

13. PUBLIC SERVICES

Title 13

PUBLIC SERVICES

Chapter 13.04

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Article 1.

Purpose and Definitions

13.04.010 Purpose.

This chapter is intended to provide rules and regulations for the use and construction of sanitary sewer facilities hereafter installed, altered or repaired within the city. This chapter shall not apply retroactively and in the event of an alteration or repair hereafter made, it shall apply only to the new materials and methods used therein.

The purpose of the sewer service charge is for the purpose of defraying proper and reasonable expenses of operation, repair, replacement, maintenance and accumulation of a wastewater capital reserve fund of the city sewerage facilities used for the collection, treatment and disposal of sewage, pursuant to Division 5, Part 3, Chapter 5, Article 7 (commencing with Section 5040) and Chapter 6, Part 1 of the Health and Safety Code of the state of California. (Ord. 147 § 1.00,2002)

13.04.020 Definitions.

Unless the context specifically indicates otherwise, the meanings of terms used in this chapter are applicable for this chapter only and do not necessarily correspond to definitions that may be used by city or county zoning, planning or assessment designations and shall be as follows:

Additional Definitions. For the purpose of this chapter, additional terms shall have the meaning indicated in Chapter 1 of the last edition of the Western Plumbing Officials Uniform Plumbing Code, adopted by the Western Plumbing Officials Association, copies of which are on file with the city clerk.

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

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

“Building sewer” means that portion of any sewer beginning at the plumbing or drainage outlet of any

building or industrial facility and running to the property line or to a private sewage disposal system.

“City” means city of Amador, Amador County.

“City engineer” means the engineer appointed by and acting for the council and shall be a registered civil engineer.

“City inspector” means the inspector acting for the council and may be a member of the council, the manager, the city engineer or inspector appointed by the council.

“Clerk” means the city clerk of the city.

“Combined sewer” means a sewer receiving both surface runoff and sewage.

“Contractor” means an individual, firm, corporation, partnership or association duly licensed by the state of California to perform the type of work to be done under the permit.

“Council” means the city council of the city.

“County” means the county of Amador, California.

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

“Lateral sewer” means the portion of a sewer lying within a public street (or easement) connecting a building sewer to the main sewer.

“Main sewer” means a public sewer designed to accommodate more than one lateral sewer.

“Manager” means the person or persons appointed by the council to administer and enforce the rules and regulations of the city.

“Multifamily dwelling” means any premises designed, imposed or used as a residence for two or more families living independently of each other in two or more structurally joined dwelling units with separate entrances; this term shall include apartment house and duplexes, but it shall not include hotels, motels, dormitories or similar structures.

“Outside sewer” means a sanitary sewer beyond the limits of the city not subject to the control or jurisdiction of city.

“Permit” means any written authorization required pursuant to this or any other regulation of city for the installation of any sewer works.

“Person” means any human being, individual, firm, company, partnership, association and private or public or municipal corporations, the United States of America, the state of California, districts and all political subdivisions, governmental agencies and mandataries thereof.

“Private sewer” means a sewer serving an independent sewage disposal system not connected with a public sewer and which accommodates one or more buildings or industries.

“Public sewer” means a sewer lying within a street (or easement) and which is controlled by or under the jurisdiction of the city.

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

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

“Sewage treatment plant” means any arrangement of devices and structures used for treating sewage.

“Sewage works” means facilities for collecting, pumping, treating and disposing of sewage.

“Sewer” means a pipe or conduit for carrying sewage.

“Sewer service charge” means fees, tolls, rates, rentals or other charges for service and facilities furnished by city in connection with its sewerage system.

“Side sewer” means the sewer line beginning at the foundation wall of any building and terminating at the main sewer and includes the building sewer and lateral sewer together.

“Single-family dwelling” means premises designed, improved or used as a residence for one family only and for no other purpose.

“Storm sewer or storm drain” means a sewer which carries storm and surface or ground waters and drainage, but excludes sewage and polluted industrial wastes.

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

“Superintendent” means the person designated by the council to manage the city sewer system and to perform the services or make the determinations permitted or required under this chapter to be made by the superintendent. (Ord. 147 §§ 1.01—1.33, 2002)

Article 2.

General Provisions

13.04.030 Rules and regulations.

The following rules and regulations respecting sewer construction and disposal of sewage and drainage of buildings and connection to the sewage works of the city are adopted and all work in respect thereto shall be

performed as herein required and not otherwise. (Ord. 147 § 2.01, 2002)

13.04.040 Violation unlawful.

Following the effective date of this chapter it is unlawful for any person to connect to, construct, install or provide, maintain and use any other means of sewage disposal from any building in the city except by connection to a public sewer in the manner as in this chapter provided. (Ord. 147 §2.05, 2002)

13.04.050 Relief on application.

When any person by reason of special circumstances, is of the opinion that any provision of this chapter is unjust or inequitable as applied to his or her premises, he or she may make written application to the council, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his or her premises. If such application be approved, the council may, by resolution, suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the application and continuing during the period of the special circumstances. (Ord. 147 § 2.06, 2002)

13.04.060 Relief on own motion.

The council, may, on its own motion, find that by reason of special circumstances any provision of this regulation and chapter should be suspended or modified as applied to a particular premise and may, by resolution, order such suspension or modification for such premises during the period of such special circumstances, or any part thereof. (Ord. 147 § 2.07, 2002)

13.04.070 City inspector-Compensation.

The council shall employ some fit and qualified person or persons to perform the duties of inspecting the installation, connection, maintenance and use of inspecting the installation, connection, maintenance and use of all side sewers, public sewers, private sewers and facilities in connection therewith in the city, to be known as the city inspector. The person so employed shall receive as compensation for his or her services for making inspections required to be made by the ordinances, and orders and regulations from time to time enacted and ordered by the council, a sum to be fixed by the council. He or she shall serve during the pleasure of the council and may be

another official of the city. (Ord. 147 § 2.08, 2002)

13.04.080 Permits and fees.

No public sewer, side sewer, building sewer or other sewerage facility shall be installed, altered or repaired within the city until a permit for the work has been obtained from the city and all fees paid in accordance with the requirements of Article 8 of this chapter. (Ord. 147 § 2.09, 2002)

Article 3.

Use of Public Sewers Required

13.04.090 Disposal of wastes.

It is unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the city, or in any area under the jurisdiction of the city, any human or animals excrement, garbage, or other objectionable waste. (Ord. 147 § 3.01, 2002)

13.04.100 Treatment of wastes required.

It is unlawful to discharge to any stream or water course any sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this chapter. (Ord. 147 § 3.02, 2002)

13.04.110 Unlawful disposal.

Except as herein provided, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit, or other facility intended or used for the disposal of sewage. (Ord. 147 § 3.03, 2002)

13.04.120 Occupancy prohibited.

No building, industrial facility or other structure shall be occupied until the owner of the premises has complied with all rules and regulations of city. (Ord. 147 § 3.04, 2002)

13.04.130 Sewer required.

The owner of any building now situated within the city and abutting on any street in which there is now located or may in the future be located a public sewer of the city, is required at his or her expense to connect the building directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after

date of official notice to do so; provided, that the public sewer is within two hundred fifty (250) feet of the building. (Ord. 147 § 3.05, 2002)

13.04.140 Governmental or public premises.

The provisions of this chapter shall apply to governmental or public premises as well as to premises which are not governmental or public premises. As used herein, the term "governmental or public premises" means and includes premises which are owned, controlled or used by: (1) the United States Government or any department or agency thereof; (2) the state of California or any department or agency thereof; (3) any city, county, town, or city and county, or any of their departments or agencies; (4) any school district; and (5) any other governmental or public entity. (Ord. 147 § 3.06, 2002)

Article 4.

