

**City Manager's Report**  
**March 27, 2012 City Council Meeting**



**Prepared by: Nathan Stong, Interim Director of Public Works**

**Item #:** 12.3

**Subject:** Receive Draft Ordinances of the City Council Amending Title 7, Chapter 4 “Sewer Regulations” and Chapter 5 “Fats Oils and Grease” of the Placerville City Code, provide any revisions and direction to Staff for future reading of said Ordinances.

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**Discussion:** On May 2, 2006, the State Water Resources Control Board (SWRCB) adopted Order No. 2006-0003-DWQ, “Statewide General Waste Discharge Requirements for Sanitary Sewer Systems” (Order). The Order applies to all agencies in California that own or operate sewer collections systems comprised of more than one (1) mile of pipe or sewer lines, which convey untreated wastewater to a publicly owned treatment facility. The Order places certain requirements on sewer collections systems in the following areas with the primary goal of reducing sanitary sewer overflows (SSOs), which necessitates revisions to the City sewer regulations.

*Mandatory reporting of SSOs.*

Staff has been complying with this requirement since its inception by developing a sewer spill response plan which documents the spill and field responses, and all information is uploaded to the SWRCB database as required.

*Sewer System Management Plan (SSMP)*

The Order requires each agency to prepare a Sewer System Management Plan (SSMP), which is SSMP is a document that describes the goals and activities an agency uses to effectively manage its wastewater collection system. It needs to be tailored to the agency’s specific system, including its organization, equipment, and procedures. The City has contracted with Mr. Ken Holmes, Consulting Engineer with Holmes International to develop an SSMP for the specific needs of the City of Placerville. A draft SSMP was presented to Council at a workshop on February 8<sup>th</sup>, 2012 and to the Measure H Committee on February 29<sup>th</sup>. Comments have been received and will be incorporated into the final version to be brought to the Council for approval following the adoption of revised ordinances.

*Fats, Oils and Grease (FOG)*

A FOG Program is required to be implemented due the number of sewer spills attributable to FOG which have occurred in the City since the Order was adopted. The FOG program will require a change to the city sewer ordinance to stipulate the requirements on Food Service Establishments (FSEs) for kitchen Best Management Practices (BMPs) and grease interceptor installation and maintenance.

Some agencies throughout California and other states have developed a permit requirement for operation of a FSE, to help maintain a list of active FSEs to facilitate inspection schedules and compliance monitoring. However Staff feels that this approach isn’t a good fit for

Placerville as it presents an undue burden on business and City Staff alike and therefore can't recommend such an approach. It is important however to develop clear requirements on prohibition of FOG discharge to the collection system, and therefore a key element of the new program is Section 7-5-8 which states: "Every FSE is required at the time of construction, remodel, and/or change in operations to install, operate and maintain a grease interceptor necessary to maintain compliance with the objectives of this chapter, subject to the waiver provisions of Section 7-5-13." The waiver provisions were carefully considered to provide flexibility in implementation of the program, as there are differences in FSE operations and levels of FOG produced. In addition, a fee option is provided should there be physical constraints to the installation of a grease interceptor.

A key element of the kitchen BMPs in Section 7-5-6 requires employees of FSEs be trained on how to "dry wipe/scrape" pots, pans, dishware and utensils prior to washing, and prohibits the installation of food grinders (garbage disposals).

#### *Design and Construction Standards*

The City has historically utilized the design standards developed by the El Dorado Irrigation District (EID), although no formal adoption has occurred to date. It is proposed to formally adopt EID sewer design standards with the revised ordinances.

#### *Clarification of private sewer lateral limits and maintenance responsibilities*

The entire service lateral is owned and maintained by the property owner(s) from the building(s) to the sewer main. Past practice has been to clear blockages if the service lateral is blocked within the road right of way and a clean-out exists at the property line. A perception has developed that the City is responsible for the portion of the lateral within its right of way. It is reasonable to continue the practice to address the immediate health and safety issues surrounding a sewer spill, however the revised ordinance clearly defines the lateral as privately owned and maintained.

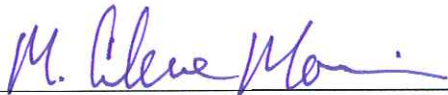
The revised Chapter 4 "Sewer Regulations," is attached as **Exhibit A**, with proposed amendments to code language provided in strikeout-and-underline format attached as **Exhibit B**. The previous Chapter 5 "Cesspools and Septic Tanks" has been merged into Chapter 4, and the revised Chapter 5, now titled "Fats, Oils and Grease (FOG)" is attached as **Exhibit C**.

A notice has been sent out to all food establishments to inform them of the potential changes that could affect them. The notice invites them to review the changes and to attend this meeting if desired.

#### **Budget Impact:**

There is no direct cost impact associated with these ordinance amendments; however there is an increased burden on staff to administer and enforce the FOG program.

**Recommendation:** Receive Draft Ordinances of the City Council Amending Title 7, Chapter 4 "Sewer Regulations" and Chapter 5 "Fats Oils and Grease" of the Placerville City Code, provide any revisions and direction to Staff for future adoption of said Ordinances.

  
M. Cleve Morris, City Manager

  
Nathan Stong, Interim Director of Public Works

Attachments

- A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLACERVILLE, AMENDING TITLE 7, CHAPTER 4 OF THE PLACERVILLE CITY CODE RELATING TO SEWER REGULATIONS
- B. Title 7, Chapter 4 Revisions in strike and underline format
- C. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLACERVILLE, AMENDING TITLE 7, CHAPTER 5 OF THE PLACERVILLE CITY CODE RELATING TO SEWER COLLECTION FACILITIES AND FATS, OILS AND GREASE (FOG). (Note that no strike and underline provided for Chapter 5 as it this replaces the previous Chapter 5, which was merged with Chapter 4, in its entirety)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
PLACERVILLE, AMENDING TITLE 7, CHAPTER 4 OF THE  
PLACERVILLE CITY CODE RELATING TO SEWER REGULATIONS**

The City Council of the City of Placerville does ordain as follows:

Title 7, Chapter 4 of the Placerville City Code shall be amended in its entirety to read:

**7-4-1: DEFINITIONS:**

When used in this chapter, the following words shall have the meanings herein ascribed to them:

**APARTMENTS:** Multiple-family structures, including mobile home parks, containing two (2) or more dwelling units intended for residential use located on any parcel of real property or lot.

**BASE CHARGE:** The minimum bimonthly charge for consumption from one to seven hundred fifty (750) cubic feet.

**BIOCHEMICAL OXYGEN DEMAND (BOD)** analysis provides an estimate of the amount of organic material in a sample of water that can be oxidized by microorganisms under standard conditions. It is used to determine the strength of a wastewater, the efficiency of the wastewater treatment plant processes and to determine the oxygen load that the effluent from the plant has on the receiving water. A sample is incubated for 5 days at 20° C. The reduction in dissolved oxygen concentration during the incubation period yields a measure of biochemical oxygen demand.

**CCF:** A unit of one hundred (100) cubic feet of water delivered to the user as a measure of the estimated volume of wastewater discharged by the user into the wastewater system.

**CESSPOOL:** An excavation into the earth which is used for the reception of sewage or drainage from plumbing fixtures, effluent from septic tanks, together with the water used in carriage of the sewage or drainage but which does not have watertight walls and bottom.

**CITY:** The City of Placerville, a municipal corporation of the State of California.

**CITY SEWER:** Any sewer pipeline or other system appurtenance which is under the jurisdiction of the City, also termed "public sewer."

**COSTS OF SERVICES:** All costs incurred to construct, operate, maintain, and finance the wastewater system, including fixed and variable operations and maintenance costs, debt service, capital costs, and inflow and infiltration costs.

**DIRECTOR:** Shall be the City of Placerville, Director of Public Works or authorized representatives.

**FAST FOOD RESTAURANT:** An establishment that prepares and serves food for consumption but one that does not have a commercial type dishwasher or a commercial type garbage disposal that processes solid waste.

**HEALTH OFFICER:** The health officer of El Dorado County.

**INDUSTRIAL WASTES:** The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

**LIFELINE:** A rate discounted for low income users who qualify for AT&T's Lifeline program and/or Pacific Gas and Electric's CARE program.

**LOWER LATERAL:** The portion of a sewer lateral located within the public right of way connecting an upper lateral to the City's sewer system.

**pH:** The logarithm of the reciprocal of the hydrogen ion concentration in grams per liter of solution. A pH test determines the strength of the acid or alkali in the sewage.

**PROPERLY SHREDDED GARBAGE:** The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

**PRIVY:** A structure used as a toilet under a part or all of which is a vault or pit intended for the reception of human waste material.

**RATE:** The total or component amount of an individual wastewater service charge.

**REST HOMES/HOUSING FACILITIES:** Any facility, place or building which is maintained and operated to provide nonmedical residential care, daycare or house finding agency services for children, adults, or children and adults, including, but not limited to, the developmentally disabled, physically handicapped, mentally disordered, or incompetent persons. A community care facility may provide incidental medical services.

**REVENUE PROGRAM GUIDELINES:** The state water resources control board published guidelines for establishing wastewater rates.

**SEPTIC TANK:** A watertight receptacle which receives the discharge of a drainage system or part thereof, designed and constructed so as to retain solids, digest organic matter through a period of detention, and allow the liquids to discharge into the soil outside the tank through a subsurface drainage system.

**SEWAGE:** Domestic or industrial waste substances, liquid or solid, associated with human habitation, or which contains or may be contaminated with human or animal excrement, offal or any feculent matter, or combination thereof, collected by the City's sewer system and treated at the City's wastewater treatment plant.

**SEWER LATERAL:** The sewer line beginning at the foundation wall of any building and terminating at the sewer main and shall include the upper and lower lateral.

**SEWER MAIN:** A public sewer pipeline designed to receive the flow from more than one sewer lateral.

**SINGLE-FAMILY:** A structure containing a single dwelling unit intended for occupancy by one family and located on a parcel or real property or lot.

**STRENGTH:** Refers to state water resources control board published characteristics for commercial and industrial users, and is a measure of BOD (ppm) and SS (ppm) concentration of discharge to the system.

**TOTAL SUSPENDED SOLIDS (TSS) OR SUSPENDED SOLIDS (SS)** means those solids that either float on the surface of or are in suspension in sewage or other liquids, and which are removable by filtration under standard laboratory procedures and expressed in milligrams per liter. A well-mixed sample is filtered through a weighed standard glass-fiber filter and the residue retained on the filter is dried to a constant weight at 103 to 105° C. The increase in weight of the filter represents the total suspended solids.

**USER CATEGORY:** The various categories used for determining the various rates for wastewater service charges.

**UPPER LATERAL:** That portion of a sewer lateral beginning at the foundation wall of any building or industrial facility and running to the property line.

**UTILITY SERVICE ACCOUNT:** An account established for either water service, wastewater service, or both, for a residential or nonresidential user. (Ord. 1604, 10-25-2005; amd. Ord. 1633, 12-14-2009)

**7-4-2: SEWER RATES:**

The rates to be charged all persons using or required by law to use the wastewater system of the City or any part thereof shall be set from time to time by resolution of the City Council. (Ord. 1604, 10-25-2005)

**7-4-3: BASIS FOR DETERMINING RATES:**

The rates shall meet state and federal requirements that user rates reflect the costs of services. Costs of services are allocated on the basis of effluent flow and strength. (Ord. 1633, 12-14-2009)

(A) User Categories: Each user will be assigned to a category based upon State Water Resources Control Board published industrial characteristics for effluent strength. The user categories are as follows:

Residential users:

Apartment buildings  
Single-family

Nonresidential users:

Bars  
Car washes  
Churches  
Fairgrounds  
Fast food service  
Fire stations  
Halls  
Hospitals  
Hotels/motels  
Laundromats  
Markets  
Mortuaries  
Movie theaters  
Rest homes/housing facilities  
Restaurants  
Retail stores and offices  
Schools  
Service stations (Ord. 1604, 10-25-2005)

(B) Consumption Based Rates: Each user will be charged based upon actual use or consumption. Consumption is determined by the cubic feet of water used as follows:

1. For residential users, the consumption will be determined by each user's wet weather flows during the billing period of December 16 of the preceding year through February 15 of the current year. The first seven hundred fifty (750) cubic feet will be included in the bimonthly base charge. For each cubic foot thereafter, the charge will be based on a per one hundred (100) cubic feet water consumption basis.
2. For nonresidential users, the consumption will be determined by each user's contemporaneous water consumption.
3. For newly established residential accounts, the citywide average residential wet weather water consumption shall be the basis for the first year rates.
4. For those residential users who are not city water customers and use well water, the consumption basis for calculating the rate will be the average residential wet weather flow for a single-family dwelling, or in the event the user is a multi-family dwelling, the average wet weather flows of a comparable dwelling. For those residential users who are not city water customers and purchase water from the El Dorado irrigation district, the consumption basis for calculating rate will be the wet weather flow of the preceding year as reported by the El Dorado irrigation district. (Ord. 1633, 12-14-2009)

(C) Customer Dispute of Bill: In the event any person is dissatisfied with the amount of their bill and believes that they discharge less than one hundred percent (100%) of their metered water through the sewer they may:

1. Install at their own expense and maintain a sewer and/or an irrigation meter in good working order. An irrigation meter will separately measure non-sewer related water consumption thereby reducing the customer's sewer bill. The person desiring to install an irrigation meter must submit an application with the Public Works Department and comply with the provisions of the Department's Irrigation Meter Policy. The meters herein referred to shall be subject to inspection by the Director.
2. Protest to the City Clerk, and the Director shall investigate the percentage of meter water actually discharged through the sewers owned by the person and report the percentage to the City Council.

