



**AGENDA**  
**WATERFORD CITY COUNCIL - REGULAR MEETING**  
**WATERFORD CITY HALL, CITY COUNCIL CHAMBERS**  
**101 "E" STREET, WATERFORD, CA**

**CITY COUNCIL CLOSED SESSION– APRIL 17, 2014 - 6:00 PM**

**CALL TO ORDER:** Mayor Charlie Goeken  
**ROLL CALL:**

**Mayor:** Charlie Goeken  
**Vice Mayor:** Jose Aldaco  
**Council Members:** Michael Van Winkle, Ken Krause, Joshua Whitfield

**1. CLOSED SESSION**

- 1a: "CONFERENCE WITH LEGAL COUNSEL, PENDING LITIGATION"  
(PURSUANT TO GOVERNMENT CODE SECTION 54956.9)  
- **Waterford, et al. v. Sipple:**
- 1b: "CONFERENCE WITH LABOR NEGOTIATOR"  
(Pursuant to Government Code Section 54957.6) Tim Ogden, City Manager,  
Designated Labor Negotiator:  
- **Bargaining Unit Memorandum of Understanding Negotiations:**

**CITY COUNCIL OPEN SESSION – APRIL 17, 2014 - 6:30 PM**

**CALL TO ORDER:** Mayor Charlie Goeken  
**FLAG SALUTE:** Mayor Charlie Goeken  
**INVOCATION:** Max Viss, Waterford Community Baptist Church  
**ROLL CALL:**

**Mayor:** Charlie Goeken  
**Vice Mayor:** Jose Aldaco  
**Council Members:** Michael Van Winkle, Ken Krause, Joshua Whitfield

**ADOPTION OF AGENDA:**

A member of the City Council motions to accept the items on the agenda for consideration as presented, or motions for any additions, including emergency items, or items pulled from consideration.

**CONFLICT OF INTEREST DECLARATION:**

Declaration by City Council members who may have a direct Conflict of Interest on any scheduled agenda item to be considered.

**ADOPTION OF CONSENT CALENDAR:**

All Matters listed under the Consent Calendar are considered routine by the Council and will be adopted by one action of the Council unless any Council Member desires to discuss any item or items separately. In that event, the Mayor will remove that item from the Consent Calendar and action will be considered separately.

**1. CITY ATTORNEY REPORT FROM CLOSED SESSION**

**2. CONSENT CALENDAR**

- 2a: Waive Readings - All readings of Ordinances and Resolutions, except by title, are waived  
2b: RESOLUTION 2014-29: Warrant Register  
2c: Minutes of the Regular City Council Meeting held on April 3, 2014  
2d: RESOLUTION 2014-30: In support of California Safe Digging Month

**3. PRESENTATIONS**

**4. COMMUNICATIONS FROM THE AUDIENCE**

This is the portion of the meeting specifically set aside to invite public comments regarding any matters not appearing on the agenda and within the jurisdiction of the City Council or the Successor Agency. Individual audience participation is limited to a maximum of 5 minutes and you will be asked to state your name and city of residence. Please complete and submit a speaker card to the City Clerk.

**5. PUBLIC HEARING**

- 5a: ORDINANCE 2014-06: 1<sup>st</sup> READING & INTRODUCTION: An Ordinance Amending Waterford Municipal Code Title 7, Sanitation and Health, by Amending Chapters 7.04, "Sewer" and 7.08, "Enforcement of Sewer Fee Payment"
- 5b: ORDINANCE 2014-07: 1<sup>st</sup> READING & INTRODUCTION: An Ordinance Amending Waterford Municipal Code Title 4, Water System, by Amending Chapter 4.00, "Regulation and Billing"
- 5c: ORDINANCE 2014-08: 1<sup>st</sup> READING & INTRODUCTION: An Ordinance Adding Chapter 3.50 "Collection of Public Utilities Charges", by adding WMC Sections 3.50.010 through 3.50.180 to TITLE 3, "REVENUE AND FINANCE", of the Waterford Municipal Code

**6. GENERAL BUSINESS**

- 6a: RESOLUTION 2014-31: Authorizing the Advertisement of Bids for the E Street Project

**7. ITEMS FOR CONSIDERATION BY THE CITY COUNCIL ACTING SOLELY AS SUCCESSOR AGENCY TO THE FORMER WATERFORD REDEVELOPMENT AGENCY**

**8. INFORMATIONAL ITEMS**

- 8a: Building Report – March 2014
- 8b: Business License Report – March 2014
- 8c: ROPS 14/15A Approval Letter
- 8d: CDPH Distribution System Classification
- 8e: HOME Fund Agreement
- 8f: MID Surface Water Sales Letter

**9. STAFF/COUNCIL COMMENTS**

- 9a: City Staff Comments
- 9b: City Council Comments

**10. ADJOURNMENT**

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

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Lori Martin, MMC  
City Clerk

## NOTICE

**REPORTS:** Copies of the staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the office of the City Clerk. Any writings or documents provided to a majority of the City Council regarding any item on this agenda (other than writings legally exempt from public disclosure) will be made available for public inspection at the front counter at City Hall during normal business hours.

**COMMUNICATIONS FROM THE AUDIENCE:** If you wish to address the City Council or the Successor Agency on any item not on the printed agenda, prior to the start of the meeting, or prior to addressing the City Council or the Successor Agency, complete and submit a speaker card and deliver it to the City Clerk. (Please note, speaker cards are not required, however completing a speaker card enables staff to better follow up with you later, if necessary and attribute your comments to you in the minutes of the meeting). When the Mayor calls for "Communications from the Audience," stand or raise your hand and the Mayor will ask you to approach the podium and state your name and city of residence. It is the policy of the City Council that they will not act on any matter not appearing on the posted agenda. The purpose of the discussion is to permit a member of the public to raise an issue or problem and to permit the City Council to ask questions for clarification of the issue or problem, provide information to the public, provide direction of the City Staff, or schedule the matter for a future meeting. Please hold all comments to five (5) minutes.

**PUBLIC COMMENTS RELATED TO AN ITEM ON THE PRINTED AGENDA:** Members of the public are entitled to directly address the City Council or the Successor Agency concerning any item that is described on the agenda during consideration of that item. If during a public hearing, the Mayor will direct when the hearing has opened for public comment. If you wish to address the City Council or the Successor Agency on any item listed on this agenda, please complete a speaker card and deliver it to the City Clerk prior to discussion of that item. (Please note, speaker cards are not required, however completing a speaker card enables staff to better follow up with you later, if necessary and attribute your comments to you in the minutes of the meeting.) When your name is called proceed to the podium and state your name and city of residence.

**WRITTEN MATERIAL INTRODUCED INTO THE RECORD:** Citizens wishing to introduce written material into the record at the public hearing on any item are requested to provide a copy of the written material to the City Clerk prior to the public hearing date and/or prior to the opening of the public hearing so that the material may be distributed to the City Council prior to the public hearing.

**NOTICE REGARDING CHALLENGES TO DECISIONS:** Pursuant to all applicable laws and regulations, including without limitation, California Government Code Section 65009 and or California Public Resources Code Section 21177, if you wish to challenge in court any decisions (regarding planning, zoning and/or environmental decisions), you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice/agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.

**LIVE AND ON-DEMAND VIDEO RECORDINGS OF THE CITY COUNCIL/SUCCESSOR AGENCY:** The meeting of the Waterford City Council/Successor Agency can be watched live and on-demand from the City's website at [www.cityofwaterford.org](http://www.cityofwaterford.org).

**AMERICANS WITH DISABILITIES ACT (ADA):** In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (209) 874-2328 ext. 109 or email: [cityclerk@cityofwaterford.org](mailto:cityclerk@cityofwaterford.org). Requests must be made as early as possible and at least two-full business days before the start of the meeting.

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**General Information:** The Waterford City Council meets on the 1<sup>st</sup> and 3<sup>rd</sup> Thursday's of each month at 6:30PM., unless otherwise noticed.

**Council Agenda's:** Copies of City Council Agenda and agenda related writings or documents will be made available for public inspection at the front counter at City Hall located at 101 "E" Street, Waterford, CA 72 hours prior to the meeting, or at the time of the scheduled meeting.

<b>DATE &amp; TIME OF POSTING</b>			
Council Meeting Date:	<u>04/17/14</u>		
Post Date:	<u>04/11/14</u>	Time:	<u>at or before 5:00PM</u>
Verified by:	<u>Lori Martin</u>	Title:	<u>City Clerk</u>



**Consent 2a**  
April 17, 2014  
Lori Martin, City Clerk  
City Council Staff Report

**Waive Readings**

**SUMMARY:**

N/A

**FISCAL IMPACT:**

N/A

**ANALYSIS:**

All readings of Ordinances and Resolutions, except by title, are waived.

**ATTACHMENTS:**

N/A



**Consent 2b**  
April 17, 2014  
Lori Martin, City Clerk  
City Council Staff Report

**Warrant Register**

**SUMMARY:**

N/A

**FISCAL IMPACT:**

N/A

**ANALYSIS:**

Approve Warrant Register

**ATTACHMENTS:**

- Resolution #2014-29
- Check Register Report



# Payroll ACH Check Register



## City of Waterford

User: patricia  
Printed: 03/31/2014 - 8:55 AM  
Batch: 31-3-2014  
Include Partial: No

Check Date	Check Number	Employee Name	Amount
03/31/2014	0	LORI MARTIN	2,987.71
03/31/2014	0	PATRICIA KRAUSE	1,883.61
03/31/2014	0	TIM OGDEN	3,972.08
03/31/2014	0	CHRISTINA ENVIA	942.77
03/31/2014	0	CARLA JAUREGUI	1,823.44
03/31/2014	0	MARISSA MARTINEZ	1,247.27
03/31/2014	0	MATTHEW ERICKSON	3,123.72
03/31/2014	0	STEVEN GREEN	2,281.20
03/31/2014	0	WILLIAM NULL	1,471.09
03/31/2014	0	JAMES CAPPS	279.51
03/31/2014	0	CARLOS GARCIA	1,881.42
03/31/2014	0	STEPHANIE BROWN	1,846.75
03/31/2014	0	LONNIE STATZER, II	2,279.88
03/31/2014	0	JUSTIN HAMILTON	1,496.14
03/31/2014	0	MATTHEW SCOFIELD	1,567.15
03/31/2014	0	KENNETH KRAUSE	164.43
03/31/2014	0	CHARLES GOEKEN	164.43
03/31/2014	0	JOSE ALDACO	164.43
03/31/2014	0	MICHAEL VAN WINKLE	164.43
03/31/2014	0	WHITFIELD JOSHUA	164.43

Total Employees: 20

Total: 29,905.89

# Accounts Payable Computer Check Proof List



City of Waterford

User: patricia  
Printed: 03/31/2014 - 9:44 AM

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:105201	BANK OF THE WEST (IRS TAXES)			Check Sequence: 1	ACH Enabled: Yes
	PR Batch 31 3 2014 Federal Income Tax	2,729.56	03/31/2014	1010-000-2220	
	PR Batch 31 3 2014 FICA Employee Portion	84.01	03/31/2014	1010-000-2240	
	PR Batch 31 3 2014 FICA Employer Portion	84.01	03/31/2014	1010-000-2240	
	PR Batch 31 3 2014 Medicare Employee Por	565.50	03/31/2014	1010-000-2240	
	PR Batch 31 3 2014 Medicare Employer Por	565.50	03/31/2014	1010-000-2240	
	Check Total:	4,028.58			
Vendor:108350	CALIFORNIA EMPLOYMENT DEVELOPM			Check Sequence: 2	ACH Enabled: No
	PR Batch 31 3 2014 State Income Tax	831.81	03/31/2014	1010-000-2230	
	PR Batch 31 3 2014 EDD TRAINING TAX	3.17	03/31/2014	1010-000-2260	
	PR Batch 31 3 2014 CALIFORNIA SDI	389.99	03/31/2014	1010-000-2260	
	PR Batch 31 3 2014 STATE UNEMPLOYMENT	117.18	03/31/2014	1010-000-2260	
	Check Total:	1,342.15			
Vendor:139400	PUBLIC EMPLOYEE RETIREMENT SYS			Check Sequence: 3	ACH Enabled: No
	PR Batch 31 3 2014 ER PAID EC PORTION	2,863.70	03/31/2014	1010-000-2270	
	PR Batch 31 3 2014 ER PAID ER PORTION	5,152.69	03/31/2014	1010-000-2270	
	Check Total:	8,016.39			
Vendor:147925	FRANCHISE TAX BOARD STATE OF CALIFORNI			Check Sequence: 4	ACH Enabled: No
	PR Batch 31 3 2014 CA FRANCHISE TAX BOAR	100.00	03/31/2014	1010-000-2290	
	Check Total:	100.00			
Vendor:154101	VANTGEPOINT TRANSFER AGENTS			Check Sequence: 5	ACH Enabled: No
	PR Batch 31 3 2014 DEFERRED COMP-457	1,335.00	03/31/2014	1010-000-2280	
	PR Batch 31 3 2014 457 LOAN REPAY	181.59	03/31/2014	1010-000-2280	
	Check Total:	1,516.59			



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Total for Check Run:	15,003.71			
	Total Number of Checks:	5			

# Accounts Payable

## Computer Check Proof List



City of Waterford

User: patricia  
 Printed: 04/11/2014 - 9:52 AM

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:101400 158195 158710	A & L WESTERN AG LAB, INC. RIVERPOINTE WATER TREATMENT WWTP SAMPLES Check Total:	192.00 140.00 332.00	04/17/2014 04/17/2014	Check Sequence: 1 5070-800-7510 5050-700-7510	ACH Enabled: No
Vendor:102222 277341 277415	ADTECH EXCHANGE HOSTING IT SUPPORT Check Total:	146.49 615.00 761.49	04/17/2014 04/17/2014	Check Sequence: 2 1010-110-7190 1010-110-7190	ACH Enabled: No
Vendor:103200 1041407	AMERINE SYSTEMS, INC. BAKER LIFT STATION Check Total:	851.01 851.01	04/17/2014	Check Sequence: 3 5050-700-7510	ACH Enabled: No
Vendor:103400 140300465101 140300465101	ANSWERNET ANSWERING SERVICES ANSWERING SERVICES Check Total:	6.90 6.91 13.81	04/17/2014 04/17/2014	Check Sequence: 4 1010-310-7810 5050-700-7810	ACH Enabled: No
Vendor:104560 MARCH 2014	INTERNET AT&T INTERNET SERVICE Check Total:	55.00 55.00	04/17/2014	Check Sequence: 5 1010-110-7810	ACH Enabled: No
Vendor:105203 MARCH 2014 MARCH 2014 MARCH 2014 MARCH 2014 MARCH 2014	BANK OF THE WEST BANKCARD CENTER MISC SUPPLIES POSTAGE MISC SUPPLIES MISC SUPPLIES DUES POSTAGE	73.51 392.00 11.82 57.58 40.00 15.99	04/17/2014 04/17/2014 04/17/2014 04/17/2014 04/17/2014 04/17/2014	Check Sequence: 6 5070-800-7510 5050-700-7540 1010-110-7510 1010-110-7510 1010-110-7720 1010-110-7540	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	590.90			
Vendor:105975 42168	BELKORP AG, LLC REPAIR WORK Check Total:	164.16 164.16	04/17/2014	Check Sequence: 7 1010-580-7510	ACH Enabled: No
Vendor:106325 10241381 10241381 10241381 10241381	BLACKCLOUD NETWORKS, INC VOIP SERVICES VOIP SERVICES VOIP SERVICES VOIP SERVICES Check Total:	435.41 174.15 43.54 217.71 870.81	04/17/2014 04/17/2014 04/17/2014 04/17/2014	Check Sequence: 8 1010-110-7810 5070-800-7810 1010-210-7810 5050-700-7810	ACH Enabled: No
Vendor:106525 CL-112589 CL-112589 CL-112589 CL-112589 CL-112589	BOYETT PETROLEUM FUEL FUEL FUEL FUEL FUEL Check Total:	298.36 329.44 55.84 360.94 385.77 1,430.35	04/17/2014 04/17/2014 04/17/2014 04/17/2014 04/17/2014	Check Sequence: 9 1010-580-7520 5050-700-7520 1010-110-7520 1010-310-7520 5070-800-7520	ACH Enabled: No
Vendor:107610 TAXES 2013	CALIFORNIA STATE BOARD OF EQUA SALES TAX ON PREVIOUS PURCHASES Check Total:	1,413.00 1,413.00	04/17/2014	Check Sequence: 10 1010-110-7510	ACH Enabled: Yes
Vendor:107750 1ST QTR 2014	CALIFORNIA BUILDING STANDARDS BUILDING FEES Check Total:	35.00 35.00	04/17/2014	Check Sequence: 11 1010-410-5430	ACH Enabled: No
Vendor:108025 177	CALIFORNIA CONSULTING, LLC APRIL 2014 RETAINER Check Total:	3,000.00 3,000.00	04/17/2014	Check Sequence: 12 1010-110-7190	ACH Enabled: No
Vendor:109545 2014 2014	CCAC CLERK TRAINING MARTINEZ CLERK TRAINING JAUREGUI Check Total:	200.00 200.00 400.00	04/17/2014 04/17/2014	Check Sequence: 13 1010-110-7740 1010-110-7740	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 110600 MARCH 2014	CHARTER COMMUNICATIONS INTERNET SERVICES Check Total:	220.99 220.99	04/17/2014	Check Sequence: 14 1010-110-7810	ACH Enabled: No
Vendor: 112500 15402747	CLARK PEST CONTROL PERST CONTROL SERVICES Check Total:	175.00 175.00	04/17/2014	Check Sequence: 15 1010-210-7190	ACH Enabled: No
Vendor: 112831 FEB 2014	CITY OF RIVERBANK CNG FUEL COSTS Check Total:	37.95 37.95	04/17/2014	Check Sequence: 16 1010-310-7520	ACH Enabled: No
Vendor: 114310 40777515	DE LAGE LANDEN COPIER LEASE Check Total:	747.69 747.69	04/17/2014	Check Sequence: 17 1010-110-7600	ACH Enabled: No
Vendor: 114500 1ST QTR 2014	DEPARTMENT OF CONSERVATION DIV BUILDING FEES Check Total:	63.61 63.61	04/17/2014	Check Sequence: 18 1010-410-7300	ACH Enabled: No
Vendor: 118700 430412A 430413A 432176A 432177A 432178A	FGL ENVIRONMENTAL BACTI AND INORGANIC ANALYSIS INORGANIC ANALYSIS BACTI AND INORGANIC ANALYSIS ORGANIC AND INORGANIC ANALYSIS INORGANIC ANALYSIS Check Total:	565.25 44.20 476.85 123.25 44.20 1,253.75	04/17/2014 04/17/2014 04/17/2014 04/17/2014 04/17/2014	Check Sequence: 19 5070-800-7510 5070-800-7510 5070-800-7510 5070-800-7510 5070-800-7510	ACH Enabled: No
Vendor: 118860 2846-10721	FISH WINDOW CLEANING WINDOW CLENING SERVICES Check Total:	175.00 175.00	04/17/2014	Check Sequence: 20 1010-110-7410	ACH Enabled: No
Vendor: 120125 12524	GARY'S FENCING AND WIRE SUPPLI FENCE INSTALLATION Check Total:	597.00 597.00	04/17/2014	Check Sequence: 21 1010-110-7510	ACH Enabled: No
Vendor: 123300 0005	HARRY P. FORD, CAC ASBESTOS REMOVAL SERVICES	400.00	04/17/2014	Check Sequence: 22 1010-110-7730	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	400.00			
Vendor:126570 809	J.B ANDERSON LAND USE PLANNING MARCH 2014 PLANNING SERVICES Check Total:	1,650.00 1,650.00	04/17/2014	Check Sequence: 23 1010-430-7195	ACH Enabled: No
Vendor:129950 02272013	LORI MARTIN REFUND OF MEDICAL FEES Check Total:	99.00 99.00	04/17/2014	Check Sequence: 24 1010-110-7120	ACH Enabled: No
Vendor:130200 53302 53302	MASON, ROBBINS, BROWNING & GOD ATTORNEY SERVICES ATTORNEY SERVICES Check Total:	350.00 3,706.32 4,056.32	04/17/2014 04/17/2014	Check Sequence: 25 5050-700-7194 1010-110-7194	ACH Enabled: No
Vendor:131000 10133 10134	MCR ENGINEERING, INC. E STREET (WELCH TO YOSEMITE) SAFE ROUTES TO SCHOLL 4 Check Total:	1,485.00 440.00 1,925.00	04/17/2014 04/17/2014	Check Sequence: 26 6310-310-8293 6310-310-8292	ACH Enabled: No
Vendor:131900 104275 104276 104280	MID-VALLEY PUBLICATIONS PUBLIC HEARING NOTICES PUBLIC HEARING NOTICES PUBLIC HEARING NOTICES Check Total:	89.55 134.32 59.70 283.57	04/17/2014 04/17/2014 04/17/2014	Check Sequence: 27 1010-110-7710 1010-110-7710 1010-110-7710	ACH Enabled: No
Vendor:132300 230239348	MISSION LINEN AND UNIFORM LINEN SERVICES Check Total:	55.63 55.63	04/17/2014	Check Sequence: 28 1010-110-7730	ACH Enabled: No
Vendor:132700 MARCH 2014 MARCH 2014 MARCH 2014 MARCH 2014 MARCH 2014 MARCH 2014 MARCH 2014 MARCH 2014	MODESTO IRRIGATION DISTRICT ELECTRICAL SERVICES ELECTRICAL SERVICES ELECTRICAL SERVICES ELECTRICAL SERVICES ELECTRICAL SERVICES ELECTRICAL SERVICES ELECTRICAL SERVICES ELECTRICAL SERVICES	6,472.89 301.00 760.85 364.08 3,870.72 426.92 60.99 2,055.01	04/17/2014 04/17/2014 04/17/2014 04/17/2014 04/17/2014 04/17/2014 04/17/2014 04/17/2014	Check Sequence: 29 5050-700-7820 1010-310-7820 1010-210-7820 1010-110-7820 2210-260-7820 1010-560-7820 1010-550-7820 5070-800-7820	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
MARCH 2014	ELECTRICAL SERVICES	26.36	04/17/2014	2230-260-7820	
MARCH 2014	ELECTRICAL SERVICES	134.78	04/17/2014	1010-580-7820	
	Check Total:	14,473.60			
Vendor:133615	PIONEER MARKET WATERFORD			Check Sequence: 30	ACH Enabled: No
MARCH 2014	PAYSTATION FEES	5.86	04/17/2014	5050-700-7730	
	Check Total:	5.86			
Vendor:140800	REID HARDWARE			Check Sequence: 31	ACH Enabled: No
B4139	MISC SUPPLIES	11.83	04/17/2014	1010-310-7510	
	Check Total:	11.83			
Vendor:143195	SIEMENS INDUSTRY INC			Check Sequence: 32	ACH Enabled: No
5443202082	ALARM REPAIR SERVICES	429.00	04/17/2014	1010-110-7730	
	Check Total:	429.00			
Vendor:143300	SIERRA CHEMICAL CO.			Check Sequence: 33	ACH Enabled: No
10004984	MISC SUPPLIES	472.43	04/17/2014	5070-800-7510	
	Check Total:	472.43			
Vendor:143380	SOLOR CITY			Check Sequence: 34	ACH Enabled: No
12891 DORSEY	REFUND OF DUPLICATE PERMIT FEES	400.00	04/17/2014	1010-410-7850	
	Check Total:	400.00			
Vendor:144700	SPRINGBROOK SOFTWARE			Check Sequence: 35	ACH Enabled: No
INV27902	ASP SERVICES	2,081.18	04/17/2014	1010-110-7610	
	Check Total:	2,081.18			
Vendor:145750	STANISLAUS ANIMAL SERVICES AGE			Check Sequence: 36	ACH Enabled: No
R14-322991	2013-2014 4TH QTR DEBT SERVICE	1,687.00	04/17/2014	1010-410-7160	
R14-322991	2013-2014 4TH QTR OPERATIONAL COSTS	11,404.00	04/17/2014	1010-410-7160	
	Check Total:	13,091.00			
Vendor:146700	STANISLAUS COUNTY RECORDER			Check Sequence: 37	ACH Enabled: No
13700 COASTAL L	RELEASE OF LIEN	15.00	04/17/2014	1010-110-6480	
13716 CHANNEL L	RELEASE OF LIEN	15.00	04/17/2014	1010-110-6480	
	Check Total:	30.00			

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:147150 53740	STANISLAUS ELECTRIC MOTOR WORK MISC SUPPLIES Check Total:	193.60 193.60	04/17/2014	Check Sequence: 38 1010-580-7510	ACH Enabled: No
Vendor:147400 1128011 1128011 1128011 1128011	STANISLAUS FARM SUPPLY MISC SUPPLIES MISC SUPPLIES MISC SUPPLIES MISC SUPPLIES Check Total:	186.51 186.51 186.52 186.52 746.06	04/17/2014 04/17/2014 04/17/2014 04/17/2014	Check Sequence: 39 5050-700-7510 2210-260-7510 1010-310-7510 1010-580-7510	ACH Enabled: No
Vendor:148500 MARCH 2014	STEWART & STEWART, INC. BUILDING SERVICES Check Total:	2,580.00 2,580.00	04/17/2014	Check Sequence: 40 1010-410-7190	ACH Enabled: No
Vendor:148600 53131	STILES TRUCK BODY LIFT GATE Check Total:	4,089.75 4,089.75	04/17/2014	Check Sequence: 41 1010-300-7510	ACH Enabled: No
Vendor:150550 70938458	TIFCO INDUSTRIES MISC SUPPLIES Check Total:	261.74 261.74	04/17/2014	Check Sequence: 42 5050-700-7510	ACH Enabled: No
Vendor:153140 HFS01-6024	VALLEY FARM SUPPLY MISC SUPPLIES Check Total:	196.15 196.15	04/17/2014	Check Sequence: 43 1010-580-7510	ACH Enabled: No
Vendor:155000 1821384 1821663 1822141 1822287	WARDEN'S MISC SUPPLIES MISC SUPPLIES MISC SUPPLIES MISC SUPPLIES Check Total:	74.05 22.59 8.78 22.84 128.26	04/17/2014 04/17/2014 04/17/2014 04/17/2014	Check Sequence: 44 1010-110-7510 1010-110-7510 1010-110-7510 1010-110-7510	ACH Enabled: No
Vendor:155600 MARCH 2014 MARCH 2014 MARCH 2014 MARCH 2014	WATERFORD FARM SUPPLY, INC. MISC SUPPLIES FINANCE CHARGE MISC SUPPLIES MISC SUPPLIES	165.64 1.00 12.37 174.94	04/17/2014 04/17/2014 04/17/2014 04/17/2014	Check Sequence: 45 5070-800-7510 1010-110-7200 1010-560-7510 1010-310-7510	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
MARCH 2014	MISC SUPPLIES	26.82	04/17/2014	1010-550-7510	
MARCH 2014	MISC SUPPLIES	12.90	04/17/2014	1010-110-7510	
MARCH 2014	MISC SUPPLIES	21.16	04/17/2014	5050-700-7510	
MARCH 2014	MISC SUPPLIES	347.93	04/17/2014	1010-580-7510	
	Check Total:	762.76			
Vendor:155755 85480	WATERFORD VETERINARY HOSPITAL FERAL CAT PROGRAM	150.00	04/17/2014	Check Sequence: 46 1010-210-7160	ACH Enabled: No
	Check Total:	150.00			
Vendor:UB*01008	DERIK RICKSON Refund check	10.04	03/31/2014	Check Sequence: 47 5050-000-2010	ACH Enabled: No
	Check Total:	10.04			
Vendor:UB*01009	HERNANDEZ MIRTHA Refund check	29.52	03/31/2014	Check Sequence: 48 5050-000-2010	ACH Enabled: No
	Check Total:	29.52			
Vendor:UB*01010	SARAH BRONSTEIN Refund check	27.60	03/31/2014	Check Sequence: 49 5050-000-2010	ACH Enabled: No
	Check Total:	27.60			
Vendor:UB*01011	HEATHER GOODNIGHT Refund check	98.46	03/31/2014	Check Sequence: 50 5050-000-2010	ACH Enabled: No
	Check Total:	98.46			
Vendor:UB*01012	STEFANY MUNOZ Refund check	33.48	03/31/2014	Check Sequence: 51 5050-000-2010	ACH Enabled: No
	Check Total:	33.48			
Vendor:UB*01013	LAZARO ARAUZO Refund check	29.52	03/31/2014	Check Sequence: 52 5050-000-2010	ACH Enabled: No
	Check Total:	29.52			
	Total for Check Run:	61,989.88			
	Total Number of Checks:	52			





**Consent 2c**  
April 17, 2014  
Lori Martin, City Clerk  
City Council Staff Report

**City Council Minutes – 04/03/14**

**SUMMARY:**

N/A

**FISCAL IMPACT:**

N/A

**ANALYSIS:**

Approve Minutes of the Regular City Council Meeting held on April 3, 2014.

**ATTACHMENTS:**

- **City Council Regular Meeting Minutes of April 3, 2014**



**MINUTES**  
**WATERFORD CITY COUNCIL - REGULAR MEETING**  
**WATERFORD CITY HALL, CITY COUNCIL CHAMBERS**  
**101 "E" STREET, WATERFORD, CA**

**CITY COUNCIL CLOSED SESSION– APRIL 3, 2014 - 6:00 PM**

**CITY COUNCIL OPEN SESSION – APRIL 3, 2014 - 6:30 PM**

**MEETING CALLED TO ORDER BY MAYOR CHARLIE GOEKEN AT 6:33 PM**

**FLAG SALUTE: Led by Mayor Charlie Goeken**

**INVOCATION: Max Viss, Waterford Community Baptist Church**

**ROLL CALL:**

Mayor - Goeken: Present  
Vice-Mayor - Aldaco: Present  
Council Member - Van Winkle: Present  
Council Member - Krause: Present  
Council Member - Whitfield: Present

**STAFF PRESENT:**

Tim Ogden, City Manager  
Lori Martin, City Clerk  
Richard Martini, Deputy City Attorney  
Matt Erickson, Public Works Director  
Mike Radford, Police Chief

**ADOPTION OF AGENDA:**

A member of the City Council motions to accept the items on the agenda for consideration as presented, or motions for any additions, including emergency items, or items pulled from consideration.