Private Sewage Disposal

13.04.150 Sewer not available.

Where a public sewer is not available under the provisions of Section 13.04.130, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter. (Ord. 147 §4.01,2002)

13.04.160 Permit required.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the manager. The application for such a permit shall be made on a form furnished by the city which the applicant shall supplement by adding plans, specifications and other information as are deemed necessary by the manager. A permit and inspection fee shall be paid to the city at the time application is filed in accordance with the provision of Article 8 of this chapter. (Ord. 147 § 4.02, 2002)

13.04.170 Inspection required.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the city inspector. He or she shall be allowed to inspect the work at any stage of construction and, in any event the applicant for the permit shall notify the city inspector when the work is ready for final inspection, and before any underground portions are covered. The

inspection shall be made within forty-eight (48) hours, Sundays and holidays excluded, of the receipt of the notice by the city inspector. (Ord. 147 § 4.03, 2002)

13.04.180 Design requirements.

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of California, the Amador County health department and the city. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than forty thousand (40,000) square feet. No septic tank or cesspool shall be permitted to discharge to any public sewer or any stream or water course. (Ord. 147 § 4.04, 2002)

13.04.190 Abandonment of facilities.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 13.04.130, a direct connection shall be made to the public sewer in compliance with the ordinances, rules and regulations of city and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable materials determined by the city inspector. (Ord. 147 § 4.05, 2002)

13.04.200 Cost of maintenance by owner.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. (Ord. 147 § 4.06, 2002)

13.04.210 Additional requirements.

No statement contained in this article shall be construed to interfere with any law, ordinance, rule or regulation or by the health officer of the county. (Ord. 147 § 4.07, 2002)

Article 5.

**Building Sewers, Lateral Sewers
and Connections**

13.04.220 Permit required.

In accordance with Article 6 of this chapter, no person shall construct a building sewer, lateral sewer or make a connection with any public sewer without first obtaining a written permit from the city and paying all fees and connection charges as required therein. (Ord. 147 § 5.01, 2002)

13.04.230 Construction requirements.

Construction of building sewers and lateral sewers shall be in accordance with the requirements of the county and requirements of the city. In case of conflict, the more stringent shall apply. (Ord. 147 § 5.02, 2002)

13.04.240 Minimum size and slope of side sewers.

Pipe for side sewers shall have an internal diameter equal to or greater than that of the building drain to which it connects and in any case the minimum diameter shall be four inches. Where more than one hundred fifty (150) fixture units are to be connected to a single side sewer, the side sewer from the point of intersection of one or more building sewers to the public sewer shall be not less than six-inch diameter.

The minimum slope for four-inch diameter side sewers shall be one and one-half feet per one hundred (100) feet (1.5 percent) provided, however, that where unusual conditions exist making it impractical to obtain this slope, a four-inch diameter side sewer may have a slope of not less than one foot per one hundred (100) feet (1.0 percent) when specifically approved by the city engineer. The minimum slope for side sewers greater than four inches in diameter shall be one-half foot per one hundred (100) feet (0.5 percent). (Ord. 147 § 5.03, 2002)

13.04.250 Separate side sewers.

Each separate building shall be connected to the main sewer with a separate side sewer, except that one or more buildings located on property owned by the same person may be served by the same side sewer if the city engineer determines that it is unlikely that the ownership of the property can or will be divided in the future. However, if for any reason, the ownership of the property is subsequently divided, each building under separate ownership shall be provided with a separate side sewer and it is unlawful for the owner thereof to continue to use or maintain such common side sewer. Notwithstanding the provisions hereof, single-family residential units with common walls, condominium, stock co-operative, community apartment or other similar improvement which entitles owners of interests therein to occupy independent ownership interests and to make joint use of utility and other services, which may be provided by facilities owned in common, may, upon issuance of a permit authorizing such common use by the city engineer, be permitted to maintain a common side sewer or sewers. (Ord. 147 § 5.04, 2002)

13.04.260 Old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the city inspector, to meet all requirements of city. (Ord. 147 § 5.05, 2002)

13.04.270 Clean-outs.

Clean-outs in building sewers shall be provided in accordance with the rules, regulations and ordinances of the city. Clean-outs shall be the same diameter as the building sewer. All clean-outs shall be maintained as watertight and shall be constructed with a forty-five (45) degree riser and a cast iron one-eighth bend set in concrete at the surface of the ground and shall be sealed with a watertight brass screw plug or cap in accordance with either the detailed drawing on file in the inspector's office. A clean-out shall be installed at the junction of each building sewer and lateral sewer in an accessible location within the street between the curb and property line, except, that where the sewer main and lateral is located within a public easement or right-of-way at the rear or side of the lot, no clean out need be installed if the run to the first building sewer clean-out is less than one hundred (100) feet. (Ord. 147 § 5.06, 2002)

13.04.280 Sewer too low.

In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by artificial means, approved by the manager, and discharged to the public sewer at the expense of the owner. (Ord. 147 § 5.07,2002)

13.04.290 Connection to public sewer.

The connection of the building sewer into the public sewer shall be made at the lateral or "Y" branch, if such lateral or "Y" branch is available at a suitable location. Where no properly located "Y" branch is available, a neat hole may be cut into the public sewer to receive the building or lateral sewer, with entry in the downstream direction at an angle of about forty-five (45) degrees. A wye saddle shall be used for the connection and in no case shall the pipe protrude inside the main sewer. The invert of the building or lateral sewer at the point of connection shall be at a higher elevation than the invert of the public sewer. A smooth neat joint shall be made, and the connection made secure and watertight by encasement

in concrete. The connection to the public sewer shall be made in the presence of the city inspector and under his or her supervision and direction. Any damage to the public sewer shall be repaired at the cost of the applicant to the satisfaction of the city inspector. (Ord. 147 § 5.08, 2002)

13.04.300 Protection of excavation.

All excavations for a side sewer installation shall be adequately guarded with barricades of lights so as to protect the public from hazard. Streets, side walks, parkways and other property disturbed in the course of the work shall be restored in a manner satisfactory to the city and the county or any other person having jurisdiction. (Ord. 147 § 5.09, 2002)

13.04.310 Maintenance of side sewer.

Side sewers shall be maintained by the owner of the property served thereby. Where a side sewer provides service to more than one single-family residential unit in a development with common walls, condominium, stock co-operative, community apartment or other similar improvements, the obligations to maintain the side sewer shall be in the homeowner's association or entity responsible for the maintenance of the property and facilities owned in common. (Ord. 147 §5.10,2002)

13.04.320 Backwater prevention devices Maintenance.

Where a side sewer serves plumbing fixtures that are located less than one foot above the rim elevation of the upstream manhole or rod hole in the reach of main sewer into which the side sewer connects, it shall be protected from back-flow of sewage by installing a backwater prevention device of a type and in the manner prescribed by the manager. Any such back flow device shall be installed by the applicant for sewer service at the sole cost and expense of the applicant. The maintenance of the back flow device shall be the sole obligation of the permittee or his or her successor in interest. The city shall be under no obligation to ascertain that the back flow device continues in operating condition. (Ord. 147 §5.11, 2002)

Article 6.