(D) Council To Adjust Rate: If the council is satisfied, under either of the provisions of subsection (C) of this section, that the percentage of metered water that goes through the user's sewer is less than one hundred percent (100%), it shall fix the percentage and shall adjust the rate of the user according to their actual use, subject to the minimum monthly rate in effect. (Ord. 1604, 10-25-2005)

#### **7-4-4: UTILITY SERVICE CHARGES; WHEN DUE:**

(A) Utility service account payment shall be due upon receipt of invoice. Utility service charges are payable bimonthly and shall become delinquent twenty (20) days from the date of the mailing of the utility account invoice. Delinquent accounts will be subject to a late charge of twenty dollars (\$20.00). Water and sewer service charges are inseparable and the failure to pay either charge on a utility service invoice will result in the termination of water and sewer services. Termination of services shall be pursuant to division 5, chapter 1, article 1, commencing with sections 10009 through 10011 of the Public Utilities Code of the state of California. In the event that a utility service account remains delinquent and a turnoff order is issued, a disconnection/reconnection charge as determined by resolution of the City Council shall be paid for each occasion that the City has to disconnect and/or reconnect service discontinued for nonpayment of utility service invoice. No service which has been discontinued for nonpayment of utility service charges shall be reconnected until all current and delinquent utility charges are paid. In cases when delinquent utility charges remain unpaid, the City shall have the right to lien against the real property and/or cause legal action to be brought against the utility account holder. (Ord. 1633, 12-14-2009)

(B) Notwithstanding the provisions of subsection (A) of this section, a utility service customer may avoid late charges and termination of service by paying one-half ( $1/2$ ) of the invoice amount of utility service charges before the delinquency date as set forth in subsection (A) of this section, and the remaining one-half ( $1/2$ ) of said utility service invoice amount within thirty (30) days after the delinquency date set forth in subsection (A) of this section. In this event, it is the responsibility of the customer to notify the finance department of the City of Placerville of their intent to pay utility service charges pursuant to this subsection. The utility service customer will not receive an additional bill for the remaining fifty percent (50%) of the utility service invoice amount and it will be the customer's responsibility to pay said amount within the thirty (30) day period set forth herein. (Ord. 1604, 10-25-2005)

**7-4-5: UNMETERED WATER:**

(Rep. by Ord. 1604, 10-25-2005)

**7-4-6: NONPAYMENT OF CHARGES; DISCONNECTION:**

(Rep. by Ord. 1604, 10-25-2005)

**7-4-7: RESPONSIBILITY FOR PAYMENT OF CHARGES:**

All utility service accounts and bills shall be recorded in the name of the person(s)/entity requesting utility service. However, when service is provided to a multi-unit residential structure or other similar structures, as set forth in sections 10009 and 10009.1 of the California Public Utilities Code, residential occupants of such structures shall have the right to become customers pursuant to the provisions of sections 10009 and 10009.1 of the California Public Utilities Code. (Ord. 1604, 10-25-2005)

**7-4-8: UTILITY SERVICE DEPOSITS:**

For newly established utility service accounts, or as a condition to reconnecting utility service to an account for which service was terminated for nonpayment of utility service invoice, the applicant may be required, at the discretion of the Finance Director, to deposit a sum of money prior to establishing the account or reconnecting service, which sum shall be based solely on the credit worthiness of the applicant as determined by the Finance Director. Any such deposit shall be subject to the provisions of section 10009.6 of the California Public Utilities Code and shall not exceed twice the estimated average periodic bill. (Ord. 1604, 10-25-2005)

**7-4-9: USERS OUTSIDE CITY LIMITS:**

(A) If there be a request from any one or more persons or government agencies outside of the city to use the sewer system of the City, the City Council shall then consider each such request upon its own merit. Any determination made by the City Council with respect to any requests shall in no way be binding upon the City with respect to any other requests. The City shall in no event consider a request to use the sewer system of the City for the land outside the city which lies outside of the Placerville watershed. The City Council shall consider all requests if the land is being used for residential or governmental purposes. (Ord. 1022, 2-13-1973)

(B) If the city should allow any land outside of the city to hook onto the sewer system of the city, then the following regulations shall apply:

1. Any extensions or upsizing of the city sewer line shall be designed and constructed by and at the expense of the person or persons requesting the sewer service. (Ord. 1011, 6-17-1972)
2. Any sewer line constructed shall be properly designed and constructed as detailed in Section 14 of this chapter.
3. Any sewer line constructed pursuant to this chapter shall be of sufficient size to provide for future connections and shall be properly engineered to permit minimal maintenance. The adequacy of the size shall be determined by the Director. (Ord. 1604, 10-25-2005)
4. The City shall inspect and supervise the installation of any sewer line constructed pursuant to this chapter. The person or persons requesting the sewer line shall pay all charges including overhead to the city for such inspection and supervision. This charge

shall be paid within ten (10) days after the request is made by the City. (Ord. 1011, 6-17-1972)

(C) If any owner of real property receiving sewer services pursuant to this chapter should fail to comply with anything contained in this chapter, the City may then terminate sewer services after thirty (30) day written notice to the property owner with respect to the real property outside the City owned by such defaulting owner. (Ord. 1011, 6-27-1972)

**7-4-10: SEWER FUND:**

All monies received under this chapter shall be used for the repair, replacement and maintenance of the sewer system and all equipment thereof and the extension of the lines thereof within the City, it being the intent and purpose of this chapter to provide funds for the operation of the sewer system without resort to other funds of the City. (Ord. 744, 10-21-1951)

**7-4-11: ENFORCEMENT :**

The Director shall be charged with the administration of the sewerage system and the enforcement of the provisions of this chapter. (Ord. 744, 10-21-1951)

**7-4-12: CONNECTIONS TO SEWER LINE; FEE:**

Any person desiring to make a connection to the City sewer system or to a private sewer line which connects with the City sewer system must first make an application with the Public Works Department and receive a permit from the City. (Ord. 1040, 9-11-1973; amd. Ord. 1119, 5-23-1977)

Each apartment in an apartment house, each separate housing unit in a townhouse or condominium, and each mobilehome within a mobilehome park shall be considered as a separate dwelling unit. (Ord. 1040, 9-11-1973)

For any parcel, unit or lot, or portion of said property which hooks onto a sewer system within any sewer assessment district and which is not or has not been assessed as a part of said sewer assessment district, shall pay an additional connection charge prior to the issuance of a permit for sewer connection in such area. The additional connection charge shall be collected in a sum to be computed by the Director. In determining the charge, the Director shall first make an estimate as to what the charge would have been if that particular parcel of land had been a member of the assessment district at the time the assessment district was formed, and the charge will then be that portion of what would have been the original assessment based upon the ratio of the number of years the bonds still have to run to the original time period. For example, if the assessment bonds still have eight (8) years before they run out and the original time period was fifteen (15) years, then a person desiring to connect to the assessment district would have to pay eight-fifteenths ( $\frac{8}{15}$ ) or fifty three percent (53%) of the cost of the original assessment as an additional connection fee.

Any monies received from the additional connection fee as set forth in this chapter shall only be used for sewer plant upgrades or expansion. (Ord. 1142, 2-14-1978)

**7-4-13: CAPITAL IMPROVEMENT CHARGE:**

In addition to the normal connection charge to a sewer line there shall be a capital improvement charge which shall be paid at the same time the connection charge is paid. The amount of the charge shall be set from time to time by resolution of the City Council.

In the event more than one dwelling unit or business is discharging wastewater through the same connection to the city sewer system, there shall be an additional capital improvement charge in an equal amount for each additional dwelling unit or business.

**7-4-14: DESIGN AND INSTALLATION OF SEWER PIPES; MINIMUM REQUIREMENTS:**

- (A) The design criteria, preparation of plans and specifications, and the construction of all public sewers shall comply with the El Dorado Irrigation District (EID) Sewer Design Standards, Standard Detail Drawings and Technical Specifications, except as specified within the City of Placerville Standard Plans and Specifications.
- (B) The preparation of the plans and specifications shall be by a person or persons, firm, partnership or corporation legally authorized to practice civil engineering in the state of California.
- (C) Where the improvement plans submitted cover only a portion of the ultimate development of the property, a sewer master plan shall be submitted to and approved by the Director that shows how sewage service will be provided to the remainder of the property within the development. If further extension of the sewer system to additional parcels is probable, then a sewer master plan for the entire sewer drainage watershed area shall be submitted to and approved by the Director prior to the submittal of the first set of sewer plans for the development.
- (D) Complete plans and specifications for the proposed improvement must receive approval by the Director before any work is started on construction of the project.
- (E) No alterations shall be made to an approved set of plans or specifications unless such changes, corrections, or additions are resubmitted to the Director for approval, and no modification or deviation from the plans or specifications shall be made during construction without written authorization from the Director.
- (F) All public sewers and all necessary easements or other land rights shall be deeded to the City upon completion of construction and acceptance by the Director. No new connections shall be made to the public sewer prior to the City's acceptance of the improvements as public sewers.

**7-4-15: STORM OR DRAINAGE WATER PROHIBITED:**

It shall be unlawful for any person to discharge or permit the discharge of any water, except sewage water only, including storm drainage or groundwater into any sewer or pipeline or sewer mains of the City. "Drainage" and "storm water" within the meaning of this chapter expressly includes water flowing from the roofs of buildings, creeks, springs and from the surface of lands and also includes irrigation water.

**7-4-16: SEWER SYSTEM EXTENSIONS; REIMBURSEMENT:**

- (A) Persons other than the City may from time to time desire to have the sewer main facilities of the City extended for the purpose of making sewer facilities available to properties lying beyond the existing sewer main facilities. The person desiring to extend the sewer main facilities must make application with the Director requesting that the sewer main facilities be extended and must file with the Director plans and specifications setting forth the manner in which the sewer main facilities are to be extended. The sewer main facilities may be extended by the applicant in the event that the Director approves the application, together with the plans and specifications.
- (B) In the event the Director determines that properties other than the property being developed by the person constructing the sewer facilities benefits from the construction, the City may enter into an appropriate reimbursement agreement with the person constructing the sewer line. Said agreement shall provide that the City shall, but without liability therefor, endeavor to collect by way of connection charges and reimburse to such initial developer so much of the construction costs of said sewer line facilities as may be practicably collected from the property owners on the basis of the extent to which said sewer line shall benefit their respective properties.
- (C) Each reimbursement agreement with the developer shall be authorized by the City Council in the same manner as other contracts. Such reimbursement agreement and the rights therein granted shall be assignable by the person constructing such sewer line in the first instance.
- (D) All rights for reimbursement under any reimbursement agreement shall terminate on the tenth anniversary of the date of the agreement, and the City shall thereafter retain any fees charged for connection to the system.
- (E) The area to be benefited shall be determined by the Director, and a map designating the area to be benefited shall be attached to all reimbursement contracts.
- (F) The determination of benefits may be based either on area or front foot charges, whichever is determined to be most equitable by the Director, and the appropriate allocations of construction costs shall be based upon the benefits to be derived from each parcel of property. The determinations of benefit and allocation of cost by the Director shall be final and conclusive. (Ord. 988, 3-25-1969)
- (G) Fees shall be paid as required by section 4-8-1 of this code to defray the costs incidental to the processing of plans and inspection of such work. (Ord. 1263, 5-26-1981)
- (H) All charges to be made pursuant to this section shall be in addition to the connection fee or fees required by section 7-4-12 of this code. (Ord. 1100, 12-28-1976)
- (I) The developer or applicant shall pay all of the initial costs of constructing an addition to the sewer line as set forth pursuant to this section. The parties within the area that will benefit from the addition to the sewer line shall pay their proportionate share of the cost at such time as they connect to the extension to the sewer line. (Ord. 988, 3-25-1969)

**7-4-17: SEWER SYSTEM EXTENSIONS BY CITY; REIMBURSEMENT:**

- (A) The City may from time to time extend the sewer line facilities of the City for the purpose of making sewer service available to properties lying beyond existing sewer line facilities.

- (B) Where such extensions of sewer line facilities are constructed by the City, the Director shall determine the area and the specific parcels of property which will benefit from each such extension of sewer line facilities, and shall prepare a map designating the area to be benefited.
- (C) The owner of any property determined by the Director to benefit from the extension of sewer line facilities under this section shall, at the time application is made to connect to the sewer line, pay a fee to the City to reimburse the City for that property's proportionate share of the construction costs of the sewer line, including interest at the rate of ten percent (10%) per year from the date the sewer line extension is completed and accepted by the City to the date the fee is paid.
- (D) The determination of benefits may be based either on area or front foot charges, whichever is determined to be most equitable by the Director, and the appropriate allocations of construction costs shall be based upon the benefits to be derived from each parcel of property. The determinations of benefit and allocation of cost by the Director shall be final and conclusive.
- (E) All charges levied pursuant to this section shall be in addition to the connection fee required by section 7-4-12 of this chapter and a capital improvement charge required by section 7-4-13 of this chapter. (Ord. 1421, 8-11-1987)

**7-4-18: REGULATION AND CONTROL OF WASTEWATER DISCHARGES:**

- (A) Wastewater may be discharged into public sewers for collection, treatment, and disposal by the city, provided that such wastewater discharge is in compliance with this chapter and the user pays all applicable city sewer use charges.
- (B) No person shall discharge, or cause to be discharged into a public sewer wastewater which will result in nuisance, or contamination, or pollution in receiving waters.
- (C) No person shall discharge, or cause to be discharged, wastewater into a public sewer if it contains substances or has characteristics which, either alone or by interaction with other wastewaters, cause or threaten to cause:
  - 1. Damage to city facilities.
  - 2. Interference with or impairment of, operation of maintenance of city facilities, including flow overloading.
  - 3. Obstruction of flow in city facilities.
  - 4. Danger to life or safety of any person.
  - 5. Interference with treatment or disposal processes.
  - 6. Flammable or explosive conditions.
  - 7. Wastewater, or any other byproducts of the treatment process to be unsuitable for reclamation and reuse, or to interfere with any processes for reclamation.
  - 8. Noxious or malodorous gases or odors.
  - 9. Discoloration or any other condition in the quality of the city's treatment plant effluent such that water quality requirements cannot be met by the city.