Motion by CM/Van Winkle, seconded by VM/Aldaco to adopt the agenda.

Council Member - Van Winkle: Motion  
Vice-Mayor - Aldaco: 2nd  
Mayor - Goeken: Approve  
Vice-Mayor - Aldaco: Approve  
Council Member - Van Winkle: Approve  
Council Member - Krause: Approve  
Council Member - Whitfield: Approve

Motion passed.

**CONFLICT OF INTEREST DECLARATION:**

Declaration by City Council members who may have a direct Conflict of Interest on any scheduled agenda item to be considered.

None.

## ADOPTION OF CONSENT CALENDAR:

All Matters listed under the Consent Calendar are considered routine by the Council and will be adopted by one action of the Council unless any Council Member desires to discuss any item or items separately. In that event, the Mayor will remove that item from the Consent Calendar and action will be considered separately.

Motion by VM/Aldaco, seconded by CM/Whitfield to adopt the consent calendar.

Vice-Mayor - Aldaco: Motion  
Council Member - Whitfield: 2nd  
Mayor - Goeken: Approve  
Vice-Mayor - Aldaco: Approve  
Council Member - Van Winkle: Approve  
Council Member - Krause: Approve  
Council Member - Whitfield: Approve

Motion passed.

## 1. CITY ATTORNEY REPORT FROM CLOSED SESSION

City Attorney Browning gave a report of closed session items as identified below.

- 1a: "CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION"  
(PURSUANT TO GOVERNMENT CODE SECTION 54956.9)
- **APN: 134-005-006 / 320 G Street "Old Winery Property"**: Direction given to City Attorney.
  - **City of Modesto Water Acquisition**: Direction given to City Attorney.
- 1b: "CONFERENCE WITH REAL PROPERTY NEGOTIATOR"  
(PURSUANT TO GOVERNMENT CODE SECTION 54956.8), Tim Ogden, City Manager – Designated Real Property Negotiator
- **City Hall & SCFPD Property Disposition**: Direction given to Real Property Negotiator, Tim Ogden.

## 2. CONSENT CALENDAR

- 2a: Waive Readings. All readings of Ordinances and Resolutions, except by title, are waived
- 2b: RESOLUTION 2014-21: Warrant Register
- 2c: Minutes of the Regular City Council Meeting held on March 20, 2014
- 2d: RESOLUTION 2014-22: Initiating Proceedings and Order Preparation of the Annual Engineer's Report for the Waterford Lighting Assessment District (LAD)
- 2e: RESOLUTION 2014-23: Initiating Proceedings and Order Preparation of the Annual Engineer's Report for the Waterford Landscaping and Lighting District (LLAD)
- 2f: RESOLUTION 2014-24: Accepting Offer of Dedication and Public Utility Easement Deed for Public Utility Easement, Portion of APN: 134-016-003
- 2g: Treasurer's Report for the Quarter Ended December 31, 2013

## 3. PRESENTATIONS

- 3a: Waterford City Council to Proclaim the Week of April 13-19, 2014 as National Library Week in Stanislaus County

Cindy Scott, Waterford Branch Manager accepted the proclamation and gave an update on upcoming Library events.

- 3b: Waterford City Council to Proclaim and Recognize the 100<sup>th</sup> Anniversary of the Ghadar Party
- Mr. Singh and his son were in attendance to accept the proclamation and addressed the City Council thanking them for their recognition of this important event in history.

#### 4. COMMUNICATIONS FROM THE AUDIENCE

This is the portion of the meeting specifically set aside to invite public comments regarding any matters not appearing on the agenda and within the jurisdiction of the City Council or the Successor Agency. Individual audience participation is limited to a maximum of 5 minutes and you will be asked to state your name and city of residence. Please complete and submit a speaker card to the City Clerk.

Joe Ewing, 206 River Bend Lane addressed City Council in regards to the water shortage issues and this area's dependence on many wells.

#### 5. PUBLIC HEARING

Members of the public may comment when the item is opened for public hearing.

- 5a: ORDINANCE 2014-05: SECOND READING & ADOPTION: An Ordinance Amending Title 6, "Animals", Chapters 6.01 through 6.16 from the Waterford Municipal Code and Replacing Title 6, "Animals", Chapters 6.01 through 6.52 to the Waterford Municipal Code.

Mayor Goeken opened the public hearing at 6:47 PM

Mayor Goeken closed the public hearing at 6:47 PM with no comments offered from the public.

Motion by VM/Aldaco, seconded by CM/Krause to adopt Ordinance 2014-05.

Vice-Mayor - Aldaco: Motion  
Council Member - Krause: 2nd  
Mayor - Goeken: Approve  
Vice-Mayor - Aldaco: Approve  
Council Member - Van Winkle: Approve  
Council Member - Krause: Approve  
Council Member - Whitfield: Approve

Motion passed.

#### 6. GENERAL BUSINESS

- 6a: RESOLUTION 2014-25: Approve a Professional Services Contract with JB Anderson Land Use Planning for Planning Services:

Motion by CM/Whitfield, seconded by CM/Krause to adopt Resolution 2014-25.

Council Member - Whitfield: Motion  
Council Member - Krause: 2nd  
Mayor - Goeken: Approve  
Vice-Mayor - Aldaco: Approve  
Council Member - Van Winkle: Approve  
Council Member - Krause: Approve  
Council Member - Whitfield: Approve

Motion passed.

- 6b: RESOLUTION 2014-26: Authorizing the City Manager to Execute a Grant Deed for the Purpose of a Parcel Split for the Upper Reinway Park (19.6 Acre Parcel):

Motion by Van Winkle, seconded by VM/Aldaco to adopt Resolution 2014-26.

Council Member - Van Winkle: Motion  
Vice-Mayor - Aldaco: 2nd  
Mayor - Goeken: Approve  
Vice-Mayor - Aldaco: Approve  
Council Member - Van Winkle: Approve  
Council Member - Krause: Approve  
Council Member - Whitfield: Approve

Motion passed.

- 6c: RESOLUTION 2014-27: Award and Approve Contract for the Design/Build Skate Park Project Contract to Spohn Ranch, Inc. in the amount of \$175,000:

Christina Lowe addressed Council thanking the City for their support and spoke in favor of Spohn Ranch, Inc. and inquired about how the helmet/knee pad safety requirement would be enforced.

Ryan Hayes thanked City Council for helping them and finding the land for them to skate and hang out without getting kicked out.

Joe Ewing spoke in favor of the location of the skate park.

Motion by CM/Whitfield, seconded by VM/Aldaco to adopt Resolution 2014-27.

Council Member - Whitfield: Motion  
Vice-Mayor - Aldaco: 2nd  
Mayor - Goeken: Approve  
Vice-Mayor - Aldaco: Approve  
Council Member - Van Winkle: Approve  
Council Member - Krause: Approve  
Council Member - Whitfield: Approve

Motion passed.

- 6d: RESOLUTION 2014-28: Authorize the Solicitation of Bids for the Heating, Ventilation, & Air conditioning (HVAC) Project at the Waterford Museum:

Motion by VM/Aldaco, seconded by CM/Krause to adopt Resolution 2014-28.

Vice-Mayor - Aldaco: Motion  
Council Member - Krause: 2nd  
Mayor - Goeken: Approve  
Vice-Mayor - Aldaco: Approve  
Council Member - Van Winkle: Approve  
Council Member - Krause: Approve  
Council Member - Whitfield: Approve

Motion passed.

7.

**ITEMS FOR CONSIDERATION BY THE CITY COUNCIL ACTING SOLELY AS SUCCESSOR AGENCY TO THE FORMER WATERFORD REDEVELOPMENT AGENCY**

None.

8. **INFORMATIONAL ITEMS**

8a: Community Calendar – Apr, May 2014

9. **STAFF/COUNCIL COMMENTS**

9a: City Staff Comments (Information Only – No Action)

9b: City Council Comments (Information Only – No Action)

10. **ADJOURNMENT**

Adjourn: 7:29 PM:

Motion by CM/Krause, seconded by CM/Van Winkle to adjourn the City Council meeting at 7:29 PM.

Council Member - Krause: Motion  
Council Member - Van Winkle: 2nd  
Mayor - Goeken: Approve  
Vice-Mayor - Aldaco: Approve  
Council Member - Van Winkle: Approve  
Council Member - Krause: Approve  
Council Member - Whitfield: Approve

Motion passed.

**PASSED AND ADOPTED** by the Waterford City Council at a regular meeting held on April 17, 2014, by the following vote:

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

ATTEST:

\_\_\_\_\_  
Lori Martin, MMC, City Clerk

\_\_\_\_\_  
Charlie Goeken, Mayor



**Consent 2d**  
April 17, 2014  
Lori Martin, City Clerk  
City Council Staff Report

**In Support of California Safe Digging Month**

**SUMMARY:**

N/A

**FISCAL IMPACT:**

N/A

**ANALYSIS:**

N/A

**ATTACHMENTS:**

- Resolution # 2014-30

**WATERFORD CITY COUNCIL  
RESOLUTION #2014-30**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATERFORD IN SUPPORT OF  
CALIFORNIA SAFE DIGGING MONTH**

**WHEREAS**, the 811 “Call Before You Dig” program is a vital public education and awareness program that will help keep Californians safe, and education is the key to promoting safe digging practices; and

**WHEREAS**, excavators, homeowners, and professional contractors can save time and money while making California’s communities a safer place to live and work by dialing 811 in advance of all digging projects; and

**WHEREAS**, utility lines are often buried only a few inches underground, making them easy to strike and cause damage and harm even during shallow excavation projects; and

**WHEREAS**, more than 170,000 underground utility lines are struck each year in the United States and approximately 33 percent of all digging damages in the United States result from not calling 811 before digging; and

**WHEREAS**, undesired consequences, such as service interruption, outages, damage to public and private infrastructure and property, damage to the environment, personal injury, and death, are risked by failing to call 811 before digging or safely marking utility lines; and

**WHEREAS**, as California’s economy recovers from the recent recession and the state’s economic recovery stimulates new construction, new construction requires supporting infrastructure, and California’s underground utility infrastructure is jeopardized by unintentional damage caused by those who fail to call before digging; and

**WHEREAS**, the free notification service provided by Underground Service Alert of Northern California and Nevada has dramatically reduced the number of accidents causing property damage, personal injury, and interruption of vital services;

**WHEREAS**, California public agencies should enforce California Government Code 4216 regarding safe excavation practices, permitting and civil penalties;

**NOW THEREFORE BE IT RESOLVED**, the City Council of the City of Waterford, California proclaims April 2014 as California Safe Digging Month and encourages all excavators, homeowners, and professional contractors to call 811 in advance of all digging projects.

The foregoing Resolution was passed and adopted by the City Council of the City of Waterford, County of Stanislaus, State of California, at a regular meeting thereof held on the 17th day of April, 2014, by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**

**City of Waterford,**

\_\_\_\_\_  
**Charlie Goeken, Mayor**



**ATTEST:**

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**Lori Martin, City Clerk**

**APPROVED AS TO FORM:**

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**Corbett J. Browning  
City Attorney**



## **Public Hearing 5a**

April 17, 2014

Matt Erickson, Public Works Director  
City Council Staff Report

### **Introduction of Ordinance to Adopt Revised Sanitary Sewer System Code - Chapter 7.04 Sewer, of the Waterford Municipal Code**

#### **SUMMARY:**

The Sanitary Sewer System chapter of the Municipal Code (referred to as the Sewer Code) governs the sewer collection and treatment services provided to customers by the City. The city council will consider adopting revisions to the code, which add sections and/or wording that updates technical information, clarifies language, and brings it in line with current practices and requirements that are currently in place.

#### **FISCAL IMPACT:**

N/A

#### **PROCESS:**

Ordinance 2014-06 is before the City Council at the April 17, 2014 city council meeting for a public hearing to consider approving the Introduction and First Reading by title only. Thereafter, a summary of the Ordinance will be published in the *Waterford News*. The Ordinance is scheduled to come back to the City Council as a public hearing item at the May 1, 2014 council meeting to consider the second reading by title only and adoption of Ordinance 2014-06.

Thereafter, within 15 days of passage and adoption the Ordinance Summary will be published in the *Waterford News* together with the names of the members of the City Council voting for and against same. This ordinance will become effective and be in full force on and after thirty (30) days of its passage and adoption.

#### **ANALYSIS:**

Staff is continuously looking for ways to improve our municipal code. As staff applies our current code to various projects and situations, discrepancies are sometimes found. Better ways to clarify and apply the code are discussed internally and eventually brought forward to the various commissions and City Council for consideration on amending.

Although periodic revisions and additions have been made to specific sections of the Sewer Code, it has been a number of years since it has been comprehensively reviewed to ensure that the provisions are consistent with current practice, and state and federal requirements for the operation of a public wastewater system. In order to bring the document up to date, city staff and the City Attorney have performed a review of the code and compiled the attached proposed revision for city council consideration.

The attached document incorporates a number of revisions and was done to primarily update technical information, clarify language, and bring it in line with current practices and requirements that are currently in place. Overall, the document contains many general revisions, which were made to reflect updated titles, industry terminology, and/or reflect minor procedural changes.

Many changes have been made to the code, but most notable are changes made to sections addressing Mandatory Connection and Maintenance of Lines. In the Mandatory Connection section, wording has been added to clarify when an individual property must connect to the city sewer, adds a provision which “grandfathers in” septic tanks that are currently operational and in no need of repair, and adds a Deferred Installment Agreement for hardship situations. In the Maintenance of Lines section, the proposed wording redefines what the responsibilities of the property owner and the city are and who is required to do what in certain situations.

The revisions go on to update and add sections related to Prohibited Acts, Purpose and Intent, Authority, Definitions, and redefine Septic Tank Connections and Repairs. They also add a section outlining Refusal or Termination of Sewer Service and add sections pertaining to Industrial Waste and Discharge Permits.

The revisions have removed all references pertaining to any collection of sewer utility charges. These sections have been relocated to another section entitled “Collections of Public Utilities Charges.”

The newly created “Collections of Utilities Charges” section was created and meant to further outline and describe current practices that are already in place and locates them in one area where they would be easily found. The section goes on further to explain specific procedures for connection, disconnection, and billing disputes as well as collection rates, fees, charges, deposits required, when payments are due and late, and who is responsible for making payments.

Most customers will not be impacted by these proposed Sewer Code revisions. These revisions are intended to make the code consistent with current practices and legal requirements.

**ENVIRONMENTAL REVIEW:**

N/A

**ATTACHMENTS:**

- **Summary of Ordinance 2014-06**
- **Ordinance 2014-06 – Showing all Changes**
- **Ordinance 2014-06 – Showing Clean Version**
- **Public Hearing Notice**

## **SUMMARY OF ORDINANCE 2014-06**

Ordinance 2014-06 makes comprehensive revisions to Chapter 7.04 by adding and amending sections and/or wording that updates technical information and clarifies language to keep it current with existing state laws and Ordinance 2014-06 repeals Chapter 7.08, "Enforcement of Sewer Fee Payment" due to the newly added Waterford Municipal Code Chapter 3.50, titled, "Collections of Public Utilities Charges" to Title 3, "Revenue and Finance" of the Waterford Municipal Code. The newly added WMC Chapter 3.50 addresses public utilities collection procedures for the city's water and sewer utility accounts, therefore Chapter 7.08 is no longer needed.

A certified copy of the full text of Ordinance 2014-06 is posted in the office of the City Clerk. Copies and a complete text of the ordinance are available at Waterford City Hall, 101 E Street, Waterford, CA for review.

This ordinance was adopted by the Waterford City Council on May 1, 2014. The ordinance will be in effect thirty (30) days from the date of adoption.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

**CITY OF WATERFORD**

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CHARLIE GOEKEN, Mayor

**ATTEST:**

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LORI MARTIN, City Clerk

**APPROVED AS TO FORM:**

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CORBETT J. BROWNING, City Attorney

**ORDINANCE NO. 2014-06**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WATERFORD, CA AMENDING WATERFORD MUNICIPAL CODE CHAPTER 7.04, "SEWER", AND REPEALING CHAPTER 7.08, "ENFORCEMENT OF SEWER FEE PAYMENT" FROM TITLE 7, "SANITATION AND HEALTH", OF THE WATERFORD MUNICIPAL CODE**

**THE CITY COUNCIL OF THE CITY OF WATERFORD hereby ordains as follows:**

**SECTION 1. Purpose.** The purpose of this ordinance is to make revisions to Chapter 7.04 by adding and amending sections and/or wording that updates technical information and clarifies language to keep it current with existing state laws and to repeal Chapter 7.08, "Enforcement of Sewer Fee Payment" due to the newly added Waterford Municipal Code Chapter 3.50, titled, "Collections of Public Utilities Charges" to Title 3, "Revenue and Finance" of the Waterford Municipal Code. The newly added WMC Chapter 3.50 addresses public utilities collection procedures for the city's water and sewer utility accounts.

**SECTION 2. Authority.** The City Council enacts this ordinance under the authority granted to cities by Article XI, Section 7 of the California Constitution, and California Government Code Section 37100.

**SECTION 3. Repeal of Ordinance and Section.** Ordinance 93-09 §2, 1993 and Waterford Municipal Codes Sections 7.08.010 through 7.08.050 of Title 7, "Sanitation and Health", Chapter 7.08, "Enforcement of Sewer Fee Payment is hereby repealed in its entirety.

**SECTION 4. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance. The City council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unlawful.

**SECTION 5. Effective Date.** This Ordinance shall take effect thirty days after its final adoption as provided by Government Code Section 36937. Within 15 days after its final passage, the City Clerk shall cause this Ordinance to be published and posted in accordance with Section 36933 of the California Government Code.

The foregoing Ordinance was introduced and the title thereof read at the regular meeting of the City council on the 17<sup>th</sup> day of April, 2014 and by unanimous vote of the City Council members present, further reading was waived by the following vote:

**AYES:  
NOES:  
ABSTAIN:  
ABSENT:**

**CITY OF WATERFORD**

\_\_\_\_\_  
CHARLIE GOEKEN, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
LORI MARTIN  
City Clerk

\_\_\_\_\_  
CORBETT J. BROWNING  
City Attorney

*Stricken through text represents deletions to the Waterford Municipal Code, highlighted/underlined text represents additions to the Waterford Municipal Code.*

## **WATERFORD MUNICIPAL CODE**

### **TITLE 7 SANITATION AND HEALTH**

#### **Chapter 7.04 SEWER**

##### **7.04.010 Purpose ~~and scope.~~ and Intent**

~~The purpose of this chapter is to establish requirements for the sewage system and for discharges into such system. For the purpose of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:~~

The purpose of this chapter is to set forth uniform requirements for direct and indirect discharges of pollutants into the wastewater collection and treatment system for the City of Waterford which will enable the City to comply with all applicable State and Federal laws.

The intent of this chapter is:

- (a) To prevent the introduction of pollutants into the City sewage system, which potentially could interfere with the operation of the collection system, treatment processes, or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the City sewage system which will pass through said system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the sewage system;
- (c) To protect municipal personnel who may come into contact with sewage, sludge and effluent in the course of their employment as well as protecting the general public;
- (d) To improve the opportunity to recycle wastewater sludge from the system;
- (e) To provide for equitable distribution of the cost of operation, maintenance and improvement of the municipal sewage system;
- (f) To preserve the hydraulic capacity of the municipal sewage system; and
- (g) To require users of the sewage system to comply with Federal and State law.
- (h) To establish and provide a mechanism for enforcing performance standards and requirements for the treatment system and private sewer laterals that connect or are connected to the City sanitary sewer collection system.

##### **7.04.012-Authority**

The City is regulated by various agencies of the United States Government and the State of California, pursuant to the provisions of Federal and State Law. Under 40 CFR 403.8(f)(1) and the Porter-Cologne Water Quality Control Act Chapter 5.5, the City is granted the authority to regulate and/or prohibit, by the adoption of an ordinance, and by issuance of discharge permits, the discharge of any waste, directly or indirectly, to the City sewer facilities. Said authority includes the right to establish limits, conditions, and prohibitions; to establish flow rates or prohibit flows discharged to the City's sewer facilities; to require the development of compliance schedules for the installation of equipment systems and materials by all

users; and to take all actions necessary to enforce its authority, whether within or outside the City's boundaries, including those users that are tributary to the City or within areas for which the City has contracted to provide sewerage services.

The City has the authority pursuant to California Health and Safety Codes 5471 and 5474 to prescribe, revise, and collect all fees and charges for services and facilities furnished by the City either within or without its territorial limits.

#### **7.04.015 Definitions.**

Unless the context specifically indicates otherwise, the following terms and phrases shall be defined herein. Words and phrases used in this chapter and not otherwise defined shall be interpreted, as defined in the Code of Federal Regulation, Standard Methods for the Analysis of Wastewater, or as established by State regulatory agencies.

The following terms shall have these meaning(s) in this chapter:

~~A. “Sewer connection” shall mean a sewer line conveying waste from the premises of a user to a main or lateral.~~

~~B1.~~ “Substantial industrial user” shall mean any waste contributor identified in the Standard Industrial Classification (SIC) Manual in any of Divisions A, B, D, E, and I that:

~~1a.~~ Has a discharge flow of twenty-five thousand gallons or more per average workday or, if seasonal, the average shall be computed on the period of use; or

~~2b.~~ Has a flow or pollutant loading greater than five percent of the design capacity of the city’s sewage system; or

~~3c.~~ Has in its wastes toxic pollutants in toxic amounts as defined in the standards issued under subsection (a) of Section 307 of the Federal Water Pollution Control Act Amendments of 1972, or amendments thereto; or

~~4d.~~ Is found by the city’s authorized representatives to have significant impact, either singly or in combination with other contributing industries, on the treatment works or upon the quality of effluent from the treatment works.

~~C. “Director” shall mean the city manager or such other person as may be designated by the city manager to perform the services or make the determinations permitted or required in this chapter to be made by the city manager.~~

~~D2.~~ “Person” shall mean any individual, firm, company, partnership, association, or private, public, or municipal corporation’s responsible corporate officer, the United States of America, the state, all districts and all political subdivisions, governmental agencies, and mandataries thereof, except the city.

~~E. “Premises” shall mean a parcel or parcels of real estate, or portions thereof, including any improvements thereon, which are determined by the city to be single users for the purposes of receiving, using or paying for sewer service.~~

~~F. “Sewer lateral” shall mean a sewer line eight inches or smaller in diameter which discharges into a sewer main and/or receives sewage from a sewer connection.~~

~~G. “Sewer main” shall mean a sewer line ten inches or larger in diameter receiving sewage from one or more sewer laterals or sewer connections.~~

~~— H. “Sewer service” shall mean the discharge or authority to discharge into the sewage system.~~

~~— I. “Sewage system” shall mean the city’s facilities for the collection, storage, treatment, and disposal of industrial wastes or domestic wastes, or both, and shall include monitoring, sampling, metering, and other devices and appurtenances.~~

~~3.~~ **3.** “Lot” or parcel of land shall mean a parcel of land consisting of one or more contiguous lots of record in one ownership to which service is provided for any purpose.

~~— K. “User” shall mean any person who discharges, causes, or permits the discharge of waste into the sewage system.~~

~~— L. “Waste” shall mean and include sewage and any and all other waste substances, water, liquid, or solid, gaseous or radioactive, associated with human habitation, or of human, fowl, or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for the purposes of, disposal.~~

~~M4.~~ **M4.** “User classification” shall mean a classification of a user based on the Standard Industrial Classification (SIC) Manual. The classification of users as determined in this chapter shall be:

~~1a.~~ **1a.** Substantial industrial user: as defined in subsection (B) of this section;

~~2b.~~ **2b.** Industrial user: any user engaged in the business of processing or manufacturing agricultural products, animals, poultry, goods, wares, or other products or materials who processes or manufactures the same for the purposes of sale, resale, or redelivery in processed or manufactured form;

~~3c.~~ **3c.** Residential user: domestic users, schools, churches, and those structures exclusively domiciliary in nature, including nursing homes, convalescent hospitals, homes, flats, apartments, and boardinghouses (but excluding transient rooms, hotels, motels, and all other quarters primarily offered to the transient trade); and

~~4d.~~ **4d.** Commercial user: any user not defined as a residential or industrial user.

~~— N. “Industrial waste” shall mean liquids and/or solids other than domestic waste.~~

~~— O. “Domestic waste” shall mean waste which contains human excreta or is normal animal or vegetable household waste.~~

~~— P. “Project” shall mean and include, but not be limited to, any development of the following types:~~

~~— 1. “Community, office, or apartment or business project” shall mean a project in which an undivided interest in the land is coupled with the right of exclusive occupancy of any office, apartment, or business unit located thereon.~~

~~— 2. “Condominium” shall mean an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in space in a building on such real property. A condominium may include, in addition, a separate interest in other portions of such real property.~~

~~— 3. “Condominium project” shall mean the division of real property to create five or more condominiums.~~

~~— 4. “Stock cooperative” shall mean a corporation which is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, if all or substantially all of the shareholders of such corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right to occupancy is~~



~~transferable only concurrently with the transfer of shares of stock in the corporation with the transfer of shares of stock in the corporation held by the person having such right of occupancy.~~

~~— Q. “Grease interceptor” shall mean an interceptor of at least seven hundred fifty gallons capacity to serve one or more fixtures and which shall be remotely located.~~

~~— R. “Grease trap” shall mean a device designed to retain grease from one to a maximum of four fixtures.~~

~~— S. “Sand and oil interceptor” shall mean a device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter from normal wastes and permit normal sewage or liquid wastes to discharge into the disposal terminal by gravity. (Ord. 93-09 §2, 1993).~~

5. “Act” means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC Section 1251, et seq.

6. “Biochemical oxygen demand” or “BOD” means the quantity of oxygen expressed in parts per million by weight utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of 20 degrees Celsius as described in “Standard methods.”

7. “Building” means a structure built, erected, and framed of component structural parts designed for the housing, shelter, enclosure, or support of persons, animals, or property of any kind.

8. “Building permit” means a permit issued by the building official of the city.

9. “Cease and desist order” means an order by the Director requiring immediate termination of an activity or situation which threatens to create or does create a significant safety hazard noncompliance with the provisions of this chapter, or noncompliance with State and/or Federal law.

10. “CFR” means the Code of Federal Regulations.

11. “City” means the City of Waterford in the State of California

12. “City manager” means and includes the city manager of the city and his authorized representatives.

13. “Cleanout” means the cast iron or approved plastic riser fitted with an approved cleanout plug installed at the point where the building sewer connects to the public sewer.

14. “Compliance directive” means an enforcement document which directs an industrial user to implement corrective or remedial measures

15. “Compliance schedule” means an enforcement document which directs a user to create or imposes upon a user, a time schedule for meeting any provision of the sewer ordinance

16. “Correction notice” means a notice to a user or users orally or in writing, to correct its noncompliance with the sewer ordinance

17. “Director” means the Public Works Director of the City or such other persons as may be designated by the Public Works Director to perform the services or make the determinations permitted or required in this chapter to be made by the Public Works Director of the City.

18. “Domestic wastewater/sanitary sewage means the liquid and solid waterborne wastes derived from the ordinary living processes of humans of such character as to permit satisfactory disposal, without special pretreatment, into the public sewer or into a private wastewater disposal system

19. “Drainage system” means and includes all the piping within public or private premises which conveys sewage or other liquid wastes to the public sewer, but does not include the public sewer.

20. “Effluent” means the liquid outflow of any facilities designed to treat, convey, or retain wastewater.

21. “Environmental Protection Agency” or “EPA” means the United States Environmental Protection Agency. Where appropriate, the term may also be used to designate the administrator or other duly authorized official of that agency.

22. “Food service establishment (“FSE”)” means facilities defined in California Uniform Retail Food Facility Law (CURFFL) Health and Safety Code Section 113785, and any commercial or public entity within the boundaries of the city, operating in a permanently constructed structure such as a room, building, or place, or portion thereof, maintained, used, or operated for the purpose of storing, preparing, serving, or manufacturing, packaging, 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 a Type I or Type II hood, as defined in CURFFL. A limited food preparation establishment is not considered a FSE when engaged only in reheating, hot holding or assembly of ready to eat food products and as a result, there is no wastewater discharge containing a significant amount of FOG. A limited food preparation establishment does not include any operation that changes the form, flavor, or consistency of food. All FSE’s are governed by section 7.04 as well as the provisions of section 7.12 et seq.

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

24. “Grease” means grease, oil, fat, or other ether-soluble matter, and includes each of the following two types:

1. Dispersed grease, which means grease which is not floatable grease;
2. Floatable grease, which means grease which floats on the surface of quiescent sewage water or other liquid or which floats upon dilution of the liquid with water.

25. “Grease interceptor” for the purposes of this chapter shall mean a grease trap device specifically approved by the city engineer and used either singly or in combination with an existing grease trap as

determined necessary by the director of public works in order to achieve sufficient removal of sand, oils and greases or other objectionable waste.

26. "Grease trap" means any suitable device designed to separate sand, oil and grease in order to prevent their discharge into the city sewer system.

27. "Industrial user" means:

1. Any nongovernmental, nonresidential user of the sanitary sewer system which discharges more than the equivalent of 25,000 gallons per day of sanitary sewage and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

- a. Division A, agriculture, forestry, and fishing;
- b. Division B, mining;
- c. Division D, manufacturing;
- d. Division E, transportation, communications, electric, gas, and sanitary services;
- e. Division I, services.

A user in the divisions listed may be excluded if it is determined that the user will introduce primarily segregated sanitary sewage from sanitary conveniences.

2. Any nongovernmental user of the sanitary sewer system which discharges wastewater into the system which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of the system, or to injure or interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the system.

3. Any source of indirect discharge into the sanitary sewer system which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act.