Public Sewer Construction

13.04.330 Permit required.

In accordance with Article 8 of this chapter, no person shall construct, extend or connect to any public sewer without first obtaining a written permit from the city and paying all fees and connection charges and furnishing bonds as required therein. The provisions of this section requiring permits shall not be construed to apply to contractors constructing sewers and appurtenances under contracts awarded and entered into by the city. (Ord. 147 § 6.01, 2002)

13.04.340 Plans, profiles and specifications required.

The application for a permit for public sewer construction shall be accompanied by complete plans, profiles, and specifications, complying with all applicable ordinances, rules and regulations of city prepared by a registered civil engineer showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications shall be examined by the manager who shall within ten (10) days approve them as filed or require them to be modified as he or she deems necessary for proper installation.

After examination on behalf of the city, the application, plans, profiles and specifications shall be submitted to the council at its next regular meeting for its consideration. When the council is satisfied that the proposed work is proper and the plans, profiles and specifications are sufficient and correct, it shall order the issuance of a permit predicated upon the payment of all connection charges, fees and furnishing bonds as required by the city. The permit shall prescribe such terms and conditions as the council finds necessary in the public interest. (Ord. 147 § 6.02, 2002)

13.04.350 Subdivisions.

For purposes of this chapter, a subdivision shall be defined as improved or unimproved land or lands divided for the purpose of sale or lease, whether immediate or future, into two or more lots or parcels.

The requirements of Sections 13.04.330, 13.04.340 and 13.04.430 shall be fully complied with and all fees and connection charges required under Article 8, excepting connection permit and inspection fees required under

Section 13.04.700 shall be paid before any final subdivision map shall be approved by the city and before any permit to install sewerage facilities to serve the subdivision is issued. The final subdivision map shall provide for the dedication for public use of all streets, easements or rights-of-way in which public sewers are to be constructed. (Ord. 147 § 6.03, 2002)

13.04.360 Easements of rights-of-way.

In the event that an easement is required for the extension of the public sewer or the making of connections, the applicant shall procure and have accepted by the council a proper easement or grant of right-of-way sufficient in law to allow the laying and maintenance of such extension or connection. (Ord. 147 § 6.04, 2002)

13.04.370 Persons authorized to perform work.

Only properly licensed contractors shall be authorized to perform the work of public sewer construction within the city. All terms and conditions of the permit issued by the city to the applicant shall be binding on the contractor. (Ord. 147 § 6.05, 2002)

13.04.380 Grade stakes.

Grade and line stakes shall be set by a registered civil engineer prior to the start of work on any public sewer construction. The contractor shall be responsible for accurately transferring grades to grade bars and sewer invert. (Ord. 147 § 6.06, 2002)

13.04.390 Compliance with regulations.

Any person constructing a sewer within a street shall comply with all state, county, or city laws, ordinances, rules and regulations pertaining to the cutting of pavement, opening, barricading, lighting and protection of trenches, back filling and repaving thereof and shall obtain all permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit by the city. Any person requesting a permit shall also comply with all applicable guidelines, including the local guidelines of city, adopted pursuant to the Environmental Quality Act of 1970, and shall make all deposits required and pay all fees which may be established by the city to process applications to comply with the act. (Ord. 147 § 6.07, 2002)

13.04.400 Protection of excavation.

The applicant shall maintain such barriers, lights and signs as are necessary to give warning to the public at all times that a sewer is under construction and of each dangerous condition to be encountered as a result thereof. He or she shall also likewise protect the public in the use of the sidewalk against any such conditions in connection with the construction of the sewer. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be reinstalled in a manner satisfactory to the city and the county or any other person having jurisdiction thereover. (Ord. 147 § 6.08, 2002)

13.04.410 Design and construction standards.

Minimum standards for the design and construction of sewers within the city shall be in accordance with the specifications for sewer construction heretofore or hereafter adopted by the city, copies of which are on file in the city office. The city may permit modifications or may require higher standards where unusual conditions are encountered. "As built" drawings showing the actual location of all mains, structures, Y's, laterals and clean out shall be filed with the city before final acceptance of the work. (Ord. 147 § 6.09, 2002)

13.04.420 Completion of sewer required.

Before any acceptance of any sewer line by the city and prior to the admission of any sewage into the system, the sewer line shall be tested and shall be complete in full compliance with all requirements of the specifications for sewer construction and to the satisfaction of the city engineer. If the work of constructing public sewerage facilities is not completed within the time limit specified in the permit, the council may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the improvement security furnished by the permittee pursuant to Section 13.04.430 of this chapter. (Ord. 147 § 6.10, 2002)

13.04.430 Improvement security.

Prior to issuance of a permit for public sewer construction, the applicant shall furnish to the city a faithful performance bond, cash, or other improvement security acceptable to the council, in the amount of the total estimated cost of the work as determined by the city engineer. Such faithful performance bond, cash deposit, or other improvement security shall be conditioned upon the

performance of the terms and considerations of the permit and, unless more stringent requirements are otherwise specified by the council, shall guarantee the correction of faulty workmanship and replacement of defective materials for a period of one year from and after the date of acceptance of the work by the council. The applicant shall also furnish to the city a labor and material bond, or other security acceptable to the council, in the amount of the total estimated cost of the work. (Ord. 147 § 6.11, 2002)

13.04.440 Financing—General.

Except as hereinafter provided in Sections 13.04.450 through 13.04.490, the extension of the public sewerage facilities to serve any parcel or tract of land shall be done by and at the expense of the owner, although the city reserves the right to perform the work and bill the owner for the cost thereof, to perform the work itself, or to perform the work pursuant to special assessment proceedings. The size of all sewer mains and other sewer facilities shall be as required by the city. (Ord. 147 § 6.12, 2002)

13.04.450 Partial reimbursement for off-site sewers.

Whenever a public sewer is required to be extended more than two hundred (200) feet from the existing public sewerage facilities of the city to the nearest corner or point on the property line of the installer and the city finds that the sewer will potentially serve property other than that of the installer, the installer shall be entitled to an off site sewer reimbursement credit in an amount determined by the council based upon the estimated number of side sewer connections which may, in the future, be made by other property owners to the sewer paid for by the installer beyond the limits of his or her property.

Any person proposing to construct an off site sewer as herein defined, shall submit a written request for a reimbursement agreement to the city manager no less than two weeks prior to the date of the council meeting at which council action is desired. If the manager finds that the sewer to be constructed may reasonably be expected to benefit properties owned by persons other than the installer, he or she shall cause a reimbursement agreement to be prepared and submitted to the council for approval, which agreement shall provide for partial reimbursement for off site sewer construction through payment to the installer of an amount equal to eighty-five (85) percent of the collector sewer charges paid to the city pursuant to Section 13.04.710(A) by others making side sewer

connections to the off site sewer beyond the limits of the installer's property within ten (10) years from the date of acceptance of the sewer by the city. The total amount of the partial reimbursement shall not exceed the installer's entitlement to off site sewer reimbursement credit as determined above. Payments by the city to the installer will be made in July of each year. The agreement shall be made and entered into prior to the issuance of a permit to the work by the city. (Ord. 147 § 6.13, 2002)

13.04.460 Partial reimbursement for oversized sewers.

Whenever a public sewer larger than eight inches in diameter is required to be installed, and the city finds that the sewer will potentially serve property other than that of the installer, the installer shall be entitled to an oversized sewer reimbursement credit determined by the city to the difference between the estimated cost of installing the size of the line required to serve the installer's needs (eight-inch minimum) and the estimated cost of installing the larger size line. In the event that all or part of the oversized sewer to be constructed is an off site sewer, the installer's credit for oversized sewer reimbursement shall be in addition to an off site sewer reimbursement credit for which he or she is eligible under Section 13.04.450.

