitoring reports, waste manifests, and records including, but not limited to, those related to wastewater generation and wastewater disposal. All such records shall be kept by the permittee a minimum of three (3) years.

13.18.280 Right of Entry.

A. Whenever the Director, an authorized enforcement official, or inspector need to make an inspection to enforce any provisions of this Chapter, a request for entry of the premises or building must be made to the property owner or occupant.

B. Any request for entry shall state that the property owner or occupant has the right to refuse

entry, and that in the event such entry is refused, inspection may be made upon issuance of a warrant issued by a court of competent jurisdiction.

C. In the event the owner or occupant refuses entry after such request has been made, the enforcement official is empowered to seek a warrant from a court of competent jurisdiction in obtaining such entry.

13.18.280 Notification of Spill.

A. In the event a permittee is unable to comply with any FOG WDP condition due to a breakdown of equipment, accidents, or human error or the permittee has reasonable opportunity to know that their discharge will exceed the discharge provisions of the FOG WDP or this Chapter, the user/permittee shall immediately notify the City by telephone at the number specified in the FOG WDP. If the material discharged to the public sewer has the potential to cause or result in sewer blockages or SSOs, the user/permittee shall immediately notify the City.

B. Confirmation of this notification shall be made in writing to the Director at the address specified in the FOG WDP postmarked no later than two (2) calendar days from the date of the incident. The written notification shall state the date of the incident, the reasons for the discharge or spill, what steps were taken to immediately correct the problem, and what steps are being taken to prevent the problem from recurring.

C. Such notification shall not relieve the permittee of any expense, loss, damage or other liability which may be incurred as a result of damage or loss to the City or any other damage or loss to persons or property; nor shall such notification relieve the permittee of any fees or other liability which may be imposed by these regulations or other applicable law.

13.18.290 Notification of Planned Changes.

A. A permittee shall notify the Wastewater Division at least sixty (60) days prior to any facility expansion or remodeling, or process modifications that may result in new or substantially increased FOG discharges or a change in the nature of the discharge. A permittee shall notify the Wastewater Division in writing of the proposed expansion or remodeling and shall submit any information requested by the Wastewater Division for evaluation of the effect of such expansion or remodeling on the permittee's FOG discharge to the public sewer.

13.18.300 Harmful Discharge.

A. The City may suspend the wastewater service or revoke a FOG WDP when such suspension or revocation is necessary, in the opinion of the Director, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or which causes obstruction to the collection system or the POTW, or causes the City to violate any condition of its permits.

B. Any person notified of a suspension of the wastewater treatment service or revocation of a FOG WDP shall immediately stop or eliminate all discharges to the public sewer. In the event of a failure of the person to comply voluntarily with the suspension order, the Director shall take such steps as he or she deems necessary, including immediate severance of the sewer connection, to

prevent or minimize damage to the collection system or the POTW. The Director shall reinstate the FOG WDP or the wastewater treatment service only upon proof of the elimination of the nonconforming discharge. A detailed written statement submitted by the user describing the causes of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the Director within fifteen (15) days of the date of occurrence.

13.18.310 Determination of Noncompliance with Fog WDP Conditions.

A. Sampling and Inspection Procedures.

1. Sampling and inspection of FSEs shall be conducted in the time, place, manner, and frequency determined at the sole discretion of the Director.
2. Noncompliance with FOG WDP discharge conditions, or any discharge provisions of these regulations may be determined by an inspection of the grease control device, grease interceptor and associated manifest and documentation, or analysis of a grab or composite sample of the effluent of an FSE.
3. Any sample taken from a sample point, as determined representative by the Director, is considered representative of the discharge to the public sewer.

B. Any permittee found to be in violation of the FOG WDP terms and conditions may be issued a warning notice of violation in which there will be a specified time period to correct the violation. If the violation is not corrected within the specified time period the permittee may be issued a notice of violation, with a specified time period to correct the violation. If the violation is not corrected within the time period specified, the permittee shall be considered in noncompliance.

C. Any permittee determined to be in noncompliance with the terms and conditions specified in its FOG WDP or with any provision of this Chapter may be required to pay a noncompliance fee. The purpose of the noncompliance fee is to compensate the City for costs of additional inspection and follow-up, sampling, monitoring, laboratory analysis, treatment, disposal, and administrative processing incurred as a result of the noncompliance, and shall be in addition to and not in lieu of any penalties as may be assessed pursuant to Section 13.18.340.

Noncompliance fees shall be in the amount determined by the Director. If the permittee remains compliant for twelve (12) consecutive months following the notice of noncompliance, the fee may be waived at the discretion of the Director.

13.18.320 Compliance Schedule.

A. Upon determination that a permittee is in noncompliance with the terms and conditions specified in its FOG WDP or any provision of this Chapter, or needs to construct or acquire and install a grease control device or grease interceptor, the Director may require the permittee to enter into a compliance schedule on terms and conditions specified by the Director.

B. The compliance schedule may contain terms and conditions including, but not limited to, requirements for installation of a grease control device, grease interceptor and facilities, submittal

of drawings or reports, audit of waste hauling records, BMPs and waste minimization practices, payment of fees, or other provisions to ensure compliance with this Chapter.

C. If compliance is not achieved in accordance with the terms and conditions of a compliance schedule during its term, the Director may issue an order suspending or revoking the FOG WDP pursuant to Section 13.18.330 of this Chapter.

13.18.330 Fog WDP Suspension or Revocation.

A. The City may suspend or revoke any FOG WDP when the Director determines that a permittee:

1. Fails to comply with the terms and conditions of a compliance schedule order;
2. Knowingly provides a false statement, representation, record, report, or other document to the City or the Director;
3. Refuses to provide records, reports, plans, or other documents required by the City or the Director to determine FOG WDP terms or conditions, discharge compliance or compliance with this Chapter;
4. Falsifies, tampers with or knowingly renders inaccurate any monitoring device or sample collection method;
5. Refuses reasonable access to the FSE for the purpose of inspection and monitoring;
6. Fails to make timely payment of all amounts owed to the City for user charges, FOG WDP fees or any other fees imposed pursuant to this Chapter;
7. Causes obstruction, sewer blockages or SSOs in the public sewer;
8. Violates grease interceptor or grease trap maintenance requirements, any condition or limit of its FOG WDP or any provision of this Chapter; or
9. Fails to report significant changes in operations, or wastewater constituents and characteristics.

13.18.340 Violation–Penalty.

A. Any violation of this Chapter, or the orders, rules, regulations and permits issued under this Chapter, is unlawful and shall be an infraction or misdemeanor as determined by the City Attorney.

B. Any user, discharger or permittee in violation of this Chapter, or the orders, rules, regulations and permits issued under this Chapter, may be ordered by the Director to cease and desist operations until the violation is cured. Continuance of operations after notice to cease and desist has been furnished to the user or permittee shall be unlawful and an infraction or misdemeanor as determined by the City Attorney. Each day in which any such violation shall continue shall be deemed a separate offense.

C. The violation of any of the provisions of this Chapter, or the orders, rules, regulations and permits issued under this Chapter, or the doing of any act prohibited or the failure or omission to do any act required by this Chapter, or the orders, rules, and regulations and permits issued under this Chapter, is a public nuisance and may be enjoined by the City Attorney.

D. If any violation of this Chapter, or the orders, rules, regulations and permits issued under this Chapter, causes damage to the POTW, the Director may seek to recover civil damages from the user causing such damage.

E. The Director is authorized to levy against any person administrative fines of up to ten thousand dollars (\$10,000.00) per day for each violation of the rules, regulations, and permits issued under this Chapter. The notice shall provide information as to the reason for the administrative fine and the authority and the notice shall also specify the person's right to appeal.

1. The Director shall provide written notice of such levy to the person by certified mail. The user, discharger or permittee has the right to appeal the administrative action to the City of Ceres Administrative Hearing Officer by filing an appeal with the City Clerk. The appeal hearing shall be held in accordance with the applicable provisions of Title 1.

2. The appeal shall be submitted within twenty (20) days of receipt of the notice and shall be accompanied by a nonrefundable fee set by resolution of the Council.

F. The remedies and provisions of this Section are cumulative, and are in addition to any other remedy or provision of law.