4. Any user of the sanitary sewer system that has been determined to require pretreatment including physical separation of wastes.

5. Any user who discharges or causes a discharge of industrial wastewater directly or indirectly to the City sewage system which requires a permit under the provisions of this chapter.

28. "Industrial wastewater/industrial waste" means all water-carried wastes and wastewater of the community, excluding domestic wastewater, and including all wastewater from any commercial or industrial production, manufacturing, processing, agricultural or other operation. These may also include wastes of human origin similar to domestic wastewater

29. "Industrial wastewater discharge" means liquid and/or solids contained within a liquid, other than sanitary sewage, and discharged into the sewage system by an industrial user

30. "Inspector" means a person authorized by the Director to inspect any development discharging or anticipating discharge to the wastewater collection system and/or the POTW

31. "Land development approval" means any pre-zoning, zoning, or rezoning, or any discretionary permit, which for purposes of this chapter shall be limited to site development permits, exceptions, conditional use permits, and approvals of tentative subdivision maps.

32. "National pollution discharge elimination system permit" or "NPDES permit" means a permit issued to the city for the sanitary sewer system by the approval authority pursuant to the Act.

33. "Notice of violation" means a notice issued by the Director or Inspector to the industrial user, hand delivered or mailed, informing the industrial user that a violation has occurred;

34. "Nuisance" means anything which is injurious to health or is indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property or which affects at the same time an entire community or neighborhood or sewer collection system or POTW or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal  
"Owner" means the owner of any premises.

35. "Permit" means either a sewer connection permit or a wastewater discharge permit.

36. "Permittee" means the person, firm, or organization to whom a sewer connection permit or a wastewater discharge permit or both have been issued.

37. "Person" means any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, their legal representatives, agents, or assigns.

38. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

39. "Premises" means a separate lot or parcel of land, improved or unimproved, which is connected directly or indirectly to the sanitary sewer system or any portion thereof, or from which any sewage is discharged or conducted, directly or indirectly, into the system.

40. "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the sanitary sewer system. The reduction or alteration can be obtained by physical, chemical, or biological processes, process changes, or by other means, except as hereinafter prohibited. "Pretreatment," except where expressly authorized to do so by an express standard in this chapter, shall never include an increase in the use of process water, other non-waste waters, or in any other way attempting to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the provisions of this chapter or any order issued pursuant to the authority herein contained.

41. "Private sewage disposal system" means a septic tank with the effluent discharging into a subsurface disposal field, into one or more seepage pits, or into a combination of subsurface disposal field and seepage pit or of such other facilities as may be permitted under the Uniform Plumbing Code.

42. "Private sewer" means a building sewer which receives the discharge from more than one building drain and conveys it to a public sewer.

43. "Public owned treatment works" (POTW) means a treatment works as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to the facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewater from persons outside the City, who are, by contract or agreement users of the City treatment plant;

44. "Radioactive material" means any material containing chemical elements which spontaneously change their atomic structure with the emission of atomic energy.

45. "Sanitary sewage" means water-carried wastes from residences, business buildings, institutions, and industrial establishments, excluding industrial waste and also excluding ground, surface, and storm waters.

46. "Sewage" means and includes sanitary sewage or industrial waste or both.

47. "Sewage system" shall mean the city's facilities for the collection, storage, treatment, and disposal of industrial wastes or domestic wastes, or both, and shall include monitoring, sampling, metering, and other devices and appurtenances

48. "Sewer" means a pipe or conduit for carrying sewage.

49. "Sewer lateral" shall mean a sewer line eight inches or smaller in diameter which discharges into a sewer main and/or receives sewage from a sewer connection.

50. "Sewer main" shall mean a sewer line ten inches or larger in diameter receiving sewage from one or more sewer laterals or sewer connections.

51. "Sewer connection charge" means a fee or charge levied on users of the sanitary sewer system at the time of their connection to the system for the privilege of connecting to the system.

52. "Sewer service" shall mean the discharge or authority to discharge into the sewage system.

53. "Sewer service charge" means a fee or charge levied on users of the sanitary sewer system for the user's proportionate share of the cost of operation and maintenance (including replacement) of the system.

54. "Standard methods" means the examination and analytical procedures for industrial waste set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes," published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation. All analytical measurements made pursuant to this chapter shall be in conformity with "Standard Methods" or EPA-recommended procedures and shall be performed by a laboratory certified by the California Department of Health Services.

55. "Storm drainage system" means all conduits, pumping plants, collection facilities and other appurtenances owned and operated by the city for carrying, collecting, pumping and disposing of storm water, surface water, ground water, roof runoff or other unpolluted water.

56. "Storm water" means water to which no pollutant has been added, either intentionally or accidentally, other than street wash, surface water, rainwater runoff, or drainage, but excludes sewage. One pass cooling water may be considered as storm water.

57. "Suspended solids" means solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering.

58. "System" means the sanitary sewer system.

59. "Unpolluted water" means water to which no pollutant has been added, either intentionally or accidentally, which would render such water unacceptable to the city for disposal to storm or natural drainages or directly to surface waters.

60. "User" means any person responsible for payment of sewer service charges for premises or any person who discharges, causes or allows the discharge of wastewater directly or indirectly to the sewage system. This includes residential, commercial, and industrial users as defined herein.

61. "Waste" means and includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

62. "Wastewater" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the City's facilities

63. "Wastewater constituents and characteristics" means the individual chemical, physical, bacteriological, radiological, and other parameters which serve to define, classify, or measure the content, quality, quantity, and strength of wastewater.

64. "Wastewater discharge permit" means a permit issued to an industrial user, or any person discharging to the sewage system that the Director determines needs a permit, to regulate its discharge of toxic, organic, or hydraulic loading to the wastewater collection, conveyance, and treatment system as required by this code.

65. "Wastewater treatment plant" means any arrangement of devices and structures for treating sanitary sewage and industrial waste.

#### **7.04.020 When city will furnish service.**

When mains and laterals are in place or within a reasonable distance from a particular parcel, as determined by the director, the city may furnish sewer service from such a line to the property upon the payment of the appropriate charges and costs. (Ord. 93-09 §2, 1993).

#### **7.04.025 Mandatory hook-up. Connection**

When mains and laterals are in place within 300 feet from a particular parcel in the city the property owner shall pay the appropriate charges and costs to hook up to the sewage system pursuant to Section 7.04.130. It is intended that all property within three hundred feet of mains and laterals dispose of sewage through the sewage disposal facilities of the sewage system. (Ord. 95-11 §1, 1995).

A. No owner or occupant of any premises within the city on which sewage is produced and on which premises the nearest building outlet of the plumbing system is located within a 200-foot radius of an existing sewer main to which a connection can be made shall use any means of sewage disposal other than through the sewer system. The owner of any premises so located and upon or in which any sewage is produced shall be required upon official notice from the City, to connect said premises to the sewer system within 60 days from the date when a main sewer located within the distance specified above is completed and available for connection to said premises. There shall be a separate connection to the sewer system for each building or structure served, except that pursuant to written permission from the Director of Public Works any two or more buildings or structures on the same lot may be served by one sewer connection. Pursuant to Government Code Section 54352 the Council hereby declares that further maintenance or use of septic systems or other local means of sewage disposal on any premises so located shall constitute a public nuisance and may invoke any legal means to abate same.

B. Notwithstanding the foregoing, no owner or occupant shall be required to connect premises to the sewer system as long as the premises are currently being served by a functioning septic system which, in the opinion of the Director of Public Works, adequately serves the premises. In such cases, the Director of Public Works may approve upon request of the applicable owner the deferral of the connection until such time as it is determined that the septic system no longer adequately serves the premises or cannot serve the premises without major repairs. Remodeling of existing premises served by a septic system may be allowed if no septic system improvements are required to serve such modifications.[M1]

C. Septic tank failure or rendered unserviceable.

Any septic tank which shall become unserviceable from any cause shall be abandoned and the premises previously served by such septic tank shall, wherever sewers are available as outlined in this Section, be connected with and drained into a public sewer within ten days from the time such septic tank becomes unserviceable. The property owner shall at his/her sole risk and expense remove from service and render harmless any and all septic tanks, cisterns, vessels, or similar underground vaults in accordance with City of Waterford and Stanislaus County regulations, the Uniform Plumbing Code and any State law, within 30 days following the date the dwelling is connected to the City sanitary sewer facilities. City verification and approval is required for all abandoned facilities outlined above.

D. Deferred Installment Agreements (Hardship)

For customers who demonstrate a hardship in paying permit connection fees, a deferred installment agreement may be executed. The applicant must provide a notarized signature on the agreement and return it to the City for processing. The agreement will be forwarded to the City Clerk, who will have the City Manager sign and forward it to the County Recorder's office for

recording. When all fees have been paid, as stated in the Deferred Installment Agreement, a "Release of Deferred Improvement Agreement" will be generated releasing any further obligations to the City.

#### **7.04.030 Ownership of lines.**

Lines, laterals and appurtenants on private property shall belong to the property owner. All lines and appurtenant facilities constructed in or under streets, easements, or alleys shall become the property of the city upon the completion of the installation and upon the final inspection and approval of the lines by the city engineer. (Ord. 93-09 §2, 1993).

#### **7.04.040 Easements.**

When a main line is to be constructed across private property to serve more than one lot, an easement shall be granted to the city, and the easement line, size, and installation shall be approved by the city engineer. The owner of such lots shall be responsible for obtaining and paying for sewer service when service is to more than one lot or to more than one structure on one lot or more. (Ord. 93-09 §2, 1993).

When a lateral is to be constructed across private property to serve another lot, an easement must first be conveyed from one property owner to the other. The easement line, size and installation shall be approved by the city.

#### **7.04.050 Maintenance of lines.**

~~The city shall maintain all city mains within public easements or on public property. The property owner shall maintain all sewer connection lines, laterals and appurtenances for his or her premises including any laterals to city mains. (Ord. 93-09 §2, 1993).~~

Where premises are connected to the city sanitary sewer mains, it is the responsibility of the property owner, at the owner's expense, to maintain the sewer service lateral from the premises to the city owned and operated main line. Such maintenance shall include the removal of tree roots and other blockages. The property owner is also responsible for repairs of the lateral line within the property boundaries. The city will repair damaged and deteriorated lateral lines in the city right-of-way at city expense, unless such damage was caused by the property owner.

If the property owner believes that there is a lateral structural problem in the City right-of-way, the property owner shall have the lateral televised and provide a copy to the Public Works Department. If there is a structural problem in the right-of-way and is not the result of negligence by the property owner, the City will make the repair at no cost to the property owner.

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#### **7.04.060 Connections.**

A. One city sewer connection shall be provided to each occupied lot under separate ownership and to the premises of each project, unless otherwise approved by the city engineer. All onsite lines shall be constructed to city standards.

B. When separate buildings are constructed on a lot or parcel which can be sold as a separate lot or parcel, a sewer connection shall be provided for each lot capable of being sold separately.



C. For each project, individual shutoff valves, gate valves, and necessary onsite lines under private ownership shall be provided.

D. The building official shall test and inspect the mains and laterals for the general collection system within a project.

E. When separate buildings are constructed or trailers or mobile homes are lawfully placed on property which cannot be sold as a separate first or parcel, no hook up to the sewer connection shall be made without a conditional use permit. (Ord. 93-09 §2, 1993).

#### **7.04.070 Sewer service to territory outside the city.**

Before sewer service will be provided to territory outside the city, the city shall require pave-outs, curbs, gutters, and provisions for storm drainage facilities, or security and an agreement therefor, and shall require an agreement with the property owner and lessee which may provide the basis on which such service will be provided or on which mains and laterals will be constructed and financed. (Ord. 93-09 §2, 1993).

#### **7.04.080 Industry and governmental agency contracts.**

The provisions of this chapter shall not prohibit the city from entering into contracts with a business, industry, or governmental agency to supply sewer service and all things pertaining to sewer service. (Ord. 93-09 §2, 1993).

#### **7.04.090 Prohibited acts.**

~~No person shall discharge waste or any other substance or material into the sewage system which, either alone or by interaction with other substances or materials, causes, threatens to cause, or is capable of causing:~~

~~— A. Danger to life or to the safety of any person or to the facilities of the sewage system;~~

~~— B. A strong offensive odor;~~

~~— C. The sewage system to be overloaded in capacity or pollutants;~~

~~— D. The use of a disproportionate share of the sewage system; and~~

~~— E. Excessive city collection, storage, disposal, or treatment costs. (Ord. 93-09 §2, 1993).~~

A. No person shall discharge a quantity or quality of wastewater directly or indirectly to sewer facilities owned by or tributary to the City's sewage system which causes, or is capable of causing, either alone or by interaction with other substances:

(1) A fire or explosion;

(2) Obstruction to the flow in the sewage system resulting in interference or damage to the sewerage facilities;

(3) Danger to life or safety of any person;

(4) Impairment of the effective maintenance or operation of the sewerage system;

(5) The release of toxic or malodorous gas-producing substances; including any material identified as hazardous according to 40 CFR Part 261 except as may be specifically authorized by the Director;

(6) Interference with the wastewater treatment process;

- (7) The City's effluent or any other product of the treatment process, residues, sludges, or scums to be unsuitable for reclamation, reuse, or disposal;
  - (8) Discoloration, pass through, or any other condition which affects the quality of the City's treatment works effluent in such a manner that receiving water quality requirements established by regulatory agencies cannot be met;
  - (9) Conditions which violate any statute, rule, regulation, or ordinance of any public agency or regulatory agency having jurisdiction over the discharge of wastewater through the sanitary sewage system;
  - (10) Contamination of the collection system, soil, or groundwater by osmosis, chemical action, leakage, or any other means of conveyance from the sewage system.
- (ab) No person shall discharge wastewater or any substance delivered by vehicular transport, rail car, or dedicated pipeline directly or indirectly to the City's sewerage facilities that is defined as a hazardous waste by the control authority.
- (be) No person shall transport waste from one location or facility to another for the purpose of treating or discharging it directly or indirectly to a publicly owned sewer without written permission from the City.
- (cd) No user shall increase the contribution of flow, pollutants, or change the nature of pollutants where such contribution or change does not meet applicable standards and requirements or where such contribution or change would cause the City to violate its NPDES permit.

#### **B. Cease and desist orders – Emergency orders.**

1. The Director may issue a cease and desist order to any premises found to be in violation of the provisions of this chapter or applicable state and federal regulations. The Director may include a time schedule for compliance with any cease and desist order. The Director may issue a cease and desist order in the event of a threatened violation.
2. The Director may order the abatement of any discharge or any waste associated with human habitation, or of human or animal origin from any source when it is determined that the discharge causes or threatens to cause a condition which is immediately detrimental to the public health, safety, or welfare. Any such situation shall be abated by service of a notice upon the person responsible for the discharge or the owner of the premises and if not abated within 24 hours after serving the notice the city may perform such work or cause to be performed such work as shall be necessary to obtain proper abatement.
3. It is unlawful for any person to fail to obey or correct such conditions within 24 hours after being ordered to do so. Any cost incidental to such work shall be an assessment upon the premises affected and shall be collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, the general taxes.

#### **7.04.100 Prohibited discharges into the sewage system.**

No person shall discharge, or cause or permit to be discharged, directly or indirectly into the sewage system:

- A. Stormwater, ground water, rainwater, street drainage, subsurface drainage, yard drainage, or pool or pond water;

B. Any holding tank waste, unless such discharges are made into a city-approved facility designed to receive such wastes;

C. Radioactive waters;

D. Waste containing in excess of:

- \_\_\_ 1. 0.1 mg/1 arsenic,
- \_\_\_ 2. 0.2 mg/1 cadmium,
- \_\_\_ 3. 0.2 mg/1 copper,
- \_\_\_ 4. 1.0 mg/1 cyanide,
- \_\_\_ 5. 1.0 mg/1 lead,
- \_\_\_ 6. 0.01 mg/1 mercury,
- \_\_\_ 7. 1.0 mg/1 nickel,
- \_\_\_ 8. 0.2 mg/1 silver,
- \_\_\_ 9. 0.5 mg/1 total chromium, or
- \_\_\_ 10. 3.0 mg/1 zinc;

E. Waste having a temperature higher than one hundred degrees Fahrenheit (sixty-five and one-half degrees Centigrade);

F. Waste containing any material or waste which cannot pass through a mesh screen having a minimum of thirty openings per square inch; and

G. Without prior authorization from the city:

- \_\_\_ 1. Waste containing more than three hundred milligrams per liter of oil or grease of animal or vegetable origin,
- \_\_\_ 2. Waste containing more than one hundred milligrams per liter of oil or grease of mineral or petroleum origin,
- \_\_\_ 3. Waste having a ph lower than five and five-tenths or higher than eight and five-tenths (unless authorized by a permit issued pursuant to the provisions of this chapter),
- \_\_\_ 4. Waste containing in excess of two hundredths milligram per liter total identifiable chlorinated hydrocarbons which cannot be removed by the city's usual waste treatment processes, and
- \_\_\_ 5. Waste containing in excess of one milligram per liter phenolic compounds which cannot be removed by the city's wastewater treatment process. (Ord. 93-09 §2, 1993).

#### **7.04.110 Discharges into manholes.**

No person shall discharge or throw any substance or material into a manhole or into other openings in the city sewage system other than through an approved sewer connection. (Ord. 93-09 §2, 1993).

#### **7.04.120 Septic tank connections and repairs.**

No person shall construct, repair, rehabilitate, or replace a septic tank where the lot is within a 200 foot radius of an existing sewer main to which a connection can be made, ~~300 feet of an available sewer line~~, unless unusual circumstances exist and until a permit is obtained from the city. ~~(Ord. 93-09 §2, 1993).~~

A. **Septic tank sludge or effluent.**

No person shall discharge, or cause, allow, or permit to be discharged into the sanitary sewer system or any part thereof, any septic tank sludge or effluent.

**7.04.130 Obtaining permits.**

No person shall make a connection with the sewage system without first obtaining a permit from the city and maintain the premises on which such a connection has been made. In no case shall a person hook up to a connection with the sewage system for a separate building, trailer or mobile home without first obtaining a conditional use permit. (Ord. 93-09 §2, 1993).

**7.04.140 Interference with system.**

No unauthorized person shall interfere with the sewage system, or any portion thereof. (Ord. 93-09 §2, 1993).

**7.04.150 Supplying of unauthorized service.**

No person shall supply city sewer service to any premises without city authorization. The city shall have the right, upon five days written notice, to disconnect water and sewer service to the premises supplying the unauthorized service. (Ord. 93-09 §2, 1993).

**7.04.160 Discharges from cooling towers prohibited.**

No person shall discharge, or cause or permit to be discharged, directly into the sewage system water from cooling towers, evaporative coolers, or air-conditioning units. The provisions of this section shall not apply to facilities installed and in use on June 1, 1976; provided, however, such facilities shall not be changed, repaired, or modified if the cost exceeds twenty-five percent of the replacement value, and such facilities shall not be expanded or extended. (Ord. 93-09 §2, 1993).

~~**7.04.170 Waste discharges into the sewage system.**~~

~~— No person shall discharge, or cause or permit to be discharged, directly or indirectly, any waste, as defined in Section 7.04.360 of this chapter, except through the city sewage system or other city approved disposal system. (Ord. 93-09 §2, 1993).~~

~~**7.04.180 Charges established by resolution.**~~

~~— The amounts of all charges provided in this chapter, including, but not limited to, charges for monthly sewer service charges, meters, screens, standby charges, sewer connection fees, reserve capacity charges, lateral and main connection charges, inflow/outflow monitoring devices and sampling devices, penalties, and re-connection fees may be established by resolution. The failure to pay any charge established by resolution adopted pursuant to the provisions of this chapter, or by this chapter, shall constitute a violation. (Ord. 93-09 §2, 1993).~~

**7.04.170 Refusal, discontinuance or termination of sanitary sewer service.**

A. Sewer service may be refused, discontinued, or terminated to any premises upon written notice to the user and to the owner, if different, for any violation of the provisions of this chapter or applicable state

and federal regulations. If any such violation creates an imminent danger to the public health or safety, or to public or private property, then the city manager may act immediately to refuse, discontinue, or terminate sewer service after notice thereof.

B. Notice of refusal, discontinuance, or termination of sewer service shall be in writing and shall set forth the reasons for the refusal, discontinuance, or termination of service. Such notice shall be sent to the user and to the owner of the premises, if different, by certified mail, return receipt requested, to the address shown on the bill for sewer service or as known to the Director.

#### **~~7.04.190 Sewer service charge liens.~~**

~~— Each charge levied by or pursuant to this chapter or any resolution adopted pursuant to this chapter is hereby made a lien upon the premises which receive the benefit of the service or facility for which the charge was made, and the property to which service was provided, and any steps authorized by law may be taken by the city to enforce the payment of such lien. (Ord. 93-09 §2, 1993).~~

#### **7.04.200-180 Connections and installations at owners' expense.**

All onsite and offsite sewer lines, connections, plumbing, and appurtenant sewer facilities, and the construction and installation thereof, shall be constructed or installed at the consumer's expense and shall be to city standards and approved by the city prior to providing sewer service. (Ord. 93-09 §2, 1993).

#### **7.04.210-190 Wastewater volume determination.**

When charges and fees are based upon water usage, the total amount of water used from all sources will be used to determine the charges and fees unless, in the opinion of the city, significant portions of water received are not discharged into the sewage system. The total amount of water used from public and private sources will be determined by means of a meter. The city may require the user install a sewer meter of a type and at a location approved by the city to measure the amount of sewage discharged if the city believes the user is discharging sewage in excess of the amounts indicated by the water meter. (Ord. 93-09 §2, 1993).

#### **~~7.04.220 Payment of domestic sewer service charges.~~**

~~A. — Nonmetered Services. Bills for unmetered services shall be issued on a bimonthly basis for service in the months immediately succeeding the first of the month in which they are issued. The bills shall be due and payable upon presentation, and, if they are not paid by the end of the month in which they are billed, they shall be considered delinquent. If they are delinquent for more than five days, a delinquent charge of five dollars shall be added to the regular service charge, and sewer service and water service shall be subject to being disconnected upon five days' written notice. If the service is disconnected because of nonpayment, the service shall not be reconnected until the amount of the delinquent bill, including the delinquent charge of five dollars, unless a delinquent charge has already been added to the account for delinquent water or garbage and refuse charges for said billing period, and an additional charge for reconnection is paid.~~

~~— B. — Metered Services and Other Charges. Bills for metered services and all other billings shall be billed each month following the date of the reading of the meter or the event on which the billing is based and shall be paid by the fifteenth (15th) of the month in which they were billed.~~

~~— C. — Penalties. Any such bill which is not paid on or before the due date shall be subject to a ten percent penalty. If the bill is not paid by the thirtieth of the month in which it was billed, the sewer service or water service may be discontinued upon five days' written notice, and an additional charge for the subsequent turn on shall be paid by the consumer.~~

~~— D. — New Construction. Charges for sewer services for new construction shall commence upon the final inspection and approval.~~

~~— E. — Partial Payments Not Acceptable. No partial payment of bills for water, sewer, and garbage facilities will be accepted.~~

~~— F. — Separate Bills for Separate Connections. One bill for water, sewer, garbage, and refuse will be sent for each connection.~~

~~— G. — Delinquency Charges — Exceptions. Notwithstanding the provisions of subsection (A) of this section, no delinquent charge shall be collected for any nonmetered service when the customer has had no delinquency during the previous twelve months for the service address. (Ord. 93-09 §2, 1993).~~

#### **7.04.230 Persons responsible for the payment of sewer service charges.**

~~— Sewer service shall be billed to the owner of record. The owner of record shall be responsible for the payment of sewer services. (Ord. 93-09 §2, 1993; Ord. 95-06 §1, 1995).~~

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#### **7.04.235 Unpaid account constitutes lien against real property.**

~~— Unpaid sewer charges shall be a lien against all the real property served until paid. (Ord. 93-09 §2, 1993; Ord. 95-06 §1, 1995).~~

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#### **7.04.240 Standby charges.**

~~— A standby charge shall be made for each metered user, except substantial industrial users, while such plant is vacant or not operating. The standby charge shall be paid by the owner of record of such property, regardless of whether the service is used. (Ord. 93-09 §2, 1993).~~

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#### **7.04.250 Vacant premises.**

~~— Sewer charges shall be paid for vacant or untenanted premises, except buildings under construction, unless and until a notice of the vacancy and a request for the discontinuance of water and sewer service is made at the city administration office and at all times while water is being provided to such premises. (Ord. 93-09 §2, 1993).~~

#### **7.04.260-200 Sewer lines responsibility.**

The city engineer shall be responsible for the location, size, and design approval of sewer lines and appurtenances, and the building official shall and/or wastewater treatment plan supervisors supervise and inspect the construction and installation thereof. (Ord. 93-09 §2, 1993).

#### **7.04.270-210 Construction of sanitary sewer lines.**

The owner of property, at the option of the city, shall construct or pay the cost of constructing sewer lines and appurtenances to serve his or her property, regardless of sewer line size. The owner of property, at the option of the city, shall also construct or pay the cost of constructing sanitary sewer lines and

appurtenances to connect or tie in with the existing or proposed sanitary sewer lines of the city system adjacent to his or her property, regardless of distances or sanitary sewer line size. (Ord. 93-09 §2, 1993).

#### **7.04.~~280~~-220 Charges for sewer lines or sewer assessment fees.**

Any person who connects to a sewer line or develops property shall pay a charge for existing sewer lines which will serve the property at the time the building permits are obtained. The charge shall be established by resolution and shall be adjusted from time to time to reflect current construction costs. (Ord. 93-09 §2, 1993).

#### **7.04.~~290~~-230 Waste water treatment capitol fund.**

Sewer assessment fees shall be placed in the wastewater treatment capitol fund and shall be used solely to construct, or to reimburse the city for constructing, sanitary sewer lines and appurtenances, or to reimburse developers for constructing sanitary sewer lines and appurtenances, or for other sanitary sewer purposes established by ordinance. (Ord. 93-09 §2, 1993).

#### **7.04.~~300~~-240 Reimbursements.**

The amount paid to a developer or property owner for reimbursements for the construction of new sanitary sewer lines and appurtenances shall be established by written agreement. A developer or property owner shall be reimbursed the actual amount received by the city, which shall be determined in a manner consistent with the written agreement provided for herein. (Ord. 93-09 §2, 1993).

#### **7.04.~~310~~-250 Reimbursements formula.**

The city shall reimburse a proportionate share of the cost of the construction of regular and oversized sanitary sewer lines constructed around the perimeter of a development and for sewer lines extended to a development, at the time of collection, from charges collected from the owners of the land adjacent to such lines who connect to such lines within ten years after the date of the acceptance of such lines by the city. (Ord. 93-09 §2, 1993).

#### **7.04.~~320~~-260 Reimbursement for city property.**

The city shall reimburse the developer a proportionate share of the cost of the lines constructed in front of or adjacent to city property, except city water well sites, at the contract rate and within the ten-year period. (Ord. 93-09 §2, 1993).

#### **7.04.~~330~~-270 Lift stations.**

When a lift station is required by the city to serve a property or development, the property owner, at the option of the city, shall pay the cost or construct, install, make site improvements, and provide the land necessary for such lift station. (Ord. 93-09 §2, 1993).

#### **7.04.~~340~~-280 Oversized lines.**

For the purposes of this article, “oversized” lines shall mean all sanitary sewer lines in excess of eight inches in diameter. (Ord. 93-09 §2, 1993).

#### **7.04.350-290 Major extensions.**

Major extensions of oversized lines shall have prior council approval. The council may approve major extensions with reimbursement or without reimbursement and may enter into a written agreement with the developer and owner concerning major extensions. (Ord. 93-09 §2, 1993).

#### **7.04.360-300 Wastewater discharge permits.**

All substantial industrial users proposing to connect to or to discharge into a public sewer shall obtain a wastewater discharge permit from the city before connecting to or discharging into said public sewer. In addition, all FSE's shall comply in all respects with the provisions of Chapter 7.12. All existing substantial industrial users connected to or discharging into a public sewer shall obtain a wastewater discharge permit within ninety days after the effective date of the ordinance codified in this division. (Ord. 93-09 §2, 1993).

#### **7.04.370-310 Permit application.**

Owners seeking a wastewater discharge permit shall complete and file with the city an application in the form prescribed by the city, and accompanied by the applicable fees. The applicant may be required to submit, in units and terms appropriate for evaluation, the following information:

- A. Name, address, and standard industrial classification number of applicant;
- B. Volume of wastewater to be discharged;
- C. Wastewater constituents and characteristics including but not limited to those mentioned in Section 7.04.100;
- D. Time and duration of discharge;
- E. Average and thirty-minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- F. Site plans, floor plans, mechanical, and plumbing plans and details to show all sewers and appurtenances by size, location, and elevation;
- G. Description of activities, facilities, and plant process on the premises including all materials, processes, and types of materials which are, or could be, discharged;
- H. Each product produced by type, amount, and rate of production;
- I. Number and type of employees, and hours of work;
- J. Any other information as may be deemed by the city engineer to be necessary to evaluate the permit application. The city engineer will evaluate the data furnished by the applicant and may require additional information. After evaluation and approval of the application by the city engineer, the city engineer may issue a wastewater discharge permit subject to terms and conditions provided herein. (Ord. 93-09 §2, 1993).

#### **7.04.380-320 Permit conditions.**

Permits may contain, but not be limited to, the following:

- A. The average and maximum wastewater constituents and characteristics;
- B. Limits on rate and time of discharge or requirements for flow regulation and equalization;
- C. Requirements for installation of inspection, flow metering, and sampling facilities;



- D. Pretreatment requirements;
- E. Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types, and standards for tests, and reporting schedule;
- F. Requirements for submission of technical reports or discharge reports;
- G. Requirements for maintaining plant records relating to wastewater discharge as specified by the city, and affording the city access thereto;
- H. Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants (as defined by Section 7.04.100) are proposed or present in the owner's wastewater discharge;
- I. Compliance schedules;
- J. Other conditions as deemed appropriate by the city engineer to insure compliance with this division. (Ord. 93-09 §2, 1993).