10. Conditions which violate any statute or any rule, regulation, or ordinance of any public agency.

- (D) It is unlawful for any person to transport domestic sewage, septic tank or cesspool cleanings, sludge, or any other polluted waste waters into the city, except as authorized by the Director and health officer.
- (E) It is unlawful for any person to make a connection with or opening into, use, alter, or disturb any sanitary sewer or appurtenance thereof without first obtaining a written permit from the Director.
- (F) It is unlawful for any person willfully to break, damage, destroy, uncover, deface, or tamper with any sewer, structure, appurtenance, or equipment which is a part of the City's sewer system including the City's pumping stations or the City's wastewater treatment plant.
- (G) It is unlawful for any person willfully to obstruct, or cause to be obstructed, any sewer in such a manner as to impede the natural flow of sewage through or from such sewer.
- (H) No person shall discharge cooling water, any unpolluted water from a production, manufacturing, or processing operation, or treated groundwater (from a groundwater remediation site) without obtaining permission from the Director.
- (I) The connection of the drain from any swimming or wading pool to a sanitary sewer shall be prohibited unless required by the health officer and approved by the Director.
- (J) No person shall connect, or cause to be connected, the outlet of a cesspool, septic tank, or a drain there from to any sanitary sewer.
- (K) It shall be unlawful to dispose of material pumped from septic tanks and grease trap/interceptors in the sewerage system except at the times and places and in the manner directed by the Director.
- (L) No person shall discharge or cause to be discharged into a public sewer the following:
  1. Any water or waste having a pH lower than 5.0, greater than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the City.
  2. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit;
  3. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit;
  4. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the Director;
  5. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not;
  6. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage

at the sewage treatment plant exceeds the limits established by the director for such materials;

7. Any waters or wastes containing phenols or other waste or odor-producing substances, in such concentrations exceeding limits which may be established by the Director as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters;
8. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director in compliance with applicable state or federal regulations;
9. Materials which exert or cause:
  - a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate),
  - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions),
  - c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works,
  - d. Unusual volume of flow or concentration of wastes constituting slugs as defined herein;
10. Those pesticides and other toxic pollutants in toxic amounts, as determined by the administrator of the environmental protection agency in accordance with the federal act, such other federal or state act as may be applicable and as further designated from time to time by the Director, including the following substances or materials containing these substances:
  - (a) Aldrin, dieldrin,
  - (b) Benzidine,
  - (c) Cadmium,
  - (d) Cyanide,
  - (e) DDD, DDE, DDT,
  - (f) Endrin,
  - (g) Mercury,
  - (h) Polychlorinate biphenyls (PCBs), and
  - (i) Toxaphene.
11. Any ashes, cinders, sand, silt, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or obstruction to flow in sewers or other interference with proper operation or maintenance of the sewerage system.

12. Any discharges of such quantities or such qualities that they are not amendable to adequate treatment or reduction by the sewage treatment process employed.
  13. Discharges prohibited by the environmental protection agency regulations promulgated under the federal act.
- (M) If the waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection D of this section, and which, in the judgment of the Director, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the director may:
1. Reject the wastes;
  2. Require pretreatment to an acceptable condition for discharge to the public sewers;
  3. Require control over the quantities and rates of discharge; and/or
  4. Require payment to cover the added cost of handling and treating the wastes not covered by sewer charges under the provisions of subsection J of this section. If the director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Director, and subject to the requirements of all applicable codes, ordinances and laws.
- (N) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter, shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out in the customarily accepted methods to reflect the effect of constituents upon the sewer works and to determine the existence of hazards of life, limb and property.
- (O) It shall be unlawful for any person to willfully break, damage, destroy, uncover, deface, or tamper with any sewer, structure, appurtenance, or equipment which is a part of the sewerage system of the city. Any violation shall be subject to penalty section 1-4-5 of this code. (Ord. 1421, 8-11-1987)

#### **7-4-19 RESPONSIBILITY OF THE PROPERTY OWNER**

- (A) Every parcel controlled by one owner shall have a sewer lateral from the parcel to the city sewer system. The city shall not be responsible for any construction, repair or maintenance for any sewer line other than the city's sewer mains.
- (B) When a Public Sewer is constructed by a property owner and offered to the City for maintenance and operation, and said Public Sewer is not within a public right of way, a public sewer easement shall be granted to the City. Said easement shall be for pipeline purposes and incidentals thereto, including the construction and maintenance of gravity or pressure sewer lines, together with the right of ingress and egress, upon, over, under and across the property it is constructed upon. Current and future property owners shall keep the

easement free of permanent structures, debris, parked vehicles or trailers, trees, tall landscaping, or any other objects that could obstruct ingress and egress on, over and across the property.

- (C) It shall be the responsibility of the property owner requesting a sewer connection to bring his sewer lateral to the City's sewer main where the connection is to be made.
- (D) The connection of the sewer lateral into the public sewer shall conform to the requirements of the building and plumbing code and other applicable rules and regulations of the City. All connections shall be made gas-tight and water-tight. A cleanout shall be installed at the property line. The cleanout shall be in an approved box and shall be easily accessible. The sewer lateral and cleanout shall be maintained by the property owner.
- (E) Upon payment of the applicable building, water and sewer fees, the Director shall approve the location of all water and sewer connection sites before the necessary permits are issued, and all new connections or changes in existing connections must be inspected by an authorized representative of the City before the sewer and water lines are backfilled. (Ord. 1040, 9-11-1973)
- (F) When a sewer lateral is not available, the installation of the sewer lateral and the connection to the public sewer shall be done only by a contractor licensed by the state of California to do this type of work. Such contractor also shall possess a current business license issued by the City and have on deposit with the City a Surety Bond in a form approved by the City in the sum of twenty thousand dollars (\$20,000.00) to guarantee the faithful performance of all terms and conditions of the city. Construction shall be as follows:
  - a. The Director shall be notified forty-eight (48) hours, not including weekends and holidays, in advance before a connection is made to a public sewer, and in no case shall the sewer lateral and connection be covered until the work has been inspected.
  - b. Construction operations shall be conducted in such a manner as to cause as little inconvenience as possible to abutting property owners and the traveling public. The contractor shall furnish, erect, and maintain such lights, signs, barricades, and other devices as are necessary to prevent accidents. The contractor shall obtain all necessary permits to complete the work.
- (G) The sewer lateral, whether installed at the time the public sewer is constructed or not, shall be installed and maintained at the sole expense of the property owner. The City is responsible for maintenance only of the Public Sewer.
- (H) No person shall make connection of roof downspouts, exterior foundation drains, stormwater drains, or other sources of surface runoff or groundwater to a sewer lateral which, in turn, is connected directly or indirectly to a public sewer.
- (I) For all industrial zoned and commercial properties that could produce high strength/flow sewage, the Owner shall construct a Metering/Sampling Manhole near the property line where the building sewer connects with the service sewer when required by the Director. Said Metering/Sampling Manhole shall be constructed in accordance with a standard plan approved by the Director and shall be constructed at the sole expense of the Owner. For properties currently connected to the public sewer that do not have Metering/Sampling

Manholes, the owner shall construct a Metering/Sampling Manhole at his/her expense when directed by the Director.

- (J) Where there is no city sewer main adjacent to the property line, then it shall be the responsibility of the property owner to extend the public sewer line to the city sewer main in accordance with city standards.

#### **7-4-20 VIOLATIONS AND PENALTIES**

- A. Any person violating any of the provisions of this article, or any amendments thereto, shall be served with a written notice by the Director, (except as provided in subsection B of this section), stating the nature of the violation and fixing a time limit for the satisfactory correction thereof.
- B. If the Director determines that a violation of any of the provisions of this article, or any amendments thereto, results in the immediate threat of a public hazard or an immediate menace to the public health or safety, the Director may enter the premises without notice and do everything necessary to abate such hazard or menace to the public health or safety. The actual cost incurred by the Director in taking such abatement action shall be a legal charge against the violator.
- C. Any person willfully violating any of the foregoing provisions of this article, or any amendments thereto, or who shall continue the violation beyond the time specified in the notice to correct such violation, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than one thousand dollars (\$1,000.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.
- D. The violator of any of the provisions of this article, or any amendments thereto, shall become liable to the city for expense, loss, or damage to the city by reason of such violation.

#### **7-4-21: CESSPOOLS AND PRIVIES PROHIBITED:**

It shall be unlawful for any person to construct, use or allow to remain a cesspool or privy, on any property, place of business, residence or building in the city. (Ord. 772, 1-19-1956)

#### **7-4-22: SEPTIC TANKS; PERMIT REQUIRED:**

It shall be unlawful for any person to construct a septic tank in the city unless because of the terrain it is not feasible to connect with the city sewer system, and in that event, a permit must be first obtained from the community development director. When connection to the city sewer system is not feasible, a building permit shall not be issued until the proposed building site is inspected and approved by the county or city health officer and all county regulations regarding septic tanks have been complied with. Upon presentation of an approved, numbered septic tank permit issued by an authorized city or county health officer, a building permit may be issued by the duly authorized representative of the city showing thereon the approved septic tank permit number. (Ord. 1119, 8-23-1977)

The above Ordinance was introduced at a regular meeting of the City Council of the City of Placerville held on March 27, 2012, by Council member \_\_\_\_\_, and it was read for the first time. The Ordinance was read for the second time on April 10, 2012 and

Councilmember \_\_\_\_\_ moved its adoption. The motion was seconded by Councilmember \_\_\_\_\_. A poll vote was taken, which stood as follows:

AYES:

NOES:

ABSENT:

ABSTAIN:

The Motion having a majority vote of "AYE", the Ordinance was declared to have been adopted and it was so ordered.

\_\_\_\_\_  
Mayor Mark A. Acuna

Attest:

\_\_\_\_\_  
Susan Zito, City Clerk

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
PLACERVILLE, AMENDING TITLE 7, CHAPTER 4 OF THE  
PLACERVILLE CITY CODE RELATING TO SEWER REGULATIONS**

The City Council of the City of Placerville does ordain as follows:

Title 7, Chapter 4 of the Placerville City Code shall be amended in its entirety to read:

**7-4-1: DEFINITIONS:**

When used in this chapter, the following words shall have the meanings herein ascribed to them:

**APARTMENTS:** Multiple-family structures, including mobile home parks, containing two (2) or more dwelling units intended for residential use located on any parcel of real property or lot.

**BASE CHARGE:** The minimum bimonthly charge for consumption from one to seven hundred fifty (750) cubic feet.

BIOCHEMICAL OXYGEN DEMAND (BOD) analysis provides an estimate of the amount of organic material in a sample of water that can be oxidized by microorganisms under standard conditions. It is used to determine the strength of a wastewater, the efficiency of the wastewater treatment plant processes and to determine the oxygen load that the effluent from the plant has on the receiving water. A sample is incubated for 5 days at 20° C. The reduction in dissolved oxygen concentration during the incubation period yields a measure of biochemical oxygen demand.

**CCF:** A unit of one hundred (100) cubic feet of water delivered to the user as a measure of the estimated volume of wastewater discharged by the user into the wastewater system.

CESSPOOL: An excavation into the earth which is used for the reception of sewage or drainage from plumbing fixtures, effluent from septic tanks, together with the water used in carriage of the sewage or drainage but which does not have watertight walls and bottom.

CITY: The City of Placerville, a municipal corporation of the State of California.

CITY SEWER: Any sewer pipeline or other system appurtenance which is under the jurisdiction of the City, also termed "public sewer."

**COSTS OF SERVICES:** All costs incurred to construct, operate, maintain, and finance the wastewater system, including fixed and variable operations and maintenance costs, debt service, capital costs, and inflow and infiltration costs.

DIRECTOR: Shall be the City of Placerville, Director of Public Works or authorized representatives.

**FAST FOOD RESTAURANT:** An establishment that prepares and serves food for consumption but one that does not have a commercial type dishwasher or a commercial type garbage disposal that processes solid waste.

HEALTH OFFICER: The health officer of El Dorado County.

INDUSTRIAL WASTES: The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

**LIFELINE:** A rate discounted for low income users who qualify for AT&T's Lifeline program and/or Pacific Gas and Electric's CARE program.

LOWER LATERAL: The portion of a sewer lateral located within the public right of way connecting an upper lateral to the City's sewer system.

pH: The logarithm of the reciprocal of the hydrogen ion concentration in grams per liter of solution. A pH test determines the strength of the acid or alkali in the sewage.

PROPERLY SHREDDED GARBAGE: The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

PRIVY: A structure used as a toilet under a part or all of which is a vault or pit intended for the reception of human waste material.