Chapter 19

INDUSTRIAL SEWAGE

Sections:

- 13.19.010 Discharge Into City Sewer–Permit Required.**
- 13.19.020 Application for Permit.**
- 13.19.030 Investigation and Issuance of Permit Application.**
- 13.19.040 Change From Sanitary Sewage System.**
- 13.19.050 Rate Schedule.**
- 13.19.060 Gallonage Statement Required.**
- 13.19.070 Use of Moneys Collected.**
- 13.19.080 Revision or Revocation of Permit.**

13.19.010 Discharge Into City Sewer–Permit Required.

No person, firm or corporation shall empty any industrial sewage into the City sewer, without having obtained a permit therefor from the City, except as expressly provided in this Chapter. For the purpose of this Chapter, "industrial sewage" means all trade sewage produced by industrial plants or factories, and does not include sanitary sewage from bathrooms in industrial plants or factories, residences, or from hotels, restaurants, eating houses or from business establishments or from premises engaged solely in the sale, storage or repair of goods, wares or merchandise.

13.19.020 Application for Permit.

A. Written application for the permit required under the provisions of this Chapter shall be made to the City, by filing an application with the City Public Works Department upon application forms provided by the City together with an application fee as set by resolution of the City Council to help cover the cost of investigation of permit applications. Such application shall be in writing and shall contain the following information:

1. Name and address of applicant;
2. Exact location and nature of business of applicant;
3. Proposed location of connection;
4. Estimated gallonage of sewage proposed to be discharged;
5. Character of sewage proposed to be discharged;
6. Such other information as may be deemed necessary by the Director of Public Works or his designee.

B. In each application, the applicant shall agree faithfully to comply with the following: (1) all City ordinances, rules and regulations, now in force or effect or which may be subsequently adopted; (2) also all laws, rules and regulations of Stanislaus County, State of California, and the

Federal Government relating to the emptying of the applicant's industrial sewage into the Ceres sewer system; and (3) the payment of all industrial sewer service charges and sewer service charges that are made by the city in accordance with the schedule of charges adopted or to be adopted as provided in this Chapter or as may be subsequently adopted in any amendment to this Chapter or amendment to any resolution provided by this Chapter.

13.19.030 Investigation and Issuance of Permit Application.

Upon the filing of an application with the Public Works Department pursuant to the provisions of this Chapter, the Director of Public Works or his designee shall investigate such application and determine if the following conditions or criteria are satisfied:

- A. That the sewer pipe into which the connection is to discharge has sufficient unused carrying capacity for the disposal of other sewage;
- B. That the character of the sewage proposed to be discharged by the applicant is such that it can be successfully treated in the wastewater treatment facility;
- C. That such sewage will not result in damage to the plant or sewer system;
- D. That provision has been made by the applicant to screen the sewage or remove the solid matter therefrom as provided by the permit granted to the City by the California Water Quality Control Board, or any other department, bureau or board of the State as required by the laws of California.

If the above conditions and criteria are satisfied, the City may at its discretion may issue a permit with conditions, and may impose such conditions with respect to the discharge of such sewage. Such conditions may include: the requirement of treatment; the installation of monitoring equipment; the maintenance of individual screens to reflect sewage products; or requirement of construction and use of tanks designed to equalize the flow and reduce peak loads. As a further condition to the granting of a permit by the City to the applicant for industrial sewage disposal through the City sewer system, the City may require that applicant furnish and install an approved means of monitoring and recording the flow of its sewage, which monitoring device shall be kept and maintained at all times in a satisfactory operating condition. The monitoring device shall be subject to inspection and verification by the City.

E. That the character of the sewage, once treated by the City can be discharged without violating any permits or agreements for such discharge;

F. That the flows do not exceed the following without City Council approval:

1. More than two thousand five hundred (2,500) gallons per gross acre per day; or,
2. More than five hundred (500) gallons per employee per day with a total discharge not to exceed thirty thousand (30,000) gallons per day; or,
3. Total discharge of less than thirty thousand (30,000) gallons per day.

13.19.040 Change From Sanitary Sewage System.

In the case where a sewage connection to the sewer system is proposed to be converted to industrial sewage, then upon request of the Public Works Department, the person owning or operating the industrial plant, shall, at his own expense, change the connection to meet all the requirements imposed in the permit.

13.19.050 Rate Schedule.

All persons to whom a permit shall have been granted for the disposition of industrial sewage into the sewer system, shall pay to the City the appropriate industrial sewer service charge. Such charges may be from time to time established by the resolution of the City Council. All such rate schedules shall become effective upon the first day of the month following their adoption by the City Council. All charges shall be paid monthly, and the charges may be set on an individual basis, dependent upon the burden placed on the City's sewage system as determined by the City Council.

13.19.060 Gallonage Statement Required.

In order to facilitate the payment of charges made in accordance with the rate schedule as set forth in Section 13.19.050, each and every person who holds an industrial sewage connection permit, may be required, not later than the tenth day of each month, to submit to the City a statement showing the gallonage which was processed, treated, used or discharged during the preceding calendar month, the approved rate for such items, and the total amount of the industrial sewer service charge. Accompanying this statement shall be a check or cash in the amount calculated.

If upon an audit of the statement an error is found, or, if upon later investigation the amount of gallonage it is found that an error exists, the person making the statement shall pay such additional sum, or the City may make such refund, as may be necessary to properly adjust the payment. If it is determined that an understatement is intentional, then a penalty shall be imposed of up to one hundred percent (100%) of the amount due from the understatement. This amount is in addition to paying the industrial sewer service charge on the under-reported amount.

In unique circumstances, as determined by the Director, the owner may be required to install a meter to accurately measure the discharge flow into the City's sewer system and pay meter and volume charges based on the measure flow consistent with this Title.

13.19.070 Use of Moneys Collected.

All industrial sewer service charges and other moneys collected or derived pursuant to the provisions of this Chapter or any amendments hereto shall be deposited in the sewer service fund as defined in Section 13.16.030 and expended as stated in Section 13.16.030.

13.19.080 Revision or Revocation of Permit.

Whether after the granting of a permit, as provided for in this Chapter, circumstances should change, by reason of increased flow; change of character of discharge; change in regulations; or for any other cause whatsoever, which change reasonably requires modification of the conditions prescribed at the time of issuing the original permit; then, the City Public Works Department may revoke the permit or may impose further conditions with respect thereto, including the requirement of such pretreatment necessary to remedy the changed circumstances.

Chapter 20

STORM WATER MANAGEMENT AND DISCHARGE CONTROL

Sections:

- 13.20.010 Title.**
- 13.20.020 Purpose.**
- 13.20.030 Definitions.**
- 13.20.040 Conflicts With Other Laws.**
- 13.20.050 Discharge of Non-Storm Water Prohibited.**
- 13.20.060 Exceptions to Discharge Prohibition.**
- 13.20.070 Discharge in Violation of Permit.**
- 13.20.080 Illicit Connections Prohibited.**
- 13.20.090 Concealment and Abetting.**
- 13.20.100 Acts Potentially Resulting in Violation of Federal Clean Water Act or Porter-Cologne Act.**
- 13.20.110 Reduction of Pollutants in Storm Water.**
- 13.20.120 Containment and Notification of Spills.**

13.20.010 Title.

This Chapter will be known as the "Storm Water Management and Discharge Control Ordinance", and may be cited as such.

13.20.020 Purpose.

A. The purpose of this Chapter 13.20 is to protect and promote the health, safety and general welfare of the citizens of City of Ceres by controlling non-storm water discharges to the storm water conveyance system from spills, dumping or disposal of materials other than storm water, and by reducing pollutants in urban storm water discharges to the maximum extent practicable.

B. This Chapter is intended to assist in the protection and enhancement of the water quality of watercourses, water bodies and wetlands in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. Sections 1251 et seq.) and any subsequent amendments thereto, by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges into the storm drain system.

13.20.030 Definitions.

For the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“Best Management Practices (“BMPs”)” means the schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and education practices, maintenance procedures, and other management practices found in the SWPPP to prevent or

reduce, to the maximum extent practicable, the discharge of pollutants directly or indirectly to waters of the United States (33 CFR Section 328.3). Best management practices also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal and drainage from raw material storage. BMPs are required to be implemented and maintained in a manner that is consistent with the California Storm Water Quality Association (“CASQA”) Best Management Practice Handbooks or equivalent guidelines.

“Construction activity” includes any public or private projects involving roadwork, paving, utility installation, structural construction (new or redevelopment), demolition, grading, excavation, or landscaping that has soil disturbance or has pollutants exposed to storm water. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purposes of a facility, nor does it include emergency construction activities required to immediately protect public health and safety.

“Development” means any new construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single or multifamily planned unit development); industrial, commercial, retail and other nonresidential projects, including public agency projects; or grading for future construction.