**7.04.390-330 Duration of permits.**

Permits shall be issued for a specified time period, not to exceed five years. If the owner is not notified by the city thirty days prior to the expiration of the permit, the permit shall be extended one additional year. The terms and conditions of the permit may be subject to modification and change by the city during the life of the permit as limitations or requirements are modified and changed. The owner shall be informed of any proposed changes in his or her permit at least thirty days prior to the effective date of change. Any changes or new conditions in the permit shall include a time schedule for compliance. (Ord. 93-09 §2, 1993).

**7.04.400-340 Transfer of a permit.**

A. Wastewater discharge permits are issued to a specific owner for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, different premises, or a new or changed operation.

B. A situation of new owner, different premises, or new or changed operation will require the owner to apply for a new wastewater discharge permit. (Ord. 93-09 §2, 1993).

**7.04.410-350 Revocation or suspension of wastewater discharge permit ~~of permit.~~**

~~Any owner who violates the following conditions of the permit or of this division, or applicable state and federal regulations, is subject to having his or her permit revoked. Revocation of permit does not allow said owner to discharge without a permit.~~

- ~~— A. Failure of the owner to factually report the wastewater constituents and characteristics of his or her discharge;~~
- ~~— B. Failure of the owner to report significant changes in operations, or wastewater constituents and characteristics;~~
- ~~— C. Refusal of reasonable access to the owner's premises for the purpose of inspection or monitoring; or~~
- ~~— D. Violation of conditions of the permit. (Ord. 93-09 §2, 1993).~~

A. A wastewater discharge permit may be suspended or revoked upon written notice to the permittee for any violation of the terms and conditions of the permit, the provisions of this chapter, or applicable state and federal regulations, or for any of the following:

1. Failure of the permittee to factually report the wastewater constituents and characteristics of the permittee's discharge;

2. Failure of the permittee to report significant changes in operations or wastewater constituents and characteristics;

3. Failure of the permittee to correct objectionable conditions listed in a cease and desist order within the time stipulated in such order;

4. Refusal by the permittee to permit reasonable access to the permittee's premises for the purpose of inspecting or monitoring, or verification of records; or

5. Failure or refusal by the permittee to pay sewer service charges or other charges when due.

B. Any permittee whose wastewater discharge permit has been suspended or revoked shall, immediately upon receipt of notice thereof, discontinue the deposit or discharge of industrial waste, sanitary sewage, or effluent into the sanitary sewer system until his permit has been reinstated or a new permit has been issued.

C. Notice of suspension or revocation of a wastewater discharge permit shall be in writing and set forth the reasons for the suspension or revocation. Such notice shall be sent to the permittee by certified mail, return receipt requested, to the address shown on the permit or as known to the Director.

#### **7.04.420-360 Permit denial.**

The city reserves the right to deny a permit to owners discharging or planning to discharge pollutants into a public sewer which may harm the wastewater collection and treatment system or may cause a nuisance. Denial of permit does not allow said owner to discharge without a permit. (Ord. 93-09 §2, 1993).

#### **7.04.430-370 Monitoring facilities.**

A. The city may require the owner to construct, at his or her own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer or internal drainage systems and may also require sampling or metering equipment to be provided, installed, and operated at the owner's expense. The monitoring facility shall be situated on the owner's premises unless exemption from this requirement is granted by the city.

B. The monitoring facility shall include accommodations to allow access by city personnel, such as a cover secured with a city lock. There shall be ample room in or near such monitoring facilities to allow accurate sampling, flow measuring, and compositing of samples for analysis. The monitoring facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the owner.

C. The sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable construction standards and specifications. Construction shall be completed within ninety days following written notification by the city, unless a time extension is otherwise granted by the city. (Ord. 93-09 §2, 1993).

#### **7.04.440-380 Inspection and sampling.**

The city may inspect the facilities of any owner to ascertain whether the provisions of this division are being met and all requirements are being complied with. The owner shall allow the city or their agents

ready access at all reasonable times to all parts of the premises for the purposes of inspection or sampling in the performance of any of their duties. The city shall have the right to set up on the owner's property such devices as are necessary to conduct sampling or metering operations. Where the owner has security measures in force which would require proper identification and clearance before entry into their premises, the owner shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city will be permitted to enter without delay for the purposes of performing their specific responsibilities. (Ord. 93-09 §2, 1993).

In order for the City to determine the wastewater characteristics of the discharger for purposes of determining compliance with permit requirements, the user is required to make available for inspection and copying by the City all notices, self-monitoring reports, waste manifests, and records including, but not limited to, those required in 40 CFR Chapter I, Subchapter N, without restriction but subject to the confidentiality provision set forth herein. All records are to be kept a minimum of three (3) years. All samples shall be taken, preserved, and analyzed in accordance with the procedures presented in the Code of Federal Regulations, Title 40, Part 136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants) or the most recent accepted edition of Standard Methods for the Analysis of Wastewater. Unless approved otherwise by the City, all analyses shall be performed by a laboratory(ies) certified by the State to perform analysis for the specific pollutant in wastewater.

#### **7.04.390 Discharge reports.**

The Director may require any person discharging wastewater into the sanitary sewer system to file periodic discharge reports. The discharge report may include, but need not be limited to, nature of process, volume, rates of flow, mass emission rate, hours of operation, number of employees, or other information relating to the generation of waste, including the wastewater constituents and characteristics of the wastewater discharges. Such reports may also include the chemical constituents and quantity of chemicals stored on-site, even though they may not normally be discharged. In addition to discharge reports, the Director may require information in the form of wastewater discharge permit applications and self-monitoring reports.

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

#### **7.04.400 Falsification of information.**

It is unlawful for any person to knowingly make any false statement, representation, record, report, plant, or other document or to knowingly tamper with or render inaccurate any monitoring device or equipment installed or operated pursuant to this chapter or of any wastewater discharge permit issued hereunder. In addition to any punishment or remedy provided by law, any such falsification or tampering shall be grounds for revocation of any wastewater discharge permit issued hereunder.

#### **7.04.450-410 Pretreatment.**

Owners shall make wastewater acceptable under the limitations established herein before discharging to any public sewer. Any facilities required to pretreat wastewater to meet the requirements of this division shall be provided and maintained at the owner's expense. Detailed plans showing the pretreatment facilities and operating and maintenance procedures shall be submitted to the city for review, and must be acceptable to the city, before construction of the facility. The review of such plans and operation and maintenance procedures will in no way relieve the user from the responsibility of modifying the facility, as necessary, to produce and effluent acceptable to the city under the provisions of

this division. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city. (Ord. 93-09 §2, 1993).

#### **7.04.460-420 Protection from accidental discharge.**

A. Each owner shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this division. Such facilities shall be provided and maintained at the owner's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review and shall be acceptable to the city before construction of the facility.

B. The review of such plans and operating procedures will in no way relieve the owner from the responsibility of modifying the facility as necessary to provide the protection necessary to meet the requirements of this section. (Ord. 93-09 §2, 1993).

#### **7.04.470-430 Notification of discharge.**

Owners shall immediately notify the city upon accidentally discharging wastes in violation of this division to enable countermeasures to be taken by the city to minimize damage to the public sewer, treatment facility, treatment processes, and the receiving waters. This notification shall be followed, within fifteen days of the date of occurrence, by the submission to the city of a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence. Such notification will not relieve owners of liability for any expense, loss, or damage to the public sewer, treatment plant, or treatment process, or for any fines imposed on the city on account thereof. (Ord. 93-09 §2, 1993).

#### **7.04.480-440 Notices to employees.**

To inform the employees of the owner of the city's requirements, owners shall make available to their employees copies of this chapter and together with such other wastewater information and notices which may be furnished by the city from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the owner's bulletin board advising employees; whom to call in case of an accidental discharge in violation of this chapter. (Ord. 93-09 §2, 1993).

#### **7.04.490-450 Confidential information.**

A. All information and data obtained from reports, questionnaires, permit application, permits and monitoring programs, and from inspections shall be available to the public or other governmental agencies without restriction unless the owner specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes, or methods which would be detrimental to the owner's competitive position.

B. When requested, and if agreed to by the city, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies; provided, however, that such portions of a report, shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the owner furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

C. Information accepted by the city as confidential shall not be transmitted to any governmental agency or to the general public until and unless prior and adequate notification is given to the owner. (Ord. 93-09 §2, 1993).

#### **7.04.500-460 Special agreements.**

Special agreements and arrangements between the city and any owner may be established when in the opinion of the city unusual or extraordinary circumstances compel special terms and conditions. (Ord. 93-09 §2, 1993).

#### **7.04.470 Compliance Schedule.**

When the City finds any user to be in or threatening violation of any provision of this chapter; the City may require that user to submit for approval, with such modifications as the City deems necessary, a detailed time schedule of specific corrective actions to be taken to comply with this chapter. The user shall abide by and implement the adopted schedule.

The schedule shall contain milestones in the form of dates for the commencement and completion of major events leading to compliance. The user shall submit a progress report to the City no later than fourteen (14) days following the completion of each milestone set forth in the schedule. All compliance schedule progress reports must be signed by an authorized representative of the user.

Compliance schedules may also contain such other and additional requirements as might be reasonable necessary and appropriate to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. Furthermore, the Director may continue to require such additional self-monitoring for at least ninety (90) days after consistent compliance has been achieved, after which time the self monitoring conditions in the discharge permit shall control.

#### **7.04.480 Cease and Desist Order.**

The Director may issue a cease and desist order to any user who shows significant noncompliance or creates situations in which a discharge may pose a threat to the safety of the operation of the publicly owned treatment works or the collection system. The order shall require immediate correction of the situation or may impose additional requirements. The order shall be enforceable in court.

#### **7.04.490 Termination of Service.**

The City, by order of the Director, may physically terminate sewage service to any property as a term of any order of suspension or revocation of a permit. All costs for physical termination shall be paid by the permittee as well as all costs for reinstating service. Each charge levied by or pursuant to this chapter or any resolution adopted pursuant to this chapter is hereby made a lien upon the premises for which the charge was made, and any steps authorized by law may be taken by the city to enforce the payment of such lien.

#### 7.04.500 Emergency Suspension.

The City may, by order of the Director, suspend sewage service or waste hauler discharge service when such suspension is necessary, in order to stop an actual or impending discharge which presents or may present an imminent or substantial endangerment of the health, safety, and welfare of persons, or to the environment, or may cause interference with the City's sewerage facilities, or may cause the City to violate any State or, federal Law or regulation. An emergency suspension order is final and not appealable.

#### 7.04.550510 Injunction.

Notwithstanding any other provision of this chapter, and in addition to and as an alternative to any other procedure prescribed herein, whenever a discharger of wastewater is in violation of or may potentially violate the provisions of this chapter, the discharger's permit conditions, or any Federal Pretreatment Standard or Requirement for dischargers, or fails to submit required reports or refuses to allow the City entry to inspect the premises, the City may petition the Superior Court for the issuance of an injunction to restrain the continued violation or to prevent violations by the discharger and to seek such other or additional remedies and civil penalties as may be authorized by law.

### **Chapter 7.08 ENFORCEMENT OF SEWER FEE PAYMENT**

#### **7.08.010 Purpose.**

— In order to encourage the timely payment of sewer service fees by all users of the waste water treatment plant sewer system, supplement those funds otherwise timely received, cover the additional monetary costs and lost opportunity costs associated with overdue payments of sewer service fees and the collection thereof, and to further facilitate the effective operation and maintenance of the waste water treatment plant system, the penalty fees and enforcement procedures set forth in this chapter have been adopted. (Ord. 93-09 §2, 1993).

#### **7.08.020 Charges incorporated into utility bill—Delinquency—Notice of liability for collection fees and costs.**

— Sewer service charges shall be incorporated into and become a part of the utility bill rendered by the city of Waterford for sewer service. Utility bills are to be paid in their entirety within thirty days of the date of the bill. Upon becoming delinquent, and every thirty days thereafter during which any portion of the utility bill remains unpaid, the unpaid portion of the utility bill (including any delinquency charges already imposed) shall be subject to a ten percent additional charge, which charge shall be delinquent for thirty days or more, the director of finance shall cause a notice to be mailed or delivered to the owner and the user of the premises which notifies the owner and the user that each party is jointly and severally liable for such charges and that each party shall be subject to civil action in any court of competent jurisdiction for all sums owed to the city unless payment of the entire utility bill is remitted forthwith. (Ord. 95-10 §1, 1995; Ord. 93-09 §2, 1993).

#### **7.08.030 Charges deemed debt due city of Waterford.**

— The charges imposed by this chapter shall be deemed a debt due the city of Waterford for which the owner of the property and the user of the services shall be held jointly and severally liable in a civil action in the name of the city of Waterford, or its assignee, as plaintiff. Said action may be brought in any court

of competent jurisdiction for the amount of charges imposed by this title, including late charges, other penalties, costs of suit, and reasonable attorney's fees, which sum shall be deposited into the city treasury upon collection. (Ord. 93-09 §2, 1993).

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#### **7.08.040 Duty to collect charges.**

—The director of finance and all other appropriate city officers, agents, or employees shall promptly and economically take all actions necessary for the collection of all charges in this chapter which are now or may be provided for. (Ord. 93-09 §2, 1993).

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#### **7.08.050 User's responsibility to pay.**

—All users of the waste water treatment plant system shall pay for such service and for the privilege of connecting to this system at the rates, at the time, and under the conditions set forth in this code and as amended from time to time by the city council. Such users shall comply with all provisions of this code relating to the city utility bill generally and the use of the waste water treatment plant specifically. (Ord. 93-09 §2, 1993).

#### **7.04.520 Disconnection for violations.**

In the event of a violation of any of the provisions of this chapter, or any rule or regulation established under this chapter, or failure to pay utility bill, or any condition of any permit issued pursuant to this chapter by the director, the director shall notify in writing the person causing, allowing or permitting such violation, specify the violation and if applicable, the time after which (upon the failure of such person to prevent or rectify the violation) the director shall have authority to disconnect, or will disconnect, the user from the water system and/or the sewage system service; provided, that such time shall not be less than three days after the mailing of notice in writing to the user so in violation. The director may disconnect any user from the sewage system and/or water system who continues such violation after the time stated in the notice. Nothing in this section will prevent the director from discontinuing any user in case of emergency.

#### **7.04.530 Public nuisance.**

Discharge of waste in violation of this chapter or of any order issued by the director is declared a public nuisance, including but not limited to the process and remedies set forth herein as well as those set forth in the municipal code including chapters 8.12 and 15.42, and shall be corrected or abated as directed by the director.

#### **7.04.540 Damage to facilities.**

When a discharge of waste causes an obstruction, damage, or any other impairment to city facilities, the city may assess a charge against the user, property owner, or person violating this chapter, for the work required to clean or repair the facility and add such charge to the user's sewer service charge.

#### **7.04.550 Tenant Responsibility.**

Any person who shall occupy any premises as a tenant under any rental or lease agreement shall be jointly and severally responsible for compliance with the provisions of this chapter in the same manner as the owner.

#### **7.04.560 Inspection and Sampling Conditions.**

The City may inspect and sample the wastewater generating and disposal facilities of any user to ascertain whether the intent of this chapter is being satisfied and the user is complying with all requirements.

The City shall have the right to set up on the user's property or any other locations as determined by the City, such devices as are necessary to conduct sampling or metering operations. Where a user has security measures in force, the user shall make necessary arrangements so that personnel from the City will be permitted to enter without delay for the purpose of performing their specific responsibilities.

In order for the City to determine the wastewater characteristics of the discharger for purposes of determining compliance with permit requirements, the user is required to make available for inspection and copying by the City all notices, self-monitoring reports, waste manifests, and records including, but not limited to, those required in 40 CFR Chapter I, Subchapter N, without restriction but subject to the confidentiality provision set forth herein. All records are to be kept a minimum of three (3) years.

All samples shall be taken, preserved, and analyzed in accordance with the procedures presented in the Code of Federal Regulations, Title 40, Part 136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants) or the most recent accepted edition of Standard Methods for the Analysis of Wastewater. Unless approved otherwise by the City, all analyses shall be performed by a laboratory(ies) certified by the State to perform analysis for the specific pollutant in wastewater.

#### **7.04.570 Liability.**

In the event that a user does not comply with the conditions and wastes are discharged to the POTW or collection system that causes, or threaten to cause, the water quality control plant's waste treatment facilities to malfunction or otherwise result in a violation of waste discharge requirements or limitations imposed by State or federal regulatory agencies (40 CFR 403.8), the user shall be liable for any and/or all of the following:

- (a) To pay any and all monetary penalties, charges, fees, and other costs that may be imposed on the City by State or federal regulatory agencies as a result of threatened or actual violation(s) or malfunction(s), including administrative and legal fees;
- (b) To pay any and all judgements and associated costs that may be awarded to individuals or entities as a result of threatened or actual violation(s) or malfunction(s);
- (c) To pay the total cost of any interim waste treatment measures that the Director may deem necessary to abate threatened or actual violation(s) or malfunction(s), including consulting and administrative fees;
- (d) To pay the total cost of providing waste treatment facilities needed to remedy threatened or actual violation(s) or malfunction(s);
- (e) To pay the total cost of any damage to the collection system or POTW which results from the users noncompliance with this chapter.



#### **7.04.580 Damage to facilities.**

When a discharge of waste causes an obstruction, damage, or any other impairment to city facilities, the city may assess a charge against the user, property owner, or person violating this chapter, for the work required to clean or repair the facility and add such charge to the user's sewer service charge.

#### **7.04.590 Malicious damage to sanitary sewer system.**

Any unauthorized entering, breaking, damaging, destroying, uncovering, defacing, or tampering with any structure, equipment, or appurtenance which is part of the sanitary sewer system or required pursuant to the provisions of this chapter shall be a violation of this chapter.

#### **7.04.600 Appeals.**

A. Any user, permit applicant, permittee, or owner affected by a decision, action, or determination, including suspension, revocation, refusal, discontinuance, termination, cease and desist order, or emergency order issued by the Director interpreting, implementing, or enforcing the provisions of this chapter or any wastewater discharge permit issued hereunder, may appeal such decision, action, or determination to the City Manager pursuant to this section by following the Administrative Citation Appeals Process pursuant to WMC 1.40.010 (C).

~~B. Any such appeal to the City Manager shall be made by filing a petition with the city clerk no later than 10 working days from date of the decision, action, or determination of the Director. The petition shall set forth the grounds for the appeal and the reasons why such appeal should be granted. Upon receipt of said petition, the city clerk shall immediately forward a copy of the petition to the city manager.~~

~~C. In considering and ruling on an appeal of a decision, action, or determination of the Director, the City Manager may reverse or affirm the Director, wholly or in part, or impose such conditions as the facts warrant. The decision of the City Manager shall be final.~~

**ORDINANCE NO. 2014-06**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WATERFORD, CA AMENDING WATERFORD MUNICIPAL CODE CHAPTER 7.04, "SEWER", AND REPEALING CHAPTER 7.08, "ENFORCEMENT OF SEWER FEE PAYMENT" FROM TITLE 7, "SANITATION AND HEALTH", OF THE WATERFORD MUNICIPAL CODE**

**THE CITY COUNCIL OF THE CITY OF WATERFORD hereby ordains as follows:**

**SECTION 1. Purpose.** The purpose of this ordinance is to make revisions to Chapter 7.04 by adding and amending sections and/or wording that updates technical information and clarifies language to keep it current with existing state laws and to repeal Chapter 7.08, "Enforcement of Sewer Fee Payment" due to the newly added Waterford Municipal Code Chapter 3.50, titled, "Collections of Public Utilities Charges" to Title 3, "Revenue and Finance" of the Waterford Municipal Code. The newly added WMC Chapter 3.50 addresses public utilities collection procedures for the city's water and sewer utility accounts.

**SECTION 2. Authority.** The City Council enacts this ordinance under the authority granted to cities by Article XI, Section 7 of the California Constitution, and California Government Code Section 37100.

**SECTION 3. Repeal of Ordinance and Section.** Ordinance 93-09 §2, 1993 and Waterford Municipal Codes Sections 7.08.010 through 7.08.050 of Title 7, "Sanitation and Health", Chapter 7.08, "Enforcement of Sewer Fee Payment is hereby repealed in its entirety.

**SECTION 4. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance. The City council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unlawful.

**SECTION 5. Effective Date.** This Ordinance shall take effect thirty days after its final adoption as provided by Government Code Section 36937. Within 15 days after its final passage, the City Clerk shall cause this Ordinance to be published and posted in accordance with Section 36933 of the California Government Code.

The foregoing Ordinance was introduced and the title thereof read at the regular meeting of the City council on the 17<sup>th</sup> day of April, 2014 and by unanimous vote of the City Council members present, further reading was waived by the following vote:

**AYES:  
NOES:  
ABSTAIN:  
ABSENT:**

**CITY OF WATERFORD**

\_\_\_\_\_  
CHARLIE GOEKEN, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
LORI MARTIN  
City Clerk

\_\_\_\_\_  
CORBETT J. BROWNING  
City Attorney

*Stricken through text represents deletions to the Waterford Municipal Code, highlighted/underlined text represents additions to the Waterford Municipal Code.*

## **WATERFORD MUNICIPAL CODE**

### **TITLE 7 SANITATION AND HEALTH**

#### **Chapter 7.04 SEWER**

##### **7.04.010 Purpose and Intent**

The purpose of this chapter is to set forth uniform requirements for direct and indirect discharges of pollutants into the wastewater collection and treatment system for the City of Waterford which will enable the City to comply with all applicable State and Federal laws.

The intent of this chapter is:

- (a) To prevent the introduction of pollutants into the City sewage system, which potentially could interfere with the operation of the collection system, treatment processes, or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the City sewage system which will pass through said system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the sewage system;
- (c) To protect municipal personnel who may come into contact with sewage, sludge and effluent in the course of their employment as well as protecting the general public;
- (d) To improve the opportunity to recycle wastewater sludge from the system;
- (e) To provide for equitable distribution of the cost of operation, maintenance and improvement of the municipal sewage system;
- (f) To preserve the hydraulic capacity of the municipal sewage system; and
- (g) To require users of the sewage system to comply with Federal and State law.
- (h) To establish and provide a mechanism for enforcing performance standards and requirements for the treatment system and private sewer laterals that connect or are connected to the City sanitary sewer collection system.

##### **7.04.012 Authority**

The City is regulated by various agencies of the United States Government and the State of California, pursuant to the provisions of Federal and State Law. Under 40 CFR 403.8(f)(1) and the Porter-Cologne Water Quality Control Act Chapter 5.5, the City is granted the authority to regulate and/or prohibit, by the adoption of an ordinance, and by issuance of discharge permits, the discharge of any waste, directly or indirectly, to the City sewer facilities. Said authority includes the right to establish limits, conditions, and prohibitions; to establish flow rates or prohibit flows discharged to the City's sewer facilities; to require the development of compliance schedules for the installation of equipment systems and materials by all users; and to take all actions necessary to enforce its authority, whether within or outside the City's boundaries, including those users that are tributary to the City or within areas for which the City has contracted to provide sewerage services.

The City has the authority pursuant to California Health and Safety Codes 5471 and 5474 to prescribe, revise, and collect all fees and charges for services and facilities furnished by the City either within or without its territorial limits.

#### **7.04.015 Definitions.**

Unless the context specifically indicates otherwise, the following terms and phrases shall be defined herein. Words and phrases used in this chapter and not otherwise defined shall be interpreted, as defined in the Code of Federal Regulation, Standard Methods for the Analysis of Wastewater, or as established by State regulatory agencies.

The following terms shall have these meaning(s) in this chapter:

1. "Substantial industrial user" shall mean any waste contributor identified in the Standard Industrial Classification (SIC) Manual in any of Divisions A, B, D, E, and I that:
  - a. Has a discharge flow of twenty-five thousand gallons or more per average workday or, if seasonal, the average shall be computed on the period of use; or
  - b. Has a flow or pollutant loading greater than five percent of the design capacity of the city's sewage system; or
  - c. Has in its wastes toxic pollutants in toxic amounts as defined in the standards issued under subsection (a) of Section 307 of the Federal Water Pollution Control Act Amendments of 1972, or amendments thereto; or
  - d. Is found by the city's authorized representatives to have significant impact, either singly or in combination with other contributing industries, on the treatment works or upon the quality of effluent from the treatment works.
2. "Person" shall mean any individual, firm, company, partnership, association, or private, public, or municipal corporation's responsible corporate officer, the United States of America, the state, all districts and all political subdivisions, governmental agencies, and mandataries thereof, except the city.
3. "Lot" or parcel of land shall mean a parcel of land consisting of one or more contiguous lots of record in one ownership to which service is provided for any purpose.
4. "User classification" shall mean a classification of a user based on the Standard Industrial Classification (SIC) Manual. The classification of users as determined in this chapter shall be:
  - a. Substantial industrial user: as defined in subsection (B) of this section;
  - b. Industrial user: any user engaged in the business of processing or manufacturing agricultural products, animals, poultry, goods, wares, or other products or materials who processes or manufactures the same for the purposes of sale, resale, or redelivery in processed or manufactured form;
  - c. Residential user: domestic users, schools, churches, and those structures exclusively domiciliary in nature, including nursing homes, convalescent hospitals, homes, flats, apartments, and boardinghouses (but excluding transient rooms, hotels, motels, and all other quarters primarily offered to the transient trade); and
  - d. Commercial user: any user not defined as a residential or industrial user.
5. "Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC Section 1251, et seq.
6. "Biochemical oxygen demand" or "BOD" means the quantity of oxygen expressed in parts per million by weight utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of 20 degrees Celsius as described in "Standard methods."

7. "Building" means a structure built, erected, and framed of component structural parts designed for the housing, shelter, enclosure, or support of persons, animals, or property of any kind.
8. "Building permit" means a permit issued by the building official of the city.
9. "Cease and desist order" means an order by the Director requiring immediate termination of an activity or situation which threatens to create or does create a significant safety hazard noncompliance with the provisions of this chapter, or noncompliance with State and/or Federal law.
10. "CFR" means the Code of Federal Regulations.
11. "City" means the City of Waterford in the State of California
12. "City manager" means and includes the city manager of the city and his authorized representatives.
13. "Cleanout" means the cast iron or approved plastic riser fitted with an approved cleanout plug installed at the point where the building sewer connects to the public sewer.
14. "Compliance directive" means an enforcement document which directs an industrial user to implement corrective or remedial measures
15. "Compliance schedule" means an enforcement document which directs a user to create or imposes upon a user, a time schedule for meeting any provision of the sewer ordinance
16. "Correction notice" means a notice to a user or users orally or in writing, to correct its noncompliance with the sewer ordinance
17. "Director" means the Public Works Director of the City or such other persons as may be designated by the Public Works Director to perform the services or make the determinations permitted or required in this chapter to be made by the Public Works Director of the City.
18. "Domestic wastewater/sanitary sewage" means the liquid and solid waterborne wastes derived from the ordinary living processes of humans of such character as to permit satisfactory disposal, without special pretreatment, into the public sewer or into a private wastewater disposal system
19. "Drainage system" means and includes all the piping within public or private premises which conveys sewage or other liquid wastes to the public sewer, but does not include the public sewer.
20. "Effluent" means the liquid outflow of any facilities designed to treat, convey, or retain wastewater.
21. "Environmental Protection Agency" or "EPA" means the United States Environmental Protection Agency. Where appropriate, the term may also be used to designate the administrator or other duly authorized official of that agency.
22. "Food service establishment ("FSE")" means facilities defined in California Uniform Retail Food Facility Law (CURFFL) Health and Safety Code Section 113785, and any commercial or public entity within the boundaries of the city, operating in a permanently constructed structure such as a

room, building, or place, or portion thereof, maintained, used, or operated for the purpose of storing, preparing, serving, or manufacturing, packaging, 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 a Type I or Type II hood, as defined in CURFFL. A limited food preparation establishment is not considered a FSE when engaged only in reheating, hot holding or assembly of ready to eat food products and as a result, there is no wastewater discharge containing a significant amount of FOG. A limited food preparation establishment does not include any operation that changes the form, flavor, or consistency of food. All FSE's are governed by section 7.04 as well as the provisions of section 7.12 et seq.

23. "Garbage" means solid wastes from the preparation, cooking, and dispensing of foods, and from the handling, storage, and sale of produce.

24. "Grease" means grease, oil, fat, or other ether-soluble matter, and includes each of the following two types:

1. Dispersed grease, which means grease which is not floatable grease;
2. Floatable grease, which means grease which floats on the surface of quiescent sewage water or other liquid or which floats upon dilution of the liquid with water.

25. "Grease interceptor" for the purposes of this chapter shall mean a grease trap device specifically approved by the city engineer and used either singly or in combination with an existing grease trap as determined necessary by the director of public works in order to achieve sufficient removal of sand, oils and greases or other objectionable waste.

26. "Grease trap" means any suitable device designed to separate sand, oil and grease in order to prevent their discharge into the city sewer system.

27. "Industrial user" means:

1. Any nongovernmental, nonresidential user of the sanitary sewer system which discharges more than the equivalent of 25,000 gallons per day of sanitary sewage and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

- a. Division A, agriculture, forestry, and fishing;
- b. Division B, mining;
- c. Division D, manufacturing;
- d. Division E, transportation, communications, electric, gas, and sanitary services;
- e. Division I, services.

A user in the divisions listed may be excluded if it is determined that the user will introduce primarily segregated sanitary sewage from sanitary conveniences.

2. Any nongovernmental user of the sanitary sewer system which discharges wastewater into the system which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of the

system, or to injure or interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the system.

3. Any source of indirect discharge into the sanitary sewer system which does not constitute a “discharge of pollutants” under regulations issued pursuant to Section 402 of the Act.

4. Any user of the sanitary sewer system that has been determined to require pretreatment including physical separation of wastes.

5. Any user who discharges or causes a discharge of industrial wastewater directly or indirectly to the City sewage system which requires a permit under the provisions of this chapter.