**RATE:** The total or component amount of an individual wastewater service charge.

**REST HOMES/HOUSING FACILITIES:** Facilities designed to provide housing to multiple persons, excluding apartments, such as rest homes, convalescent, boarding houses, dormitories, etc.

**REVENUE PROGRAM GUIDELINES:** The state water resources control board published guidelines for establishing wastewater rates.

SEPTIC TANK: A watertight receptacle which receives the discharge of a drainage system or part thereof, designed and constructed so as to retain solids, digest organic matter through a period of detention, and allow the liquids to discharge into the soil outside the tank through a subsurface drainage system.

SEWAGE: Domestic or industrial waste substances, liquid or solid, associated with human habitation, or which contains or may be contaminated with human or animal excrement, offal or any feculent matter, or combination thereof, collected by the City's sewer system and treated at the City's wastewater treatment plant.

SEWER LATERAL: The sewer line beginning at the foundation wall of any building and terminating at the sewer main and shall include the upper and lower lateral.

SEWER MAIN: A public sewer pipeline designed to receive the flow from more than one sewer lateral.

SINGLE-FAMILY: A structure containing a single dwelling unit intended for occupancy by one family and located on a parcel or real property or lot.

STRENGTH: Refers to state water resources control board published characteristics for commercial and industrial users, and is a measure of BOD (ppm) and SS (ppm) concentration of discharge to the system.

TOTAL SUSPENDED SOLIDS (TSS) OR SUSPENDED SOLIDS (SS) means those solids that either float on the surface of or are in suspension in sewage or other liquids, and which are removable by filtration under standard laboratory procedures and expressed in milligrams per liter. A well-mixed sample is filtered through a weighed standard glass-fiber filter and the residue retained on the filter is dried to a constant weight at 103 to 105° C. The increase in weight of the filter represents the total suspended solids.

USER CATEGORY: The various categories used for determining the various rates for wastewater service charges.

UPPER LATERAL: That portion of a sewer lateral beginning at the foundation wall of any building or industrial facility and running to the property line.

UTILITY SERVICE ACCOUNT: An account established for either water service, wastewater service, or both, for a residential or nonresidential user. (Ord. 1604, 10-25-2005; amd. Ord. 1633, 12-14-2009)

#### **7-4-2: SEWER RATES:**

The rates to be charged all persons using or required by law to use the wastewater system of the City or any part thereof shall be set from time to time by resolution of the City Council. (Ord. 1604, 10-25-2005)

#### **7-4-3: BASIS FOR DETERMINING RATES:**

The rates shall meet state and federal requirements that user rates reflect the costs of services. Costs of services are allocated on the basis of effluent flow and strength. (Ord. 1633, 12-14-2009)

(A) User Categories: Each user will be assigned to a category based upon sState wWater rResources eControl bBoard published industrial characteristics for effluent strength. The user categories are as follows:

Residential users:

Apartment buildings  
Single-family

Nonresidential users:

Bars  
Car washes  
Churches  
Fairgrounds  
Fast food service  
Fire stations  
Halls  
Hospitals  
Hotels/motels  
Laundromats  
Markets  
Mortuaries  
Movie theaters  
Rest homes/housing facilities  
Restaurants  
Retail stores and offices  
Schools  
Service stations (Ord. 1604, 10-25-2005)

(B) Consumption Based Rates: Each user will be charged based upon actual use or consumption. Consumption is determined by the cubic feet of water used as follows:

1. For residential users, the consumption will be determined by each user's wet weather flows during the billing period of December 16 of the preceding year through February 15 of the current year. The first seven hundred fifty (750) cubic feet will be included in the bimonthly base charge. For each cubic foot thereafter, the charge will be based on a per one hundred (100) cubic feet water consumption basis.
2. For nonresidential users, the consumption will be determined by each user's contemporaneous water consumption.
3. For newly established residential accounts, the citywide average residential wet weather water consumption shall be the basis for the first year rates.
4. For those residential users who are not city water customers and use well water, the consumption basis for calculating the rate will be the average residential wet weather flow for a single-family dwelling, or in the event the user is a multi-family dwelling, the average wet weather flows of a comparable dwelling. For those residential users who are not city water customers and purchase water from the El Dorado irrigation district, the consumption basis for calculating rate will be the wet weather flow of the preceding year as reported by the El Dorado irrigation district. (Ord. 1633, 12-14-2009)

(C) Customer Dispute of Bill: In the event any person is dissatisfied with the amount of their bill and believes that they discharge less than one hundred percent (100%) of their metered water through the sewer they may:

1. Install at their own expense and maintain a sewer and/or an irrigation meter in good working order. An irrigation meter will separately measure non-sewer related water consumption thereby reducing the customer's sewer bill. The person desiring to install an irrigation meter must submit an application with the Public Works Department and

comply with the provisions of the Department's Irrigation Meter Policy. The meters herein referred to shall be subject to inspection by the Director.

2. Protest to the City Clerk, and the Director of ~~Public Works~~ shall investigate the percentage of meter water actually discharged through the sewers owned by the person and report the percentage to the eCity eCouncil. ~~The meters herein referred to shall be subject to inspection by the Director of Public Works.~~

(D) Council To Adjust Rate: If the council is satisfied, under either of the provisions of subsection (C) of this section, that the percentage of metered water that goes through the user's sewer is less than one hundred percent (100%), it shall fix the percentage and shall adjust the rate of the user according to their actual use, subject to the minimum monthly rate in effect. (Ord. 1604, 10-25-2005)

#### **7-4-4: UTILITY SERVICE CHARGES; WHEN DUE:**

(A) Utility service account payment shall be due upon receipt of invoice. Utility service charges are payable bimonthly and shall become delinquent twenty (20) days from the date of the mailing of the utility account invoice. Delinquent accounts will be subject to a late charge of twenty dollars (\$20.00). Water and sewer service charges are inseparable and the failure to pay either charge on a utility service invoice will result in the termination of water and sewer services. Termination of services shall be pursuant to division 5, chapter 1, article 1, commencing with sections 10009 through 10011 of the Public Utilities Code of the state of California. In the event that a utility service account remains delinquent and a turnoff order is issued, a disconnection/reconnection charge as determined by resolution of the City Council shall be paid for each occasion that the City has to disconnect and/or reconnect service discontinued for nonpayment of utility service invoice. No service which has been discontinued for nonpayment of utility service charges shall be reconnected until all current and delinquent utility charges are paid. In cases when delinquent utility charges remain unpaid, the City shall have the right to lien against the real property and/or cause legal action to be brought against the utility account holder. ~~When a previous tenant leaves without paying a delinquent utility invoice, the City may require that subsequent service be furnished under the name of the owner on record of real property or his/her agent.~~ (Ord. 1633, 12-14-2009)

(B) Notwithstanding the provisions of subsection (A) of this section, a utility service customer may avoid late charges and termination of service by paying one-half ( $\frac{1}{2}$ ) of the invoice amount of utility service charges before the delinquency date as set forth in subsection (A) of this section, and the remaining one-half ( $\frac{1}{2}$ ) of said utility service invoice amount within thirty (30) days after the delinquency date set forth in subsection (A) of this section. In this event, it is the responsibility of the customer to notify the finance department of the City of Placerville of their intent to pay utility service charges pursuant to this subsection. The utility service customer will not receive an additional bill for the remaining fifty percent (50%) of the utility service invoice amount and it will be the customer's responsibility to pay said amount within the thirty (30) day period set forth herein. (Ord. 1604, 10-25-2005)

**7-4-5: UNMETERED WATER:**

(Rep. by Ord. 1604, 10-25-2005)

**7-4-6: NONPAYMENT OF CHARGES; DISCONNECTION:**

(Rep. by Ord. 1604, 10-25-2005)

**7-4-7: RESPONSIBILITY FOR PAYMENT OF CHARGES:**

All utility service accounts and bills shall be recorded in the name of the person(s)/entity requesting utility service. However, when service is provided to a multi-unit residential structure or other similar structures, as set forth in sections 10009 and 10009.1 of the California Public Utilities Code, residential occupants of such structures shall have the right to become customers pursuant to the provisions of sections 10009 and 10009.1 of the California Public Utilities Code. (Ord. 1604, 10-25-2005)

**7-4-8: UTILITY SERVICE DEPOSITS:**

For newly established utility service accounts, or as a condition to reconnecting utility service to an account for which service was terminated for nonpayment of utility service invoice, the applicant may be required, at the discretion of the Finance Director, to deposit a sum of money prior to establishing the account or reconnecting service, which sum shall be based solely on the credit worthiness of the applicant as determined by the Finance Director. Any such deposit shall be subject to the provisions of section 10009.6 of the California Public Utilities Code and shall not exceed twice the estimated average periodic bill. (Ord. 1604, 10-25-2005)

**7-4-9: USERS OUTSIDE CITY LIMITS:**

(A) If there be a request from any one or more persons or government agencies outside of the city to use the sewer system of the City, the City Council shall then consider each such request upon its own merit. Any determination made by the City Council with respect to any requests shall in no way be binding upon the City with respect to any other requests. The City shall in no event consider a request to use the sewer system of the City for the land outside the city which lies outside of the Placerville watershed. The City Council shall consider all requests if the land is being used for residential or governmental purposes. (Ord. 1022, 2-13-1973)

(B) If the city should allow any land outside of the city to hook onto the sewer system of the city, then the following regulations shall apply:

1. Any extensions or upsizing of the city sewer line shall be designed and constructed by and at the expense of the person or persons requesting the sewer service. (Ord. 1011, 6-17-1972)
2. Any sewer line constructed shall be properly designed and constructed as detailed in Section 14 of this chapter.
3. Any sewer line constructed pursuant to this chapter shall be of sufficient size to provide for future connections and shall be properly engineered to permit minimal maintenance. The adequacy of the size shall be determined by the ~~city engineer~~ Director. (Ord. 1604, 10-25-2005)
4. The City shall inspect and supervise the installation of any sewer line constructed pursuant to this chapter. The person or persons requesting the sewer line shall pay all

charges including overhead to the city for such inspection and supervision. This charge shall be paid within ten (10) days after the request is made by the City. (Ord. 1011, 6-17-1972)

~~5. Anybody receiving sewer services pursuant to this chapter shall pay two (2) times the normal connection charges. (Ord. 1105, 2-22-1927)~~

~~6. Additionally, anybody receiving sewer services as established by this chapter shall pay the City an in lieu tax equal to that which a person who is a resident of the city would pay for services received which are not available outside the city. The amount of such in lieu tax shall be computed each year by the City for each person receiving sewer services under the provisions of this chapter. At the option of the City this charge could be paid either monthly with the sewer service charge or semiannually on the tax bill.~~

~~(C) Anybody requesting a sewer service to the City as set forth in this chapter shall file a written statement with the City that he shall agree to any future proposed annexation to the City of the land receiving sewer services if requested to do so by the City. If any future property owner of the land refuses to sign a petition to annex to the City, the sewer service may be terminated by the City by giving the property owner thirty (30) days prior written notice that if he doesn't sign the petition his sewer service will be terminated.~~

~~(D) If any owner of real property receiving sewer services pursuant to this chapter should fail to comply with anything contained in this chapter, the City may then terminate sewer services after thirty (30) day written notice to the property owner with respect to the real property outside the City owned by such defaulting owner. (Ord. 1011, 6-27-1972)~~

#### **7-4-10: SEWER FUND:**

All monies received under this chapter shall be used for the repair, replacement and maintenance of the sewer system and all equipment thereof and the extension of the lines thereof within the City, it being the intent and purpose of this chapter to provide funds for the operation of the sewer system without resort to other funds of the City. (Ord. 744, 10-21-1951)

#### **7-4-11: ENFORCEMENT BY SUPERINTENDENT:**

The superintendent of public works Director shall be charged with the administration of the sewerage system and the enforcement of the provisions of this chapter. (Ord. 744, 10-21-1951)

#### **7-4-12: CONNECTIONS TO SEWER LINE; FEE:**

Any person desiring to make a connection to the sewer line of the city City sewer system or to a private sewer line which connects with the sewer line of the city City sewer system must first make an application with the clerk Public Works Department and receive a permit from the superintendent of public works City. (Ord. 1040, 9-11-1973; amd. Ord. 1119, 5-23-1977)

~~Every parcel controlled by one owner shall have a service from the parcel to the city sewer line. The city shall not be responsible for any construction, repair or maintenance for any sewer line~~

~~other than the city's sewer lines. The city sewer line shall either be on city property or on an easement which has been acquired by the city.~~

Each apartment in an apartment house, each separate housing unit in a townhouse or condominium, and each mobilehome within a mobilehome park shall be considered as a separate dwelling unit. (Ord. 1040, 9-11-1973)

~~There shall be a one thousand dollar (\$1,000.00) right of service fee paid to the City for each connection made to the City's sewer system.~~

~~In the event more than one dwelling unit or business is discharging wastewater through the same connection to the City sewer system, there shall be an additional right of service fee of seven hundred fifty dollars (\$750.00) per dwelling unit or business. (Ord. 1459, 7-11-1989)~~

~~The fees set forth in this section shall be for the privilege of using the City sewer treatment facilities. (Ord. 1040, 9-11-1973)~~

For any parcel, unit or lot, or portion of said property which hooks onto a sewer system within any sewer assessment district and which is not or has not been assessed as a part of said sewer assessment district, shall pay an additional connection charge prior to the issuance of a permit for sewer connection in such area. The additional connection charge shall be collected in a sum to be computed by the ~~city engineer~~ Director. In determining the charge, the ~~city engineer~~ Director shall first make an estimate as to what the charge would have been if that particular parcel of land had been a member of the assessment district at the time the assessment district was formed, and the charge will then be that portion of what would have been the original assessment based upon the ratio of the number of years the bonds still have to run to the original time period. For example, if the assessment bonds still have eight (8) years before they run out and the original time period was fifteen (15) years, then a person desiring to connect to the assessment district would have to pay eight-fifteenths ( $\frac{8}{15}$ ) or fifty three percent (53%) of the cost of the original assessment as an additional connection fee.