“Enforcement Official” means the Director of Public Works, or his or her designee, or any agent of City of Ceres authorized to enforce compliance with this Chapter.

“Hazardous Waste” means any material, including any substance, waste or combination thereof, that because of its quality, concentration or physical, chemical or infectious characteristics, may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment, when improperly treated, stored, transported, disposed of, or otherwise managed (California Health and Safety Code Section 25117).

“Illegal Discharge” means any discharge to the storm water conveyance system that violates this Chapter, or is prohibited by Federal, State or local laws, or that degrades the quality of receiving waters in violation of any plan standard.

“National Pollutant Discharge Elimination System (“NPDES”) Permit”: a permit issued by the Regional Water Quality Control Board or the State Water Resources Control Board, pursuant to Division 7, Chapter 5.5 of the California Water Code (commencing with Section 13370), to control discharges from point sources to waters of the United States.

“Noncommercial Vehicle Washing” means the washing and rinsing of passenger vehicles on private property in which no commercial enterprise or non-profit fundraising is being conducted in the washing of those vehicles.

“Non-Storm Water Discharge” means any discharge to the storm water conveyance system that is not entirely composed of storm water.

“Pollutant” means any contaminant that can degrade the quality of the receiving water in violation

of any water quality standard or NPDES permit.

“Public Works Director” means the Public Works Director of the City of Ceres.

“Storm Water” means surface runoff and drainage associated with storm events, which is free of pollutants.

“Storm Water Conveyance System” means those artificial and natural facilities within City of Ceres, whether publicly or privately owned, by which storm water may be conveyed to a watercourse or waters of the United States, including without limitation, any roads with drainage systems, streets, catch basins, natural and artificial channels, aqueducts, stream beds, gullies, curbs, gutters, ditches, open fields, parking lots, impervious surfaces used for parking, and natural and artificial channels or storm drains.

“Storm Water Pollution Prevention Plan (“SWPPP”)” means a document that describes the best management practices to be implemented by the owner or operator of a business, commercial development, residential development, or construction project, to eliminate non-storm water discharges or to reduce, to the maximum extent practicable (as defined by the State of California Regional Water Quality Control Board), pollutant discharges to the storm water conveyance system.

“Surface Water” means all water naturally open to the atmosphere (rivers, lakes, reservoirs, ponds, streams, impoundments, seas, estuaries, etc.) and all springs, wells, or other collectors directly influenced by surface water.

“Watercourse” means any natural stream, whether flowing continuously or not, that is fed from permanent or natural sources, and includes, without limitation, rivers, creeks, runs and rivulets. Any term(s) defined in the Federal Clean Water Act, as amended, or defined in the regulations for the storm water discharge permitting program issued by the Environmental Protection Agency, as amended, and which are not specifically defined in this Section, shall, when used in this Chapter, have the same meaning as set forth in such act or regulation.

13.20.040 Conflicts With Other Laws.

A. In the event of any conflict between this Chapter and any Federal or State law, regulation, order or permit, the requirement that establishes the higher standard for public health or safety shall govern.

B. To the extent permitted by law, nothing in this Chapter shall preclude enforcement of any other applicable law, regulation, order or permit.

13.20.050 Discharge of Non-Storm Water Prohibited.

A. Except as provided in Section 13.20.060, it is unlawful for any person to make or cause to be made any non-storm water discharge.

B. Notwithstanding the exemptions provided by Section 13.20.060, if the Regional Water

Quality Control Board or the enforcement official determines that any otherwise exempt discharge causes or significantly contributes to violations of any storm water permit, or conveys significant quantities of pollutants to a surface water or storm water conveyance, or is a danger to public health or safety, such discharge shall be prohibited from entering the storm water conveyance system.

13.20.060 Exceptions to Discharge Prohibition.

Subject to the authority granted by the Regional Water Quality Control Board and the enforcement official in Section 13.20.050, the following discharges to the storm water conveyance system are exempt from the prohibition set forth in Section 13.20.050.

A. Any discharge or connections regulated under a NPDES permit issued to the discharger and administered by the State to Division 7, Chapter 5.5 of the California Water Code, provided that the discharger is in compliance with all requirements of the permit and all other applicable laws and regulations;

B. Discharges from the following activities, which do not cause or contribute to the violation of any NPDES permit:

1. Water line flushing and other discharges from potable water sources;
2. Incidental runoff from landscaped areas defined as unintended amounts (volume) of runoff, such as unintended, minimal overspray from sprinklers that escapes the area of intended use;
3. Rising groundwaters or springs;
4. Passive foundation and footing drains;
5. Water from crawl space pumps and basement pumps;
6. Air conditioning condensation;
7. Natural flows from riparian habitats and wetlands;
8. Dechlorinated swimming pool discharges;
9. Flows from fire suppression activities, including fire hydrant flows;
10. Waters not otherwise containing wastes as defined in California Water Code Section 13050(d) and California Health and Safety Code Section 25117;
11. Diverted stream flows;
12. Uncontaminated ground water infiltration or pumped to separate storm sewers;

13. Any discharge that the enforcement official, the local health officer or the Regional Water Quality Control Board determines, in writing, is necessary for the protection of the public health and safety;

14. Any discharge caused by flooding or other natural disaster, which could not have been reasonably foreseen or mitigated for in advance by the discharger, as determined by the enforcement official;

15. Individual residential car washing on private property in which no commercial enterprise or non-profit fundraising is being conducted in the washing of those vehicles.

13.20.070 Discharge in Violation of Permit.

It is unlawful for any person to cause, either individually or jointly, any discharge to the storm water conveyance system that results in or contributes to a violation of this Chapter and the City's MS4 NPDES permit.

13.20.080 Illicit Connections Prohibited.

Prohibition of Illicit Connections.

A. The construction, use, maintenance or continued existence of illicit connections to the storm water conveyance system is prohibited.

B. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

C. A person is considered to be in violation of this Chapter if the person connects a line conveying sewage to a storm water conveyance system, or allows such a connection to continue.

13.20.090 Concealment and Abetting.

It is unlawful and a violation of this Chapter for any person to cause, permit, aide, abet, or conceal a violation of any provision of this Chapter.

13.20.100 Acts Potentially Resulting in Violation of Federal Clean Water Act or Porter-Cologne Act.

Any person who violates any provision of this Chapter, any provision of any permit issued pursuant to this Chapter, or who discharges waste or wastewater that causes pollution, or who violates any cease and desist order, prohibition, or effluent limitation, may also be in violation of the Federal Clean Water Act (33 U.S.C. Sections 1251 et seq.) or Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.), and may be subject to the sanctions of those Acts, including civil and criminal penalties.

13.20.110 Reduction of Pollutants in Storm Water.

Any person engaged in activities that may result in pollutants entering the storm water conveyance system shall, to the maximum extent practicable, undertake the measures set forth below to reduce the risk of non-storm water discharge or pollutant discharge.

A. Business-related Activities.

1. The enforcement official may require any business in the City engaged in activities that may result in pollutant discharges to develop and implement a storm water pollution prevention plan, which shall include an employee training program. An employee training program is a documented employee training program that may be required to be implemented by a business pursuant to a storm water pollution prevention plan, for the purpose of educating its employees on methods of reducing discharge of pollutants to the storm water conveyance system. Business activities that may require a storm water pollution prevention plan include, but are not limited to, maintenance, storage, manufacturing, assembly, equipment operations, vehicle loading or fueling, or cleanup procedures carried out partially or wholly out of doors.

2. Any business requiring a hazardous materials release response and inventory plan, under Chapter 6.95 (commencing with Section 25500) of Division 20 of the California Health and Safety Code, shall include in that plan provisions for compliance with this Chapter, including the provisions prohibiting non-storm water discharges and illegal discharges, and requiring the release of pollutants to be reduced to the maximum extent practicable.

3. Any business requiring a hazardous waste generator contingency plan and emergency procedures, pursuant to California Code of Regulations, Title 22, Sections 66265.51 to 66265.56, shall include in that plan provisions for compliance with this Chapter, including the provisions prohibiting non-storm water discharge and illegal discharges, and requiring the release of pollutants to be reduced to the maximum extent practicable.

B. Construction.

1. Any person performing construction activities in the City shall prevent pollutants from entering the storm water conveyance system and comply with all applicable Federal, State and local laws, ordinances or regulations, including but not limited to, the current California NPDES General Permit for storm water discharges associated with construction activity (Construction General Permit) and the City Storm Water Management and Discharge Control Ordinance. All construction projects, regardless of size, having soil disturbance or activities exposed to storm water must, at a minimum, implement BMPs for erosion and sediment controls, soil stabilization, dewatering, source controls, pollution prevention measures, and prohibited discharges.