28. “Industrial wastewater/industrial waste” means all water-carried wastes and wastewater of the community, excluding domestic wastewater, and including all wastewater from any commercial or industrial production, manufacturing, processing, agricultural or other operation. These may also include wastes of human origin similar to domestic wastewater

29. “Industrial wastewater discharge” means liquid and/or solids contained within a liquid, other than sanitary sewage, and discharged into the sewage system by an industrial user

30. “Inspector” means a person authorized by the Director to inspect any development discharging or anticipating discharge to the wastewater collection system and/or the POTW

31. “Land development approval” means any pre-zoning, zoning, or rezoning, or any discretionary permit, which for purposes of this chapter shall be limited to site development permits, exceptions, conditional use permits, and approvals of tentative subdivision maps.

32. “National pollution discharge elimination system permit” or “NPDES permit” means a permit issued to the city for the sanitary sewer system by the approval authority pursuant to the Act.

33. “Notice of violation” means a notice issued by the Director or Inspector to the industrial user, hand delivered or mailed, informing the industrial user that a violation has occurred;

34. “Nuisance” means anything which is injurious to health or is indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property or which affects at the same time an entire community or neighborhood or sewer collection system or POTW or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal

“Owner” means the owner of any premises.

35. “Permit” means either a sewer connection permit or a wastewater discharge permit.

36. “Permittee” means the person, firm, or organization to whom a sewer connection permit or a wastewater discharge permit or both have been issued.

37. “Person” means any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, their legal representatives, agents, or assigns.

38. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

39. "Premises" means a separate lot or parcel of land, improved or unimproved, which is connected directly or indirectly to the sanitary sewer system or any portion thereof, or from which any sewage is discharged or conducted, directly or indirectly, into the system.

40. "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the sanitary sewer system. The reduction or alteration can be obtained by physical, chemical, or biological processes, process changes, or by other means, except as hereinafter prohibited. "Pretreatment," except where expressly authorized to do so by an express standard in this chapter, shall never include an increase in the use of process water, other non-waste waters, or in any other way attempting to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the provisions of this chapter or any order issued pursuant to the authority herein contained.

41. "Private sewage disposal system" means a septic tank with the effluent discharging into a subsurface disposal field, into one or more seepage pits, or into a combination of subsurface disposal field and seepage pit or of such other facilities as may be permitted under the Uniform Plumbing Code.

42. "Private sewer" means a building sewer which receives the discharge from more than one building drain and conveys it to a public sewer.

43. "Public owned treatment works" (POTW) means a treatment works as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to the facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewater from persons outside the City, who are, by contract or agreement users of the City treatment plant;

44. "Radioactive material" means any material containing chemical elements which spontaneously change their atomic structure with the emission of atomic energy.

45. "Sanitary sewage" means water-carried wastes from residences, business buildings, institutions, and industrial establishments, excluding industrial waste and also excluding ground, surface, and storm waters.

46. "Sewage" means and includes sanitary sewage or industrial waste or both.

47. "Sewage system" shall mean the city's facilities for the collection, storage, treatment, and disposal of industrial wastes or domestic wastes, or both, and shall include monitoring, sampling, metering, and other devices and appurtenances

48. "Sewer" means a pipe or conduit for carrying sewage.

49. "Sewer lateral" shall mean a sewer line eight inches or smaller in diameter which discharges into a sewer main and/or receives sewage from a sewer connection.

50. "Sewer main" shall mean a sewer line ten inches or larger in diameter receiving sewage from one or more sewer laterals or sewer connections.



51. "Sewer connection charge" means a fee or charge levied on users of the sanitary sewer system at the time of their connection to the system for the privilege of connecting to the system.

52. "Sewer service" shall mean the discharge or authority to discharge into the sewage system.

53. "Sewer service charge" means a fee or charge levied on users of the sanitary sewer system for the user's proportionate share of the cost of operation and maintenance (including replacement) of the system.

54. "Standard methods" means the examination and analytical procedures for industrial waste set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes," published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation. All analytical measurements made pursuant to this chapter shall be in conformity with "Standard Methods" or EPA-recommended procedures and shall be performed by a laboratory certified by the California Department of Health Services.

55. "Storm drainage system" means all conduits, pumping plants, collection facilities and other appurtenances owned and operated by the city for carrying, collecting, pumping and disposing of storm water, surface water, ground water, roof runoff or other unpolluted water.

56. "Storm water" means water to which no pollutant has been added, either intentionally or accidentally, other than street wash, surface water, rainwater runoff, or drainage, but excludes sewage. One pass cooling water may be considered as storm water.

57. "Suspended solids" means solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering.

58. "System" means the sanitary sewer system.

59. "Unpolluted water" means water to which no pollutant has been added, either intentionally or accidentally, which would render such water unacceptable to the city for disposal to storm or natural drainages or directly to surface waters.

60. "User" means any person responsible for payment of sewer service charges for premises or any person who discharges, causes or allows the discharge of wastewater directly or indirectly to the sewage system. This includes residential, commercial, and industrial users as defined herein.

61. "Waste" means and includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

62. "Wastewater" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the City's facilities

63. "Wastewater constituents and characteristics" means the individual chemical, physical, bacteriological, radiological, and other parameters which serve to define, classify, or measure the content, quality, quantity, and strength of wastewater.

64. "Wastewater discharge permit" means a permit issued to an industrial user, or any person discharging to the sewage system that the Director determines needs a permit, to regulate its discharge of toxic, organic, or hydraulic loading to the wastewater collection, conveyance, and treatment system as required by this code.

65. "Wastewater treatment plant" means any arrangement of devices and structures for treating sanitary sewage and industrial waste.

#### **7.04.020 When city will furnish service.**

When mains and laterals are in place or within a reasonable distance from a particular parcel, as determined by the director, the city may furnish sewer service from such a line to the property upon the payment of the appropriate charges and costs. (Ord. 93-09 §2, 1993).

#### **7.04.025 Mandatory Connection**

A. No owner or occupant of any premises within the city on which sewage is produced and on which premises the nearest building outlet of the plumbing system is located within a 200-foot radius of an existing sewer main to which a connection can be made shall use any means of sewage disposal other than through the sewer system. The owner of any premises so located and upon or in which any sewage is produced shall be required upon official notice from the City, to connect said premises to the sewer system within 60 days from the date when a main sewer located within the distance specified above is completed and available for connection to said premises. There shall be a separate connection to the sewer system for each building or structure served, except that pursuant to written permission from the Director of Public Works any two or more buildings or structures on the same lot may be served by one sewer connection. Pursuant to Government Code Section 54352 the Council hereby declares that further maintenance or use of septic systems or other local means of sewage disposal on any premises so located shall constitute a public nuisance and may invoke any legal means to abate same.

B. Notwithstanding the foregoing, no owner or occupant shall be required to connect premises to the sewer system as long as the premises are currently being served by a functioning septic system which, in the opinion of the Director of Public Works, adequately serves the premises. In such cases, the Director of Public Works may approve upon request of the applicable owner the deferral of the connection until such time as it is determined that the septic system no longer adequately serves the premises or cannot serve the premises without major repairs. Remodeling of existing premises served by a septic system may be allowed if no septic system improvements are required to serve such modifications.

C. Septic tank failure or rendered unserviceable.  
Any septic tank which shall become unserviceable from any cause shall be abandoned and the premises previously served by such septic tank shall, wherever sewers are available as outlined in this Section, be connected with and drained into a public sewer within ten days from the time such septic tank becomes unserviceable. The property owner shall at his/her sole risk and expense remove from service and render harmless any and all septic tanks, cisterns, vessels, or similar underground vaults in accordance with City of Waterford and Stanislaus County regulations, the Uniform Plumbing Code and any State law, within 30 days following the date the dwelling is connected to the City sanitary sewer facilities. City verification and approval is required for all abandoned facilities outlined above.

D. Deferred Installment Agreements (Hardship)

For customers who demonstrate a hardship in paying permit connection fees, a deferred installment agreement may be executed. The applicant must provide a notarized signature on the agreement and return it to the City for processing. The agreement will be forwarded to the City Clerk, who will have the City Manager sign and forward it to the County Recorder's office for recordation. When all fees have been paid, as stated in the Deferred Installment Agreement, a "Release of Deferred Improvement Agreement" will be generated releasing any further obligations to the City.

#### **7.04.030 Ownership of lines.**

Lines, laterals and appurtenants on private property shall belong to the property owner. All lines and appurtenant facilities constructed in or under streets, easements, or alleys shall become the property of the city upon the completion of the installation and upon the final inspection and approval of the lines by the city engineer. (Ord. 93-09 §2, 1993).

#### **7.04.040 Easements.**

When a main line is to be constructed across private property to serve more than one lot, an easement shall be granted to the city, and the easement line, size, and installation shall be approved by the city engineer. The owner of such lots shall be responsible for obtaining and paying for sewer service when service is to more than one lot or to more than one structure on one lot or more. (Ord. 93-09 §2, 1993).

When a lateral is to be constructed across private property to serve another lot, an easement must first be conveyed from one property owner to the other. The easement line, size and installation shall be approved by the city.

#### **7.04.050 Maintenance of lines.**

Where premises are connected to the city sanitary sewer mains, it is the responsibility of the property owner, at the owner's expense, to maintain the sewer service lateral from the premises to the city owned and operated main line. Such maintenance shall include the removal of tree roots and other blockages. The property owner is also responsible for repairs of the lateral line within the property boundaries. The city will repair damaged and deteriorated lateral lines in the city right-of-way at city expense, unless such damage was caused by the property owner.

If the property owner believes that there is a lateral structural problem in the City right-of-way, the property owner shall have the lateral televised and provide a copy to the Public Works Department. If there is a structural problem in the right-of-way and is not the result of negligence by the property owner, the City will make the repair at no cost to the property owner.

#### **7.04.060 Connections.**

A. One city sewer connection shall be provided to each occupied lot under separate ownership and to the premises of each project, unless otherwise approved by the city engineer. All onsite lines shall be constructed to city standards.

B. When separate buildings are constructed on a lot or parcel which can be sold as a separate lot or parcel, a sewer connection shall be provided for each lot capable of being sold separately.

C. For each project, individual shutoff valves, gate valves, and necessary onsite lines under private ownership shall be provided.

D. The building official shall test and inspect the mains and laterals for the general collection system within a project.

E. When separate buildings are constructed or trailers or mobile homes are lawfully placed on property which cannot be sold as a separate first or parcel, no hook up to the sewer connection shall be made without a conditional use permit. (Ord. 93-09 §2, 1993).

#### **7.04.070 Sewer service to territory outside the city.**

Before sewer service will be provided to territory outside the city, the city shall require pave-outs, curbs, gutters, and provisions for storm drainage facilities, or security and an agreement therefor, and shall require an agreement with the property owner and lessee which may provide the basis on which such service will be provided or on which mains and laterals will be constructed and financed. (Ord. 93-09 §2, 1993).

#### **7.04.080 Industry and governmental agency contracts.**

The provisions of this chapter shall not prohibit the city from entering into contracts with a business, industry, or governmental agency to supply sewer service and all things pertaining to sewer service. (Ord. 93-09 §2, 1993).

#### **7.04.090 Prohibited acts.**

- A. No person shall discharge a quantity or quality of wastewater directly or indirectly to sewer facilities owned by or tributary to the City's sewage system which causes, or is capable of causing, either alone or by interaction with other substances:
- (1) A fire or explosion;
  - (2) Obstruction to the flow in the sewage system resulting in interference or damage to the sewerage facilities;
  - (3) Danger to life or safety of any person;
  - (4) Impairment of the effective maintenance or operation of the sewerage system;
  - (5) The release of toxic or malodorous gas-producing substances; including any material identified as hazardous according to 40 CFR Part 261 except as may be specifically authorized by the Director;
  - (6) Interference with the wastewater treatment process;
  - (7) The City's effluent or any other product of the treatment process, residues, sludges, or scums to be unsuitable for reclamation, reuse, or disposal;
  - (8) Discoloration, pass through, or any other condition which affects the quality of the City's treatment works effluent in such a manner that receiving water quality requirements established by regulatory agencies cannot be met;
  - (9) Conditions which violate any statute, rule, regulation, or ordinance of any public agency or regulatory agency having jurisdiction over the discharge of wastewater through the sanitary sewage system;

(10) Contamination of the collection system, soil, or groundwater by osmosis, chemical action, leakage, or any other means of conveyance from the sewage system.

(a) No person shall discharge wastewater or any substance delivered by vehicular transport, rail car, or dedicated pipeline directly or indirectly to the City's sewerage facilities that is defined as a hazardous waste by the control authority.

(b) No person shall transport waste from one location or facility to another for the purpose of treating or discharging it directly or indirectly to a publicly owned sewer without written permission from the City.

(c) No user shall increase the contribution of flow, pollutants, or change the nature of pollutants where such contribution or change does not meet applicable standards and requirements or where such contribution or change would cause the City to violate its NPDES permit.

#### **B. Cease and desist orders – Emergency orders.**

1. The Director may issue a cease and desist order to any premises found to be in violation of the provisions of this chapter or applicable state and federal regulations. The Director may include a time schedule for compliance with any cease and desist order. The Director may issue a cease and desist order in the event of a threatened violation.

2. The Director may order the abatement of any discharge or any waste associated with human habitation, or of human or animal origin from any source when it is determined that the discharge causes or threatens to cause a condition which is immediately detrimental to the public health, safety, or welfare. Any such situation shall be abated by service of a notice upon the person responsible for the discharge or the owner of the premises and if not abated within 24 hours after serving the notice the city may perform such work or cause to be performed such work as shall be necessary to obtain proper abatement.

3. It is unlawful for any person to fail to obey or correct such conditions within 24 hours after being ordered to do so. Any cost incidental to such work shall be an assessment upon the premises affected and shall be collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, the general taxes.

#### **7.04.100 Prohibited discharges into the sewage system.**

No person shall discharge, or cause or permit to be discharged, directly or indirectly into the sewage system:

- A. Stormwater, ground water, rainwater, street drainage, subsurface drainage, yard drainage, or pool or pond water;
- B. Any holding tank waste, unless such discharges are made into a city-approved facility designed to receive such wastes;
- C. Radioactive waters;
- D. Waste containing in excess of:
  - 1. 0.1 mg/1 arsenic,
  - 2. 0.2 mg/1 cadmium,
  - 3. 0.2 mg/1 copper,
  - 4. 1.0 mg/1 cyanide,
  - 5. 1.0 mg/1 lead,

6. 0.01 mg/1 mercury,
7. 1.0 mg/1 nickel,
8. 0.2 mg/1 silver,
9. 0.5 mg/1 total chromium, or
10. 3.0 mg/1 zinc;

E. Waste having a temperature higher than one hundred degrees Fahrenheit (sixty-five and one-half degrees Centigrade);

F. Waste containing any material or waste which cannot pass through a mesh screen having a minimum of thirty openings per square inch; and

G. Without prior authorization from the city:

1. Waste containing more than three hundred milligrams per liter of oil or grease of animal or vegetable origin,

2. Waste containing more than one hundred milligrams per liter of oil or grease of mineral or petroleum origin,

3. Waste having a ph lower than five and five-tenths or higher than eight and five-tenths (unless authorized by a permit issued pursuant to the provisions of this chapter),

4. Waste containing in excess of two hundredths milligram per liter total identifiable chlorinated hydrocarbons which cannot be removed by the city's usual waste treatment processes, and

5. Waste containing in excess of one milligram per liter phenolic compounds which cannot be removed by the city's wastewater treatment process. (Ord. 93-09 §2, 1993).

#### **7.04.110 Discharges into manholes.**

No person shall discharge or throw any substance or material into a manhole or into other openings in the city sewage system other than through an approved sewer connection. (Ord. 93-09 §2, 1993).

#### **7.04.120 Septic tank connections and repairs.**

A. No person shall construct, repair, rehabilitate, or replace a septic tank where the lot is within a 200 foot radius of an existing sewer main to which a connection can be made, unless unusual circumstances exist and until a permit is obtained from the city.

B. Septic tank sludge or effluent.

No person shall discharge, or cause, allow, or permit to be discharged into the sanitary sewer system or any part thereof, any septic tank sludge or effluent.

#### **7.04.130 Obtaining permits.**

No person shall make a connection with the sewage system without first obtaining a permit from the city and maintain the premises on which such a connection has been made. In no case shall a person hook up to a connection with the sewage system for a separate building, trailer or mobile home without first obtaining a conditional use permit. (Ord. 93-09 §2, 1993).

#### **7.04.140 Interference with system.**

No unauthorized person shall interfere with the sewage system, or any portion thereof. (Ord. 93-09 §2, 1993).

**7.04.150 Supplying of unauthorized service.**

No person shall supply city sewer service to any premises without city authorization. The city shall have the right, upon five days written notice, to disconnect water and sewer service to the premises supplying the unauthorized service. (Ord. 93-09 §2, 1993).

**7.04.160 Discharges from cooling towers prohibited.**

No person shall discharge, or cause or permit to be discharged, directly into the sewage system water from cooling towers, evaporative coolers, or air-conditioning units. The provisions of this section shall not apply to facilities installed and in use on June 1, 1976; provided, however, such facilities shall not be changed, repaired, or modified if the cost exceeds twenty-five percent of the replacement value, and such facilities shall not be expanded or extended. (Ord. 93-09 §2, 1993).

**7.04.170 Refusal, discontinuance or termination of sanitary sewer service.**

A. Sewer service may be refused, discontinued, or terminated to any premises upon written notice to the user and to the owner, if different, for any violation of the provisions of this chapter or applicable state and federal regulations. If any such violation creates an imminent danger to the public health or safety, or to public or private property, then the city manager may act immediately to refuse, discontinue, or terminate sewer service after notice thereof.

B. Notice of refusal, discontinuance, or termination of sewer service shall be in writing and shall set forth the reasons for the refusal, discontinuance, or termination of service. Such notice shall be sent to the user and to the owner of the premises, if different, by certified mail, return receipt requested, to the address shown on the bill for sewer service or as known to the Director.

**7.04.180 Connections and installations at owners' expense.**

All onsite and offsite sewer lines, connections, plumbing, and appurtenant sewer facilities, and the construction and installation thereof, shall be constructed or installed at the consumer's expense and shall be to city standards and approved by the city prior to providing sewer service. (Ord. 93-09 §2, 1993).

**7.04.190 Wastewater volume determination.**

When charges and fees are based upon water usage, the total amount of water used from all sources will be used to determine the charges and fees unless, in the opinion of the city, significant portions of water received are not discharged into the sewage system. The total amount of water used from public and private sources will be determined by means of a meter. The city may require the user install a sewer meter of a type and at a location approved by the city to measure the amount of sewage discharged if the city believes the user is discharging sewage in excess of the amounts indicated by the water meter. (Ord. 93-09 §2, 1993).

**7.04.200 Sewer lines responsibility.**

The city engineer shall be responsible for the location, size, and design approval of sewer lines and appurtenances, and the building official shall and/or wastewater treatment plan supervisors supervise and inspect the construction and installation thereof. (Ord. 93-09 §2, 1993).

**7.04.210 Construction of sanitary sewer lines.**

The owner of property, at the option of the city, shall construct or pay the cost of constructing sewer lines and appurtenances to serve his or her property, regardless of sewer line size. The owner of property, at the option of the city, shall also construct or pay the cost of constructing sanitary sewer lines and appurtenances to connect or tie in with the existing or proposed sanitary sewer lines of the city system adjacent to his or her property, regardless of distances or sanitary sewer line size. (Ord. 93-09 §2, 1993).

**7.04.220 Charges for sewer lines or sewer assessment fees.**

Any person who connects to a sewer line or develops property shall pay a charge for existing sewer lines which will serve the property at the time the building permits are obtained. The charge shall be established by resolution and shall be adjusted from time to time to reflect current construction costs. (Ord. 93-09 §2, 1993).

**7.04.230 Waste water treatment capitol fund.**

Sewer assessment fees shall be placed in the wastewater treatment capitol fund and shall be used solely to construct, or to reimburse the city for constructing, sanitary sewer lines and appurtenances, or to reimburse developers for constructing sanitary sewer lines and appurtenances, or for other sanitary sewer purposes established by ordinance. (Ord. 93-09 §2, 1993).

**7.04.240 Reimbursements.**

The amount paid to a developer or property owner for reimbursements for the construction of new sanitary sewer lines and appurtenances shall be established by written agreement. A developer or property owner shall be reimbursed the actual amount received by the city, which shall be determined in a manner consistent with the written agreement provided for herein. (Ord. 93-09 §2, 1993).

**7.04.250 Reimbursements formula.**

The city shall reimburse a proportionate share of the cost of the construction of regular and oversized sanitary sewer lines constructed around the perimeter of a development and for sewer lines extended to a development, at the time of collection, from charges collected from the owners of the land adjacent to such lines who connect to such lines within ten years after the date of the acceptance of such lines by the city. (Ord. 93-09 §2, 1993).

**7.04.260 Reimbursement for city property.**

The city shall reimburse the developer a proportionate share of the cost of the lines constructed in front of or adjacent to city property, except city water well sites, at the contract rate and within the ten-year period. (Ord. 93-09 §2, 1993).



#### **7.04.270 Lift stations.**

When a lift station is required by the city to serve a property or development, the property owner, at the option of the city, shall pay the cost or construct, install, make site improvements, and provide the land necessary for such lift station. (Ord. 93-09 §2, 1993).

#### **7.04.280 Oversized lines.**

For the purposes of this article, “oversized” lines shall mean all sanitary sewer lines in excess of eight inches in diameter. (Ord. 93-09 §2, 1993).

#### **7.04.290 Major extensions.**

Major extensions of oversized lines shall have prior council approval. The council may approve major extensions with reimbursement or without reimbursement and may enter into a written agreement with the developer and owner concerning major extensions. (Ord. 93-09 §2, 1993).

#### **7.04.300 Wastewater discharge permits.**

All substantial industrial users proposing to connect to or to discharge into a public sewer shall obtain a wastewater discharge permit from the city before connecting to or discharging into said public sewer. In addition, all FSE's shall comply in all respects with the provisions of Chapter 7.12. All existing substantial industrial users connected to or discharging into a public sewer shall obtain a wastewater discharge permit within ninety days after the effective date of the ordinance codified in this division. (Ord. 93-09 §2, 1993).

#### **7.04.310 Permit application.**

Owners seeking a wastewater discharge permit shall complete and file with the city an application in the form prescribed by the city, and accompanied by the applicable fees. The applicant may be required to submit, in units and terms appropriate for evaluation, the following information:

- A. Name, address, and standard industrial classification number of applicant;
- B. Volume of wastewater to be discharged;
- C. Wastewater constituents and characteristics including but not limited to those mentioned in Section 7.04.100;
- D. Time and duration of discharge;
- E. Average and thirty-minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- F. Site plans, floor plans, mechanical, and plumbing plans and details to show all sewers and appurtenances by size, location, and elevation;
- G. Description of activities, facilities, and plant process on the premises including all materials, processes, and types of materials which are, or could be, discharged;
- H. Each product produced by type, amount, and rate of production;
- I. Number and type of employees, and hours of work;

J. Any other information as may be deemed by the city engineer to be necessary to evaluate the permit application. The city engineer will evaluate the data furnished by the applicant and may require additional information. After evaluation and approval of the application by the city engineer, the city engineer may issue a wastewater discharge permit subject to terms and conditions provided herein. (Ord. 93-09 §2, 1993).

#### **7.04.320 Permit conditions.**

Permits may contain, but not be limited to, the following:

- A. The average and maximum wastewater constituents and characteristics;
- B. Limits on rate and time of discharge or requirements for flow regulation and equalization;
- C. Requirements for installation of inspection, flow metering, and sampling facilities;
- D. Pretreatment requirements;
- E. Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types, and standards for tests, and reporting schedule;
- F. Requirements for submission of technical reports or discharge reports;
- G. Requirements for maintaining plant records relating to wastewater discharge as specified by the city, and affording the city access thereto;
- H. Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants (as defined by Section 7.04.100) are proposed or present in the owner's wastewater discharge;
- I. Compliance schedules;
- J. Other conditions as deemed appropriate by the city engineer to insure compliance with this division. (Ord. 93-09 §2, 1993).

#### **7.04.330 Duration of permits.**

Permits shall be issued for a specified time period, not to exceed five years. If the owner is not notified by the city thirty days prior to the expiration of the permit, the permit shall be extended one additional year. The terms and conditions of the permit may be subject to modification and change by the city during the life of the permit as limitations or requirements are modified and changed. The owner shall be informed of any proposed changes in his or her permit at least thirty days prior to the effective date of change. Any changes or new conditions in the permit shall include a time schedule for compliance. (Ord. 93-09 §2, 1993).

#### **7.04.340 Transfer of a permit.**

- A. Wastewater discharge permits are issued to a specific owner for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, different premises, or a new or changed operation.
- B. A situation of new owner, different premises, or new or changed operation will require the owner to apply for a new wastewater discharge permit. (Ord. 93-09 §2, 1993).

#### **7.04.350 Revocation or suspension of wastewater discharge permit ~~of permit.~~**

A. A Wastewater Discharge Permit may be suspended or revoked upon written notice to the permittee for any violation of the terms and conditions of the permit, the provisions of this chapter, or applicable state and federal regulations, or for any of the following:

1. Failure of the permittee to factually report the wastewater constituents and characteristics of the permittee's discharge;
2. Failure of the permittee to report significant changes in operations or wastewater constituents and characteristics;
3. Failure of the permittee to correct objectionable conditions listed in a cease and desist order within the time stipulated in such order;
4. Refusal by the permittee to permit reasonable access to the permittee's premises for the purpose of inspecting or monitoring, or verification of records; or
5. Failure or refusal by the permittee to pay sewer service charges or other charges when due.

B. Any permittee whose wastewater discharge permit has been suspended or revoked shall, immediately upon receipt of notice thereof, discontinue the deposit or discharge of industrial waste, sanitary sewage, or effluent into the sanitary sewer system until his permit has been reinstated or a new permit has been issued.

C. Notice of suspension or revocation of a wastewater discharge permit shall be in writing and set forth the reasons for the suspension or revocation. Such notice shall be sent to the permittee by certified mail, return receipt requested, to the address shown on the permit or as known to the Director.

#### **7.04.360 Permit denial.**

The city reserves the right to deny a permit to owners discharging or planning to discharge pollutants into a public sewer which may harm the wastewater collection and treatment system or may cause a nuisance. Denial of permit does not allow said owner to discharge without a permit. (Ord. 93-09 §2, 1993).

#### **7.04.370 Monitoring facilities.**

A. The city may require the owner to construct, at his or her own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer or internal drainage systems and may also require sampling or metering equipment to be provided, installed, and operated at the owner's expense. The monitoring facility shall be situated on the owner's premises unless exemption from this requirement is granted by the city.

B. The monitoring facility shall include accommodations to allow access by city personnel, such as a cover secured with a city lock. There shall be ample room in or near such monitoring facilities to allow accurate sampling, flow measuring, and compositing of samples for analysis. The monitoring facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the owner.

C. The sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable construction standards and specifications. Construction shall be completed within ninety days following written notification by the city, unless a time extension is otherwise granted by the city. (Ord. 93-09 §2, 1993).

#### **7.04.380 Inspection and sampling.**

The city may inspect the facilities of any owner to ascertain whether the provisions of this division are being met and all requirements are being complied with. The owner shall allow the city or their agents ready access at all reasonable times to all parts of the premises for the purposes of inspection or sampling in the performance of any of their duties. The city shall have the right to set up on the owner's property such devices as are necessary to conduct sampling or metering operations. Where the owner has security measures in force which would require proper identification and clearance before entry into their premises, the owner shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city will be permitted to enter without delay for the purposes of performing their specific responsibilities. (Ord. 93-09 §2, 1993).

In order for the City to determine the wastewater characteristics of the discharger for purposes of determining compliance with permit requirements, the user is required to make available for inspection and copying by the City all notices, self-monitoring reports, waste manifests, and records including, but not limited to, those required in 40 CFR Chapter I, Subchapter N, without restriction but subject to the confidentiality provision set forth herein. All records are to be kept a minimum of three (3) years. All samples shall be taken, preserved, and analyzed in accordance with the procedures presented in the Code of Federal Regulations, Title 40, Part 136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants) or the most recent accepted edition of Standard Methods for the Analysis of Wastewater. Unless approved otherwise by the City, all analyses shall be performed by a laboratory(ies) certified by the State to perform analysis for the specific pollutant in wastewater.

#### **7.04.390 Discharge reports.**

The Director may require any person discharging wastewater into the sanitary sewer system to file periodic discharge reports. The discharge report may include, but need not be limited to, nature of process, volume, rates of flow, mass emission rate, hours of operation, number of employees, or other information relating to the generation of waste, including the wastewater constituents and characteristics of the wastewater discharges. Such reports may also include the chemical constituents and quantity of chemicals stored on-site, even though they may not normally be discharged. In addition to discharge reports, the Director may require information in the form of wastewater discharge permit applications and self-monitoring reports.

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

#### **7.04.400 Falsification of information.**

It is unlawful for any person to knowingly make any false statement, representation, record, report, plant, or other document or to knowingly tamper with or render inaccurate any monitoring device or equipment installed or operated pursuant to this chapter or of any wastewater discharge permit issued hereunder. In addition to any punishment or remedy provided by law, any such falsification or tampering shall be grounds for revocation of any wastewater discharge permit issued hereunder.

#### **7.04.410 Pretreatment.**

Owners shall make wastewater acceptable under the limitations established herein before discharging to any public sewer. Any facilities required to pretreat wastewater to meet the requirements of this division shall be provided and maintained at the owner's expense. Detailed plans showing the pretreatment facilities and operating and maintenance procedures shall be submitted to the city for review, and must be acceptable to the city, before construction of the facility. The review of such plans and operation and maintenance procedures will in no way relieve the user from the responsibility of modifying the facility, as necessary, to produce and effluent acceptable to the city under the provisions of this division. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city. (Ord. 93-09 §2, 1993).

#### **7.04.420 Protection from accidental discharge.**

A. Each owner shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this division. Such facilities shall be provided and maintained at the owner's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review and shall be acceptable to the city before construction of the facility.