Any monies received from the additional connection fee as set forth in this chapter shall only be used for sewer plant upgrades or expansion. (Ord. 1142, 2-14-1978)

~~All connections to the city sewer main shall be made by the city.~~

~~It shall be the responsibility of the property owner requesting a sewer connection to bring his sewer line to the property line adjacent to the city sewer main where the connection is to be made.~~

~~Where there is no city sewer main adjacent to the property line, then it shall be the responsibility of the property owner to extend the sewer line to the city sewer main in accordance with city standards.~~

~~Upon payment of the applicable building, water and sewer fees, the superintendent of public works shall approve the location of all water and sewer connection sites before the necessary permits are issued, and all new connections or changes in existing connections must be inspected~~

by the superintendent of public works before the sewer and water lines are backfilled. (Ord. 1040, 9-11-1973)

Extensions of sewer laterals from the city main to the customer's property line shall be at the customer's cost. The customer shall make a deposit based upon a cost estimate by the city. After completion of the installation, the public works superintendent shall submit an invoice based on actual materials, labor and equipment used and charge this against the deposit. If the deposit is too large, the customer will be refunded the difference; if it is too small, the customer must pay the difference.

It shall be the responsibility of the property owner requesting a sewer connection (where the only sewer available to the city's sewer system would be through a privately owned sewer service), to get written consent from the owner or owners of the private sewer for permission to use their sewer service line to get to the city's sewer main, and this written consent shall be presented to the public works superintendent before the sewer application can be considered. (Ord. 1147, 2-14-1978)

#### **7-4-13: CAPITAL IMPROVEMENT CHARGE:**

In addition to the normal connection charge to a sewer line there shall be a capital improvement charge of one thousand dollars (\$1,000.00) which shall be paid at the same time the connection charge is paid. The amount of the charge shall be set from time to time by resolution of the City Council.

In the event more than one dwelling unit or business is discharging wastewater through the same connection to the city sewer system, there shall be an additional capital improvement charge of one thousand dollars (\$1,000.00) per dwelling unit or seven hundred fifty dollars (\$750.00) per business commencing with the second dwelling unit or business in an equal amount for each additional dwelling unit or business.

#### **7-4-14: DESIGN AND INSTALLATION OF SEWER PIPES; MINIMUM REQUIREMENTS:**

All sewer pipes hereafter laid on any street or city right of way shall be no less than six inches (6") inside diameter. These sewer lines shall be minimum class two thousand four hundred (2,400).

All sewer pipes laid from the property line of any lot to a sewer line in any city street or right of way shall be no less than four inches (4") inside diameter. These sewer pipes shall be minimum class one thousand five hundred (1,500). (Ord. 1040, 9-11-1973)

(A) The design criteria, preparation of plans and specifications, and the construction of all public sewers shall comply with the El Dorado Irrigation District (EID) Sewer Design Standards, Standard Detail Drawings and Technical Specifications, except as specified within the City of Placerville Standard Plans and Specifications.

(B) The preparation of the plans and specifications shall be by a person or persons, firm, partnership or corporation legally authorized to practice civil engineering in the state of California.

- (C) Where the improvement plans submitted cover only a portion of the ultimate development of the property, a sewer master plan shall be submitted to and approved by the Director that shows how sewage service will be provided to the remainder of the property within the development. If further extension of the sewer system to additional parcels is probable, then a sewer master plan for the entire sewer drainage watershed area shall be submitted to and approved by the Director prior to the submittal of the first set of sewer plans for the development.
- (D) Complete plans and specifications for the proposed improvement must receive approval by the Director before any work is started on construction of the project.
- (E) No alterations shall be made to an approved set of plans or specifications unless such changes, corrections, or additions are resubmitted to the Director for approval, and no modification or deviation from the plans or specifications shall be made during construction without written authorization from the Director.
- (F) All public sewers and all necessary easements or other land rights shall be deeded to the City upon completion of construction and acceptance by the Director. No new connections shall be made to the public sewer prior to the City's acceptance of the improvements as public sewers.

**7-4-15: STORM OR DRAINAGE WATER PROHIBITED:**

It shall be unlawful for any person to discharge or permit the discharge of any water, except sewage water only, including storm or drainage water drainage or groundwater into any sewer or pipeline or ditch emptying or flowing into any of the sewer mains of the City.; ~~it shall also be unlawful for any person to discharge any water, except sewage water only, into any of the sewer mains or sewer lines of the City. "Sewage water" within the meaning of this chapter shall be water used in buildings and dwelling houses for domestic and sanitary purposes. "Drainage" and "storm water" within the meaning of this chapter expressly includes water flowing from the roofs of buildings, creeks, springs and from the surface of lands and also includes irrigation water.~~

**7-4-16: SEWER SYSTEM EXTENSIONS; REIMBURSEMENT:**

- (A) Persons other than the City may from time to time desire to have the sewer main facilities of the City extended for the purpose of making sewer facilities available to properties lying beyond the existing sewer main facilities. The person desiring to extend the sewer main facilities must make application with the ~~city-engineer~~ Director requesting that the sewer main facilities be extended and must file with the ~~city-engineer~~ Director plans and specifications setting forth the manner in which the sewer main facilities are to be extended. The sewer main facilities may be extended by the applicant in the event that the ~~city-engineer~~ Director approves the application, together with the plans and specifications.
- (B) In the event the ~~city-engineer~~ Director determines that properties other than the property being developed by the person constructing the sewer facilities benefits from the construction, the City may enter into an appropriate reimbursement agreement with the person constructing the sewer line. Said agreement shall provide that the City shall, but without liability therefor, endeavor to collect by way of connection charges and reimburse to such initial developer so much of the construction costs of said sewer line facilities as may be

practicably collected from the property owners on the basis of the extent to which said sewer line shall benefit their respective properties.

- (C) Each reimbursement agreement with the developer shall be authorized by the City Council in the same manner as other contracts. Such reimbursement agreement and the rights therein granted shall be assignable by the person constructing such sewer line in the first instance.
- (D) All rights for reimbursement under any reimbursement agreement shall terminate on the tenth anniversary of the date of the agreement, and the City shall thereafter retain any fees charged for connection to the system.
- (E) The area to be benefited shall be determined by the ~~city-engineer~~ Director, and a map designating the area to be benefited shall be attached to all reimbursement contracts.
- (F) The determination of benefits may be based either on area or front foot charges, whichever is determined to be most equitable by the ~~city-engineer~~ Director, and the appropriate allocations of construction costs shall be based upon the benefits to be derived from each parcel of property. The determinations of benefit and allocation of cost by the ~~city-engineer~~ Director shall be final and conclusive. (Ord. 988, 3-25-1969)
- (G) Fees shall be paid as required by section 4-8-1 of this code to defray the costs incidental to the processing of plans and inspection of such work. (Ord. 1263, 5-26-1981)
- (H) All charges to be made pursuant to this section shall be in addition to the connection fee or fees required by section 7-4-12 of this code. (Ord. 1100, 12-28-1976)
- (I) The developer or applicant shall pay all of the initial costs of constructing an addition to the sewer line as set forth pursuant to this section. The parties within the area that will benefit from the addition to the sewer line shall pay their proportionate share of the cost at such time as they connect to the extension to the sewer line. (Ord. 988, 3-25-1969)

**7-4-17: SEWER SYSTEM EXTENSIONS BY CITY; REIMBURSEMENT:**

- (A) The City may from time to time extend the sewer line facilities of the City for the purpose of making sewer service available to properties lying beyond existing sewer line facilities.
- (B) Where such extensions of sewer line facilities are constructed by the City, the ~~city-engineer~~ Director shall determine the area and the specific parcels of property which will benefit from each such extension of sewer line facilities, and shall prepare a map designating the area to be benefited.
- (C) The owner of any property determined by the ~~city-engineer~~ Director to benefit from the extension of sewer line facilities under this section shall, at the time application is made to connect to the sewer line, pay a fee to the City to reimburse the City for that property's proportionate share of the construction costs of the sewer line, including interest at the rate of ten percent (10%) per year from the date the sewer line extension is completed and accepted by the City to the date the fee is paid.
- (D) The determination of benefits may be based either on area or front foot charges, whichever is determined to be most equitable by the ~~city-engineer~~ Director, and the appropriate allocations of construction costs shall be based upon the benefits to be derived from each parcel of property. The determinations of benefit and allocation of cost by the ~~city-engineer~~ Director shall be final and conclusive.

(E) All charges levied pursuant to this section shall be in addition to the connection fee required by section 7-4-12 of this chapter and a capital improvement charge required by section 7-4-13 of this chapter. (Ord. 1421, 8-11-1987)

**7-4-18: REGULATION AND CONTROL OF WASTEWATER DISCHARGES:**

(A) Wastewater may be discharged into public sewers for collection, treatment, and disposal by the city, provided that such wastewater discharge is in compliance with this chapter and the user pays all applicable city sewer use charges.

(B) No person shall discharge, or cause to be discharged into a public sewer wastewater which will result in nuisance, or contamination, or pollution in receiving waters.

(C) No person shall discharge, or cause to be discharged, wastewater into a public sewer if it contains substances or has characteristics which, either alone or by interaction with other wastewaters, cause or threaten to cause:

1. Damage to city facilities.
2. Interference with or impairment of, operation of maintenance of city facilities, including flow overloading.
3. Obstruction of flow in city facilities.
4. Danger to life or safety of any person.
5. Interference with treatment or disposal processes.
6. Flammable or explosive conditions.
7. Wastewater, or any other byproducts of the treatment process to be unsuitable for reclamation and reuse, or to interfere with any processes for reclamation.
8. Noxious or malodorous gases or odors.
9. Discoloration or any other condition in the quality of the city's treatment plant effluent such that water quality requirements cannot be met by the city.
10. Conditions which violate any statute or any rule, regulation, or ordinance of any public agency.

(D) It is unlawful for any person to transport domestic sewage, septic tank or cesspool cleanings, sludge, or any other polluted waste waters into the city, except as authorized by the Director and health officer.

(E) It is unlawful for any person to make a connection with or opening into, use, alter, or disturb any sanitary sewer or appurtenance thereof without first obtaining a written permit from the Director.

(F) It is unlawful for any person willfully to break, damage, destroy, uncover, deface, or tamper with any sewer, structure, appurtenance, or equipment which is a part of the City's sewer system including the City's pumping stations or the City's wastewater treatment plant.

(G) It is unlawful for any person willfully to obstruct, or cause to be obstructed, any sewer in such a manner as to impede the natural flow of sewage through or from such sewer.

- (H) No person shall discharge cooling water, any unpolluted water from a production, manufacturing, or processing operation, or treated groundwater (from a groundwater remediation site) without obtaining permission from the Director.
- (I) The connection of the drain from any swimming or wading pool to a sanitary sewer shall be prohibited unless required by the health officer and approved by the Director.
- (J) No person shall connect, or cause to be connected, the outlet of a cesspool, septic tank, or a drain there from to any sanitary sewer.
- (K) It shall be unlawful to dispose of material pumped from septic tanks and grease trap/interceptors in the sewerage system except at the times and places and in the manner directed by the Director.
- (L) No person shall discharge or cause to be discharged into a public sewer the following:
1. Any water or waste having a pH lower than 5.0, greater than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the City.
  2. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit;
  3. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit;
  4. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the Director;
  5. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not;
  6. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment plant exceeds the limits established by the director for such materials;
  7. Any waters or wastes containing phenols or other waste or odor-producing substances, in such concentrations exceeding limits which may be established by the Director as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters;
  8. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director in compliance with applicable state or federal regulations;
  9. Materials which exert or cause:
    - a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate),

- b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions),
  - c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works,
  - d. Unusual volume of flow or concentration of wastes constituting slugs as defined herein;
10. Those pesticides and other toxic pollutants in toxic amounts, as determined by the administrator of the environmental protection agency in accordance with the federal act, such other federal or state act as may be applicable and as further designated from time to time by the Director, including the following substances or materials containing these substances:
- (a) Aldrin, dieldrin,
  - (b) Benzidine,
  - (c) Cadmium,
  - (d) Cyanide,
  - (e) DDD, DDE, DDT,
  - (f) Endrin,
  - (g) Mercury,
  - (h) Polychlorinate biphenyls (PCBs), and
  - (i) Toxaphene.
11. Any ashes, cinders, sand, silt, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or obstruction to flow in sewers or other interference with proper operation or maintenance of the sewerage system.
12. Any discharges of such quantities or such qualities that they are not amendable to adequate treatment or reduction by the sewage treatment process employed.
13. Discharges prohibited by the environmental protection agency regulations promulgated under the federal act.