Any person proposing to construct an oversized sewer, as herein defined, shall submit a written request for a reimbursement agreement to the city manager no less than two weeks prior to the date of the council meeting at which council action is desired. If the manager finds that the sewer to be constructed may reasonably be expected to benefit properties owned by persons other than the installer, he or she shall cause a reimbursement agreement to be prepared and submitted to the council for approval, which agreement shall provide for partial reimbursement for oversized sewer construction through annual payments to the installer from the oversized sewer reimbursement fund of the city. Payments by the city to the installer will be made in July of each year following the first full year after acceptance of the oversized sewer by the city. The amount of each of the payments shall be equal to that portion of the total trunk sewer charges deposited in the oversized sewer reimbursement fund of the city pursuant to Section 13.04.710 during the previous twelve (12) month period as the installer's oversized sewer reimbursement credit bears to the total of all unexpired oversized sewer reimbursement entitlement. The agreement shall be entered into prior to

the issuance of a permit for the work by the city and shall terminate upon payment by the city of the full amount of the installer's oversized sewer reimbursement credit, or after the expiration of ten (10) years from the date of acceptance of the oversized sewer by the city. (Ord. 147 § 6.14, 2002)

13.04.470 Partial reimbursement for pumping stations or treatment facilities.

Whenever ever sewage pumping facilities or sewage treatment facilities are required to be constructed by a developer, and the city finds that the facilities will potentially serve property other than that of the installer, the installer shall be entitled to a facilities reimbursement credit determined by the city equal to the difference between the estimated cost of the size of facilities required to serve the installer's needs and the estimated cost of installing the larger facilities.

Any person proposing to construct sewage pumping or treatment facilities shall submit a written request for a reimbursement agreement to the city manager no less than two weeks prior to the date of the council meeting at which council action is desired. If the manager finds that the sewerage facilities to be constructed may reasonably be expected to benefit properties owned by persons other than the installer, he or she shall conduct a special study of the proposed project and the service area involved and shall cause a reimbursement agreement to be prepared and submitted to the council for approval, together with recommendations concerning the establishment of an appropriate special benefit zone and special equalization charge pursuant to Section 13.04.680. The reimbursement agreement shall provide for partial reimbursement through payment to the installer of all or part of such special equalization charges as may be collected from other properties connecting directly to or indirectly to the sewage pumping or treatment facilities to be constructed. Payments by the city to the installer will be made in July of each year. The agreement shall be entered into prior to the issuance of a permit for the work by the city and shall terminate upon payment by the city of the full amount of the installer's facilities reimbursement credit, or after the expiration of ten (10) years from the date of acceptance of the facilities by the city. (Ord. 147 § 6.15, 2002)

13.04.480 Special reimbursement agreements.

Where special conditions exist in the opinion of the city, relating to any reimbursement agreement pursuant to the

provisions of this article, the council may, either in addition to or in lieu of any of the provisions of this article, authorize a special reimbursement contract between the city and the person or persons constructing public sewerage facilities. The special reimbursement agreement shall be made and entered into prior to the issuance of a permit for the work by the city. (Ord. 147 § 6.16, 2002)

13.04.490 City participation.

The city may, at its discretion, pay that portion of the costs of extending its trunk sewer system or constructing sewage pumping or treatment facilities equal to the difference in cost between the size of facility required by installer's development and the size of facility that the city requires under its long range master plan when all of the following conditions are present:

- A. The facility to be constructed replaces presently inadequate facility;
- B. The facility to be constructed is one of those described in the master plan heretofore or hereafter adopted by the council, and is part of a currently planned capital improvement program of the city, and
- C. The council has determined that it is within the city's financial ability to finance its share of the improvement.

Article 7.

Use of Public Sewers

13.04.500 Drainage into sanitary sewers prohibited.

No leaders from roofs and no surface drains for rain water shall be connected to any sanitary sewer. No surface or sub surface drainage, rain water, storm water, seepage, cooling water or unpolluted industrial process waters shall be permitted to enter any sanitary sewer by any device or method whatsoever. (Ord. 147 § 7.01, 2002)

13.04.510 Use of storm sewers required.

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the manager. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the manager, to a storm sewer, combined sewer or natural outlet. (Ord. 147 § 7.02, 2002)

13.04.520 Types of wastes prohibited.

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- A. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit;
- B. Any water or waste which may contain more than one hundred (100) parts per million, by weight, of fat, oil or grease;
- C. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
- D. Any garbage that has not 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 in any dimension;
- E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;
- F. Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
- G. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to human or animals, or create a hazard in the receiving waters of the sewage treatment plant;
- H. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;
- I. Any noxious or malodorous gas or substance capable of creating a public nuisance;
- J. Any septic tank sludge. (Ord. 147 § 7.03, 2002)

13.04.530 Interceptors required.

Grease, oil and sand interceptors shall be provided when in the opinion of the city engineer and/or the Amador County department of environmental health they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients, except that such interceptors shall not be required for buildings used

for residential purposes. All interceptors shall be of a type and capacity approved by the city engineer and shall be so located as to be readily and easily accessible for cleaning and inspection. Grease traps shall be required at all public premises where food is prepared, such as restaurants, cafeterias and boarding houses.

Grease, oil and sand interceptors shall be of a type and constructed in accordance with the specifications approved by the city engineer and/or the Amador County department of environmental health and shall be made of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water tight and equipped with easily removable covers which, when bolted in place, shall be gas tight and water tight. (Ord. 147 § 7.04, 2002)

13.04.540 Maintenance of interceptors.

A. All grease, oil and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operations at all times.

B. Each user shall regularly inspect, clean and repair interceptors owned by the user. Such inspection, cleaning and repairing will be conducted at least annually. Cleaning or pumping of grease traps shall be at such a frequency to prevent the over flow of grease into the city public sewer main. Records of inspections, cleaning and repairs and the costs associated with these actions shall be kept for three years and be made available for inspection by city personnel upon request. The debris from interceptors shall be disposed of through a licensed waste hauler. Waste disposal records, including receipts, shall be kept for three years and be made available for inspection by city personnel upon request.