B. The review of such plans and operating procedures will in no way relieve the owner from the responsibility of modifying the facility as necessary to provide the protection necessary to meet the requirements of this section. (Ord. 93-09 §2, 1993).

#### **7.04.430 Notification of discharge.**

Owners shall immediately notify the city upon accidentally discharging wastes in violation of this division to enable countermeasures to be taken by the city to minimize damage to the public sewer, treatment facility, treatment processes, and the receiving waters. This notification shall be followed, within fifteen days of the date of occurrence, by the submission to the city of a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence. Such notification will not relieve owners of liability for any expense, loss, or damage to the public sewer, treatment plant, or treatment process, or for any fines imposed on the city on account thereof. (Ord. 93-09 §2, 1993).

#### **7.04.440 Notices to employees.**

To inform the employees of the owner of the city's requirements, owners shall make available to their employees copies of this chapter and together with such other wastewater information and notices which may be furnished by the city from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the owner's bulletin board advising employees; whom to call in case of an accidental discharge in violation of this chapter. (Ord. 93-09 §2, 1993).

#### **7.04.450 Confidential information.**

A. All information and data obtained from reports, questionnaires, permit application, permits and monitoring programs, and from inspections shall be available to the public or other governmental agencies without restriction unless the owner specifically requests and is able to demonstrate to the

satisfaction of the city that the release of such information would divulge information, processes, or methods which would be detrimental to the owner's competitive position.

B. When requested, and if agreed to by the city, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies; provided, however, that such portions of a report, shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the owner furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

C. Information accepted by the city as confidential shall not be transmitted to any governmental agency or to the general public until and unless prior and adequate notification is given to the owner. (Ord. 93-09 §2, 1993).

#### **7.04.460 Special agreements.**

Special agreements and arrangements between the city and any owner may be established when in the opinion of the city unusual or extraordinary circumstances compel special terms and conditions. (Ord. 93-09 §2, 1993).

#### **7.04.470 Compliance Schedule.**

When the City finds any user to be in or threatening violation of any provision of this chapter; the City may require that user to submit for approval, with such modifications as the City deems necessary, a detailed time schedule of specific corrective actions to be taken to comply with this chapter. The user shall abide by and implement the adopted schedule.

The schedule shall contain milestones in the form of dates for the commencement and completion of major events leading to compliance. The user shall submit a progress report to the City no later than fourteen (14) days following the completion of each milestone set forth in the schedule. All compliance schedule progress reports must be signed by an authorized representative of the user.

Compliance schedules may also contain such other and additional requirements as might be reasonable necessary and appropriate to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. Furthermore, the Director may continue to require such additional self-monitoring for at least ninety (90) days after consistent compliance has been achieved, after which time the self monitoring conditions in the discharge permit shall control.

#### **7.04.480 Cease and Desist Order.**

The Director may issue a cease and desist order to any user who shows significant noncompliance or creates situations in which a discharge may pose a threat to the safety of the operation of the publicly owned treatment works or the collection system. The order shall require immediate correction of the situation or may impose additional requirements. The order shall be enforceable in court.

#### **7.04.490 Termination of Service.**

The City, by order of the Director, may physically terminate sewage service to any property as a term of any order of suspension or revocation of a permit. All costs for physical termination shall be paid by the permittee as well as all costs for reinstating service. Each charge levied by or pursuant to this chapter or any resolution adopted pursuant to this chapter is hereby made a lien upon the premises for which the charge was made, and any steps authorized by law may be taken by the city to enforce the payment of such lien.

#### **7.04.500 Emergency Suspension.**

The City may, by order of the Director, suspend sewage service or waste hauler discharge service when such suspension is necessary, in order to stop an actual or impending discharge which presents or may present an imminent or substantial endangerment of the health, safety, and welfare of persons, or to the environment, or may cause interference with the City's sewerage facilities, or may cause the City to violate any State or, federal Law or regulation. An emergency suspension order is final and not appealable.

#### **7.04.510 Injunction.**

Notwithstanding any other provision of this chapter, and in addition to and as an alternative to any other procedure prescribed herein, whenever a discharger of wastewater is in violation of or may potentially violate the provisions of this chapter, the discharger's permit conditions, or any Federal Pretreatment Standard or Requirement for dischargers, or fails to submit required reports or refuses to allow the City entry to inspect the premises, the City may petition the Superior Court for the issuance of an injunction to restrain the continued violation or to prevent violations by the discharger and to seek such other or additional remedies and civil penalties as may be authorized by law.

#### **7.04.520 Disconnection for violations.**

In the event of a violation of any of the provisions of this chapter, or any rule or regulation established under this chapter, or failure to pay utility bill, or any condition of any permit issued pursuant to this chapter by the director, the director shall notify in writing the person causing, allowing or permitting such violation, specify the violation and if applicable, the time after which (upon the failure of such person to prevent or rectify the violation) the director shall have authority to disconnect, or will disconnect, the user from the water system and/or the sewage system service; provided, that such time shall not be less than three days after the mailing of notice in writing to the user so in violation. The director may disconnect any user from the sewage system and/or water system who continues such violation after the time stated in the notice. Nothing in this section will prevent the director from discontinuing any user in case of emergency.

#### **7.04.530 Public nuisance.**

Discharge of waste in violation of this chapter or of any order issued by the director is declared a public nuisance, including but not limited to the process and remedies set forth herein as well as those set forth in the municipal code including chapters 8.12 and 15.42, and shall be corrected or abated as directed by the director.

#### **7.04.540 Damage to facilities.**

When a discharge of waste causes an obstruction, damage, or any other impairment to city facilities, the city may assess a charge against the user, property owner, or person violating this chapter, for the work required to clean or repair the facility and add such charge to the user's sewer service charge.

#### **7.04.550 Tenant Responsibility.**

Any person who shall occupy any premises as a tenant under any rental or lease agreement shall be jointly and severally responsible for compliance with the provisions of this chapter in the same manner as the owner.

#### **7.04.560 Inspection and Sampling Conditions.**

The City may inspect and sample the wastewater generating and disposal facilities of any user to ascertain whether the intent of this chapter is being satisfied and the user is complying with all requirements. The City shall have the right to set up on the user's property or any other locations as determined by the City, such devices as are necessary to conduct sampling or metering operations. Where a user has security measures in force, the user shall make necessary arrangements so that personnel from the City will be permitted to enter without delay for the purpose of performing their specific responsibilities.

In order for the City to determine the wastewater characteristics of the discharger for purposes of determining compliance with permit requirements, the user is required to make available for inspection and copying by the City all notices, self-monitoring reports, waste manifests, and records including, but not limited to, those required in 40 CFR Chapter I, Subchapter N, without restriction but subject to the confidentiality provision set forth herein. All records are to be kept a minimum of three (3) years.

All samples shall be taken, preserved, and analyzed in accordance with the procedures presented in the Code of Federal Regulations, Title 40, Part 136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants) or the most recent accepted edition of Standard Methods for the Analysis of Wastewater. Unless approved otherwise by the City, all analyses shall be performed by a laboratory(ies) certified by the State to perform analysis for the specific pollutant in wastewater.

#### **7.04.570 Liability.**

In the event that a user does not comply with the conditions and wastes are discharged to the POTW or collection system that causes, or threaten to cause, the water quality control plant's waste treatment facilities to malfunction or otherwise result in a violation of waste discharge requirements or limitations imposed by State or federal regulatory agencies (40 CFR 403.8), the user shall be liable for any and/or all of the following:

- (a) To pay any and all monetary penalties, charges, fees, and other costs that may be imposed on the City by State or federal regulatory agencies as a result of threatened or actual violation(s) or malfunction(s), including administrative and legal fees;
- (b) To pay any and all judgements and associated costs that may be awarded to individuals or entities as a result of threatened or actual violation(s) or malfunction(s);
- (c) To pay the total cost of any interim waste treatment measures that the Director may deem necessary to abate threatened or actual violation(s) or malfunction(s), including consulting and administrative fees;



- (d) To pay the total cost of providing waste treatment facilities needed to remedy threatened or actual violation(s) or malfunction(s);
- (e) To pay the total cost of any damage to the collection system or POTW which results from the users noncompliance with this chapter.

#### **7.04.580 Damage to facilities.**

When a discharge of waste causes an obstruction, damage, or any other impairment to city facilities, the city may assess a charge against the user, property owner, or person violating this chapter, for the work required to clean or repair the facility and add such charge to the user's sewer service charge.

#### **7.04.590 Malicious damage to sanitary sewer system.**

Any unauthorized entering, breaking, damaging, destroying, uncovering, defacing, or tampering with any structure, equipment, or appurtenance which is part of the sanitary sewer system or required pursuant to the provisions of this chapter shall be a violation of this chapter.

#### **7.04.600 Appeals.**

A. Any user, permit applicant, permittee, or owner affected by a decision, action, or determination, including suspension, revocation, refusal, discontinuance, termination, cease and desist order, or emergency order issued by the Director interpreting, implementing, or enforcing the provisions of this chapter or any wastewater discharge permit issued hereunder, may appeal such decision, action, or determination by following the Administrative Citation Appeals Process pursuant to WMC 1.40.010 (C).

### **~~Chapter 7.08 ENFORCEMENT OF SEWER FEE PAYMENT~~**

#### **~~7.08.010 Purpose.~~**

~~— In order to encourage the timely payment of sewer service fees by all users of the waste water treatment plant sewer system, supplement those funds otherwise timely received, cover the additional monetary costs and lost opportunity costs associated with overdue payments of sewer service fees and the collection thereof, and to further facilitate the effective operation and maintenance of the waste water treatment plant system, the penalty fees and enforcement procedures set forth in this chapter have been adopted. (Ord. 93-09 §2, 1993).~~

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#### **~~7.08.020 Charges incorporated into utility bill—Delinquency—Notice of liability for collection fees and costs.~~**

~~— Sewer service charges shall be incorporated into and become a part of the utility bill rendered by the city of Waterford for sewer service. Utility bills are to be paid in their entirety within thirty days of the date of the bill. Upon becoming delinquent, and every thirty days thereafter during which any portion of the utility bill remains unpaid, the unpaid portion of the utility bill (including any delinquency charges already imposed) shall be subject to a ten percent additional charge, which charge shall be delinquent for thirty days or more, the director of finance shall cause a notice to be mailed or delivered to the owner and the user of the premises which notifies the owner and the user that each party is jointly and severally liable for such charges and that each party shall be subject to civil action in any court of competent~~

jurisdiction for all sums owed to the city unless payment of the entire utility bill is remitted forthwith. (Ord. 95-10 §1, 1995; Ord. 93-09 §2, 1993).

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#### **~~7.08.030 Charges deemed debt due city of Waterford.~~**

~~—The charges imposed by this chapter shall be deemed a debt due the city of Waterford for which the owner of the property and the user of the services shall be held jointly and severally liable in a civil action in the name of the city of Waterford, or its assignee, as plaintiff. Said action may be brought in any court of competent jurisdiction for the amount of charges imposed by this title, including late charges, other penalties, costs of suit, and reasonable attorney's fees, which sum shall be deposited into the city treasury upon collection. (Ord. 93-09 §2, 1993).~~

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#### **~~7.08.040 Duty to collect charges.~~**

~~—The director of finance and all other appropriate city officers, agents, or employees shall promptly and economically take all actions necessary for the collection of all charges in this chapter which are now or may be provided for. (Ord. 93-09 §2, 1993).~~

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#### **~~7.08.050 User's responsibility to pay.~~**

~~—All users of the waste water treatment plant system shall pay for such service and for the privilege of connecting to this system at the rates, at the time, and under the conditions set forth in this code and as amended from time to time by the city council. Such users shall comply with all provisions of this code relating to the city utility bill generally and the use of the waste water treatment plant specifically. (Ord. 93-09 §2, 1993).~~



**TO: Vicki Frago - Mid Valley Publications – Legals**

**From: Lori Martin, City Clerk, City of Waterford**

**Date: April 9, 2014**

**Re: Public Hearing Notice to be published on Tues 04/15/14**

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### **NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held by the City Council of the City of Waterford in the Council Chambers at a regular meeting thereof on April 17, 2014 at or about 6:30pm.

The City Council will consider an amendment to Chapter 7.04, "Sewer" of the Waterford Municipal Code. The proposed ordinance amendment will add sections and/or wording that updates technical information and clarifies language.

Copies and a complete text of the Ordinance are available at City Hall, 101 E Street, Waterford, CA for review.

The Waterford City Council Chambers are located inside Waterford City Hall located at 101 E Street, Waterford, CA. For further information, please contact Lori Martin, City Clerk, at (209) 874-2328 ext. 109.



**ORDINANCE Repealing Waterford Municipal Code Sections 4.00.150 through 4.00.210 from TITLE 4, "WATER SYSTEM", CHAPTER 4.00, REGULATION AND BILLING of the Waterford Municipal Code**

**SUMMARY:**

Ordinance 2014-07 repeals Waterford Municipal Code Section 4.00.150 through 4.00.210 of Title 4, Water System, Chapter 4.00, Regulation and Billing of the Waterford Municipal Code. The elimination of Waterford Municipal Code Sections 4.00.100, and 4.00.150 through 4.00.210 is due to the newly added Waterford Municipal Code Section titled, "Collections of Public Utilities Charges. The newly added Waterford Municipal Code Section titled, "Collections of Public Utilities Charges", sets forth the collection procedures for both Water and Sewer Utility Accounts.

**FISCAL IMPACT:**

N/A

**ANALYSIS:**

Ordinance 2014-07 is before the City Council at the April 17, 2014 city council meeting for a public hearing to consider approving the Introduction and First Reading by title only. Thereafter, a summary of the Ordinance will be published in the *Waterford News*. The Ordinance is scheduled to come back to the City Council as a public hearing item at the May 1, 2014 council meeting to consider the second reading by title only and adoption of Ordinance 2014-07.

Thereafter, within 15 days of passage and adoption the Ordinance Summary will be published in the *Waterford News* together with the names of the members of the City Council voting for and against same. This ordinance will become effective and be in full force on and after thirty (30) days of its passage and adoption.

**ENVIRONMENTAL REVIEW:**

N/A

**ATTACHMENTS:**

- **Summary of Ordinance 2014-07**
- **Ordinance 2014-07**
- **Public Hearing Notice**

## **SUMMARY OF ORDINANCE 2014-07**

Ordinance 2014-07 repeals Title 4, WATER SYSTEM by eliminating Waterford Municipal Code Sections 4.00.150 through 4.00.210 from Chapter 4, REGULATION AND BILLING, of the Waterford Municipal Code. The proposed ordinance repeals Ordinance 05-01 §2, 2005 and Waterford Municipal Code Sections 4.00.150 through 4.00.210 of Chapter 4.00, Titled, “Regulation and Billing” due to the newly adopted addition to the Waterford Municipal Code titled, “Collections of Public Utilities Charges”, this section is no longer needed. The newly adopted addition to the Waterford Municipal Code titled, “Collections of Public Utilities Charges”, sets forth collections procedures for both Water and Sewer Utilities Charges.

A certified copy of the full text of Ordinance 2014-07 is posted in the office of the City Clerk. Copies and a complete text of the ordinance are available at Waterford City Hall, 101 E Street, Waterford, CA for review.

This ordinance was adopted by the Waterford City Council on May 1, 2014. The ordinance will be in effect thirty (30) days from the date of adoption.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

**CITY OF WATERFORD**

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CHARLIE GOEKEN, Mayor

**ATTEST:**

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LORI MARTIN, City Clerk

**APPROVED AS TO FORM:**

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CORBETT J. BROWNING, City Attorney

**ORDINANCE NO. 2014-07**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WATERFORD, CA REPEALING WATERFORD MUNICIPAL CODE SECTIONS 4.00.100, AND 4.00.150 THROUGH 4.00.210 FROM TITLE 4, WATER SYSTEM, CHAPTER 4.00, REGULATION AND BILLING OF THE WATERFORD MUNICIPAL CODE**

**THE CITY COUNCIL OF THE CITY OF WATERFORD hereby ordains as follows:**

**SECTION 1. Purpose.** The purpose of this ordinance is to repeal Waterford Municipal Code Sections 4.00.150 through 4.00.210 of the Waterford Municipal Code, from Title 4, Water System, Chapter 4.00 Regulation and Billing. This ordinance repeals Waterford Municipal Code Sections 4.00.150 through 4.00.210 due to the newly adopted addition of the Collections of Public Utilities Charges to the Waterford Municipal Code. This newly adopted Collections of Public Utilities Charges to the Waterford Municipal Code covers collection procedures for both water and sewer utility charges.

**SECTION 2. Authority.** The City Council enacts this ordinance under the authority granted to cities by Article XI, Section 7 of the California Constitution, and California Government Code Section 37100.

**SECTION 3. Repeal of Ordinance and Section.** Ordinance 05-01 §2, 2005 and Waterford Municipal Codes Sections 4.00.150 through 4.00.210 of Title 4, Water System, Chapter 4.00, Regulation and Billing is hereby repealed in its entirety.

**SECTION 4. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance. The City council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unlawful.

**SECTION 5. Effective Date.** This Ordinance shall take effect thirty days after its final adoption as provided by Government Code Section 36937. Within 15 days after its final passage, the City Clerk shall cause this Ordinance to be published and posted in accordance with Section 36933 of the California Government Code.

The foregoing Ordinance was introduced and the title thereof read at the regular meeting of the City council on the 17<sup>th</sup> day of March, 2014 and by unanimous vote of the City Council members present, further reading was waived by the following vote:

**AYES:  
NOES:  
ABSTAIN:  
ABSENT:**

**CITY OF WATERFORD**

\_\_\_\_\_  
CHARLIE GOEKEN, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
LORI MARTIN  
City Clerk

\_\_\_\_\_  
CORBETT J. BROWNING  
City Attorney

*Stricken through text represents deletions to the Waterford Municipal Code, highlighted/underlined text represents additions to the Waterford Municipal Code.*

**TITLE 4 WATER SYSTEM**  
**Chapter 4.00 REGULATION ~~AND BILLING~~**  
**WMC Sections 4.00.100, and 4.00.150 through 4.00.210**

**~~4.00.100 Vacant buildings.~~**

~~— The water charges specified in this division will be charged against vacant or untenanted buildings, unless notice of the vacancy and a request for discontinuance of service is made to the office of the city administrator. (Ord. 05-01 §2, 2005).~~

**~~4.00.150 Billing—Notice of delinquency—Disconnection.~~**

~~— A. — The city administrator of the city shall cause the premises to be billed in arrears, monthly, bimonthly, or at such other intervals as he or she may determine in his or her discretion, and such water charges shall be included with the utility bill established by the city for water, sewer charges.~~

~~— B. — If any charges shown on the utility bill are not paid by the twentieth day of the second month from the bill date in the case of bimonthly bills, or the twentieth day from the bill date in the case of monthly bills, the entire utility bill shall be considered delinquent and all unpaid charges shall be subject to a ten percent penalty on the balance owed each billing date until paid in full. If the charges shown on the utility bill remain delinquent for more than fifteen days, the city administrator shall cause a written notice to be mailed or delivered to the consumer notifying him or her that the water service is subject to being disconnected.~~

~~— C. — The notice shall specify a date and time for a hearing at least fifteen days after the date the notice is mailed or posted. The hearing shall be before the city administrator or designee, at which time the consumer may show cause why the water service should not be disconnected. Explanation of procedures for possible amortization of the unpaid bill, the availability of financial assistance, and the rights of residential occupants to become consumers shall also be given at the hearing.~~

~~— D. — Water service shall not be disconnected until forty eight hours after the date and time of the hearing. A reasonable, good faith effort to contact an adult person residing at the premises of the consumer by telephone or in person shall be made at least forty eight hours prior to any termination of service. No termination shall commence at any time when city hall is not open to the public.~~

~~— E. — The city shall not seek to recover any charges or penalties for the furnishing of water, sewage, or refuse service to or for the consumer's residential use from any subsequent consumer on account of nonpayment of charges by a previous consumer. Additionally, the city may not recover any charges or penalties for the furnishing of water or sewage, service to or for the consumer's residential use from the property owner due to the nonpayment of charges by a previous residential occupant consumer. (Ord. 05-01 §2, 2005).~~

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**~~4.00.160 Deposits for utility service.~~**

~~— A. — Each new account for water or other utility service and each utility service account that is delinquent shall make a deposit prior to service or future service being rendered by the city in an amount estimated by the city administrator or designee to be equal to the charges for services likely to be supplied during a period of three months or two billing periods, whichever is greater. This estimate shall be based upon the size of the service, the nature of the use of the property and the experience with other similar uses in the city. Failure to make the deposit will warrant the discontinuation of service.~~

~~— B. — The decision of the city to require a new residential applicant to deposit a sum of money with the city prior to establishing an account and furnishing service shall be based solely on the credit worthiness of the applicant as determined by the city. (Ord. 05-01 §2, 2005).~~

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**~~4.00.170 Owner is liable.~~**

~~— Owners of property will be billed and held responsible for all charges upon the city utility bill, including the charges for garbage and refuse collection, sewer service charges and water charges, provided to their property when the account is established in the owner's name or the owner occupies the premises to which the service is provided, although payments will be accepted from tenants. (Ord. 05-01 §2, 2005).~~

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**~~4.00.180 Unpaid account constitutes lien against property.~~**

~~— All unpaid accounts for utility services established in the owner's name or where the owner occupies the premises shall be a lien against the real property subject to enforcement against subsequent owners of the premises. (Ord. 05-01 §2, 2005).~~

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**~~4.00.190 Interpretation of chapter.~~**

~~— The director is empowered to make interpretations of this division whenever a question may arise as to the necessity for, type or manner, or method in which materials, meters, or backflow control devices are installed. Such interpretation shall be in writing, and a copy thereof shall be filed in the office of the director. (Ord. 05-01 §2, 2005).~~

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**~~4.00.200 Records kept by director.~~**

~~— The director shall keep complete records of all permits issued and other official work performed under the provisions of this chapter. (Ord. 05-01 §2, 2005).~~

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#### **4.00.210 Appeals-**

~~—A.— Notwithstanding any other provision of this title, if a residential consumer has: (1) initiated a complaint, or (2) requests an investigation within five days of receiving a disputed bill, or (3) has within thirteen days of receiving a notice of termination of services made a request for extension of the payment period of a bill asserted to be beyond the means of the consumer to pay in full during the normal period for payment, his or her complaint will be investigated and reviewed by the city administrator, or designee within ten calendar days.~~

~~—B.— The review shall include consideration of whether the consumer shall be permitted to amortize the unpaid balance of the account over a reasonable period of time, not to exceed twelve months. No termination of service shall be effected for any account under review or for any consumer who complies with a written amortization agreement, and keeps the account current as charges accrue in each subsequent billing period.~~

~~—C.— Any person aggrieved by the decision of the city manager may appeal to the city council by filing a written notice of appeal within five calendar days of the decision with the city clerk setting forth his or her objections. After hearing the objections by such person and giving due consideration thereto, the city council shall make its decision on the matters contained in the appeal, and its decision shall be final and conclusive. (Ord. 05-01 §2, 2005).~~



**TO: Mid Valley Publications – Legals**

**From: Lori Martin, City Clerk, City of Waterford**

**Date: April 7, 2014**

**Re: Public Hearing Notice to be published on Tues April 15, 2014**

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## **NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held by the City Council of the City of Waterford at regular meetings thereof on April 17, 2014 and May 1, 2014 at or about 6:30pm.

The City Council will consider an amendment to Waterford Municipal Code Title 4, Water System, Chapter 4.00 titled "Regulation and Billing". This amendment repeals Waterford Municipal Code Sections 4.00.150 through 4.00.210 in its entirety. Due to the recent addition to the Waterford Municipal Code of a Chapter titled, "Collections of Public Utilities Charges" which sets forth collection procedures for both Water and Sewer Utilities, WMC Sections 4.00.150 through 4.00.210 are no longer needed.

Copies and a complete text of the Ordinance are available at City Hall, 101 E Street, Waterford, CA for review.

The Waterford City Council Chambers are located at City Hall, 101 E Street, Waterford, CA. For further information, please contact Lori Martin, City Clerk, at (209) 874-2328 ext. 109.



**ORDINANCE Adding Waterford Municipal Code Chapter 3.50, “Collection of Public Utilities Charges”, by adding WMC Sections 3.50.010 through 3.50.180 to TITLE 3, “REVENUE AND FINANCE”, of the Waterford Municipal Code**

**SUMMARY:**

Ordinance 2014-08 adds Chapter 3.50, “Collections of Public Utilities Charges”, by adding sections 3.50.010 through 3.50.180 to Title 3, “Revenue and Finance” to the Waterford Municipal Code. The purpose of this ordinance addition is to combine the utility billing collections process for both the water and wastewater public utility accounts and to encourage the timely payment of service fees by all users of the waste water treatment and water systems and to facilitate an effective billing, collection and enforcement procedures. In addition, other sections of the Waterford Municipal Code in Title 7, “Sewer” and Title 4, “Water System” that relate to collection and enforcement of utility accounts have been repealed in separate actions of the Waterford City Council.

**FISCAL IMPACT:**

N/A

**ANALYSIS:**

Ordinance 2014-08 is before the City Council at the April 17, 2014 regular city council meeting for a public hearing to consider approving the Introduction and First Reading by title only. Thereafter, a summary of the Ordinance will be published in the *Waterford News*. The Ordinance is scheduled to come back to the City Council as a public hearing item at the May 1, 2014 council meeting to consider the second reading by title only and adoption of Ordinance 2014-08.

Thereafter, within 15 days of passage and adoption the Ordinance Summary will be published in the *Waterford News* together with the names of the members of the City Council voting for and against same. This ordinance will become effective and be in full force on and after thirty (30) days of its passage and adoption.

**ENVIRONMENTAL REVIEW:**

N/A

**ATTACHMENTS:**

- **Summary of Ordinance 2014-08**
- **Ordinance 2014-08**

**SUMMARY OF ORDINANCE 2014-08**

Ordinance 2014-08 adds Chapter 3.50, “Collections of Public Utilities Charges”, by adding Waterford Municipal Code Sections 3.50.010 through 3.50.180 to Title 3, “Revenue and Finance” to the Waterford Municipal Code. The purpose of this ordinance addition is to combine the utility billing collections process for both the water and wastewater public utility accounts and to encourage the timely payment of service fees by all users of the waste water treatment and water systems and to facilitate an effective billing, collection and enforcement procedures. In addition, other sections of the Waterford Municipal Code in Title 7, “Sewer” and Title 4, “Water System” that relate to collection and enforcement of utility accounts have been repealed in separate actions of the Waterford City Council.

A certified copy of the full text of Ordinance 2014-08 is posted in the office of the City Clerk. Copies and a complete text of the ordinance are available at Waterford City Hall, 101 E Street, Waterford, CA for review.

This ordinance was adopted by the Waterford City Council on May 1, 2014. The ordinance will be in effect thirty (30) days from the date of adoption.

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

**CITY OF WATERFORD**

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CHARLIE GOEKEN, Mayor

**ATTEST:**

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LORI MARTIN, City Clerk

**APPROVED AS TO FORM:**

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CORBETT J. BROWNING, City Attorney

**ORDINANCE NO. 2014-08**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WATERFORD, CA ADDING WATERFORD MUNICIPAL CODE CHAPTER 3.50, "COLLECTIONS OF PUBLIC UTILITIES CHARGES" , BY ADDING WATERFORD MUNICIPAL CODE SECTIONS 3.50.010 THROUGH 3.50.180 TO TITLE 3, "REVENUE AND FINANCE" OF THE WATERFORD MUNICIPAL CODE**

**THE CITY COUNCIL OF THE CITY OF WATERFORD hereby ordains as follows:**

**SECTION 1. Purpose.** The purpose of this ordinance is to add Chapter 3.50, "Collections of Public Utilities Charges", by adding WMC Sections 3.50.010 through 3.50.180 to Title 3, "Revenue and Finance" of the Waterford Municipal Code. This ordinance addition is to combine the utility billing collections process for both the water and wastewater public utility accounts and to encourage the timely payment of service fees by all users of the waste water treatment and water systems and facilitate an effective billing, collection and enforcement procedures, the City Council will consider adding WMC Sections 3.50.010 through 3.50.180 to the Waterford Municipal Code. In addition, other sections of the Waterford Municipal Code in Title 7, "Sewer" and Title 4, "Water System" that relate to collection and enforcement of utility accounts have been repealed in separate actions of the Waterford City Council.

**SECTION 2. Authority.** The City Council enacts this ordinance under the authority granted to cities by Article XI, Section 7 of the California Constitution, and California Government Code Section 37100.

**SECTION 3. Addition of Ordinance and Section.** Ordinance 2014-08 adding Waterford Municipal Code Chapter 3.50, "Collections of Public Utilities Charges", by adding WMC Sections 3.50.010 through 3.50.180 is hereby added to Title 3, "Revenue and Finance" of the Waterford Municipal Code.

**SECTION 4. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance. The City council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unlawful.

**SECTION 5. Effective Date.** This Ordinance shall take effect thirty days after its final adoption as provided by Government Code Section 36937. Within 15 days after its final passage, the City Clerk shall cause this Ordinance to be published and posted in accordance with Section 36933 of the California Government Code.