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

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

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

- (N) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter, shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out in the customarily accepted methods to reflect the effect of constituents upon the sewer works and to determine the existence of hazards of life, limb and property.
- (O) It shall be unlawful for any person to willfully break, damage, destroy, uncover, deface, or tamper with any sewer, structure, appurtenance, or equipment which is a part of the sewerage system of the city. Any violation shall be subject to penalty section 1-4-5 of this code. (Ord. 1421, 8-11-1987)

#### **7-4-19 RESPONSIBILITY OF THE PROPERTY OWNER**

- (A) Every parcel controlled by one owner shall have a sewer lateral from the parcel to the city sewer system. The city shall not be responsible for any construction, repair or maintenance for any sewer line other than the city's sewer mains.
- (B) When a Public Sewer is constructed by a property owner and offered to the City for maintenance and operation, and said Public Sewer is not within a public right of way, a public sewer easement shall be granted to the City. Said easement shall be for pipeline purposes and incidentals thereto, including the construction and maintenance of gravity or pressure sewer lines, together with the right of ingress and egress, upon, over, under and across the property it is constructed upon. Current and future property owners shall keep the easement free of permanent structures, debris, parked vehicles or trailers, trees, tall landscaping, or any other objects that could obstruct ingress and egress on, over and across the property.
- (C) It shall be the responsibility of the property owner requesting a sewer connection to bring his sewer lateral to the City's sewer main where the connection is to be made.
- (D) The connection of the sewer lateral into the public sewer shall conform to the requirements of the building and plumbing code and other applicable rules and regulations of the City. All connections shall be made gas-tight and water-tight. A cleanout shall be installed at the property line. The cleanout shall be in an approved box and shall be easily accessible. The sewer lateral and cleanout shall be maintained by the property owner.
- (E) Upon payment of the applicable building, water and sewer fees, the Director shall approve the location of all water and sewer connection sites before the necessary permits are issued, and all new connections or changes in existing connections must be inspected by an

authorized representative of the City before the sewer and water lines are backfilled. (Ord. 1040, 9-11-1973)

- (F) When a sewer lateral is not available, the installation of the sewer lateral and the connection to the public sewer shall be done only by a contractor licensed by the state of California to do this type of work. Such contractor also shall possess a current business license issued by the City and have on deposit with the City a Surety Bond in a form approved by the City in the sum of twenty thousand dollars (\$20,000.00) to guarantee the faithful performance of all terms and conditions of the city. Construction shall be as follows:
- a. The Director shall be notified forty-eight (48) hours, not including weekends and holidays, in advance before a connection is made to a public sewer, and in no case shall the sewer lateral and connection be covered until the work has been inspected.
  - b. Construction operations shall be conducted in such a manner as to cause as little inconvenience as possible to abutting property owners and the traveling public. The contractor shall furnish, erect, and maintain such lights, signs, barricades, and other devices as are necessary to prevent accidents. The contractor shall obtain all necessary permits to complete the work.
- (G) The sewer lateral, whether installed at the time the public sewer is constructed or not, shall be installed and maintained at the sole expense of the property owner. The City is responsible for maintenance only of the Public Sewer.
- (H) No person shall make connection of roof downspouts, exterior foundation drains, stormwater drains, or other sources of surface runoff or groundwater to a sewer lateral which, in turn, is connected directly or indirectly to a public sewer.
- (I) For all industrial zoned and commercial properties that could produce high strength/flow sewage, the Owner shall construct a Metering/Sampling Manhole near the property line where the building sewer connects with the service sewer when required by the Director. Said Metering/Sampling Manhole shall be constructed in accordance with a standard plan approved by the Director and shall be constructed at the sole expense of the Owner. For properties currently connected to the public sewer that do not have Metering/Sampling Manholes, the owner shall construct a Metering/Sampling Manhole at his/her expense when directed by the Director.
- (J) Where there is no city sewer main adjacent to the property line, then it shall be the responsibility of the property owner to extend the public sewer line to the city sewer main in accordance with city standards.

#### **7-4-20 VIOLATIONS AND PENALTIES**

- A. Any person violating any of the provisions of this article, or any amendments thereto, shall be served with a written notice by the Director, (except as provided in subsection B of this section), stating the nature of the violation and fixing a time limit for the satisfactory correction thereof.

B. If the Director determines that a violation of any of the provisions of this article, or any amendments thereto, results in the immediate threat of a public hazard or an immediate menace to the public health or safety, the Director may enter the premises without notice and do everything necessary to abate such hazard or menace to the public health or safety. The actual cost incurred by the Director in taking such abatement action shall be a legal charge against the violator.

C. Any person willfully violating any of the foregoing provisions of this article, or any amendments thereto, or who shall continue the violation beyond the time specified in the notice to correct such violation, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than one thousand dollars (\$1,000.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

D. The violator of any of the provisions of this article, or any amendments thereto, shall become liable to the city for expense, loss, or damage to the city by reason of such violation.

#### **~~7-4-21 RIGHT OF ENTRY ON CUSTOMER'S PROPERTY~~**

~~When authorized by the Director, any representative of the city may enter upon the premises, or any part thereof, of any person discharging domestic sewage or industrial waste into the sewerage system of the city for the purpose of observation, inspection, measurement, sampling, and testing, or protecting any rights of the city.~~

#### **7-4-21: CESSPOOLS AND PRIVIES PROHIBITED:**

It shall be unlawful for any person to construct, use or allow to remain a cesspool or privy, on any property, place of business, residence or building in the city. (Ord. 772, 1-19-1956)

#### **7-4-22: SEPTIC TANKS; PERMIT REQUIRED:**

It shall be unlawful for any person to construct a septic tank in the city unless because of the terrain it is not feasible to connect with the city sewer system, and in that event, a permit must be first obtained from the community development director. When connection to the city sewer system is not feasible, a building permit shall not be issued until the proposed building site is inspected and approved by the county or city health officer and all county regulations regarding septic tanks have been complied with. Upon presentation of an approved, numbered septic tank permit issued by an authorized city or county health officer, a building permit may be issued by the duly authorized representative of the city showing thereon the approved septic tank permit number. (Ord. 1119, 8-23-1977)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
PLACERVILLE, AMENDING TITLE 7, CHAPTER 5 OF THE  
PLACERVILLE CITY CODE RELATING TO SEWER COLLECTION  
FACILITIES AND FATS, OILS AND GREASE (FOG)**

The City Council of the City of Placerville does ordain as follows:

Title 7, Chapter 5 of the Placerville City Code shall be amended in its entirety to read:

**7-5-1 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 system, and to specify appropriate FOG discharge requirements for food service establishments as defined herein.
- B. 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.
- C. This chapter also establishes quantity and quality standards on 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.

**7-5-2: Applicability.**

This chapter shall apply to discharges of wastewater containing FOG conveyed to the public sewer system from any commercial or institutional food service establishment.

**7-5-3: Definitions.**

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

"Best management practices" or "BMPs" mean activities, prohibitions, maintenance procedures and other management practices to prevent or reduce the introduction of FOG into the public sewer system.

"Blockage" means a partial or complete obstruction of wastewater flowing through a sewer pipeline.

"Change in law" means a change to any State or Federal law, permit or regulation; changes to the City Code; changes to any City NPDES permit or waste discharge requirement; or the subsequent existence of any court order, consent decree, injunction or other regulatory or legal imposition that affects the use and/or operation of the City's sanitary sewer system and any other public or private sanitary sewer systems, lines or other public or private infrastructure that connects to the City's sanitary sewer system.

"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 an FSE to the City's wastewater collection and treatment system.

"City" means the City of Placerville, a municipal corporation of the state of California.

"Collection system" means the public sewer system consisting of all pipes and conveyance system components conveying wastewater to the City's wastewater treatment plant (Hangtown Creek Water Reclamation Facility).

- “Commissary” means an establishment which is used as a base of operations for one or more motorized food wagons or push carts, where such unit or units and/or equipment are serviced, cleaned, supplied and/or maintained.
- “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) is intended to form a representative sample of the waste stream discharged during the sample period.
- “Design hydraulic depth” means total operating depth of interceptor contents at which interceptor is designed to operate.
- “Director” means the City of Placerville Director of Public Works or authorized representative.
- “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” or “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.
- “Food grinder” means any device installed in the plumbing or wastewater system for the purpose of grinding food or food waste.
- “Food service establishment” or “FSE” means a facility, including, but not limited to, any commercial or institutional entity within the sanitary sewer service area of the regional wastewater control facility, 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, serving, 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 California Health and Safety Code Section 114149.1 or in accordance with the California Uniform Retail Food Facilities Law (CURFFL) (California Health and Safety Code Sections 113700, et seq.). The term “food service establishment” or “FSE” also means any commissary where food is prepared using fats, oils or grease and/or which receives water from motorized food wagons or push carts containing fats, oils or grease. 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 the establishment has 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.
- “Grease interceptor” means a multi-compartment device that primarily uses gravity to separate FOG from the wastewater as it moves from one compartment to the next. The design, construction, sizing and installation of grease interceptors shall conform to this chapter and the most current edition of the California Plumbing Code. In the event of conflict, this chapter will control.
- “Grease trap” means a grease control device that is used to serve individual plumbing fixtures. A grease trap is typically installed indoors, under or near a dishwashing sink.
- “Hot spots” mean sewer lines that have experienced grease related blockages or SSOs and that must be cleaned or maintained frequently to avoid blockages of the public sewer.

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

“Institution” means a school, church, hospital, convalescent home or other similar entity.

“Interceptor” means a “grease interceptor.”

“Lateral” means the private sewer line connecting a home or other structure to the City’s sewer main, including the portion of the line lying within the public right of way, often referred to as the “lower” lateral.

“Manifest” means that receipt which is retained by an FSE for the disposal of FOG, recyclable wastes and/or liquid wastes.

“New construction” means any structure planned or under construction for which a sewer connection permit has not been issued.

“Person” means any individual, partnership, co-partnership, firm, company, association, society, corporation, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by context.

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

“Remodel” or “remodeling” means any physical and/or operational change to an FSE that involves any one or a combination of the following:

1. Under-slab plumbing in the food processing area;
2. A 30 percent or greater increase in the net public seating area;
3. A 30 percent or greater increase in the size of the kitchen area;
4. Any change in the size or type of food preparation equipment;
5. Any remodel, addition, alteration or repair valued greater than \$75,000.00.

“Responsible person” means a person who the Director determines is responsible for causing, permitting, or maintaining a public nuisance or a violation of the Municipal Code, any applicable Uniform Code, applicable State codes, any National Pollutant Discharge Elimination System (NPDES) permit or any wastewater discharge permit. The term “responsible person” includes, but is not limited to, a property owner, tenant, person with a legal interest in the property, person in possession of the property or person that exercises custody and control over the property.

“Sanitary sewer” means a sewer which conveys wastewater.

“Sanitary sewer overflow” or “SSO” means any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system.

“Sewer facilities” or “sewer system” means any and all facilities used for collecting, conveying, pumping, treating and disposing of sewage, wastewater and/or sludge.

“Sewer lateral” means a building sewer as defined in the latest edition of the California Plumbing Code. It is the wastewater pipeline connecting a building’s wastewater plumbing to the public sewer.

“Sludge” means any solid, semi-solid and/or liquid decant, sediment or supernatant from a manufacturing process, utility service, tank, vault or FOG control facility.

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

“Twenty-five percent rule” means requirement for grease interceptors to be maintained such that the combined FOG and solids accumulation does not exceed 25 percent of the design hydraulic depth

of the grease interceptor. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume are maintained to effectively intercept and retain FOG discharged to the sewer system.

“Waste” means wastewater 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 the City’s wastewater collection system.

#### **7-5-4: FOG discharge limitation.**

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

#### **7-5-5: Public sewer overflows—Public nuisance—Abatement orders and cleanup costs.**

- A. The discharge of FOG into the public or private sewer that causes an SSO or that accumulates or has the potential to accumulate such that it may or does cause or contribute to a blockage of the public or private sewer or lateral that may result in an SSO, presents a risk to the public health, safety and welfare and is hereby declared a public nuisance and may be abated pursuant to the provisions of this chapter, or by any means otherwise provided by law.
- B. When the Director determines that an FSE has discharged FOG and that FOG discharge has caused a blockage of the public or private sewer or lateral or an SSO, the Director may order the FSE owner or the property owner to install and maintain a grease interceptor and to devise and implement a plan to abate the nuisance created by the FOG discharge through the cleaning, repair or replacement of any sewer facilities obstructed or damaged thereby.
- C. At the reasonable discretion of the Director or at the request of the property owner or operator of the FSE, the City may act immediately to clear or repair any public or private sewer or lateral and contain and clean any SSO caused by the blockage of a private or public sewer or lateral or system serving an FSE. Any cost, expense, liability, fine, penalty or other payment made or incurred by the City to clear or repair any public or private sewer or lateral, or to contain, clean, report and otherwise remediate any SSO, caused by the blockage of any public or private sewer or lateral caused by the discharge of FOG by an FSE shall be borne jointly and severally by the property owner and owner of the FSE and shall constitute a debt to the City, due and payable upon demand and collectable in any manner provided by law.

#### **7-5-6: Kitchen best management practice (BMP) requirements.**

- A. All FSEs shall implement kitchen best management practices in accordance with the requirements and guidelines established by the Director under the FOG control program in an effort to minimize the discharge of FOG to the sewer system.