C. If in the opinion of the city engineer, sanitation engineer and/or public works department more frequent scheduled maintenance is necessary, then the user will comply with more frequently scheduled maintenance as determined by the city engineer, sanitation engineer and/or public works department (Ord. 147 § 7.05, 2002)

13.04.550 Preliminary treatment of wastes.

The admission into the public sewers of any waters or wastes having:

A. A five-day biochemical oxygen demand greater than three hundred (300) milligrams per liter (mg/l);

B. Containing more than three hundred fifty (350) mg/l of suspended solids;

C. Containing any quantity of substance having the characteristics described in Section 13.04.520; or

D. Having an average daily flow greater than two percent of the average daily sewage flow of the service area;

Shall be subject to the review and approval of the city engineer. Where necessary in the opinion of the city engineer, the owner shall provide, at his or her expense, such treatment as may be necessary to:

1. Reduce the biochemical oxygen demand to 300 mg/l and the suspended solids to 350 mg/l,

2. Reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 13.04.520, or

3. Control the quantities and rates of discharge of such waters or wastes.

Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the city engineer and/or Amador County department of environmental health, and such other agencies as the city may from time to time direct, and no construction of such facilities shall be commenced until the approvals are obtained in writing. (Ord. 147 § 7.07, 2002)

13.04.560 Maintenance of pretreatment facilities.

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense. (Ord. 147 § 7.07, 2002)

13.04.570 Control manholes.

When required by the manager, the owner of any property served by a side sewer carrying industrial wastes shall install a suitable control manhole in the side sewer to facilitate observations, sampling and measurement of wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the city. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times. (Ord. 147 § 7.08, 2002)

13.04.580 Measurements and tests.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in Sections 13.04.520 and 13.04.550 shall be

determined in accordance with standard methods and shall be determined at the control manhole provided for in Section 13.04.570, or upon suitable samples taken at the 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 side sewer is connected. (Ord. 147 § 7.09, 2002)

13.04.590 Special agreements.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern and subject to such terms and conditions as might be required by city. (Ord. 147 §7.10, 2002)

13.04.600 Swimming pools.

It is unlawful for any person to discharge the contents of a swimming pool into a sanitary sewer. (Ord. 147 § 7.11, 2002)

13.04.610 Car washes.

From and after the effective date of this regulation, the manager may require that the applicant for any permit which includes a car wash within the facilities to be covered by the permit provide facilities for reclamation and reuse of all or a portion of the water used in the car wash process and the submit-tal of plans and specifications for the installation of such .reclamation and reuse facilities acceptable to the manager. (Ord. 147 §7.12,2002)

**Article 8.
Permits, Fees and
Sewer Service Charges**

13.04.620 Permit required.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance or perform any work on any drainage system without first obtaining a written permit from the city. (Ord. 147 § 8.01, 2002)

13.04.630 Application for permit and payment of charges.

Any person legally entitled to apply for and receive a permit shall make such application on forms provided by the city for that purpose. He or she shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The manager may require plans, specifications or drawings and such other information as he or she may deem necessary.

In the event the applicant for a permit is required to provide plans, specifications or drawings and information as a condition to the issuance of the permit, the applicant shall pay all engineering, legal, administrative and other expenses and charges prior to the issuance of the permit.

If the manager determines, with the advice and consent of the engineer, that the plans, specifications, drawings and other information furnished by the applicant are satisfactory and are in compliance with the ordinances, rule and regulations of the city, he or she shall issue the permit applied for upon payment of the charges herein referred to and of the fees as hereinafter fixed. (Ord. 147 § 8.02, 2002)

13.04.640 Compliance with permit.

After approval of the application, evidenced by the issuance of a permit, no change shall be made in the location of the sewer, the grade, materials, or other details from those described in the permit or as shown on the plans and specifications for which the permit was issued except with written permission from the city, the manager or other authorized representatives. (Ord. 147 § 8.03, 2002)

13.04.650 Agreement.

The applicant's signature on an application for any permit as set for in Section 13.04.660, shall constitute an agreement to comply with all of the provisions, terms and requirements of this and other ordinances, rules and regulations of the city, and with the plans and specifications he or she has filed with his or her .application, if any, together with such corrections or modifications as may be made or permitted by the city, if any. Such agreement shall be binding upon the applicant and may be altered only by the city upon the written request for the alteration from the applicant. (Ord. 147 § 8.04, 2002)

13.04.660 Classes of permits.

There shall be five classes of permits as follows:

- A. Single-family residential sewer permit;
- B. Trailer court and multiple dwelling sewer permit;
- C. Commercial, industrial, church, school, public and other user sewer permit;
- D. Public sewer construction permit;
- E. Private sewage disposal permit. (Ord. 147 § 8.05, 2002)

13.04.670 Fees—Annexation charges.

The owner or owners of lands within areas proposed to be annexed to the city shall deposit with the clerk of the city a sum to be fixed by the manager, prior to the commencement of proceedings by the council on the proposed annexation. The amount to be fixed by the manager shall be in a sum estimated to equal the engineering, legal and publication costs and all other charges which may be incurred by the city in preparing and examining maps, legal descriptions, and other documents in relation thereto, and other expenses regularly incurred in connection therewith. Should the amount of the deposit exceed the costs incurred by the city the excess shall be refunded to the owner or owners following the conclusion of the final hearing of the proposed annexation. Should the amount of the deposit be insufficient to pay such costs incurred by the city the owner or owners shall advance such additional sums as shall be necessary to pay the costs prior to the final hearing on the proposed annexation. (Ord. 147 § 8.06, 2002)

13.04.680 Special equalization charges and benefit zones.

In addition to any other fees and charges established by the ordinances, rules and regulations of the city, there shall be collected, prior to the issuance of a permit for connection to the sanitary sewerage system of the city, such special equalization charges as may be specified by the council in order to establish condition of equality between the installers of downstream sewerage facilities and those benefiting from but not participating in the cost of these facilities.

When special equalization charges are deemed necessary and appropriate by the council, a special benefit zone shall be established which shall define the area of properties that may reasonably be expected to benefit from the construction of specific sewerage facilities which have been or are to be constructed. The boundaries of each

special benefit zone and the amount of special equalization charges to be levied therein shall be established by resolution of the council. The amount of the special equalization charges to be levied within a given special benefit zone will generally be determined as follows:

A. Where the sewerage facilities have been financed through special assessment proceedings or a city approved co-operative project, the amount of the special equalization charges shall be the equivalent of the assessment to similar properties within the assessment district or co-operative project area which paid for the facilities.

B. Where the sewerage facilities have been privately financed and the city has entered into a reimbursement agreement with the installer pursuant to Section 13.04.470, the amount of special equalization charges shall be computed by the city based on the cost of installation of the facilities, including all expenses incidental thereto, and all engineering, legal inspection and other charges, and based on the relative benefit derived by properties within the special benefit zone. (Ord. 147 § 8.07, 2002)

13.04.690 Connection charges.

A. Connection fees shall be the sum of four thousand five hundred dollars (\$4,500.00) per connection. Hereafter, connection fees may be changed by resolution of the city council.

Additional costs incurred by the city for the services of the city engineer, city planner, city attorney and any additional administrative costs related to the sewer connection shall also be paid by the applicant.

Connection fees may be paid in advance of construction, however, at the end of eighteen (18) months following payment of fee, structure must either be connected and become subject to monthly service charges or fee will remain with the city as a down payment for additional fee on structure during year actually connected.

B. Annual Increase of Connection Charge. As of the month of July of each subsequent year beginning in 2004, the connection fee will be increased by three and one-half percent.

Schedule of Fees

Year	Increase	Amount
2004	\$157.50	\$4657.50
2005	163.01	4820.51
2006	168.72	4989.23
2007	174.62	5163.85
2008	180.73	5344.58

C. Prepayment—Subdivisions. Prepayment of the connection charges required under this article shall be paid to the city before any final subdivision map is approved by the city and before any permit to install sewerage facilities to serve the subdivision is issued. An exception to the requirement for the prepayment at the time of subdivision may be made by the council when, in its judgment, the type of development which will occur within the subdivision cannot be accurately determined for purposes of calculating appropriate connection charges. Whenever such an exception is made by the council, the charges which have been deferred shall be paid prior to the issuance of individual building sewer connection permits at the rates in existence at the time of issuance of the connection permits.