The foregoing Ordinance was adopted and the title thereof read at the regular meeting of the City council on the 1<sup>st</sup> day of May, 2014 and by unanimous vote of the City Council members present, further reading was waived by the following vote:

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

**CITY OF WATERFORD**

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CHARLIE GOEKEN, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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LORI MARTIN

City Clerk

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CORBETT J. BROWNING

City Attorney

## COLLECTIONS OF PUBLIC UTILITIES CHARGES

- 3.50.010 Purpose**
- 3.50.020 Management and Administration of Funds**
- 3.50.030 Charges Established by Resolution**
- 3.50.040 Duty to Collect Charges**
- 3.50.050 Sewer/Water Service Charges**
- 3.50.060 Charges Deemed Debt Due City of Waterford**
- 3.50.070 Persons Responsible for Payment of Utility Services Charges**
- 3.50.080 Deposits for Utility Services/Establishment of Credit**
- 3.50.090 Method of Billing for Sewer and Water Service Charges**
- 3.50.100 Delinquency Date/Penalty**
- 3.50.110 Enforcement of Payment of Delinquent Sewer Service Charges**
- 3.50.120 Termination of Utility Services for Non-Payment**
- 3.50.130 Final Notice of Utility Service Termination**
- 3.50.140 Uncollectible Utility Service Charges and Refunds of Collected Utility Funds**
- 3.50.150 Under-Billed or Over-Billed Charges**
- 3.50.160 Disputed Bills**
- 3.50.170 Charges for Reconnection-Water**
- 3.50.180 Vacant Premises**
- 3.50.190 Early Payment and Senior Discounts**

### **3.50.010 Purpose**

In order to encourage the timely payment of sewer and water service fees by all users of the waste water treatment and water treatment systems, supplement those funds otherwise timely received, cover the additional monetary costs and lost opportunity costs associated with overdue payments of sewer and water service fees and the collection thereof, and to further facilitate the effective operation and maintenance of the waste water and water treatment systems, the penalty fees and enforcement procedures set forth in this chapter have been adopted.

### **3.50.020 Management and Administration of Funds**

The Finance Director or a designee shall be in control of collections of all moneys due the City for utility service charges including water and sewer under the general direction of the City Manager, and shall account for the same in the same manner as required for other funds received in an official capacity.

### **3.50.030 Charges Established by Resolution**

The amounts of all utility service charges metered and unmetered including, but not limited to, charges for monthly sewer and water service charges, meters, screens, standby charges, sewer and water connection fees, reserve capacity charges, lateral and main connection charges, service connection charges, inflow/outflow monitoring devices and sampling devices, penalties, and re-connection fees may be established by resolution. The failure to pay any charge established by resolution adopted pursuant to the provisions of this chapter, or by this chapter, shall constitute a violation.

### **3.50.040 Duty to Collect Charges**

The Finance Director and all other appropriate City officers, agents, or employees shall promptly and economically take all actions necessary for the collection of all charges in this chapter which are now or may be provided for.

### **3.50.050 Sewer/Water Service Charges**

Charges for sewer and water shall be charged to every service connected to the municipal wastewater and municipal water system in accordance with rates and charges as established by the City Council from time to time by resolution. Charges for sewer and water service to properties shall commence upon completion or occupancy of a building, upon expiration of the construction period, or upon installation of a meter, whichever shall occur first.

All users of the waste water and water treatment systems shall pay for such services and for the privilege of connecting to these systems at the rates, at the time, and under the conditions set forth in this code. Such users shall comply with all provisions of this code relating to the City utility bill generally and the use of the waste water and water treatment plants specifically.

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

On premises served with City water, the charge for sewer service shall be added to the charge for water service and payment of the total amount must be made in accordance with this chapter.

On premises not served with City water, the billing of sewer services shall be made in accordance with provisions of this chapter and in accordance with a schedule approved by the City Council from time to time by resolution.

### **3.50.060 Charges Deemed Debt Due City of Waterford**

The charges imposed by this chapter shall be deemed a debt due the City of Waterford for which the owner of the property and the user of the services shall be held jointly and severally



liable in a civil action in the name of the City of Waterford, or its assignee, as plaintiff. Said action may be brought in any court of competent jurisdiction for the amount of charges imposed by this title, including late charges, other penalties, costs of suit, and reasonable attorney's fees, which sum shall be deposited into the City treasury upon collection.

### **3.50.070 Persons Responsible for Payment of Utility Services Charges**

Owners of real property shall be responsible for utility services charges for said services used on their premises, although payments will be accepted from tenants. Where the utility account is not in the name of the real property owner, this should become the case as soon as property owners are able to do so. The City may require this change immediately when a tenant becomes delinquent in making the required payments, or when tenants change. The City reserves the right to change the utility account into the name of the real property owner at any time and for any reason.

In case payments are not in accordance with this chapter, the services may be disconnected and shall not be restored until the delinquent charges have been paid or arrangements to do so have been made to the satisfaction of the City; except where a new owner of record or a new tenant has taken up residence since the delinquent charges were incurred.

In case of a previous tenant leaving a delinquent bill, the City may require that subsequent service be furnished under the name of the owner of real property or his/her agent.

### **3.50.080 Deposits for Utility Services/Establishment of Credit**

An advance deposit for utility services, as may be established from time to time by resolution duly adopted by the City Council, shall be required for each service based solely on credit worthiness of the consumer. Each applicant for sewer and water service will be required to establish credit before receiving such service. Credit will be deemed established if the applicant meets any one of the following conditions:

- A. If the applicant has been a user of the City sewer/water system or of any other California city as demonstrated by submission of bills for 12 consecutive months of service by the City and during such time has paid all bills without discontinuance of service for nonpayment thereof;
- B. If the applicant makes a cash deposit in the amount of twice the estimated average periodic bill for sewer or water service. Such estimate shall be made by the Finance Director or designee, based on the average bill for similar services in the last 12 months.

Said advance deposit may be applied toward the nonpayment of the utility services charges upon delinquency and subsequent scheduling for disconnection of services for nonpayment, at the time of discontinuance of service or upon reaching credit worthiness satisfactory to the City. If said deposit is applied to a delinquent account, service shall not be resumed on such account until such time as the deposit is replaced to the satisfaction of the City.

### **3.50.090 Method of Billing for Sewer and Water Service Charges**

All users shall be billed for sewer or water service monthly or bimonthly, at the option of the City. Sewer and water service charges may be collected with the rates, tolls, and charges for other utility services furnished by the City and all such charges may be billed on the same bill.

### **3.50.100 Delinquency Date/Penalty**

Sewer/water service charges shall be delinquent if not paid in full on or before the date upon which such charges become due and payable.

Whenever any sewer or water service charge becomes delinquent, there shall be imposed a late penalty of \$10.00. In addition, a \$10.00 penalty fee shall be imposed each month there is an outstanding balance after the delinquency date, unless waived at the discretion of the City.

### **3.50.110 Enforcement of Payment of Delinquent Utility Service Charges**

In the event any user fails to pay, when due, any utility service charge applicable to premises controlled or owned by him, the City may enforce payment of such delinquent charges in any of the following manners:

- A. The City may in extraordinary circumstances permit the collection of the delinquent payments through a payment plan agreed upon by both parties after supporting documentation is verified where the payment is not less than the past due amount, and for a duration not to exceed 60 days. Where the payment plan is not adhered to as agreed, the City may consider other options available to enforce payment of the delinquent charges. Evidence of a current water service account will be required in order to defer disconnection of the sewer service, and vice-versa.
- B. The City may have the premises disconnected from the sewer/water system. In the event such disconnection should create a public hazard or nuisance, the Director or his designated representative may enter upon the premises for the purpose of doing such things as may be reasonably necessary to alleviate or remove such hazard or menace. The user of the premises shall have a duty to reimburse the City for all expenses incurred by the City in disconnecting the premises, or in doing other things authorized by this section, and no reconnection shall be made until all such charges have been paid or arrangements to do so have been made to the satisfaction of the City. The delinquent and reconnection charges shall be in accordance with a schedule approved by the City Council from time to time by resolution.
- C. The City may perfect a lien to collect any and all delinquent payments. The City Clerk shall cause to be recorded notice of the lien on the property for delinquent charges due to the City, in the office of the county recorder for the amount due.
- D. The City may place any and all utility service payments on the tax roll, for collection with its general taxes, and the City Clerk shall certify to the county auditor the names and amounts for entry upon the tax roll. After receipt of the amount due, the City Clerk shall cause to be recorded a release of lien in the county recorder's office.

- E. The City may take such other action as may be authorized by law and by the City Council.

### **3.50.120 Termination of Utility Services for Non-Payment**

If a payment of not less than the past due amount for sewer/water services is not paid within fifteen (15) days, the City may terminate any and all service for which the bill is rendered, provided notice and opportunity to present objections to the bill is first given as provided in this subsection.

- A. Prior to the termination of any utility services for nonpayment, the City shall cause a written notice of the payment delinquency and impending termination to be mailed to the owner of the premises to which the utility services are provided, at the owner's address, via regular USPS or certified mail. If the owner's address is not the address of the property to which such utility services were rendered, the notice also shall be sent to the address of the property to which such utility services were rendered, addressed to "Occupant."
- B. The notice shall be mailed not less than fifteen (15) days prior to the proposed termination date, and should be timed to occur early in the week providing opportunity for a reconnection during business hours.
- C. The notice shall include all of the following in a clear and legible format:
  - 1. The owner's name and address;
  - 2. The amount of the delinquency;
  - 3. The date by which payment or arrangement for payment is required in order to avoid termination of utility services;
  - 4. A description of the opportunity to file a complaint or request an investigation concerning the delinquent utility service charges or applicable services, or to request an extension of time to pay the delinquent charges because the charges are beyond the means of the owner to pay in full within the time required.
  - 5. A description of the procedure by which the owner may request amortization of the delinquent utility service charges;
  - 6. A description of the procedure for the owner to obtain information on the availability of financial assistance, including private, local, state, or federal sources, if applicable; and
  - 7. The telephone number of a City representative authorized to provide additional information or institute arrangements for payment.
- D. A notice of the delinquency and impending termination of utility services for commercial water users also shall be mailed to any third party designated to receive notification pursuant to subdivision (c) of Section 10010.1 of the California Public Utilities Code, if any, provided that such notification shall not obligate the third party to pay the delinquency nor prevent or delay a termination of utility services.

### **3.50.130 Final Notice of Utility Service Termination.**

- A. Not less than twenty-four (24) hours prior to a scheduled termination of water service or sewer service, a reasonable attempt shall be made to contact an adult person residing at the premises of the customer by telephone or personal contact, prior to any termination of service, except that, whenever telephone or personal contact cannot be accomplished, the public utility shall give, by mail, in person, or by posting in a conspicuous location at the premises, a notice of termination of service, at least forty-eight (48) hours prior to termination. The final notice shall include all of the following in a clear and legible format:
  - 1. The owner's name and address;
  - 2. The amount of the delinquency;
  - 3. The date by which payment or arrangements for payment was required in order to avoid termination of utility services;
  - 4. The telephone number of a department representative authorized to provide additional information or institute arrangements for payment; and
  - 5. If the notice is directed to a residential customer failing to comply with an amortization agreement, a description of the conditions the customer is required to meet to avoid termination.
- B. The forty-eight (48) hour notice should be made at the end of the week, so that actual termination can occur early in the following week.
- C. Should mobilization and termination work be underway when delinquent payments are made, the utility customer will compensate the City for the work done to date with charges as established by the City Council from time to time by resolution.

### **3.50.140 Uncollectible Utility Service Charges and Refunds of Collected Utility Funds**

- A. The Finance Director or designee shall have the discretion to write-off utility service charges that the Finance Director or designee deems uncollectible or refund utility service charges of any type.
- B. In order to receive a refund, a City-utility customer must:
  - 1. File a sufficient claim within ninety (90) days of the questioned payment, unless waived by the Finance Director due to the account being closed and the account is paid in full;
  - 2. Satisfy the Finance Director both: (i) that the refund is appropriate, and (ii) that the claimant was the utility user of record who paid the funds subject to refund;
  - 3. Refunds may be requested either in check or account credit.

### **3.50.150 Under-Billed or Over-Billed Charges**

When the Finance Director or designee determines that a parcel owner was not billed or was under-billed for utility services rendered to the parcel, the parcel owner is responsible and liable for payment of the utility service charges that were not billed for such period as may be determined by the Finance Director or designee, provided that the maximum period of utility service charges for which the City may back-bill the owner is one (1) year.

When the Finance Director or designee determines that a parcel owner was over-billed for utility services rendered to the parcel, the parcel owner is entitled to a credit for the over-billed amount for such period as may be determined by the Finance Director or designee, provided that the maximum period of utility service charges for which the City may provide a credit to the owner is one (1) year.

### **3.50.160 Disputed Bills**

If any user or owner disputes the amount of the sewer or water service charge for any premises controlled or owned by him/her in any bill or invoice, he/she shall, within 30 days immediately following the date upon which such charge becomes due and payable, file a claim with the Finance Director or designee accompanied by detailed supporting factual data in support of the claim.

It shall be the duty of each user or owner to prove to the Finance Director or designee that such charge is in error and the correct amount thereof. If the Finance Director or designee determines that the charge was in error, the Finance Director or designee shall correct the bill or invoice. Failure to dispute the amount of any charge in accordance with this section shall be deemed acceptance of the correctness of the charge.

The dispute shall be handled accordingly:

- A. If an extension of time to pay is requested, the designated employee shall consider whether the owner should be permitted to amortize the unpaid balance of the utility services account over a reasonable period of time, not to exceed six (6) months.
- B. The designated employee shall make a decision, which may include adjustment of the amount due and/or extension of the time for payment for a period of up to six (6) months. A copy of the decision shall be mailed to the owner at the owner's address.
- C. Any person aggrieved by the decision may appeal to the City Manager by filing a written notice of appeal within five calendar days of the decision with the City Clerk. The written notice shall include his/her objections to the decision and basis for appeal. Any person aggrieved by the City Manager's appeal decision may request the appeal to be scheduled and heard on a future City Council meeting date, however no later than 30 days from the initial ruling. After hearing the objections by such person and giving due consideration thereto, the City Council shall make its decision on the matters contained in the appeal, and its decision shall be final and conclusive.

### **3.50.170 Charges for Reconnection-Water**

The reconnection charge will shall be in accordance with a schedule approved by the City Council from time to time by resolution and completed as soon as feasible during regular business hours. Reconnection will not occur until reconnection fees have been paid to the City.

Additionally, the customer must bring their account current or set up a payment plan before reconnection will be ordered.

### **3.50.180 Vacant Premises**

Sewer charges shall be paid for vacant or untenanted premises, except buildings under construction, unless and until a notice of the vacancy and a request for the discontinuance of water and sewer service is made or provided to the City and at all times while water is being provided to such premises.

### **3.50.190 Early Payment and Senior Discounts**

If a user pays their sewer bill at least one year in advance, they may apply for a 5% discount that will be reflected as a credit on their monthly bill.

Senior citizens aged 65 or over, residing in their own residence, may apply for a 5% discount that will be reflected as a credit on their monthly bill with proof of evidence of age and residency ownership.



**Consent 6a**

April 17, 2014

Matt Erickson, Public Works Director  
City Council Staff Report

**Authorize the Advertisement of Bids for the E Street Project**

**SUMMARY:**

The council will consider authorizing the advertisement of bids for the E Street project.

**FISCAL IMPACT:**

The Engineers estimate for construction is \$ 275,000. The total amount available from Federal Congestion Mitigation and Air Quality (CMAQ) funds amounts to \$170,000. The remaining matching local funds for this project total \$105,000 and are allocated out of Local Transportation Funds in the 13/14 budget.

**ANALYSIS:**

The city has received an allocation of Congestion Mitigation and Air Quality (CMAQ) funding for the E Street Improvements Project. At this time funding is in place and we have been authorized to proceed with construction. The necessary construction plans and specifications have been prepared and the project is at the stage where it is appropriate to send out a notice to contractors soliciting bids.

This project is scheduled to begin construction in the summer of 2014 and will bring various roadway, sidewalk, parking, and drainage related improvements to the eastern side of E Street from Highway 132 to Welch Street.

**ENVIRONMENTAL REVIEW:**

Completed NEPA Categorical Exemption signed April 23, 2013.

**ATTACHMENTS:**

- Resolution 2014-31
- Bid Summary
- Project Location Map

**WATERFORD CITY COUNCIL  
RESOLUTION 2014-31**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATERFORD  
APPROVING PROJECT PLANS AND AUTHORIZING ADVERTISEMENT FOR BIDS  
FOR THE E STREET PROJECT**

**WHEREAS**, project summary has been prepared under the direction of the City Engineer for the E Street Project; and,

**WHEREAS**, the City Council of the City of Waterford finds it to be in the public interest to approve said project summary, and authorize the advertisement of bids.

**NOW, THEREFORE BE IT RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF WATERFORD, HEREBY RESOLVES AS FOLLOWS:**

**Section 1.** That the project summary prepared under the direction of the City Engineer is attached hereto as Exhibit "A"; regarding the E Street Project, which has been placed on file in the office of the City Clerk, referenced as E Street Project is hereby approved.

**Section 2.** That the City Engineer is hereby authorized to advertise for bids for the E Street Project in accordance with applicable state law.

**PASSED AND ADOPTED** by the Waterford City Council at a regular meeting held on the 17<sup>th</sup> day of April, 2014 by the following vote:

**AYES:  
NOES:  
ABSENT:  
ABSTAIN:**

**City of Waterford,**

\_\_\_\_\_  
**Charlie Goeken, Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Lori Martin, City Clerk**

\_\_\_\_\_  
**Corbett J. Browning  
City Attorney**





## BID AUTHORIZATION REQUEST SUMMARY

**Project Name:** E STREET – SURFACE IMPROVEMENTS

**Proposed Advertisement Date:** April 28, 2014

**Proposed Bid Date:** June 3, 2014

**Estimated Construction Schedule:** July – September 2014

**Engineer’s Estimate:** \$300,000

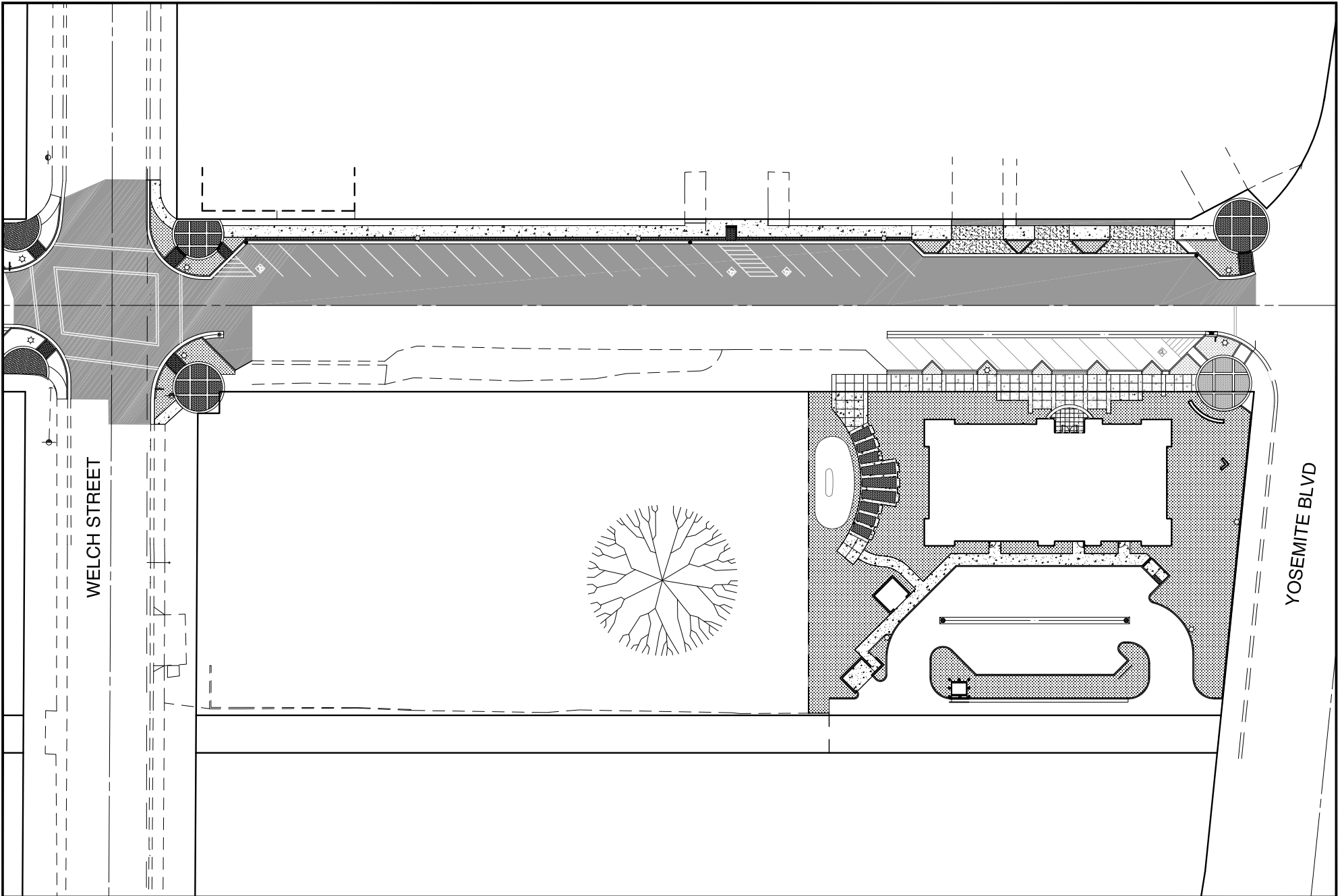
**Funding Sources:** Congestion Mitigation and Air Quality (CMAQ) and Local Funds

**Project Location:**  
E Street (from Welch to Yosemite).

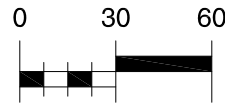
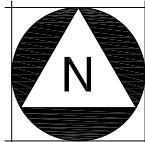
**Project Description:**

Surface improvements on the east side of E Street to include:

- Pavement removal and replacement
- Install storm drainage improvements
- Install vertical curb & gutter, sidewalk, and pavers (similar to Downtown and City Hall).
- Install landscaping and decorative street lights



**E STREET IMPROVEMENTS**  
**WELCH - YOSEMITE (EAST SIDE)**  
 WATERFORD, CA



**mcr**  
**ENGINEERING**  
 www.mcreng.com

MCR ENGINEERING, INC.  
 1242 DUPONT COURT  
 MANTECA, CA 95336  
 TEL : (209) 239 - 6229  
 FAX : (209) 239 - 8839



**Informational 8a – 8f**  
April 17, 2014  
Lori Martin, City Clerk  
City Council Staff Report

## **Informational Items**

### **SUMMARY:**

N/A

### **FISCAL IMPACT:**

N/A

### **ANALYSIS:**

All items under this category are considered for informational purpose only.

### **ATTACHMENTS:**

- Item 8a – Building Report – March 2014
- Item 8b – Business License Report – March 2014
- Item 8c - ROPS 14/15A Approval Letter
- Item 8d – CDPH Distribution System Classification
- Item 8e – Annual HOME Funding Agreement
- Item 8f – MID Surface Water Sales Letter

# City of Waterford - Building Permits Issued for MARCH 2014

---

**Permit # 240**    **Work Address:** 12066 PECAN

**Paid:** 3/10/2014

**Work Performed:** FIX ELECTRICAL WIRES

**Project Value:** \$0.00

**Total Fees:** \$45.00

---

**Owner Info**

RAUL MENDOZA  
716 N JACKSON AVE  
WATERFORD CA 95386

**Contractor Info**

SELF

**License #**

---

**Permit # 3773**    **Work Address:** 13707 COASTAL CT.

**Paid:** 3/31/2014

**Work Performed:** SOLAR

**Project Value:** \$5,000.00

**Total Fees:** \$398.00

---

**Owner Info**

JOEL & CARLEY ACOSTA  
13707 COASTAL CT.  
WATERFORD, CA 95386

**Contractor Info**

CLIFF ACOSTA  
3812 GREEN JADE CT.  
MODESTO, CA 95355

**License #** 961379

---

**Permit # 3774**    **Work Address:** 12891 DORSEY ST.

**Paid:** 3/13/2014

**Work Performed:** 6.25 KW DC ROOF MOUNTED SOLAR

**Project Value:** \$13,812.00

**Total Fees:** \$398.00

---

**Owner Info**

GREGORY VANDERWAAL  
12891 DORSEY ST.  
WATERFORD, CA 95386

**Contractor Info**

SOLAR CITY  
3055 CLEAR VIEW WAY  
SAN MATEO, CA 94402

**License #** 888104

---

**Permit # 3777**    **Work Address:** 358 KATY CT.

**Paid:** 3/3/2014

**Work Performed:** 5.25 KW DC, ROOF MOUNTED SOLAR

**Project Value:** \$11,602.00

**Total Fees:** \$398.00

---

**Owner Info**

BARRY FINNEMAN  
358 KATY CT.  
WATERFORD, CA 95386

**Contractor Info**

SOLAR CITY  
3055 CLEARVIEW WAY  
SAN MATEO, CA 94402

**License #**

---

# City of Waterford - Building Permits Issued for MARCH 2014

---

**Permit # 3778**   **Work Address:** 13360 Skyline Blvd.

**Paid:** 3/10/2014

**Work Performed:** 9kW DC roof mounted solar

**Project Value:** \$19,890.00

**Total Fees:** \$398.00

---

**Owner Info**

**Contractor Info**

Sheila Collins  
13360 Skyline Blvd.  
Waterford, CA 95386

Solar City  
3055 Clearview Way  
San Mateo, CA 94402

**License #** 888104

---

**Permit # 3780**   **Work Address:** 12133 PECAN AVE.

**Paid:** 3/12/2014

**Work Performed:** 9KW DC, ROOF MOUNTED SOLAR +MPU 125 AMP

**Project Value:** \$19,890.00

**Total Fees:** \$398.00

---

**Owner Info**

**Contractor Info**

RICKY STEPP  
12133 PECAN AVE  
WATERFORD, CA 95386

SOLAR CITY  
3055 CLEARVIEW WAY  
SAN MATEO, CA 94402

**License #** 888104

---

**Permit # 3781**   **Work Address:** 13702 COASTAL CT.

**Paid:** 3/10/2014

**Work Performed:** INGROUND GUNITE POOL W/SPA

**Project Value:** \$30,000.00

**Total Fees:** \$398.00

---

**Owner Info**

**Contractor Info**

EDWARD TARA BENNETT  
13702 COASTAL CT.  
WATERFORD, CA 95386

POOLS BY NELSON  
5680 PIRRON RD.  
SALIDA, CA 95368

**License #** 856776

---

**Permit # 3782**   **Work Address:** 304 S. REINWAY AVE.

**Paid:** 3/12/2014

**Work Performed:** 6.25 KW DC, ROOF MOUNTED SOLAR

**Project Value:** \$13,812.00

**Total Fees:** \$398.00

---

**Owner Info**

**Contractor Info**

ILLKYU KIM  
304 S. REINWAY AVE.  
WATERFORD, CA 95386

SOLAR CITY  
3055 CLEARVIEW WAY  
SAN MATEO, CA 94402

**License #** 888104

---

# City of Waterford - Building Permits Issued for MARCH 2014

---

**Permit # 3783**   **Work Address:** 11718 YOSEMITE   **Paid:** 3/14/2014  
**Work Performed:** INSTALL ADDITIONAL 576' OF LEACH FIELD   **Project Value:** \$5,600.00  
**Total Fees:** \$198.00

---

**Owner Info**

NICK MC BRIDE  
11718 YOSEMITE  
WATERFORD, CA 95386

**Contractor Info**

MARTIN PLUMNING  
1221 POST RD. SUITE C  
OAKDALE, CA 95361

**License #** 930763

---

**Permit # 3784**   **Work Address:** 12120 ANISSA DR.   **Paid:** 3/17/2014  
**Work Performed:** REROOF   **Project Value:** \$15,722.00  
**Total Fees:** \$125.00

---

**Owner Info**

GARRY HAYES  
12120 ANISSA DR.  
WATERFORD, CA 95386

**Contractor Info**

THD-AT HOME SERVICES INC.  
2456 VERNA CT.  
SAN LEANDRO, CA 94577

**License #** 836021

---

**Permit # 3785**   **Work Address:** 525 E STREET   **Paid:** 3/17/2014  
**Work Performed:** NEW ELECTRICAL WIRE AND MAIN BREAKER IN  
OUTSIDE BOC AND TO MID LINES   **Project Value:** \$200.00  
**Total Fees:** \$125.00

---

**Owner Info**

RUTH MAPLES  
12462 SUMMERS UNIT 1  
WATERFORD, CA 95386

**Contractor Info**

SELF

**License #**

---

**Permit # 3787**   **Work Address:** WATERFORD MUSEUM   **Paid:** 3/27/2014  
**Work Performed:** NEW HVAC UNIT INSTALLATION   **Project Value:** \$5,000.00  
**Total Fees:** \$0.00

---

**Owner Info**

CITY OF WATERFORD  
101 E STREET  
WATERFORD, CA 95386

**Contractor Info**

NEXUS ENGINEERING  
1400 LONE PALM AVE SUTE A  
MODESTO, CA 95351

**License #**

---

# City of Waterford - Building Permits Issued for MARCH 2014

---

**Permit # 3788**   **Work Address:** 12131 Hernandez Ave.

**Paid:** 3/20/2014

**Work Performed:** RETROFIT VINYL

**Project Value:** \$349.00

**Total Fees:** \$95.00

---

**Owner Info**

Rafael Sanchez  
12131 Hernandez  
Waterford, CA 95368

**Contractor Info**

THD-AT HOME SERVICES, INC.  
2456 VERNA CT.  
SAN LEANDRO, CA 94577

**License #** 836021

---

**Permit # 3789**   **Work Address:** 12146 YOSEMITE BLVD.

**Paid:** 3/25/2014

**Work Performed:** MOUNTED SIGN

**Project Value:** \$5,500.00

**Total Fees:** \$125.00

---

**Owner Info**

WATERFORD COMMUNITY HEALTH CE  
4866 SALIDA BLV.  
SALIDA, CA 95368

**Contractor Info**

UNITED SIGN SYSTEMS  
5201 PENTECOST DR.  
MODESTO, CA 95356

**License #** 718965

---

**Permit # 3791**   **Work Address:** 409 Pamona St.

**Paid:** 3/26/2014

**Work Performed:** HVAC Change out

**Project Value:** \$4,500.00

**Total Fees:** \$125.00

---

**Owner Info**

Connie Hale  
409 Pamona St.  
Waterford, CA 95386

**Contractor Info**

Yourk Heating and Air  
4181 Brew Master Dr. # 9  
Ceres, CA 95307

**License #** 920797

---

**Permit # 3792**   **Work Address:** 13552 SKYLINE BLV.

**Paid:** 3/27/2014

**Work Performed:**

**Project Value:** \$18,785.00

**Total Fees:** \$398.00

---

**Owner Info**

MELISSA AYCOCK  
13552 SKYLINE BLV.  
WATERFORD, CA 95386

**Contractor Info**

SOLAR CITY  
3055 CLEARVIEW WAY  
SAN MATEO, CA 94402

**License #** 888104

---

# City of Waterford - Building Permits Issued for MARCH 2014

---

Totals \$169,662.00

Misc Permits

Multiples:

Comm Multiples:

New Dwelling

Commercial:

Building Permit Fee: \$3,950.00  
Plumbing Price Fee: \$0.00  
Electrical Fee: \$45.00  
Plan Check Fee: \$0.00  
SMIP Fee: \$27.00  
Sewer Fee: \$0.00  
Park Land : \$0.00  
Admin Fee: \$0.00  
County Impact \$0.00  
City Impact \$0.00  
CBSC: \$18.00



# City of Waterford -MARCH 2014 Finalized Permits

---

**Permit # 3759**    **Work Address:** 431 Chafee Lane

**Finalized:** 3/3/2014

**Work Performed:** Roof Mounted Solar System

**Project Value:** \$15,000.00

**Total Fees:** \$398.00

---

**Owner Info**

**Contractor Info**

Wendy Holgate  
431 Chafee Lane  
Waterford, CA 95386

1st Light Energy  
1869 Moffat Blvd.  
Manteca, CA 95336

**License #** 921371

---

**Permit # 3773**    **Work Address:** 13707 COASTAL CT.

**Finalized:** 3/31/2014

**Work Performed:** SOLAR

**Project Value:** \$5,000.00

**Total Fees:** \$398.00

---

**Owner Info**

**Contractor Info**

JOEL & CARLEY ACOSTA  
13707 COASTAL CT.  
WATERFORD, CA 95386

CLIFF ACOSTA  
3812 GREEN JADE CT.  
MODESTO, CA 95355

**License #** 961379

---

**Permit # 3777**    **Work Address:** 358 KATY CT.

**Finalized:** 3/24/2014

**Work Performed:** 5.25 KW DC, ROOF MOUNTED SOLAR

**Project Value:** \$11,602.00

**Total Fees:** \$398.00

---

**Owner Info**

**Contractor Info**

BARRY FINNEMAN  
358 KATY CT.  
WATERFORD, CA 95386

SOLAR CITY  
3055 CLEARVIEW WAY  
SAN MATEO, CA 94402

**License #**

---

**Permit # 3778**    **Work Address:** 13360 Skyline Blvd.

**Finalized:** 3/31/2014

**Work Performed:** 9kW DC roof mounted solar

**Project Value:** \$19,890.00

**Total Fees:** \$398.00

---

**Owner Info**

**Contractor Info**

Sheila Collins  
13360 Skyline Blvd.  
Waterford, CA 95386

Solar City  
3055 Clearview Way  
San Mateo, CA 94402

**License #** 888104

---

# City of Waterford -MARCH 2014 Finalized Permits

---

Permit # 3783    **Work Address:** 11718 YOSEMITE

**Finalized:** 3/17/2014

**Work Performed:** INSTALL ADDITIONAL 576' OF LEACH FIELD

**Project Value:** \$5,600.00

**Total Fees:** \$198.00

---

**Owner Info**

NICK MC BRIDE  
11718 YOSEMITE  
WATERFORD, CA 95386

**Contractor Info**

MARTIN PLUMNING  
1221 POST RD. SUITE C  
OAKDALE, CA 95361

**License #** 930763

---

Permit # 3791    **Work Address:** 409 Pamona St.