2. Any person subject to a construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the enforcement official prior to, or as a condition of, a subdivision map, site plan, building permit, grading permit, or development or improvement plan, upon inspection of the facility, during any enforcement proceeding or action, or for any other reasonable cause. Prior to issuance of a construction permit or approval of the proposed

improvement plans, for projects subject to the State's current Construction NPDES General Permit, the WDID number and the SWPPP shall be submitted to the City. For projects with less than an acre of soil disturbance or not subject to the Construction General Permit, an erosion and sediment control plan (“ESCP”) and the ESCP worksheet must be submitted to the City.

3. As required by its Phase II MS4 NPDES Permit, the City will conduct storm water compliance inspections at applicable construction sites that have areas of soil disturbance exposed to storm water. The inspection will be conducted by a City Inspector or agent working for the City who is a Qualified SWPPP Practitioner (QSP) or is supervised by a QSP. The inspection will evaluate the construction site's compliance to the City's storm water ordinances. Inspections will be billed by the City to the project owner. The following is the risk rating system and inspection frequency the City will use, which is analogous to the risk rating used by the California Construction General Permit.

- Projects not subject to the CGP or that have an erosivity waiver will have a pre-soil disturbance inspection and a project completion inspection.
- Projects that are Risk 1/LUP Type I or Risk 2/LUP Type 2 will have a pre-soil disturbance inspection, monthly inspections, and a project completion inspection.
- Projects that are Risk 3/LUP Type 3 will have a pre-soil disturbance inspection, bimonthly (twice per month) inspections, and a project completion inspection.

If a project has been issued two (2) consecutive notices of violation or does not correct a previously issued notice of violation by the due date set by the inspector, the project's "threat to water quality" will be elevated by the City to the next highest category. This elevation of risk will not affect the risk rating for the Construction General Permit.

C. The enforcement official may require controls as appropriate to minimize the long-term, post-construction activity discharge of storm water pollutants from new development(s) or modifications to existing development(s). Controls may include source control measures to prevent pollution of storm water, treatment controls designed to remove pollutants from storm water, low-impact development measures, or hydro modification measures to offset the difference between the pre- and post-construction peak flow runoff rates and volumes. Proponents of all applicable development and redevelopment projects will be required to meet the requirements and design standards specified in the current State of California Phase II MS4 NPDES Permit and as described in further detail in the City's Storm Water Design Standards Manual for New Development and Redevelopment.

At the earliest planning stages, project proponents shall assess and evaluate how site conditions, such as soils, vegetation, and flow paths will influence the placement of buildings and paved surfaces. The evaluation will be used to optimize the site layout to meet the goals of capturing and treating runoff. Each project proponent will submit a map of the project dividing the site into discrete drainage management areas to show in each how runoff will be managed using site design measures, source controls, treatment controls, and hydro modification measures as defined by the

current MS4 permit. All site design measures, source controls, treatment controls, and hydro modification measures must be selected, sized, and situated in accordance with the guidance provided in the current MS4 permit and the City's Storm Water Design Standards Manual for New Development and Redevelopment. Documentation of the site's post-construction storm water design measures must be submitted to the City's Planning Department for review and approval prior to the commencement of the project.

Project proponents must sign an operation and maintenance agreement in which they legally bind themselves to maintain the installed post-construction design measures in an effective and good operational condition until the property ownership is transferred. A written operation and maintenance plan for the proposed storm water design measures is required to be submitted to and approved by the City with the signed agreement. The agreement will be recorded with the deed by the County Clerk making it transferrable to the new owner; or, when there are multiple property owners responsible for the maintenance of the control measures, the agreement will consist of a legally binding covenant between the City and the homeowners' association or maintenance district. The owner or association responsible for the maintenance of the control measures may be required by the City to submit an annual self-certification that the storm water control measures are effective and are being maintained in accordance with the submitted and approved operation and maintenance plan.

D. Compliance with Industrial or Construction Activity Storm Water Permit.

1. Any person subject to the State's current Industrial NPDES General Permit for storm water discharge shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the enforcement official upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

2. Any person subject to the State's current Construction NPDES General Permit for storm water discharge shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the enforcement official prior to or as a condition of a subdivision map, site plan, building permit, and development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

E. Every person or entity, including the above-listed categories, undertaking any activity or use of premises that may cause or contribute to storm water pollution or contamination or illicit discharges shall comply with best management practice (“BMPs”) consistent with the California Storm Water Quality Association (“CASQA”) Best Management Practice Handbooks or equivalent guidelines.

13.20.120 Containment and Notification of Spills.

Any person owning or occupying a premises, who has knowledge of any release of pollutants or non-storm water discharge from or across those premises that might enter the storm water conveyance system, other than a release or discharge that is permitted by this Chapter, shall immediately take all reasonable action to contain and abate the release of pollutants or non-storm

water discharge, and shall notify the enforcement official at City of Ceres within twenty-four (24) hours of the release of pollutants or non-storm water discharge.

CHAPTER 21

COMPLIANCE MONITORING

Sections:

- 13.21.010 Right of Entry**
- 13.21.020 Inspection and Sampling Authority.**
- 13.21.030 Search Warrants.**
- 13.21.040 Stormwater Monitoring, Analysis and Reporting Authority.**

13.21.010 Right of Entry

A. Whenever the Director, an authorized enforcement official, or inspector need to make an inspection to enforce any provisions of this title, a request for entry of the premises or building must be made to the property owner or occupant.

B. Any request for entry shall state that the property owner or occupant has the right to refuse entry, and that in the event such entry is refused, inspection may be made upon issuance of a warrant issued by a court of competent jurisdiction.

C. In the event the owner or occupant refuses entry after such request has been made, the enforcement official is empowered to seek a warrant from a court of competent jurisdiction in obtaining such entry.

D. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director will be permitted to enter without delay for the purposes of performing specific responsibilities

13.21.020 Inspection and Sampling Authority.

A. The Director shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling or metering of the user's operations.

C. The Director may require the user to install monitoring equipment as necessary per City specifications. 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 regularly calibrated to ensure their accuracy.

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected or sampled shall be promptly removed by the user at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the user.

E. Unreasonable delays in allowing the Director access to the user's premises shall be a violation of this chapter.

13.21.030 Search Warrants.

If the Director 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 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 Director may seek issuance of a search warrant from the Superior Court of Stanislaus County.

13.21.040 Stormwater Monitoring, Analysis and Reporting Authority.

1. The enforcement official may require monitoring, analysis and reporting of discharges from any premises to the storm water conveyance system.
2. Upon service of written notice by the enforcement official, the burden, including cost, of these activities, analyses and reports incurred in complying with the requirement shall, to the extent permitted by law, be borne by the property owner or occupant of the facility or activity for which testing and monitoring has been requested.

CHAPTER 22

ADMINISTRATIVE ENFORCEMENT

Sections:

- 13.22.010 Enforcement Authority.**
- 13.22.020 Violations Deemed a Public Nuisance.**
- 13.22.030 Notification of Violation.**
- 13.22.040 Notice and Order to Abate.**
- 13.22.050 Notice of Violation–Content**
- 13.22.060 Consent Orders.**
- 13.22.070 Show Cause Hearing.**
- 13.22.080 Cease and Desist.**
- 13.22.090 Administrative Citations**
- 13.22.100 Administrative Decision–Right to Appeal.**
- 13.22.110 Emergency Orders and Abatements.**
- 13.22.120 Rights to Appeal.**
- 13.22.130 Abatement Enforcement Costs Recovery**
- 13.22.140 Enforcement Official–Authority**
- 13.22.150 Seasonal and Recurrent Nuisance.**
- 13.22.160 Remedies.**
- 13.22.170 Violations.**
- 13.22.180 Administrative Fines.**
- 13.22.190 Emergency Suspensions.**
- 13.22.200 Termination Discharge.**
- 13.22.210 Actions for Nonpayment of Sewer Service Charges.**
- 13.22.220 Deposit Required.**

13.22.010 Enforcement Authority.

1. Except as otherwise provided in this Title, the Director of Public Works shall administer, implement and enforce the provisions of this Title.
2. The Director of Public Works may delegate any powers granted to or duties imposed upon the Director of Public Works to other City of Ceres personnel. For the purposes of this Title, any such persons shall be referred to as the “enforcement official.”