D. Alteration of Use. The connection charges herein established are applicable to the use proposed to be made of the building at the time the connection permit is issued. In the event of alteration of the building or of additional use of the sewer facilities for which the connection charge was originally established, additional charges shall be paid for the added family units as herein defined at the connection charge rate in effect at the time such alterations or additions are made.

E. Credit for Advance Payments. Whenever the connection charges, established in subsection A of this section, have been advanced or prepaid, or whenever any area or connection charges have been advanced or prepaid pursuant to regulations of the city which were previously in effect, persons obtaining permits for new connections shall be entitled to a credit against the connection charges provided herein. Such credit shall be applicable in those instances where the payments have been made to the city and where the actual connections to the sewer facilities of the city have not yet been made as of the effective date of the ordinance codified in this chapter. The credit shall be computed on the same basis and rate as that used at the time of collection but, in no case, shall the amount of such credit exceed the amount of connection charges required to

be paid under subsection A of this section. (Ord. 157 (part), 2003; Ord. 147 § 8.08,2002)

13.04.700 Sewer permit and inspection fees.

Sewer permit and inspection fees shall be one hundred fifty dollars (\$150.00) and may be changed by resolution.

Prior to construction of connection to city sewers, inspection fees shall be deposited with city. All sewer work outside city streets shall be under a plumbing permit issued by city. All work in city streets shall be in accordance with encroachment provision of Chapter 12.08. All re-inspections charges shall be responsibility of permittee and will be 1.5 times cost billed to city for any re-inspection services. (Ord. 147 § 8.09, 2002)

13.04.710 Collector and trunk sewer charges.

A. Sewer Service Rate Charge. Hereafter, sewer service rate charges shall be established by ordinance.

Classification of Use	Monthly Charges
Residential:	
Single-family dwelling	\$42.00
Multifamily dwelling	42.00 per unit
Trailer or mobile home parks	42.00 per unit
Churches:	
Houses of worship and public facilities in connection therewith (excluding residences)	42.00
Commercial establishments	*

* Charges shall be determined by the equivalent single-family residential (ESFR) unit times forty-two dollars (\$42.00) and not be less than a single-family dwelling unit rate of forty-two dollars (\$42.00). An ESFR unit is determined by the average daily amount of water used during the winter months of December, January and February by all metered residences divided by the number of residences. The ESFR shall be determined by the city sanitation engineer.

4. Other. Rates for any special unit not provided for herein shall be fixed and established by resolution of council at the time of connection or whenever a change of use or occupancy may create such a special unit, or as soon as practical thereafter. Rates for special units shall be fixed and established based solely upon the approximate load placed upon the city’s sewer system.

Any commercial establishment which uses water as an integral part of its business operations or which introduces into the sewer system any chemical or waste material not consistent with ordinary household or culinary operations, and which is not otherwise provided for above, shall be considered a special unit. Examples of such operations may include but are not limited to: hair salons, photo finishing operations, plant nurseries and laundry facilities.

Whereas in those instances of a single-family dwelling unit which consists of more than one structure (examples: barn, garage, detached bedroom), toilets in those structures shall not constitute a separate and additional sewer fee as long as the use of such structures remain in conformance with the definition of a single-family dwelling unit.

And whereas if the detached structures are converted to rental, commercial, multifamily, etc. use, sewer fees will be charged accordingly.

B. Effective Date of Charges. The rates and charges provided herein shall become effective upon the effective date of the ordinance codified in this chapter. With respect to premises thereafter connected directly or indirectly to the sewer system, or thereafter discharging directly or indirectly any sewage and/or waste into the sewer system, the charge shall be effective immediately upon connection.

Notwithstanding the provisions of this paragraph or of this chapter, no service charge shall be due or paid for a building or dwelling which is newly constructed until such is occupied. Further, no customer shall be billed less than a full month's sewer service charge, whether the service period is for one month or any portion thereof.

C. Power to Inspect Premises. In order to effect the powers of this chapter and pursuant to Section 6523.2 of the Health and Safety Code of the state of California, the city's superintendent (engineer) and his or her authorized representatives are given the power and authority to enter upon private property pursuant to Section 13.04.910 for the purpose of inspection and maintenance of sanitary and waste disposal facilities, including, but not limited to, ascertaining the nature of such premises, the type of activities carried on therein, the number of plumbing fixtures situated therein, and any other facts or information reasonably necessary to ascertain the applicability of any sewer service charges to such premises, or the amount of such charges.

D. Adjustments. It is the intent of the provisions of this chapter, in establishing different sewer service charges for

different categories of customers, to reflect the benefit from such service to each customer so that those who receive greater benefits or those who impose heavier burden upon the system because of higher flow, or the quality of the discharge, pay a higher charge. If, in respect to any customer, the city council should find that the charge is inequitable, or unfair because of unusual circumstances, it may establish a special service charge for such customer, differing from those otherwise established which will bear a closer relationship to the benefit received from use of the city system. Such special charge may be established by resolution or agreement, but may be revoked at any time by the council wherever it finds that continuation thereof would be inequitable or unfair under the circumstances then prevailing.

E. Vacancy. No credit, adjustment or re fund will be made to any customer because the premises or any part thereof are vacant unless the premises are disconnected from the sewer system.

F. Refunds. When any refund becomes due and owing by virtue of action of the city council or by virtue of any error made in ascertaining the charge applicable to any customer, the city council is authorized to make payable such moneys from the specific fund established for the deposit of sewer service charges. (Ord. 157 (part), 2003; Ord. 147 §8.10,2002)

13.04.720 Billing and collecting.

A. Collection of Sewer Service Charges. All sewer service charges shall be billed and collected and deposited in a special fund established and maintained for that purpose.

B. Due Date of Charge. All sewer service charges shall become due and payable at the end of each month from the date of connection. Billings shall be made on the first day of the month for the charges due in the preceding month.

C. Persons Responsible. All sewer service charges shall be billed to the person who requested the connection to the city sewer system or his or her successor in interest, or if no such request was made, then to the owner of such premises on the date on which such premises are required to connect to the city sewer system, or to the successor in interest of such person, or to any person requesting that such bill be charge to him or her. It shall be and is made the duty of all owners and users of all premises to inform the city clerk immediately of all circumstances, and of any change or changes in any circumstances, which will in

any way affect the applicability of any charge to premises owned or used by him or her or the amount of any such charge. In particular, but not by way of limitation, an owner or user of any premises shall immediately inform the city clerk of any sale or transfer of such premises by or to such owner or user. The owner of the premises is and shall be responsible for payment of any and all sewer service charges applicable to premises owned by him or her.

D. Delinquency Date. Except as otherwise provided elsewhere in this chapter, each sewer service charge shall be delinquent if not paid on or before the thirtieth day immediately following the date upon which such sewer service charge became due and payable.

E. Penalties for Nonpayment. All bills not paid within thirty (30) days after the date the bill was rendered shall be delinquent and a penalty of ten (10) percent of the bill or amount due plus a penalty of not exceeding one-half of one percent per month shall accrue for the period of the nonpayment and be collected as a part of the principal thereof.