- B. All FSEs shall be required, at a minimum, to implement and comply with the following kitchen best management practices:
1. Drain screens shall be installed on all drainage pipes in food preparation areas.
  2. All waste cooking oil shall be collected and stored properly in recycling receptacles such as barrels or drums. Such recycling receptacles shall be maintained properly to ensure that they do not leak. Waste cooking oil shall be transported by a licensed waste hauler to an approved recycling or disposal site in accordance with all applicable Federal, State, and/or local laws.
  3. All garbage and food waste shall be disposed of properly in trash bins or containers, and not in sinks.
  4. Kitchen exhaust filters shall be cleaned as frequently as necessary to be maintained in good operating condition. The wastewater generated from cleaning kitchen exhaust filters, floor mats and kitchen equipment shall be disposed of properly in compliance with these regulations.
  5. Employees of FSEs shall be trained by ownership/management periodically on the following subjects:
    - a. How to “dry wipe/scrape” pots, pans, dishware, utensils, equipment and work areas before washing to remove FOG;
    - b. How to properly dispose of garbage, food waste and solids in enclosed plastic bags prior to disposal in trash bins or containers to prevent leaking and odors;
    - c. The location and use of absorption products to clean under fryer baskets and other locations where FOG may be spilled or dripped;
    - d. How to properly dispose of FOG from cooking equipment into a FOG receptacle such as a barrel, drum or bin without spilling.

Training shall be documented for each employee. Training records shall be available for review at any reasonable time by the Director. Training records shall be retained for a minimum of three (3) years.

#### **7-5-7: Prohibitions—Requirements.**

- A. Discharge into the sewer system of FOG that may accumulate and/or cause or contribute to blockages in the sewer system including the lateral is prohibited.
- B. Installation of food grinders in the plumbing system are prohibited when new FSEs are constructed and when existing FSEs are required to install grease control devices and or install grease interceptors. FSEs shall remove all existing food grinders within 180 days from the effective date of the ordinance codified in this chapter except upon the issuance of a conditional waiver by the Director pursuant to Section 7-5-13.
- C. Introduction of any additives into the plumbing system of an FSE, grease interceptor or grease control device for the purpose of emulsifying or biologically/chemically treating FOG for grease remediation or as a supplement to interceptor maintenance is prohibited.
- D. Disposal of waste cooking oil into the public sewer or storm drain is prohibited.
- E. Discharge of wastewater from dishwashers to any grease interceptor or grease control device is prohibited.
- F. Discharge of wastewater with temperatures in excess of 140° Fahrenheit into any grease interceptor or grease control device is prohibited.

- G. Discharge of wastes from toilets, urinals, wash basins and other fixtures containing fecal materials to sewer lines directed to any grease interceptor or grease control device is prohibited.
- H. Discharge of any waste including FOG and solid materials removed from a grease control device to the public sewer system is prohibited. Grease removed from grease interceptors shall be transported to an approved disposal or recycling facility.
- I. Operation of grease interceptors with FOG and solids accumulation exceeding 25 percent of the design hydraulic depth of the grease interceptor is prohibited. The grease and solids layers combined shall not exceed 25 percent of the total interceptor liquid depth.
- J. Increasing the use of water or in any other manner attempting to dilute a discharge as a way of achieving compliance with these regulations is prohibited.

**7-5-8: FOG control requirements.**

- A. Every FSE is required at the time of construction, remodel, and/or change in operations to install, operate and maintain a grease interceptor necessary to maintain compliance with the objectives of this chapter, subject to the waiver provisions of Section 7-5-13. The grease interceptor installed shall be adequate to separate and remove FOG contained in wastewater from the FSE prior to discharge to the public sewer system as determined by the most current edition of the California Plumbing Code. Fixtures, equipment and drain lines located in the food preparation and clean-up areas of an FSE shall be connected to the grease interceptor. Dishwashers shall not be connected to the grease interceptor.
- B. Compliance shall be established as follows:
  - 1. New Construction of FSEs. New construction of any FSE shall include complete installation of a grease interceptor prior to commencing discharges of wastewater to the public sewer, unless a waiver is obtained in accordance with Section 7-5-13.
  - 2. Existing FSEs.
    - a. Any existing FSE, which has caused or contributed to grease-related blockage in the public sewer, has one (1) or more sewer laterals connected to pipelines on the City's "hot spot" list and/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 a grease interceptor within 180 days following issuance of written notification by the Director.
    - b. Any existing FSE or FSE that changes ownership or that undergoes remodeling and/or a change in operations, as defined in this chapter, shall be required to install a grease interceptor or to obtain a waiver in accordance with Section 7-5-13.

**7-5-9: Commercial and institutional properties.**

Any owner, or official designee, of a commercial and/or institutional property where one (1) or more FSEs are located shall be responsible for the installation and maintenance of the grease interceptor(s) serving the FSEs that are located on that property, as required by this chapter.

**7-5-10: Grease interceptor requirements.**

- A. Any FSE required by this chapter to provide FOG control 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 design, construction, sizing and installation shall conform to the most current edition of the California Plumbing Code. Grease interceptors shall have a minimum of two (2) compartments.
- 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 24 inches, shall be provided over each grease interceptor chamber and each sanitary tee within the interceptor. The access manholes shall extend at least to finished grade and be designed and maintained to prevent the entry of groundwater or stormwater runoff. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.
- E. All grease interceptors are required to have grease retention fittings as designed for proper function. Any interceptor that does not have grease retention fittings shall be repaired and/or retrofitted with appropriate grease retention fittings.
- F. No FOG that has accumulated in a grease interceptor shall be discharged into any sewer lateral or public sewer. In addition, FOG shall not be transferred to or disposed of in a storm drain, public right of way, or onto the surface of any street, sidewalk, landscaping area or parking area.
- G. The required maintenance frequency for every FSE with a grease interceptor shall be determined by the Director pursuant to the following criteria and procedures:
  - 1. All grease interceptors shall be maintained in efficient operating condition by periodic removal of the full contents of the interceptor, which includes wastewater, accumulated FOG, floating materials, sludge and solids.
  - 2. Grease interceptors shall be fully pumped out and cleaned once every three (3) months or when the combined FOG and solids accumulation in the grease interceptor equals 25 percent of the design hydraulic depth of the grease interceptor, whichever occurs first. The purpose of the 25 percent rule is to ensure that the minimum hydraulic retention time and required available hydraulic volume are maintained to effectively intercept and retain FOG from being discharged to the public sewer system.
  - 3. If the grease interceptor, at any time, contains FOG and solids accumulation exceeding the requirements described in subsection (G) (2) of this section, the FSE shall be required by the Director to have the grease interceptor pumped and cleaned as soon as possible, but in no case more than 72 hours following issuance of an order to clean by the Director, unless otherwise specified by the Director.
  - 4. 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.
  - 5. The Director may change the required maintenance frequency at any time to reflect changes in actual operating conditions when sufficient data has been obtained and validated to warrant a different frequency based on the requirements described in subsection (G)(2) of this section or other guidelines adopted by the City pursuant to the FOG control program. The required maintenance frequency may increase or decrease based on the actual generation of FOG from the FSE but shall not be less frequent than once every three (3) months unless specific written authorization from the Director is obtained.

- H. Wastewater, accumulated FOG, floating materials, sludge/solids, and other materials removed from the grease interceptor shall be transported by a licensed waste hauler to an approved recycling or disposal site in accordance with all applicable Federal, State, and/or local laws. FSEs shall obtain and maintain a copy of the waste hauler's documentation which shall include:
  - 1. Name of the hauling company;
  - 2. Name and signature of the operator performing the pump out;
  - 3. Documentation of a full pump out indicating the total volume of water and FOG removed in gallons;
  - 4. Documentation of the level by percentage of the combined FOG and solids accumulation in the interceptor in order to determine compliance with the 25 percent rule;
  - 5. Documentation regarding whether repairs to the grease interceptor are required;
  - 6. Identification of the facility where the waste hauler has transported the waste.
- I. The Director may direct City staff or a City contractor to pump and clean an FSE's grease interceptor if the FSE has failed to comply with the terms of this chapter. The FSE jointly and severally with the property owner shall be responsible for any and all expenses of the City in undertaking such work and such expenses are deemed a debt of the owner of the pertinent FSE and the property owner to the City, enforceable and collectable as provided by law.
- J. Abandoned grease interceptors shall be immediately emptied and filled with a suitable material as required for abandoned septic tanks as specified in the most current edition of the California Plumbing Code by the property owner.

**7-5-11: Facilities and drawing submittal requirements.**

Upon request by the Director:

- A. Any FSE and/or property owner may be required to submit to the City two (2) copies of facility site plans, floor plans, mechanical and plumbing plans, detail drawings showing all sewer locations and connections, and schematic drawings of grease interceptors, FOG control devices or other FOG control equipment and appurtenances by size, location and elevation. The submittal shall be in a form and content acceptable to the Director for review of the existing or proposed grease control device, 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 Director may require the drawings be prepared by a California registered civil, chemical, mechanical, or electrical engineer.

**7-5-12: Recordkeeping requirements.**

The FSE and the property owner shall be required to maintain on the FSE premises copies of all documentation required in this chapter for no less than three (3) years. The FSE and the property owner shall, upon request, make the documentation readily available for inspection at any time to the Director, any inspector and/or enforcement officer and the public. Required documentation shall include:

- A. A record or logbook of grease interceptor and/or grease control device cleaning and maintenance practices and activities;

- B. A record or logbook of kitchen BMPs being implemented, including employee training;
- C. Copies of waste hauling records and manifests for grease interceptor contents and waste oil disposal and recycling;
- D. Records of solids accumulation in the grease interceptor to determine compliance with the 25 percent rule;
- E. Records of all sampling data;
- F. Records of any spills and/or cleaning of the sewer lateral or public sewer;
- G. Any other information necessary to ensure compliance with this chapter.

**7-5-13 Waiver of grease interceptor requirements.**

- A. Subject to the limitations contained in subsections B and C of this section, the Director may grant a conditional waiver of the requirement to install a grease interceptor and remove existing food grinders.
- B. The Director may grant for new construction, including remodels, a conditional waiver to any FSE and/or property owner that the Director determines to have negligible FOG discharge and insignificant impact to the public sewer system. Notwithstanding the granting of a conditional waiver however, the FSE or property owner may nonetheless be required to provide space and plumbing segregation for future installation of a grease interceptor. In making the determination as to whether to grant the conditional waiver, the Director shall make all of the following findings:
  1. The quantity of FOG discharge as measured or indicated by the size of the FSE based on kitchen ventilation requirements, water usage, menu, seating capacity, number of meals served, amount of on-site consumption of prepared food, number of plumbing fixtures and other conditions does not indicate that the FSE will materially contribute to existing or potential FOG discharges.
  2. The FSE does not appear to be a significant contributor of FOG into the sewer system, which is based on an inspection of the property or sampling of FOG discharged from the FSE to the sewer system.
  3. The FSE has adopted and implemented adequate BMPs and has no recent history of non-compliance with the City's FOG related regulations and requirements.
  4. The size, grade and condition of the sewer lines serving the FSE do not indicate that the FSE has discharged an excessive amount of FOG in the sewer, and the history of maintenance, blockages and SSOs in the public sewer system lines receiving flow from the FSE do not deviate substantially from those experienced in other adjacent sewer lines.
  5. There is no reason to believe that the operations of the FSE will change in the foreseeable future in a manner that may significantly increase the amount of FOG the FSE will discharge.
  6. There is no other condition reasonably related to the generation of FOG discharges into the sewer by the FSE that will, in the sound judgment of the Director, warrant the denial of the conditional waiver in the interest of protecting the public health, safety and welfare.
- C. Where the installation of a grease interceptor in an existing structure is not feasible, an FSE and/or property owner may be granted a conditional waiver of the grease interceptor require-

ment upon the payment of a grease disposal mitigation fee as described in Section 7-5-18. Additional requirements may also be imposed to mitigate the discharge of FOG into the public sewer system. The Director's determination to grant the waiver upon the payment of a grease disposal mitigation fee will be based upon one or more of the following findings:

1. There is inadequate space for installation and/or maintenance of a grease interceptor;
  2. There is inadequate slope for gravity flow between kitchen plumbing fixtures and the proposed grease interceptor and/or between the proposed grease interceptor and the lateral or the public sewer system;
  3. Any other condition reasonably related to the installation, operation, maintenance and/or inspection of a grease interceptor, which makes installation and/or maintenance of a grease interceptor infeasible.
- D. Application for Conditional Waiver of Requirement for Grease Interceptor. An FSE or property owner may submit to the Director an application for conditional waiver from the grease interceptor requirement. The party applying for the conditional waiver bears the burden of demonstrating that the installation of a grease interceptor is not feasible or otherwise required. A waiver may be issued upon determination by the Director that reasons are sufficient to justify such a waiver, as provided in subsections B and C of this section.
- E. Terms and Conditions of Waiver. The conditional waiver shall contain the terms and conditions that serve as the basis for its issuance. A 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 have not been satisfied or if the conditions upon which the waiver was based have changed so that the justification for the waiver no longer exists. The waiver shall be valid so long as the FSE remains in compliance with the terms and conditions, until the expiration date specified in the waiver, or until the conditional waiver is revoked.
- F. Revocation of Conditional Waiver of the Requirement to Install a Grease Interceptor. The Director may revoke any conditional waiver of the requirement to install a grease interceptor, which also revokes the waiver to remove existing food grinders, granted pursuant to this section, subject to the procedures and limitations provided in this subsection.
1. Should the Director determine that, due to changed circumstances or failure to comply with the terms or conditions imposed upon the issuance of the conditional waiver, a conditional waiver that was previously issued and remains valid should be revoked, the Director shall provide notice by regular mail to the owner of the affected FSE and the property owner no less than 30 days prior to the proposed effective date of the revocation. The notice shall provide an explanation of the facts and circumstances that the Director has determined warrant revocation of the conditional waiver and an opportunity to respond in writing to the Director with information and evidence to justify the continuation of the conditional waiver in accordance with its terms and conditions.
  2. Prior to making the final determination to revoke a conditional waiver the Director shall review and consider the written information provided pursuant to subsection (F)(1) of this section.
  3. The determination of the Director to revoke a conditional waiver granted pursuant to this section shall be set forth in a writing provided to the owner of the affected FSE and the property owner by regular mail, and shall be based on the

Director's reasonable determination that one or more of the following circumstances exists or has occurred:

- a. The owner of the affected FSE and/or the property owner has failed to abide by any term or condition imposed upon the conditional waiver;
- b. One or more of the findings made by the Director pursuant to subsection B or C of this section, due to changes in the operation of the FSE, changes in the condition, use or available capacity of the sewers serving the FSE or other changed circumstances, are no longer true; or
- c. A change in law bearing upon the use or operation of the City's sanitary sewer system requires the revocation of the conditional waiver.