13.22.020 Violations Deemed a Public Nuisance.

1. In addition to the penalties provided in this Title, any condition caused or permitted to exist in violation of any of the provisions of this Chapter is a threat to the public health, safety or welfare, and is thus deemed a nuisance.
2. Any such nuisance may be abated as provided in this Title.

13.22.030 Notification of Violation.

When the Director finds that a user has violated, or continues to violate, any provision of this Title, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may serve upon that user a written notice of violation. Within thirty (30) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

13.22.040 Notice and Order to Abate.

A. Whenever the enforcement official finds that a discharge has taken place, or is likely to take place, in violation of this title, or order issued hereunder, the enforcement official may serve a written notice and order to abate upon the property owner and the person responsible for the discharge, by personal service or by registered or certified mail.

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. Notices issued pursuant to this section also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

B. Within thirty (30) days of the receipt of this notice, or shorter period as may be prescribed in the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, which shall include specific required actions, shall be submitted to the enforcement official.

C. Submission of this plan shall in no way relieve the person of liabilities for violations occurring before or after receipt of the notice and order to abate.

D. Failure to comply with the terms and conditions of a notice and order to abate shall constitute a violation of this Chapter. If a person fails to comply with the notice and order to abate, the Director of Public Works may perform, or cause to be performed, such work as shall be necessary to correct the violation. The costs of any such abatement shall be borne by the property owner, and shall be collectable in accordance with the provisions of subsection C.6.

13.22.050 Notice of Violation–Content

1. The street address or a legal description sufficient for identification of the property where the violation exists and the address of the person responsible for or committing the act that constitutes a violation of this Chapter.

2. A brief and concise description of the violation or use of the property or act that constitutes a violation of this Chapter.
3. A description of the activities, practices or abatement methods to be performed to correct the violation.
4. The date by which the violation must be corrected, which shall be a reasonable period of time.

13.22.060 Consent Orders.

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

13.22.070 Show Cause Hearing.

The Director may order a user which has violated, or continues to violate, any provision of this Title a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

13.22.080 Cease and Desist.

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

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

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

13.22.090 Administrative Citations

- a. If the owner, or person responsible for the violation, fails to correct the violation within the time specified in the notice and order to abate, the Director of Public Works or designee, may cause an administrative citation imposing an administrative fine or penalty to be issued to the owner of the

property (California Government Code Section 53069.4).

b. Any citation issued shall:

- i. Identify the date, time and circumstances of the violation;
- ii. State the amount of the administrative fine or penalty to be imposed;
- iii. Advise the person of their appeal rights as provided in Section 13.09.040.

c. The citation shall be served in the same manner as the notice of order to abate. The amount of the administrative fine imposed shall be set by the Director of Public Works or designee; provided, however, where the violation would otherwise be an infraction, the administrative fine or penalty shall not exceed the maximum fine or penalty amounts for infractions set forth in Title 19. In determining the amount of civil penalty to be assessed, consideration will be given to the following:

- i. The extent to which the owner or person responsible for the violation had knowledge or reasonably should have known that the action taken was a violation of this Chapter;
- ii. The magnitude of the violation;
- iii. The extent to which the owner or person responsible for the violation derived a financial benefit from the violation;
- iv. Any prior history of related violations by the same person on the subject property or on other parcels within the City; and
- v. Any corrective action, or lack thereof, taken by the owner or person responsible to eliminate the violations, and any other mitigating circumstances justifying a reduction of the amount of the penalties.

13.22.100 Administrative Decision–Right to Appeal.

Notwithstanding Title 1 or Section 1094.5 or 1094.6 of the Code of Civil Procedure, within twenty (20) days after the date action is taken by the City Council on the decision of the Director of Public Works, a person contesting that final administrative decision may seek review by filing an appeal in the Stanislaus County Superior Court pursuant to Subdivision (b) of Section 53069.4 of the Government Code. If no notice of appeal to the Superior Court is filed within the period set forth in this Section, the order or decision of the City shall be deemed confirmed.

13.22.110 Emergency Orders and Abatements.

a. The enforcement official may order the immediate abatement of any discharge from any source to the storm water conveyance system when, in the opinion of the enforcement official, the discharge causes or threatens to cause a condition that presents an imminent danger to the public health, safety, welfare or environment, or a violation of a NPDES permit. Abatement and cleanup

of spills, illicit discharges, or dumping to the storm drainage system must occur within seventy-two (72) hours of notification; or sooner for high risk spills or discharges. For areas of uncontrolled pollutant sources, abatement must be performed within thirty (30) days of notification.

b. In emergency situations where the property owner or other responsible party is unavailable and time constraints are such that service of a notice and order to abate cannot be effected without presenting an immediate danger to the public health, safety, welfare or environment, or a violation of a NPDES permit, the City may perform or cause to be performed such work as shall be necessary to abate the threat or danger, or permit violation.

c. The costs of any such abatement shall be borne by the property owner, and shall be collectable in accordance with the provisions of subsection C.6.

d. The enforcement official may order the immediate cessation of any activities that cause an illicit discharge or cause or potentially cause uncontrolled pollutants to enter the storm water conveyance system when, in the opinion of the enforcement official, the activities present an imminent danger to the public health, safety, welfare or environment, or a violation of a NPDES permit. Activities may not resume until the enforcement official has verified that the threat to the environment and the City's MS4 has been abated.

13.22.120 Rights to Appeal.

a. Any person served with a notice and order to abate, or administrative citation, or required to perform monitoring, analyses, reporting or corrective activities by an authorized enforcement official, or disputing the costs of enforcement, or otherwise grieved by the decision of the authorized enforcement official, may file a written appeal with the Public Works Director within ten (10) days following the effective date of the notice and order, administrative citation, the enforcement official's decision or the delivery of an invoice for enforcement costs.

b. Upon receipt of the written appeal, the Director of Public Works shall request a report and recommendation from the authorized enforcement official, and shall set the matter for hearing at the earliest practical date.

c. Due notice of the hearing shall be provided to the person appealing.

d. At the hearing, the Director of Public Works may hear additional evidence, and may reject, affirm or modify the authorized enforcement official's decision, or the costs of enforcement.

e. Upon conclusion of the hearing, the Director shall serve written notice of his or her decision in the manner provided for service of a notice and order to abate under Section 13.22.040. The Director of Public Works shall present the decision to the City Council, and the board may adopt such decision, with or without modification, without further notice of hearing.

f. If all parties involved (at a minimum, the discharger and the City enforcement official) agree that clean-up activities cannot be completed within the original timeframe, a new timeframe may be set as long as notification is made by the City to the Regional Water Quality Control Board in

writing within five (5) business days of the determination that the timeframe requires revision.

13.22.130 Abatement Enforcement Costs Recovery

a. The cost of enforcement, abatement and restoration shall be borne by the owner of the property, and the costs therefore shall be invoiced to the owner of the property. Costs recoverable under this Section include all costs of abatement incurred by the City, including, but not limited to, administrative costs, and any and all costs incurred in the physical abatement (California Government Code Section 25845).

b. If the owner of the property fails to pay the costs upon demand by the City, the City Council may order the costs to be specially assessed against the parcel. The special assessment may be collected at the same time and in the same manner as ordinary County taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as are provided for ordinary County taxes. The City Council may also authorize a notice of abatement lien to be recorded. The costs shall become a lien on the property pursuant to the provisions of California Government Code Section 25845. The Director of Public Works is authorized to prepare and record a notice of release of lien against the legal title of the subject property(ies), if the City is fully compensated for the amount of the lien placed upon the property (California Government Code Section 25845).

13.22.140 Enforcement Official—Authority

A. The enforcement official shall have authority to order the mitigation of circumstances that may result in or contribute to illegal discharges. The enforcement official shall have the authority to establish elements of a Storm Water Pollution Prevention Plan (“SWPPP”), and to require any business to adopt and implement such a plan, as may be reasonably necessary to fulfill the purposes of this Chapter.

B. The enforcement official may establish the requirements of best management practices for any premises. The enforcement official is authorized to make any decision on behalf of the City required or called for by this Chapter.

13.22.150 Seasonal and Recurrent Nuisance.

A. If any violation of this Title constitutes a seasonal and recurrent nuisance, the enforcement official shall so declare.

B. Such seasonal and recurrent nuisance shall be abated every year without the necessity of any further hearing.

13.22.160 Remedies.

1. In addition to any other remedies provided in this Title, any violation of this Title may be enforced by civil action brought by the City.