F. Enforcement In the event of the failure any person or the owner of the premises to pay when due any sewer service charges applicable to premises owned by him or her, the city may enforce payments of such delinquent charges in any of the following manners:

1. The city may have such premises disconnected from the sanitary sewer system. In the event such a disconnection should create a public health hazard or nuisance, the superintendent or his or her representatives may enter upon the premises for the purpose of doing such things a may be reasonably necessary to alleviate or remove such hazard or menace. The owner of such premises shall have a duty to reimburse the city for all expenses incurred by city in disconnecting any such premises, or in doing other things authorized by this section; and no re-connection shall be made until all such charges are paid.

2. The city clerk may institute action in any court of competent jurisdiction to collect any charges which may be due and payable in the same manner as any other debts owing to the city may be collected.

3. As an alternative procedure, the city may provide any and all delinquent payments be placed on the tax roll, and collected with property taxes, as hereinafter provided.

Collection on Tax Roll Procedure. The city may elect to use the tax roll on which general city taxes are collected for the current or delinquent sewer service charges, and in

such case proceedings therefor shall be as now or hereafter provided in Article 4, Chapter 6, Part 3, Division 5 of the Health and Safety Code.

4. The city may provide otherwise for the collection of such delinquent charges. All remedies provided for here in for their enforcement and collection are cumulative and may be pursued alternatively or collectively as the city determines. If any remedy is invalid, all valid remedies shall remain effectual. (Ord. 147 § 8.11, 2002)

13.04.730 Fees and deposits— Environmental Quality Act.

Where city is the lead agency or a responsible agency for any project under the state and local guidelines adopted pursuant to the Environmental Quality Act of 1970, the person or persons beneficially interested shall deposit with the city the estimated cost of city preparation of materials, reports and the making of evaluations of the proposed project as estimated by the city engineer. Should the amount of deposit be inadequate to meet the city's costs as lead agency or as a responsible agency involved in providing consultation to the lead agency, as required by law, city shall, prior to completion of the city's evaluation of the proposed project, notify the person or persons beneficially interested of the amount necessary to complete the review of the proposed project which shall be immediately deposited with city. Should there be a surplus remaining in the deposit following completion of the city's evaluation of the project, the surplus shall be returned to the person or persons making such deposit. (Ord. 147 § 8.12, 2002)

13.04.740 Disposition of fees.

All fees collected on behalf of the city shall be deposited with the proper authority provided by the city to receive such funds. (Ord. 147 §8.13, 2002)

13.04.750 All work to be inspected.

All sewer construction work, building sewers and drainage systems shall be inspected by an inspector acting for the city to insure compliance with all requirements of the city. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the city's public sewer until the work covered by the permit has been completed, inspected and approved by the city inspector. All sewers shall be tested for leakage in the presence of the city inspector and shall

be cleaned of all debris accumulated from construction operations. If the test proves satisfactory, the inspector shall issue a certificate of satisfactory completion. (Ord. 147 §8.14,2002)

13.04.760 Notification.

It shall be the duty of the person doing the work authorized by permit to notify the office of the inspector in writing that the work is ready for inspection. Such notification shall be given no less than twenty-four (24) hours before the work is to be inspected. It shall be the duty of the person doing the work to make sure that the work will stand the tests required by the city before giving the above notification. (Ord. 147 §8.15,2002)

13.04.770 Condemned work.

When any work has been inspected and the work condemned and no certification of satisfactory completion given, a written notice to that effect shall be given instructing the owner of the premises, or the agent of such owner, to repair the sewer or other work authorized by the permit in accordance with the ordinances, rules and regulations of the city. (Ord. 147 § 8.16, 2002)

13.04.780 All costs paid by owner.

All costs and expenses incident to the installation and connection of any sewer or other work for which a permit has been issued shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the work. (Ord. 147 § 8.17, 2002)

13.04.790 Outside sewers.

Whereas the capacity of the Amador City sewer system is limited and future needs of parcels in the city will require sewer hookups. Therefore as of this date the city reserves the use of the sewer facility for parcels located inside the city limits and will deny hook-up applications for those parcels located outside the city limits. (Ord. 147 §8.18,2002)

13.04.800 Special outside agreements.

Where special conditions exist relating to an outside sewer, they shall be the subject of a special contract between the applicant and the city. (Ord. 147 § 8.19, 2002)

13.04.810 Street excavation permit.

A separate permit must be secured from the county or any other person having jurisdiction there over by owners or contractors intending to excavate in a public street for the purpose of installing sewers or making sewer connections. (Ord. 147 § 8.20,2002)

13.04.820 Liability.

The city and its officers, agents and employees shall not be answerable for any liability of injury or death to any person or damage to any property arising during or growing out of the performance of any work by any such applicant. The applicant shall be answerable for, and shall save the city and its officers, agents and employees harmless from any liability imposed by law upon the city or its officers, agents or employees, including all costs, expenses, fees and interest incurred in defending same or in seeking to enforce this provision. Applicant shall be solely liable for any defects in the performance of his or her work or any failure which may develop therein. (Ord. 147 § 8.21, 2002)

13.04.830 Time limit on permits.

Unless an extension of time is granted by the council, if work under a permit is not commenced and completed within the time specified in the permit, the permit shall become void and no further work shall be done until a new permit shall have been secured. (Ord. 147 § 8.22, 2002)

**Article 9.
Enforcement**

13.04.840 Violation.

Any person found to be violating any provision of this or any other ordinance, rule or regulation of the city, except Section 13.04.330 and 13.04.900, shall be served by the manager or other authorized person with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The time limit shall be not less than two nor more than seven working days. The offender shall, within the period of time stated in such notice, permanently cease all violations. All persons shall be held strictly responsible for any and all acts of agents or employees done under the provisions of this or any other ordinance, rule or regulation of the city. Upon being notified by the manager of any defect arising in any sewer or of any violation of this chapter, the person or persons having charge of the work shall immediately correct the same. (Ord.

147 §9.01, 2002)

13.04.850 Public nuisance.

Continued habitation of any building or continued operation of any industrial facility in violation of the provisions of this or any other ordinance, rule or regulation of the city is declared to be a public nuisance. The city may cause proceedings to be brought for the abatement of the occupancy of the building or industrial facility during the period of such violation.

Health Hazard. If a health hazard is found to exist by either: (a) the city department responsible for enforcing health or other code regulation; or (b) the county environmental health department, the property occupants are required to follow the reasonable orders of that health authority. (Ord. 147 § 9.02, 2002)

13.04.860 Disconnection.

As an alternative method of enforcing the provisions of this or any other ordinance, rule or regulation of the city, the manager shall have the power to disconnect the user or subdivision sewer system from the sewer mains of the city. Upon disconnection the manager shall estimate the cost of disconnection from and re-connection to the system, and such user shall deposit the cost, as estimated, of the disconnection and re-connection before such user is reconnected to the system. The manager shall refund any part of the deposit remaining after payment of all costs of disconnection and re-connection. (Ord. 147 § 9.03, 2002)

13.04.870 Public nuisance-Abatement.

During the period of such disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the city shall cause proceedings to be brought for the abatement for the occupancy of the premises by human beings during the period of such disconnection. In such event, and as a condition of re-connection, there is to be paid to the city a reasonable attorney's fee and cost of suit arising in the action. (Ord. 147 § 9.04,2002)

13.04.880 Violation—Penalty.

Any person or persons, firm, association or corporation, or other entities violating any term or terms of this chapter is guilty of a misdemeanor, and upon conviction thereof is punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for a period of not more than six months or by both fine and imprisonment. (Ord.