**7-5-14: Facilities monitoring and right of entry requirements.**

- A. The Director may require the FSE or property owner to construct and maintain in proper operating condition at their sole expense, flow monitoring, water quality monitoring and/or sampling facilities.
- B. The location of the monitoring facilities shall be representative of actual discharge conditions.
- C. FSEs and/or owners of premises where wastewater is generated and discharged to the sewer system shall allow the Director and designees immediate and safe access to all parts of the wastewater generating and disposal facilities for the purposes of inspection and sampling during all times the FSE is open, operating, or any other reasonable time.
- D. The FSE or property owner shall, upon request, submit to the Director waste analysis plans, contingency plans, and other necessary information to verify compliance with these regulations.
- E. Testing procedures for waste constituents and characteristics shall be as provided in 40 Code of Federal Regulations 136.
- F. In the event of an emergency involving an actual or imminent SSO, the Director and designees may access adjoining businesses or properties that share a public sewer system with an FSE in order to prevent or remediate the actual or imminent SSO.

**7-5-15: Monitoring and reporting conditions.**

- A. The Director may require periodic reporting of the status of implementation of kitchen BMPs, in accordance with the FOG control program.
- B. If, following an inspection of the FSE, it is apparent that the FSE has not used or maintained its grease interceptor or grease removal device, has failed to properly implement kitchen BMPs, or has failed to abide by any condition imposed upon a conditional waiver granted pursuant to Section 7-5-13 of this chapter, the Director may require visual camera inspection at the sole expense of the FSE or property owner to observe the actual conditions of the sewer lateral serving the property and sewer lines downstream.
- C. The Director may require reports for self-monitoring of wastewater constituents and FOG characteristics from the FSE or property owner needed for determining compliance with any conditions or requirements as specified in 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 FSE or property owner 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 this chapter. The FSE and property owner shall be responsible for any and all costs and expenses of the City in undertaking such monitoring analyses and preparation of reports and such costs and expenses are deemed a debt of the owner of the pertinent FSE and the property owner to the City, enforceable and collectable as provided by law.

- D. Other reports may be required by the Director, such as compliance schedule progress reports, FOG control monitoring reports, grease interceptor and grease removal device operation and maintenance reports, and any other reports deemed reasonably appropriate by the Director to ensure compliance with this chapter.

**7-5-16: Inspections and sampling conditions.**

- A. The Director may inspect and sample or order the inspection and sampling of the wastewater discharges of any FSE to ascertain whether the intent of these regulations is being met and the FSE is complying with all requirements. The FSE 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 or property owner has security measures in force, the FSE or property owner shall make necessary arrangements so that the Director and/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 FSE for purposes of determining compliance with this chapter, the FSE shall make available for inspection and copying by the Director, an inspector, an enforcement officer and/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 FSE a minimum of three (3) years.

**7-5-17: Purpose of charges and fees.**

It is the purpose of Section 7-5-18. to provide for the recovery of costs from FSEs and owners of property containing FSEs for the implementation of the program established in this chapter.

**7-5-18: Charges and fees.**

- A. The City shall adopt charges and fees by resolution which may include:
  - 1. Fees for reimbursement of the costs to set-up, implement and operate the City's FOG program;
  - 2. Other fees as the City may deem necessary to carry out the requirements contained in this chapter.

- B. Costs incurred by the City for, or as a result of, any and all required on-site sampling and analysis are deemed a debt of the owner of the pertinent FSE and the property owner to the City, enforceable and collectable as provided by law.
- C. Costs incurred by the City for closed circuit television inspection to observe the actual conditions of an FSE's sewer lateral and sewer lines downstream are deemed a debt of the owner of the pertinent FSE and the property owner to the City, enforceable and collectable as provided by law.
- D. Noncompliance Charge. Any FSE and/or property owner determined to be in noncompliance with the terms and conditions specified in any provision of this chapter may be required to pay a noncompliance charge. The purpose of the noncompliance charge is to reimburse 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 7-5-25. Noncompliance charges shall be in the amount reasonably determined by the Director.
- E. Grease Disposal Mitigation Fee.
  - 1. Any FSE and/or property owner subject to the provisions of subsection C of Section 7-5-13 of this chapter shall be required to pay an annual grease disposal mitigation fee to reimburse the City for the costs of increased maintenance of the public sewer system as a result of the FSE's inability to adequately remove FOG from its wastewater discharge. This section shall not be interpreted to allow a new FSE or an existing FSE undergoing remodeling and/or a change in operations to operate without an approved grease interceptor unless the Director has determined that it is impossible or impracticable to install and/or operate a grease interceptor for the subject facility pursuant to the provisions of Section 7-5-13 of this chapter.
  - 2. The grease disposal mitigation fee for each FSE shall be based on the estimated annual increased cost of maintaining the public sewer system for inspection and removal of FOG and other viscous or solidifying agents attributable to the FSE resulting from the lack of a grease interceptor.

#### **7-5-19: Falsifying information or tampering with process.**

It is unlawful to make any false statement, representation; record; report; plan or other document that is filed with the City and/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.

#### **7-5-20: Notification of spill.**

- A. In the event an FSE or property owner is unable to comply with any provision of this chapter due to a breakdown of equipment, accidents, or human error or the FSE or property owner has reasonable opportunity to know that their discharge will exceed the discharge provisions of this chapter, the FSE and property owner shall immediately notify the Public Works Department by telephone. If material is discharged by an FSE to the public sewer system that the owner of the FSE and/or the property owner believes or reasonably should believe has the potential to cause or result in an imminent sewer blockage or SSO, the FSE and property owner shall immediately notify the Public Works Department.

- B. Confirmation of this notification shall be made in writing to the Director postmarked no later than two (2) calendar days from the date of the incident. The written notification shall state the date of the incident, to whom the FSE and/or property owner provided notification, 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 FSE or the property owner 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 FSE or the property owner of any fees, charges or other liability which may be imposed by these regulations or other applicable law.

**7-5-21: Notification of planned changes.**

The FSE and the property owner shall notify the Public Works Department at least 60 days prior to any facility expansion or remodeling, process modifications that may result in new or substantially increased FOG discharges, or a change in the nature of the discharge. The FSE and the property owner shall notify the Public Works Department in writing of the proposed expansion or remodeling and shall submit any information requested by the Public Works Department for evaluation of the effect of such expansion or remodeling on the FSE's FOG discharge to the public sewer system.

**7-5-22: Harmful discharge—Immediate suspension or termination of wastewater service.**

- A. The City may immediately suspend or terminate the wastewater service of an FSE and property owner when such suspension or termination is necessary in order to stop an actual or imminently threatened discharge that is in violation of law, including, but not limited to, the following:
  - 1. An imminent or substantial endangerment to the health or welfare of people or the environment;
  - 2. An obstruction to the wastewater collection system; or
  - 3. Any circumstance that is likely to cause a violation of any relevant permit or waste discharge requirement of the City, or any applicable law, unless immediate action is taken to prevent its occurrence.
- B. Any person notified of a suspension or termination of wastewater service shall immediately stop or eliminate all discharges to the public sewer system. In the event of a failure of the person to comply voluntarily with the suspension or termination 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 environment, collection system and/or the regional wastewater control facility. The Director may reinstate the wastewater service only upon proof that the circumstance that caused the suspension or termination of wastewater service has been adequately addressed and the circumstance no longer presents a danger to the environment or to the City's wastewater system. A detailed written statement submitted by the FSE and the property owner describing the cause of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the Director within 15 days of the effective date of the suspension or termination.

**7-5-23: Failure to comply with FOG regulations—Suspension and/or termination of wastewater service.**

- A. In accordance with the procedures and limitations provided in subsection B of Section 7-5-22, the Director may suspend and/or terminate wastewater service to an FSE and property owner when the Director determines that the FSE has failed to comply with the requirements of this chapter, with respect to any of the following particulars:
1. Failed to comply with the terms and conditions of a compliance schedule order;
  2. Knowingly provided a false statement, representation, record, report, or other document to the City and/or the Director;
  3. Refused to provide records, reports, plans, or other documents required by the City and/or the Director to determine compliance with this chapter;
  4. Falsified, tampered with or knowingly rendered inaccurate any monitoring device or sample collection method;
  5. Refused reasonable access to the FSE for the purpose of inspection and monitoring;
  6. Failed to make timely payment of all amounts owed to the City imposed pursuant to this chapter;
  7. Discharged FOG that caused an obstruction or sewer blockage in the public sewer system or an SSO;
  8. Violated grease interceptor maintenance requirements or any provision of this chapter pertaining to maintenance and operation of any grease interceptor or grease control device;
  9. Failed to report significant changes in operations, or wastewater constituents and characteristics.
- B. For the purpose of making the determination of noncompliance pursuant to subsection A of this section, the Director may rely upon any evidence or information available and may gather other necessary information as needed through imposition of reasonable sampling and inspection requirements conducted at a time, location, manner, and frequency determined at the reasonable discretion of the Director. The inspections may include, but are not limited to, inspection of the grease control device, grease interceptor and associated manifests and documentation, or analysis of a grab or composite sample of the wastewater discharged from the FSE.

**7-5-24: Compliance time schedule in lieu of suspension or termination of wastewater service.**

- A. Upon determination that an FSE is in noncompliance with the terms and conditions specified in any provision of this chapter, or needs to construct and/or acquire and install a grease control device or grease interceptor, the Director may require the FSE to enter into a compliance time schedule on terms and conditions specified by the Director.
- B. The compliance time schedule may contain terms and conditions including, but not limited to, requirements for installation of a grease control device, 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 time schedule during its term, the Director may issue an order suspending or terminating wastewater service pursuant to Section 13.40.230 of this chapter.

**7-5-25: Violations and penalties.**

- A. Violations of this chapter are misdemeanors as provided in City Code Chapter 4 Penalty, 1-4-5A of this code.
- B. Any FSE or property owner in violation of this chapter, or the orders, rules and regulations 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 FSE and/or property owner shall be unlawful and a misdemeanor as provided in City Code Chapter 4 Penalty, 1-4-5A of this code. 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 and regulations 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 issued under this chapter, is a public nuisance and may be enjoined through a civil action brought by the City Attorney.
- D. If any violation of this chapter, or the orders, rules and regulations issued under this chapter, causes damage to the public sewer system and/or the regional wastewater control facility, the FSE jointly and severally with the property owner causing such damage shall be liable therefor and the cost thereof shall be deemed a debt to the City, enforceable and collectable as provided by law.
- E. To remedy violations of this chapter, the Director is authorized to issue notices of violation, administrative citations and impose administrative civil penalties pursuant to Title 1 of this Code.
- F. The remedies and provisions of this section are cumulative, and are in addition to any other remedy or provision of law.

**7-5-26: Appeals.**

- A. Any FSE or property owner affected by a decision, action, or determination, including suspension, revocation, refusal or termination of wastewater service, cease and desist order, or imposition of civil penalties issued by the Director, or any other action of the Director in interpreting or implementing the provisions of this chapter, may file with the Director a written request for reconsideration within 10 days of such decision, action, or determination, setting forth in detail the facts supporting the request for reconsideration. The Director shall provide a written decision regarding the request for reconsideration within 30 days following the filing of the request for reconsideration. The Director shall serve the written decision upon the affected FSE and/or property owner by either personal service, facsimile, overnight courier or regular mail.
- B. Any FSE or property owner aggrieved by the decision of the Director regarding a request for reconsideration specified in this section may appeal said decision and request an administrative hearing and decision in accordance with the procedures set forth in City Code section 1-4A-61 "Judicial Review." Appeal shall be through judicial review of the final

administrative decision by filing a petition for a writ of mandate with the superior court in accordance with the provisions of sections 1094.5 and 1094.6 of the California Code of Civil Procedure. Such writs must be filed within ninety (90) calendar days from the date of the final administrative decision. (Ord. 1572, 4-24-2001)

The above Ordinance was introduced at a regular meeting of the City Council of the City of Placerville held on March 27, 2012, by Council member \_\_\_\_\_, and it was read for the first time. The Ordinance was read for the second time on April 10, 2012 and Councilmember \_\_\_\_\_ moved its adoption. The motion was seconded by Councilmember \_\_\_\_\_. A poll vote was taken, which stood as follows:

AYES:

NOES:

ABSENT:

ABSTAIN:

The Motion having a majority vote of "AYE", the Ordinance was declared to have been adopted and it was so ordered.

\_\_\_\_\_  
Mayor Mark A. Acuna

Attest:

\_\_\_\_\_  
Susan Zito, City Clerk