2. Moneys recovered under this Section shall be paid to City of Ceres to be used exclusively for costs associated with monitoring and establishing storm water discharge pollution control systems or implementing or enforcing the provisions of this Chapter.

3. Remedies under this Section are in addition to, and do not supersede or limit, any and all other remedies, civil or criminal. The remedies provided for in this Chapter shall be cumulative and not exclusive.

4. In any such action, the City may seek, as appropriate, any or all of the following remedies:

a. A temporary or permanent injunction;

b. Assessment of the violator for the costs of any investigation, inspection or monitoring survey that led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this Chapter;

c. Costs incurred in removing, correcting or terminating the adverse effects resulting from the violation;

d. Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life.

e. Referral of the discharger to the State Water Board.

f. Referral of the discharger to the City Attorney for criminal prosecution.

13.22.170 Violations.

A. It is unlawful for any person to violate any provision of this Chapter or to fail to comply with any of its requirements.

B. Any person violating any provision of this Chapter shall be guilty of a misdemeanor, unless such violation is declared by the Director of Public Works or the City Attorney to be an infraction.

13.22.180 Administrative Fines.

1. When the Director finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may fine such user in an amount not to exceed ten thousand dollars (\$10,000.00). Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

2. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of ten percent (10%) per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

3. Users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Where a request has merit, the Director may convene a hearing on the matter. In the event the

user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

A. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

B. If the owner of the property fails to pay the administrative fine or penalty imposed under this Section upon demand by the City, the administrative fine or penalty shall be specially assessed against the parcel. The special assessment may be collected at the same time and in the same manner as ordinary County taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as are provided for ordinary County taxes. A notice of abatement lien shall be recorded and shall become a lien on the property pursuant to the provisions of California Government Code Section 25845. The Director of Public Works is authorized to prepare and record a notice of release of lien against the legal title of the subject property(ies), if the administrative fine or penalty is paid in full.

13.22.190 Emergency Suspensions.

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

A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in Section 13.22.200 are initiated against the user.

B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing under Section 13.22.200.

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

13.22.200 Termination Discharge.

In addition to the provisions in Section 13.22.190, any user who violates the following conditions is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the pretreatment requirements in this Title

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

13.22.210 Actions for Nonpayment of Sewer Service Charges.

A. If the customer has water and sewer service, the water service may be terminated for nonpayment of delinquent sewer service charges in accordance with Section 13.09, and the provisions of that Section are incorporated into this Section 13.22.

B. If the customer fails to pay after termination of water service or the customer has only sewer service, the following procedure shall be used:

1. The charges may be collected as provided in Section 6.01.090, subsections E and F; or
2. The sewer service can be disconnected per procedures adopted by the Ceres City Council.

13.22.220 Deposit Required.

An advance deposit shall be paid as required pursuant to Section 13.02.030, and the provisions of that Section are hereby incorporated by reference.

CHAPTER 23

JUDICIAL ENFORCEMENT REMEDIES

Sections:

- 13.23.010 Injunctive Relief.**
- 13.23.020 Civil Penalties.**
- 13.23.030 Criminal Prosecution.**
- 13.23.040 Remedies Nonexclusive.**

13.23.010 Injunctive Relief.

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

13.23.020 Civil Penalties.

A. A user who has violated, or continues to violate, any provision of this Title, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, shall be liable to City for a maximum civil penalty of ten thousand dollars (\$10,000.00) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

B. The Director may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by City, including fines levied by any State or Federal agency.

C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

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

13.23.030 Criminal Prosecution.

A. A user who willfully or negligently violates any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement,

shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than twenty-five thousand dollars (\$25,000.00) per violation, per day, or imprisonment for not more than one (1) year, or both.

B. A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least twenty-five thousand dollars (\$25,000.00), or be subject to imprisonment for not more than one (1) year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

C. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be punished by a fine of not more than twenty-five thousand dollars (\$25,000.00) per violation, per day, or imprisonment for not more than one (1) year, or both.

D. In the event of a second conviction, a user shall be punished by a fine of not more than fifty thousand dollars (\$50,000.00) per violation, per day, or imprisonment for not more than one (1) year in the County jail or imprisonment in the State prison for sixteen (16), twenty (20) or twenty-four (24) months, or by both fine and imprisonment.

13.23.040 Remedies Nonexclusive.

The remedies provided for in this chapter are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with City's enforcement response plan. However, the Director may take other action against any user when the circumstances warrant. Further, the Director is empowered to take more than one (1) enforcement action against any noncompliant user.

CHAPTER 24

SUPPLEMENTAL ENFORCEMENT ACTION

Sections:

- 13.24.010 Performance Bonds.**
- 13.24.020 Liability Insurance.**
- 13.24.030 Water Supply.**
- 13.24.040 Public Nuisances.**
- 13.24.050 Informant Rewards.**
- 13.24.060 Contractor Listing.**

13.24.010 Performance Bonds.

The Director may decline to issue or reissue a wastewater discharge 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 City, in a sum not to exceed a value determined by the Director to be necessary to achieve consistent compliance.

13.24.020 Liability Insurance.

The Director may decline to issue or reissue a wastewater discharge 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.

13.24.030 Water Supply.

Whenever a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

13.24.040 Public Nuisances.

A violation of any provision of this Title, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the Director. Any person(s) creating a public nuisance shall be subject to the provisions of Title 19 governing such nuisances, including reimbursing City for any costs incurred in removing, abating, or remedying said nuisance.

13.24.050 Informant Rewards.

The Director may pay up to five hundred dollars (\$500.00) for information leading to the discovery of noncompliance by a user. In the event that the information provided results in a civil penalty or an administrative fine levied against the user, the Director may disperse up to ten percent (10%)

of the collected fine or penalty to the informant. However, a single reward payment may not exceed five thousand dollars (\$5,000.00).

13.24.060 Contractor Listing.

Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to City. Existing contracts for the sale of goods or services to City held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the Director.

CHAPTER 25

WASTEWATER DISCHARGE PERMIT APPLICATION

Sections:

- 13.25.010 Wastewater Analysis.**
- 13.25.020 Wastewater Discharge Permit Requirement.**
- 13.25.030 Wastewater Discharge Permitting—Existing Conditions.**
- 13.25.040 Wastewater Discharge Permitting—New Connections.**
- 13.25.050 Wastewater Discharge Permit Application Contents.**
- 13.25.060 Application Signatories and Certification.**
- 13.25.070 Wastewater Discharge Permit Decisions.**

13.25.010 Wastewater Analysis.

When requested by the Director, a user must submit information on the nature and characteristics of its wastewater within twenty-one (21) calendar days of the request. The Director is authorized to prepare a form for this purpose and may periodically require users to update this information.

13.25.020 Wastewater Discharge Permit Requirement.

A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Director, except that a significant industrial user that has filed a timely application pursuant to Section 13.25 may continue to discharge for the time period specified therein.

B. The Director may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter.

C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in this chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

13.25.030 Wastewater Discharge Permitting—Existing Conditions.

Any user required to obtain a wastewater discharge permit, as specified in Section 13.25.020, who was discharging wastewater into the POTW 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 Director for a wastewater discharge permit in accordance with Section 13.25.020, and shall not cause or allow discharges to the POTW to continue after six (6) months of the effective date of this chapter except in accordance with a wastewater discharge permit issued by the Director.

13.25.040 Wastewater Discharge Permitting—New Connections.

Any user required to obtain a wastewater discharge permit, as specified herein, who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in

accordance with Section 13.25.020, must be filed at least sixty (60) days prior to the date upon which any discharge will begin or recommence.

13.25.050 Wastewater Discharge Permit Application Contents.

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

- A. The name and address of the facility, including the name of the owner and operator;
- B. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- C. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- D. Each product produced by type, amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- G. Estimate of wastewater flows (average and peak per day) and description of pollutants and estimated concentrations;
- H. Time and duration of discharges; and
- I. Any other information as may be deemed necessary by the Director to evaluate the wastewater discharge permit application.