147 § 9.05, 2002)

13.04.890 Liability for violation.

Any person violating any of the provisions of the ordinances, rules or regulations of the city shall become liable to the city for any expense, loss or damage occasioned by the city by reason of such violation. (Ord. 147 § 9.06, 2002)

Article 10.

Miscellaneous Provisions

13.04.900 Protection from damage.

No unauthorized person shall maliciously, wilfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the city's sewage works. Any person violating this provision shall be subject to the penalties provided by law. (Ord. 147 §10.01, 2002)

13.04.910 Right of entry for inspection.

A. When ever any officer or employee or agent of the city is authorized to enter any building or premises for the purpose of making an inspection to enforce this chapter, the officer or employee may enter such building or premises at all reasonable times to inspect the same; provided, that the officer or employee or agent shall effect entry in the manner provided in subsection B of this section, except in emergency situations, or when consent of the person having charge or control of such building or premises has been otherwise obtained.

B. If the building or premises to be inspected is occupied, the authorized officer or employee or agent shall first present proper credentials and demand entry; and if such building or premises is unoccupied, the officer or employee or agent shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and demand entry. If consent to such entry is not given, the authorized officer or employee or agent shall have recourse to every remedy provided by law to secure entry.

C. This chapter shall be controlling over any other ordinance or part of an ordinance on the same subject, whether heretofore or hereafter adopted, unless such ordinance or part of an ordinance provided differently by an express reference to this chapter. Notwithstanding any other ordinance of this city, whether heretofore or

hereafter adopted, it shall not be a violation of this chapter to refuse or fail to consent to an entry for inspection. (Ord. 147 § 10.02, 2002)

Chapter 13.08
UNDERGROUND UTILITY
DISTRICTS

Sections:

- 13.08.010 Definitions.**
- 13.08.020 Public hearing by council.**
- 13.08.030 Council may designate underground utility districts by resolution.**
- 13.08.040 Unlawful acts.**
- 13.08.050 Exception, emergency or unusual circumstances**
- 13.08.060 Other exceptions**
- 13.08.070 Notice to property owners and utility companies**
- 13.08.080 Responsibility of utility companies**
- 13.08.090 Responsibility of property owners.**
- 13.08.100 Responsibility of city**
- 13.08.110 Extension of time**
- 13.08.120 Violation—Penalty.**

13.08.010 Definitions.

Whenever in this chapter the words or phrases hereinafter in this section defined are used, they shall have the respective meanings assigned to them in the following definitions;

“Commission” means the Public Utilities Commission of the state of California.

“Person” means and include individuals, firms, corporations, partnerships, and their agents and employees.

“Poles, overhead wires and associated overhead structures” means poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located aboveground within a district and used or useful in supplying electric, communication or similar or associated service.

“Underground utility district” or “district” means that area in the city within which poles, overhead wires, and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of Section 13.08.030.

“Utility” includes all persons or entities supplying

electric communication or similar or associated service by means of electrical materials or devices. (Ord. 41 § 1, 1968)

13.08.020 Public hearing by council.

The council may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated structures within designated areas of the city and round installation of wires and facilities for supplying electric, communication, or similar or associated service. The city clerk shall notify all affected property owners as shown on qualified assessment roll and utilities concerned by mail of the time and place of such hearings at least fifteen (15) days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the council shall be final and conclusive. (Ord. 149 § 1 (part), 2002; Ord. 41 § 2, 1968)

13.08.030 Council may designate underground utility districts by resolution.

If, after any such public hearing the council finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the council shall, by resolution, declare such designated area an underground utility district and order such removal and underground installation. Such resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby. (Ord. 41 § 3, 1968)

13.08.040 Unlawful acts.

Whenever the council creates an underground utility district and orders the removal of poles, overhead wires and associated overhead structures therein as provided in Section 13.08.030, it is unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ

or operate poles, overhead wires and associated overhead structures in the district after the date when the overhead facilities are required to be removed by such resolution, except as the overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in Section 13.08.090, and for such reasonable time required to remove the facilities after the work has been performed, and except as otherwise provided in this chapter. (Ord. 41 § 4, 1968)

13.08.050 Exception, emergency or unusual circumstances.

Notwithstanding the provisions of this chapter, overhead facilities may be installed and maintained for a period, not to exceed ten (10) days, without authority of the council in order to provide emergency service. The council may grant special permission, on such terms as the council may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures. (Ord. 41 § 5, 1968)

13.08.060 Other exceptions.

This chapter and any resolution adopted pursuant to Section 13.08.030 shall, unless otherwise provided in such resolution, not apply to the following types of facilities:

A. Any municipal facilities or equipment installed under the supervision and to the satisfaction of the city engineer;

B. Poles or electroliers used exclusively for street lighting;

C. Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wired have been prohibited, or connecting to buildings on the perimeter of a district, when such sires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited;

D. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages I excess of thirty-four thousand five hundred (34,500) volts;

E. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another

location on the same building to or an adjacent building without crossing any public street;

F. Antennae, associated equipment and supporting structures, used by a utility for furnishing communication services;

G. Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts;

H. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects. (Ord. 41 § 6, 1968)

13.08.070 Notice to property owners and utility companies.

Within ten (10) days after the effective date of a resolution adopted pursuant to Section 13.08.030, the city clerk shall notify all affected utilities and all persons owning real property within the district created by the resolution of the adoption thereof. The city clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility on utilities at a new location, subject to applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission.,

Notification by the city clerk shall be made by mailing a copy of the resolution adopted pursuant to Section 13.08.030, together with a copy of this chapter to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities. (Ord. 41 § 7, 1968)

13.08.080 Responsibility of utility companies.

If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to Section 13.08.030, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the commission. (Ord. 41 § 8, 1968)

13.08.090 Responsibility of property owners.

A. Every person owning, operating, leasing, occupying or renting a building or structure within a district shall

perform construction and provide that portion of the service connection on his or her property between the facilities referred to in Section 13.08.080 and the termination facility on or within the building or structure being served, all in accordance with applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission.

B. In the event any person owning, operating leasing occupying or renting the property does not comply with the provisions of subsection A of this section within the time provided for in the resolution enacted pursuant to Section 13.08.030, the city engineer shall post written notice on the property being served and thirty (30) days thereafter shall have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to the property.(Ord. 41 § 9, 1968)

13.08.100 Responsibility of city.

City shall remove at its own expense all city-owned equipment from all poles required to be removed hereunder in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to Section 13.08.030. (Ord. 41 § 10, 1968)

13.08.110 Extension of time.

In the event that any act required by this chapter or by a resolution adopted pursuant to Section 13.08.030 cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation. (Ord. 41 § 1,1968)

13.08.120 Violation—Penalty.

It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter. Any person violating any provision of this chapter or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding six months, or by both such fine and imprisonment. Each such person shall be deemed guilty of a separate offense for each day

during any portion of which any violation of any of the provisions of this chapter is committed, continued or permitted by such person, and shall be punishable therefor as provided for in this chapter. (Ord.41§ 12,1968)