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

13.25.060 Application Signatories and Certification.

All wastewater discharge permit 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 who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

13.25.070 Wastewater Discharge Permit Decisions.

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

CHAPTER 26

WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

Sections:

- 13.26.010 Wastewater Discharge Permit Duration.**
- 13.26.020 Wastewater Discharge Permit Contents.**
- 13.26.030 Wastewater Discharge Permit Appeals.**
- 13.26.040 Wastewater Discharge Permit Modification.**
- 13.26.050 Wastewater Discharge Permit Transfer.**
- 13.26.060 Wastewater Discharge Permit Revocation.**
- 13.26.070 Wastewater Discharge Permit Reissuance.**

13.26.010 Wastewater Discharge Permit Duration.

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

13.26.020 Wastewater Discharge Permit Contents.

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

B. Wastewater discharge permits must contain:

1. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
2. A statement that the wastewater discharge permit is nontransferable without prior notification to City, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
3. Effluent limits based on applicable pretreatment standards;
4. Self-monitoring, sampling, flow measuring, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on State and local law; and

5. A statement of applicable civil and criminal penalties for violation of this chapter, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable State or local law.

C. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

1. Limits on the average or maximum rate of discharge, time of discharge, or requirements for flow regulation and equalization;

2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

6. Requirements for installation and maintenance of inspection and sampling facilities and equipment along with a statement that all costs associated with said monitoring will be at discharger's expense;

7. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and

8. Other conditions as deemed appropriate by the Director to ensure compliance with this chapter, and State and Federal laws, rules, and regulations.

13.26.030 Wastewater Discharge Permit Appeals.

The Director shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Director to reconsider the terms of a wastewater discharge permit or the denial of a permit within fourteen (14) days of notice of its issuance or denial.

A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

D. If the Director fails to act within fourteen (14) days, a request for reconsideration shall be deemed to be denied.

E. Any person aggrieved by any decision of the Director with respect to implementation of this chapter may appeal to the City Council by filing a written letter of appeal with the Director within five (5) days of such decision. The letter must state the name and address of the facility, including the name of the owner and operator, and the reason for the appeal. The Council shall fix a time and place for hearing such appeal and the Director shall give notice in writing to such person of the time and place of hearing by serving it personally or by depositing it in the United States mail, addressed to the person filing the appeal at the address shown on the notice of appeal. The findings of the Council shall be final and conclusive and shall be served upon the applicant in the manner prescribed above for service of notice of hearing.

13.26.040 Wastewater Discharge Permit Modification.

The Director may modify a wastewater 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 user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

D. Information indicating that the permitted discharge poses a threat to City's POTW, City personnel, or the receiving waters;

E. Violation of any terms or conditions of the wastewater discharge permit;

F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

G. To reflect a significant change in the cost of operating or maintaining the POTW or disposal facilities;

H. To correct typographical or other errors in the wastewater discharge permit; or

I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

13.26.050 Wastewater Discharge Permit Transfer.

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

A. States that the new owner or operator has no immediate intent to change the facility's operations and processes;

B. Identifies the specific date on which the transfer is to occur; and

C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

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

13.26.060 Wastewater Discharge Permit Revocation.

The Director may revoke a wastewater discharge permit in accordance with this Chapter for good cause, including, but not limited to, the following reasons:

A. Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;

B. Failure to provide prior notification to the Director of changed conditions pursuant to Section 13.26.040,

C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

D. Falsifying self-monitoring reports;

E. Tampering with monitoring equipment;

F. Refusing to allow the Director timely access to the facility premises and records;

G. Failure to meet effluent limitations;

H. Failure to pay fines;

I. Failure to pay sewer charges;

J. Failure to meet compliance schedules;

K. Failure to complete a wastewater survey or the wastewater discharge permit application;

L. Failure to provide advance notice of the transfer of business ownership of a permitted facility;
or

M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.

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

13.26.070 Wastewater Discharge Permit Reissuance.

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 13.26.020, a minimum of sixty (60) days prior to the expiration of the user's existing wastewater discharge permit.

CHAPTER 27

REPORTING REQUIREMENTS

Sections:

- 13.27.010** **Periodic Compliance Reports.**
- 13.27.020** **Reports of Changed Conditions.**
- 13.27.030** **Reports of Potential Problems.**
- 13.27.040** **Reports from Unpermitted Users.**
- 13.27.050** **Notice of Violation–Repeat Sampling and Reporting.**
- 13.27.060** **Analytical Requirements.**
- 13.27.070** **Sample Collection.**
- 13.27.080** **Record Keeping.**

13.27.010 **Periodic Compliance Reports.**

A. All significant industrial users shall, at a frequency determined by the Director but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by this chapter or the wastewater discharge permit and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 13.27.

B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Director, using the procedures prescribed in Section 13.27, the results of this monitoring shall be included in this report.

13.27.020 **Reports of Changed Conditions.**

Each user must notify the Director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

A. The Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 13.26.020.

B. The Director may issue a wastewater discharge permit under Section 13.26.020 or modify an existing wastewater discharge permit under Section 13.26.040 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.

13.27.030 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 POTW, the user shall immediately telephone and notify the Director 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 Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property, nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

13.27.040 Reports from Unpermitted Users.

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

13.27.050 Notice of Violation–Repeat Sampling and Reporting.

If sampling performed by a user indicates a violation, the user must notify the Director 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 Director within five (5) calendar days after becoming aware of the violation.

13.27.060 Analytical Requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with procedures approved by the EPA.

13.27.070 Sample Collection.

A. Except as indicated in subsection B of this section, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Director 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.

13.27.080 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 any monitoring activities required by this chapter and any additional 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 Director.

Chapter 28

CROSS-CONNECTION CONTROL FOR WATER SYSTEM

Sections:

- 13.28.010** **Definitions.**
- 13.28.020** **Purpose.**
- 13.28.030** **Abandonment of Wells.**
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13.28.010 **Definitions.**

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

“Air-gap separation” means a physical break between a supply pipe and a receiving vessel. The air-gap shall be at least double the diameter of the supply pipe, measured vertically above the top rim of the vessel. Supply pipes less than one inch (1”) diameter shall have a minimum air-gap of one inch (1”).

“Approved” means, in reference to air-gap separation, a double check valve assembly, or a reduced pressure principle backflow prevention device or method, means as approval by the Stanislaus County Health Officer or the City.

“Approved double check-valve assembly” means an assembly of two (2) independently acting, approved check valves, including tightly-closing shutoff valves on each end of the check-valve assembly and suitable connections available for testing the water tightness of each valve. To be approved, these devices must be readily accessible for maintenance and annual testing and in no case shall be less than twelve inches (12”) above the flood level of the surrounding ground or floor, and no more than thirty inches (30”) in a location where no part of the assembly will be submerged.

“Approved reduced pressure principal backflow prevention device” means a device incorporating two (2) or more independently acting approved check valves and an automatically operating differential relief valve located between the two (2) checks, two (2) shutoff valves, and equipped with necessary appurtenances for testing. The device shall operate to maintain the pressure in the zone between the two (2) check valves which must be less than the pressure on the public water supply side of the device. In case of leakage of either check valve, the differential relief valve shall operate to maintain this reduced pressure by discharging to the atmosphere. When the inlet pressure is two (2) pounds per square inch or less, the relief valve shall open to the atmosphere thereby providing an air gap in the device. To be approved, these devices must be readily accessible for maintenance and annual testing and installed in no case less than twelve inches (12”) above the

flood level of the surrounding ground or floor and no more than thirty inches (30") in a location where no part of the valve will be submerged.

“Approved water supply” means any water supply approved by, or under the public supervision of a public health agency of the State or Stanislaus County.

“Auxiliary water supply” means a water supply originating on the premises that is used exclusively for fire protection or irrigation and is not connected in any manner to the domestic supply system on the premises.

“City” means the City of Ceres, acting through the City Manager or his designated representatives.

“Cross-connection” means any real or potential unprotected connection between any part of a water system used or intended to supply containing water or substance that is not or cannot be approved as safe and potable for human consumption.

“Health hazard” means an actual or potential threat of contamination of a physical or toxic nature to the public and consumer's potable water system to such a degree or intensity that there would be a danger to health.

“Pollution hazard” means an actual or potential threat to the physical properties of the water system or the public water supply that would not constitute a health or system hazard as defined.

“Stanislaus County Health Officer” means the operating head of the Stanislaus County Department of Environmental Health or their designated representatives.

“System Hazard” means an actual or potential threat of severe damage to the physical properties of the public potable water system, with a pollution [pollutant] or contamination [contaminant] which would have an extended effect on the quality of potable water in the system.

“Well” means any artificial excavation constructed by any method for the purpose of extracting water from, or injecting water into, the underground. This definition shall not include:

1. Oil and gas wells, or geothermal wells constructed under the jurisdiction of the Department of Conservation, except those wells converted to use as water wells; or
2. Wells used for dewatering excavation during construction, or stabilizing hillsides or earth embankments.

13.28.020 Purpose.

A. The City Council declares that the purpose of the ordinance codified in this Chapter is to protect the public water supply against actual or potential cross-connections by:

1. Requiring abandonment of private wells before premises connect to City water supply and by isolating within the premises contamination or pollution that may occur because of either

an undiscovered or unauthorized cross-connection on the premises;

2. Eliminating existing connections between drinking water systems and other sources of water that are not approved as safe and potable for human consumption;

3. Eliminating cross-connections between drinking water systems and other sources of water such as processed water used for any purpose which jeopardizes the safety of the drinking water supply;

4. Preventing the creation of a cross-connection in the future;

5. Encouraging residents to use public sources of water supply exclusively;

6. Protecting the drinking water supply within premises located in the City of Ceres; where plumbing is inadequate or cross-connections may endanger the drinking water supply available on the premises.

B. All regulations cited in this Chapter shall be reasonably interpreted. When interpreting these regulations, it shall be recognized that there are varying degrees of hazards and all interpretations shall apply the principle that the degree of protection should correspond with the degree of hazard.

13.28.030 Abandonment of Wells.

A. The owner of property upon which a private well is located shall have the well destroyed before being connected to the City water supply. The Director may, in special cases, consider alternatives to the abandonment of a private well, in the Director's sole discretion, with consideration and requirement to ensure the City's water system is adequately protected.

B. Abandonment of wells shall be conducted pursuant to State and Federal laws and regulations.

C. Destruction of all abandoned wells, exploration holes, or test holes shall be done in such a manner that they will not produce water or act as a conduit for mixing or otherwise transferring of water between permeable zones or aquifers, and will not be a hazard to the safety and wellbeing of people or animals.

D. Destruction of the well shall be done at customer expense, with the customer having the option of having the City or private contractor do the work. All work shall be inspected by and completed to the satisfaction of the Stanislaus County Health Officer or the City.

13.28.040 Protection of Public Water System at Service Connection.

No water service connection to any premises shall be installed or maintained by the City unless the water supply is adequately protected in accordance with the requirements and regulations of applicable State and Federal regulations, and these regulations:

A. Each service connection from the public water system for supplying water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the

public water system, unless source is provided by the City.

B. Each service connection from the public water system for supplying water to premises on which any substance is or may be handled in such fashion as to permit entry into the water system shall be protected against backflow of the substance from the premises into the public system. This shall include the handling of process water and waters originating from the public water supply system which have been subject to deterioration in sanitary quality.

C. Approved backflow prevention devices shall be installed on service connections to any premises where internal cross-connections exist. It shall be the responsibility of the water user to provide, test and maintain protective devices as required at their expense.

13.28.050 Type of Protection.

A. The protection device required shall depend upon the degree of hazard. An air-gap separation or a reduced pressure backflow prevention device shall be used where there is an existing or potential health or system hazard. A double check-valve assembly may be used where there is an existing or potential pollution hazard.

B. The public water system shall be protected at the service connection as provided below. Only those devices on the City of Ceres list of approved backflow prevention assemblies, which is current at the time of the assembly installation, may be used. Backflow prevention assemblies in service at the time of adoption of this Chapter which do not comply with the provisions of this Chapter may continue in use until the assembly is determined to be defective. Any such assembly that is determined to be defective shall be replaced by an assembly that complies with the provisions of this Chapter.

1. At the service connection to any premises where there is allowed an auxiliary water supply, handled in a separate piping system with no known or easily established cross-connection, the public water supply shall be protected by an approved double check-valve assembly. When the auxiliary water supply may be contaminated, an air-gap or an approved reduced pressure principle backflow prevention device shall be installed at the service connection.

2. At the service connection to any premises on which a substance that would be objectionable, but not hazardous to health, if introduced into the public water supply, is handled so as to constitute a cross-connection, the public water supply shall be protected by an approved double check-valve assembly.

3. At the service connection to any premises on which there is an auxiliary water supply where cross-connections are known to exist, and public water supply shall be protected by an approved reduced pressure principle backflow prevention device.

4. At the service connection to any premises on which a material dangerous to health or toxic substance in toxic concentration is or may be handled in such manner as to permit its entry into the water system, the public water supply shall be protected by an air-gap separation. The air-gap shall be located as close as possible to the meter and all piping between the meter and

receiving tank shall be entirely visible. If these conditions cannot be reasonably met, the public water supply shall be protected with an approved reduced pressure principle backflow prevention device, providing the alternative is acceptable to the City the Stanislaus County Health Officer.

5. At the service connection to any sewage treatment plant, sewage pumping station, or stormwater pumping station, the public water supply shall be protected by an air-gap separation. The separation device shall be located as close as possible to the meter and all piping between the meter and receiving tank shall be entirely visible. If these conditions cannot be reasonably met, the public water supply shall be protected with an approved reduced pressure principle backflow prevention device, providing there are no direct connections to sewage pumps or waste lines and this alternative is acceptable to the City or Stanislaus County Health Officer. Final decision in this matter shall rest with the State Department of Public Health.

6. At the service connection to hospitals, medical buildings, mortuaries and other premises where the Health Officer and/or the City determines that a special hazard exists, the public water supply shall be protected by an approved reduced pressure principle backflow device.

7. Where a health or safety hazard exists on a premise by reason of an existing plumbing installation, or lack thereof, the owner or his agent shall install additional plumbing or make such correction as deemed necessary to abate the hazard and bring the plumbing system into compliance with applicable provisions of this Chapter.

C. The property owner or consumer who is responsible for any protective device shall have such device inspected and tested in accordance with requirements of the City or Stanislaus County Health Department. The City shall be furnished with a copy of the test result on an annual basis. Backflow tester shall be qualified and approved by the City of Ceres and the American Water Works Association (AWWA).

13.28.060 Testing and Certification.

The owner and/or operator's premises shall be available for inspection during reasonable hours to authorized representatives of the City of Ceres to determine if protection of the public water system is required at the service connection (s).

A. Any owner and/or operator of a facility or premises where a service connection with a backflow prevention assembly is installed pursuant to this Chapter, shall have each assembly tested at the time of installation and annually thereafter or more often as the City of Ceres may require. All required field testing shall be performed by a person who is currently registered with the City of Ceres as a certified tester.

B. Reports from tests performed on backflow prevention assemblies shall be filed with the City of Ceres before the test due date. In addition, such reports shall provide written notification of any device failure to the City of Ceres within forty-eight (48) hours. Both the owner and the tester shall be responsible for filing the report with the City.

C. The owner and/or operator at their own expense shall repair or replace any defective backflow prevention assembly as specified by the provisions of this Chapter. If at any time a pressure vacuum breaker (PVB) device fails, the City of Ceres shall be notified prior to any repairs being made so that the degree of hazard can be determined for proper protection.

D. When a new device is to be installed due to a failed test or a new installation, all materials and installation requirements shall meet the City of Ceres standard specifications.

1. To be a certified tester with the City of Ceres all the following requirements must be met:

a. Certified testers shall be certified by the American Water Works Association or equivalent and submit their card to the City annually each January.

b. Testers shall have the proper testing equipment that has been calibrated to the manufacturer's specifications within the previous twelve (12) months and proper documentation of such calibration shall be submitted to the City annually each January.

c. Must have an active City of Ceres business license.

d. Any tester found guilty of improperly performing a test, repairs to a device, or installation, shall be removed from the City's certified tester list and shall not be allowed to perform any future backflow testing, repairs, maintenance or installations within the City of Ceres Water System.

E. Field testing procedures shall be conducted pursuant to the latest edition of the "Manual of Cross-Connection Control," published by the University of Southern California, Foundation for Cross Connection Control and Hydraulic Research for which the tester has been certified.

1. For the testing of reduced pressure principle assemblies, pressure vacuum breakers, and double check-valve assemblies: Required equipment shall include a differential pressure gauge incorporating a minimum differential range of 0-15 pounds per square inch (psi) with maximum 0.2 psi graduations.

13.28.070 Failure to Comply.

Failure to comply with any Section of this Chapter may be cause for the discontinuance of water service by the City or the Stanislaus County Department of Public Health. The City shall give notice in writing of any violations of this Chapter to the property owner and consumer. If no action is taken within ten (10) days after such notice has been mailed or delivered in person, the City may discontinue delivery of water. If it is determined by either the City or the Stanislaus County Health Officer that any immediate hazard exists as a result of failure to comply, the City may immediately discontinue service to the premises. Delivery of water shall not be resumed until a protective device has been properly installed and approved as provided in this Section.