**Finalized:** 3/27/2014

**Work Performed:** HVAC Change out

**Project Value:** \$4,500.00

**Total Fees:** \$125.00

---

**Owner Info**

Connie Hale  
409 Pamona St.  
Waterford, CA 95386

**Contractor Info**

Yourk Heating and Air  
4181 Brew Master Dr. # 9  
Ceres, CA 95307

**License #** 920797

---

**Totals**

Misc Permits

Multiples:

Comm Multiples:

New Dwelling

Commercial:

# BUSINESS LICENSE REPORT - MARCH 2014

BUSINESS NAME	TYPE OF BUSINESS	BUSINESS CATEGORY	NO LONGER IN BUSINESS	LOCATION ADDRESS	LOCATION CITY	FEE AMT	PAID DATE
BOWMAN GARDENS	HOME OCC- FLOWER GROWING AND DISTRIBUTING	MISC	<input type="checkbox"/>	12377 TERRACE VIEW LANE	WATERFORD	\$51.00	3/26/2014
LAUNDRY DAY	LAUNDRY	PROFESSIONAL SERVICE/MAINTENANCE	<input type="checkbox"/>	12166 YOSEMITE BLVD	WATERFORD	\$51.00	3/28/2014
PIONEER MARKET	GROCERY STORE	RETAIL	<input type="checkbox"/>	12138 YOSEMITE BLV.	WATERFORD	\$151.00	3/27/2014
YOSEMITE YOGURT PLUS	YOGURT SHOP	FOOD	<input type="checkbox"/>	12824 YOSEMITE BLVD	WATERFORD	\$131.00	3/13/2014



April 4, 2014

Mr. Tim Ogden, City Manager  
City of Waterford  
101 E. Street  
Waterford, CA 95386

Dear Mr. Ogden:

Subject: Recognized Obligation Payment Schedule

Pursuant to Health and Safety Code (HSC) section 34177 (m), the City of Waterford Successor Agency (Agency) submitted a Recognized Obligation Payment Schedule (ROPS 14-15A) to the California Department of Finance (Finance) on February 27, 2014 for the period of July through December 2014. Finance has completed its review of your ROPS 14-15A, which may have included obtaining clarification for various items.

Based on our review, we are approving all of the items listed on your ROPS 14-15A at this time.

Pursuant to HSC section 34186 (a), successor agencies were required to report on the ROPS 14-15A form the estimated obligations and actual payments (prior period adjustments) associated with the July through December 2013 period. The amount of Redevelopment Property Tax Trust Fund (RPTTF) approved in the table below includes the prior period adjustment self-reported by the Agency. HSC section 34186 (a) also specifies prior period adjustments self-reported by successor agencies are subject to audit by the county auditor-controller (CAC) and the State Controller. Any proposed CAC adjustments were not received in time for inclusion in this letter. Therefore, the amount of RPTTF approved in the table below only includes the prior period adjustment self-reported by the Agency.

The Agency's maximum approved RPTTF distribution for the reporting period is \$59,150 as summarized below:

<b>Approved RPTTF Distribution</b>	
<b>For the period of July through December 2014</b>	
Total RPTTF requested for non-administrative obligations	42,150
Total RPTTF requested for administrative obligations	17,000
<b>Total RPTTF requested for obligations</b>	<b>\$ 59,150</b>
Total RPTTF authorized for non-administrative obligations	42,150
Total RPTTF authorized for administrative obligations	17,000
<b>Total RPTTF authorized for obligations</b>	<b>\$ 59,150</b>
ROPS 13-14A prior period adjustment	0
<b>Total RPTTF approved for distribution</b>	<b>\$ 59,150</b>

Please refer to the ROPS 14-15A schedule that was used to calculate the approved RPTTF amount:

<http://www.dof.ca.gov/redevelopment/ROPS>

This is Finance's final determination related to the enforceable obligations reported on your ROPS for July 1 through December 31, 2014. This determination only applies to items where funding was requested for the six-month period. Finance's determination is effective for this time period only and should not be conclusively relied upon for future periods. All items listed on a future ROPS are subject to a subsequent review and may be denied even if it was or was not denied on this ROPS or a preceding ROPS. The only exception is for those items that have received a Final and Conclusive determination from Finance pursuant to HSC section 34177.5 (i). Finance's review of items that have received a Final and Conclusive determination is limited to confirming the scheduled payments as required by the obligation.

The amount available from the RPTTF is the same as the amount of property tax increment that was available prior to enactment of ABx1 26 and AB 1484. This amount is not and never was an unlimited funding source. Therefore, as a practical matter, the ability to fund the items on the ROPS with property tax is limited to the amount of funding available to the successor agency in the RPTTF.

To the extent proceeds from bonds issued after December 31, 2010 exist and are not encumbered by an enforceable obligation pursuant to HSC section 34171 (d), HSC section 34191.4 (c) (2) (B) requires these proceeds be used to defease the bonds or to purchase those same outstanding bonds on the open market for cancellation.

Please direct inquiries to Wendy Griffe, Supervisor or Jenny DeAngelis, Lead Analyst at (916) 445-1546.

Sincerely,



JUSTYN HOWARD  
Assistant Program Budget Manager

cc: Ms. Tina Envia, Finance Manager, City of Waterford  
Ms. Lauren Klein, Auditor-Controller, Stanislaus County  
California State Controller's Office



RON CHAPMAN, MD, MPH  
 Director & State Health Officer

State of California—Health and Human Services Agency  
**California Department of Public Health**



EDMUND G. BROWN JR.  
 Governor

March 27, 2014

System No: 5010042

Timothy Ogden  
 City of Waterford – River Pointe  
 P.O. Box 199  
 Waterford, CA 95386

**SUBJECT: DISTRIBUTION SYSTEM CLASSIFICATION**

According to the 2013 Annual Report, submitted to the California Department of Public Health on March 26, 2014, the City of Waterford – River Pointe (City) water system population is 1,054. Section §64413.3 (a) Classification of Distribution Systems, of the California Code of Regulations, specifies:

The distribution system for each community and nontransient- noncommunity water system shall be classified pursuant to Table 64413.3-A.

**Table 64413.3-A.  
 Distribution System Classifications**

Population Served	Class
1,000 or less	D1
1,001 through 10,000	D2
10,001 through 50,000	D3
50,001 through 5 million	D4
Greater than 5 million	D5

The purpose of this letter is to confirm, that pursuant to section §64413.3 (a) of the California Code of Regulations, the City's domestic water distribution system has been classified as a D2 system. As such, the chief distribution operator must be a D2 certified operator, and the shift distribution operator must be a D1 certified operator.

To avoid enforcement, the City must provide the name and contact information for the designated chief distribution operator, who shall be certified as at least a D2 distribution operator, by April 21, 2014. If the City elects to use a contract operator to provide chief distribution operator duties, the contract operator and the City shall develop a plan that includes frequency of routine physical checks of the water system as well as methods

used to conduct daily communication between the chief operator and the shift operators.

If you have any questions regarding this matter, please contact Brian Kidwell by email at [Brian.Kidwell@cdph.ca.gov](mailto:Brian.Kidwell@cdph.ca.gov) or by phone at (209) 948-3963.

Sincerely,



Bhupinder S. Sahota, P.E.  
District Engineer, Stockton District  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS



**ANNUAL FUNDING AGREEMENT  
DESIGNATING WATERFORD  
AS A SUB-RECIPIENT OF HOME INVESTMENT  
PARTNERSHIP PROGRAM FUNDS  
FISCAL YEAR 2013-2014**



**THIS AGREEMENT** is made and entered into this 14<sup>th</sup> day of May 2013, by and between the **CITY OF TURLOCK**, hereafter called "CITY" and the **CITY OF WATERFORD**, hereinafter called "WATERFORD."

**WITNESSETH:**

**WHEREAS**, WATERFORD has entered into a Cooperative Agreement as a member of the Stanislaus Urban County for HOME funds to the United States Department of Housing and Urban Development (HUD) and as such makes WATERFORD eligible to participate and a member jurisdiction in the HOME program; and

**WHEREAS**, the CITY and the Stanislaus Urban County have entered into a Cooperative Agreement to form the City of Turlock/Stanislaus County HOME Consortium to qualify for HOME Investment Partnership Act funds, funded by the U.S. Department of Housing and Urban Development; and

**WHEREAS**, the CITY serves as the lead agency of the Consortium, designated by HUD as the HOME Program Participating Jurisdiction; and

**WHEREAS**, the CITY and WATERFORD have determined that it is mutually beneficial to have CITY disburse HOME funds for HOME-eligible activities in WATERFORD; and

**WHEREAS**, WATERFORD must be designated a HOME Sub-recipient in order to directly execute contracts for HOME-funded activities;

**NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:**

1. Upon execution of this Agreement, WATERFORD shall be designated as a HOME Sub-recipient for 2013-2014 fiscal year funds for the purpose of administering HOME-eligible activities in WATERFORD, the funds for which shall be disbursed by the CITY. The maximum amount of fiscal year 2013-2014 HOME funds covered by this Agreement shall be Eighty-Six Thousand Nine Hundred Sixty-Three and 74/100ths Dollars (**\$86,963.74**), (\$81,686.75 program; \$5,276.99 administration). In the event that HUD reduces the HOME allocation to the Consortium, WATERFORD's allocation will be reduced proportionately.
2. WATERFORD acknowledges that there is a timeliness deadline in the expenditure of the allocated funds. Failure to expend the funds in a timely manner as set forth in the City of Turlock/Stanislaus County HOME Consortium Policies and Procedures may result in funds being redirected to other Consortium activities.



3. On March 31, 2015, any and all remaining uncommitted funds from the 2013-2014 allocation may be returned to the Consortium project based funds for future collective allocation.
4. Activities - WATERFORD will be responsible for administering Fiscal year 2013-2014 HOME funds grant in a manner satisfactory to the CITY and consistent with the standards, policies and procedures required as a condition of providing these funds. Such program will include the following activities eligible under the HOME Investment Partnership Grant Program (HOME).
  - a. Activity #1- Funding will be provided for down payment assistance for income eligible families and persons who fulfill the criteria of the HOME program.
  - b. Activity #2- Funding will be provided for repairs and rehabilitation of homes of income eligible person and families who meet the program criteria of the HOME program.
  - c. Activity #3- Development, rehabilitation, and/ or construction of affordable housing units in accordance with HOME guidelines. These activities will be constructed with a certified CHDO, Housing Authority, or other qualified developer.
5. WATERFORD agrees that any HOME-eligible activities funded through this Agreement shall be confirmed with a written contract that contains the provisions specified in 24 CFR Part 92.504. In addition, any contract made between WATERFORD and another entity for the use of HOME funds pursuant to this Agreement shall comply with all applicable HOME regulations and shall be enforced by deed restriction. The form of the contract shall be approved by CITY in advance of its execution. A copy of all contracts for HOME-funded activities shall be sent to the CITY.
6. WATERFORD agrees to abide by uniform administrative requirements stated in 24 CFR Part 92.505.
7. Any and all notices, writings, correspondences, etc., as required by this Agreement shall be directed to WATERFORD and CITY as follows:

**WATERFORD**

Tim Ogden, City Manager  
 P.O. Box 199  
 Waterford, CA 95386  
 (209) 874-2328

**CITY**

Maryn Pitt, Manager  
 Housing Program Services Division  
 156 South Broadway, Suite 250  
 Turlock CA 95380  
 (209) 668-5610

8. This Agreement shall be in effect until June 30, 2014, or until all fiscal year 2013-2014 HOME funds allocated to WATERFORD are disbursed to WATERFORD or for the duration of any regulatory agreement executed in conjunction with a project financed with fiscal year 2013-2014 HOME funds, whichever is longer.
9. CITY and WATERFORD shall maintain, on a current basis, complete records,

including, but not limited to, contracts, books of original entry, source documents supporting accounting transactions, eligibility and service records as may be applicable, a general ledger, personnel and payroll records, canceled checks and related documents and records to assure proper accounting of funds and performance of this contract in accordance with HOME regulations. To the extent permitted by law, CITY and WATERFORD will also permit access to all books, accounts or records of any kind for purposes of audit or investigation, in order to ascertain compliance with the provisions of this contract.

Records shall be maintained for a period of five years or in accordance with 24 CFR Part 92.508(c), whichever is longer.

10. CITY and WATERFORD will cooperate in the preparation of, and will furnish any and all information required for reports to be prepared as may be required by HOME regulations including but not limited to the Consolidated Plan, the annual performance report and any quarterly reports required by CITY.
11. WATERFORD agrees that program income and assets will be retained by WATERFORD and must be accounted for and kept separately from other funds in compliance with HOME regulations.
12. Loan repayments, interest or other return on WATERFORD's investment of HOME funds disbursed through this contract shall be collected by WATERFORD and may retain payments for future activities funded with HOME funds in accordance with HOME regulations.
13. WATERFORD shall comply with all applicable laws, ordinances and codes of Federal, State and local governments, in the performance of this Agreement.
14. WATERFORD agrees to comply with all requirements, which are now, or which may hereafter be imposed by HUD for the HOME Program, as well as such requirements as may be imposed by the City of Turlock/Stanislaus County HOME Consortium.
15. WATERFORD shall be responsible for conducting the environmental review of any project assisted through this contract in compliance with the National Environmental Protection Act and 24 CFR 58. A copy of any such review shall be sent to the CITY for CITY's review, approval and formal acceptance.
16. WATERFORD agrees that it will comply with the Americans with Disabilities Act and Title VII of the Civil Rights Acts of 1964, and that no person in the United States shall, on the grounds of race, creed, color, disability, sex, sexual orientation, national origin, age, religion, Vietnam era veteran's status, political affiliation or any other non-merit factors be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity funded in whole or in part with funds made available to CITY and WATERFORD pursuant to this contract. General prohibitions against discrimination include but are not limited to the following.
  - a. Deny any services or other benefit provided under the program or activity;
  - b. Provide any service or other benefit which is different or is provided in a different form from that provided to others under the program or activity;

- c. Subject to segregated or separate treatment in any facility in or in any manner or process related to receipt of any service or benefit under the program or activity;
  - d. Restrict in any way the enjoyment of any advantage or privilege enjoyed by other receiving any service or benefit under the program or activity;
  - e. Treat an individual differently from others in determining whether that individual satisfies any admission enrollment, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any services or other benefit provided under the program or activity; or
  - f. Deny an opportunity to participate in a program or activity as an employee.
17. If WATERFORD withdraws from the Consortium and it becomes a HOME Participating Jurisdiction, at WATERFORD's request and with HUD approval CITY shall transfer to WATERFORD any accounts receivable attributable to WATERFORD's allocation of HOME funds, any WATERFORD allocation of HOME funds, and any Program Income attributable to WATERFORD's HOME allocation on hand at the time WATERFORD withdraws from the Consortium. Along with this transfer, WATERFORD shall assume all obligations and responsibilities attributable to such funds.
18. If WATERFORD withdraws from the Consortium and does not become a HOME Participating Jurisdiction, CITY shall retain any accounts receivable attributable to WATERFORD's allocation of HOME funds, any WATERFORD allocation of HOME funds, and any Program Income attributable to WATERFORD's HOME allocation on hand at the time WATERFORD withdraws from the Consortium. CITY shall retain all obligations and responsibilities attributable to such funds.
19. As specified in 24 CFR Part 85.43 breach of this Agreement may result in the suspension or termination of WATERFORD as a sub-recipient of HOME funds.
20. Uniform Administration Requirements. Insofar as they are applicable to activities conducted hereunder, WATERFORD agrees to comply with the requirements of Office of Management and Budget (OMB) Circular A-87, "Cost Principles for State and Local Governments", with Revised Circular A-102, "Grants and Cooperative Agreements with State and Local Governments", and 24 CFR Part 85 (the "common rule"), "Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments".
21. Financial Management - Refer to Federal regulations 24 CFR Parts 84.20 and 85.20 and Treasury Circular 1075.
22. *Accounting Standards* - WATERFORD agrees to comply with 24 CFR 84.21–28 and agrees to adhere to the accounting principles and procedures required therein, utilize adequate internal controls, and maintain necessary source documentation for all costs incurred.
23. *Auditing* - WATERFORD shall retain all books, records, and other documents to this contract for five (5) years after reconveyance and affordability period whichever is

longer. The U.S. Comptroller General and his representatives are vested with the authority to examine any records of WATERFORD [or Contractor] or any of its subcontractors, or any State or local agency administering such contract, that directly pertain to, and involve transactions relating to, the contract or any subcontract; and interview any officer or employee of WATERFORD [or Contractor] or any of its subcontractors, or of any State or local government agency administering the contract, regarding such transactions. Additionally, HOME provides authority for any representatives of an appropriate Inspector General to examine any records or interview any employee or officers of WATERFORD or its subcontractors working on this contract. WATERFORD is advised that any representatives of an appropriate Inspector General appointed have the authority to examine any record and interview any employee or officer of the contractor, its subcontractors, or other firms working on this contract. This right of examination shall also include inspection at all reasonable times of WATERFORD plans, or parts of them, engaged in performing the agreement. Any deficiencies noted in audit reports must be fully cleared by WATERFORD within thirty (30) days after receipt by WATERFORD. The CITY shall have, in addition to any other audit or inspection right in this contract, all the audit and inspection rights contained in this section.

24. *Close-outs* - WATERFORD obligation to the CITY shall not end until all close-out requirements are completed. Activities during this close-out period shall include, but are not limited to: making final payments, disposing of program assets (including the return of all unused materials, equipment, unspent cash advances, program income balances, and accounts receivable to the CITY), and determining the custodianship of records. Notwithstanding the foregoing, the terms of this agreement shall remain in effect during any period that WATERFORD has control over HOME funds.
25. *Compliance* - WATERFORD shall comply with current HUD policy concerning uniform administrative requirements and shall maintain inventory records of all non-expendable personal property as defined by such policy as may be procured with funds provided herein. All program assets (unexpended program income, property, equipment, etc.) shall revert to the CITY upon termination of this agreement. (Refer to 24 CFR Part 85).
26. *OMB Standards* - Unless specified otherwise within this agreement, WATERFORD shall procure all materials, property, or services in accordance with the requirements of 24 CFR 84.40-48.
27. *Land Covenants* - This contract is subject to the requirements of Title VI of the Civil Rights Act of 1964 (P. L. 88-352). In regard to the sale, lease, or other transfer of land acquired, cleared or improved with assistance provided under this contract, WATERFORD shall cause or require a covenant running with the land to be inserted in the deed or lease for such transfer, prohibiting discrimination as herein defined, in the sale, lease or rental, or in the use or occupancy of such land, or in any improvements erected or to be erected thereon, providing that the WATERFORD and the United States are beneficiaries of and entitled to enforce such covenants.

WATERFORD, in undertaking its obligation to carry out the program assisted hereunder, agrees to take such measures as are necessary to enforce such covenant, and will not itself so discriminate.

28. Architectural Barriers Act of 1968 - The Architectural Barriers Act of 1968 U.S.C. 4151 is applicable to this agreement and requires that the design of any facility constructed with funds from this title comply with the "American Standard Specifications for Making Buildings and Facilities Accessible, and Usable by, the Physically Handicapped," Number A-117.1-19 as modified (42 CFR 101-17.703). It will require that the design of any building constructed or rehabilitated with funds paid to WATERFORD by the CITY under this contract will comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to and Useable by the Physically Handicapped".
29. Section 504 - WATERFORD agrees to comply with all Federal regulations issued pursuant to compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), which prohibits discrimination against the individuals with disabilities or handicaps in any Federally assisted program.
30. Affirmative Action - *Approved Plan* - WATERFORD agrees that it shall be committed to carry out pursuant to the applicable provisions of HOME regulations Section 92.351 the Affirmative Action Program in keeping with the principles as provided in President's Executive Order 11246 of September 24, 1966.
31. *Women and Minority-Owned Businesses (W/MBE)* - WATERFORD will use its best efforts to afford small businesses, minority business enterprises, and women's business enterprises the maximum practicable opportunity to participate in the performance of this contract. As used in this contract, the terms "small business" means a business that meets the criteria set forth in section 3(a) of the Small Business Act, as amended (15 U.S.C. 632), and "minority and women's business enterprise" means a business at least fifty-one (51) percent owned and controlled by minority group members or women. For the purpose of this definition, "minority group members" are Afro-Americans, Spanish-speaking, Spanish surnamed or Spanish-heritage Americans, Asian-Americans, and American Indians. WATERFORD may rely on written representations by businesses regarding their status as minority and female business enterprises in lieu of an independent investigation.
32. *Equal Employment Opportunity and Affirmative Action (EEO/AA) Statement* - WATERFORD, in all solicitations or advertisements for employees placed by or on behalf of WATERFORD, state that it is an Equal Opportunity or Affirmative Action employer. (Refer to Home regulations 92.505, 41 CFR 60, Executive Orders 11246, 12086, 12 U. S. C. 1701 U.
33. Public notices, job vacancies should be published in minority publications whenever possible.
34. *Prohibited Activity* - WATERFORD is prohibited from using funds provided herein or personnel employed in the administration of the program for: political activities; inherently religious activities; lobbying; political patronage; and nepotism activities.
35. No member, officer, or employee of the CITY or WATERFORD or their designees or agents, including employees and officers of community and advisory agencies that assist WATERFORD in developing the projects, who exercises any functions or responsibilities with respect to the program during his tenure or for one (1) year thereafter, shall have any interest, direct or indirect, in any contract or subcontract or

the proceeds thereof for work to be performed in connection with the program assisted under the grant. WATERFORD agrees to incorporate or cause to be incorporated in all its agreements with its designees or agents, and including the above described groups, and in all agreements, contracts and subcontracts for work to be performed in connection with the program assisted under the grant, including agreements with WATERFORD as defined in 24 CFR 85.36 and 24 CFR 84.42, respectively, apply. In all cases not governed by 24 CFR 85.36 and 24 CFR 84.42, the provisions of this section apply.

36. *Labor Standards* - HOME requires that all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. Pursuant to Reorganization Plan No. 14 and the Copeland Act, 40 U.S.C. 3145, the Department of Labor has issued regulations at 29 CFR parts 1, 3, and 5 to implement the Davis-Bacon and related Acts. Regulations in 29 CFR 5.5 instruct agencies concerning application of the standard Davis-Bacon contract clauses set forth in that section. The standard Davis-Bacon contract clauses found in 29 CFR 5.5(a) are incorporated into this contract and any subcontracts that that are in excess of \$2,000 for construction, alteration or repair (including painting and decorating).
37. *Prevailing Wage* - WATERFORD will comply with the minimum wage and maximum hourly provisions of the Fair Labor Standards Act, and applicable provisions of the Davis-Bacon Act and the Contract Work Hours Standards Act. Inquiries concerning the application of Davis-Bacon requirements to a particular federally assisted project should be directed to the Federal agency funding the project. The Secretary of Labor retains final coverage authority under Reorganization Plan Number 14.
38. *Salaries* - The salaries paid under this contract shall be in accordance with the following provision of OMB Circular A-87 and 24 CFR Part 92.207 (a) (1) Eligible Administrative and Planning Costs.
39. *General*. Compensation for personal services includes all remuneration, paid currently or accrued, for services rendered during the period of performance under the grant agreement, including but not necessarily limited to wages, salaries, and supplementary compensation and benefits. The costs of such compensation are allowable to the extent that total compensation for individual employees: (1) is reasonable for the service rendered, (2) follows an appointment made in accordance with State, Local, or Indian Tribal Government laws and rules and which meets Federal merit system or other requirements, where applicable. Compensation for employees engaged in federally assisted activities will be considered reasonable to the extent that it is consistent with that paid for similar work in other activities of the State, Local, or Indian Tribal Government. In cases where the kinds of employees required for the federally assisted activities are not found in the other activities of the State, Local, or Tribal Government, compensation will be considered reasonable to the extent that it is comparable to that paid for similar work in the labor market in which the employing government competes for the kind of employees involved. Compensation surveys providing data representative of the labor market involved will be an acceptable basis for evaluating reasonableness.

40. The CITY may, at its discretion, complete a salary comparability study within the intent of OMB Circular A-87, Paragraph 10(a).
41. "Section 3" Clause - Compliance with the provisions of Section 3 of the HUD Act of 1968, as amended, and as implemented by the regulations set forth in 24 CFR 135, and all applicable rules and orders issued hereunder prior to the execution of this contract, shall be a condition of the Federal financial assistance provided under this contract and binding upon the CITY. WATERFORD certifies and agrees that no contractual or other disability exists that would prevent compliance with these requirements. WATERFORD further agrees to comply with these "Section 3" requirements and to include the following language in all subcontracts executed under this agreement:
  42. The work to be performed under this agreement is a project assisted under a program providing direct Federal financial assistance from HUD and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701). Section 3 requires that to the greatest extent feasible opportunities for training and employment be given to low- and very low-income residents of the project area, and that agreements for work in connection with the project be awarded to business concerns that provide economic opportunities for low- and very low-income persons residing in the metropolitan area in which the project is located."
  43. WATERFORD further agrees to ensure that opportunities for training and employment arising in connection with a housing rehabilitation (including reduction and abatement of lead-based paint hazards), housing construction, or other public construction project are given to low- and very low-income persons residing within the metropolitan area in which the project is located; where feasible, priority should be given to low- and very low-income persons within the service area of the project or the neighborhood in which the project is located, and to low- and very low-income participants in other HUD programs; and award contracts for work undertaken in connection with a housing rehabilitation (including reduction and abatement of lead-based paint hazards), housing construction, or other public construction project to business concerns that provide economic opportunities for low- and very low-income persons; where feasible, priority should be given to business concerns that provide economic opportunities to low- and very low-income residents within the service area or the neighborhood in which the project is located, and to low- and very low-income participants in other HUD programs.
  44. WATERFORD certifies and agrees that no contractual or other legal incapacity exists that would prevent compliance with these requirements.
  45. Notifications - WATERFORD agrees to send to each labor organization or representative of workers with which it has a collective bargaining agreement or other contract or understanding, if any, a notice advising said labor organization or worker's representative of its commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
  46. Subcontracts - WATERFORD will include this Section 3 clause in every subcontract

and will take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the HUD. WATERFORD will not subcontract with any entity where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135 and will not let any subcontract unless the entity has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

47. WATERFORD shall comply with all applicable laws, ordinances and codes of Federal, State and local governments, in the performance of this Agreement.
48. WATERFORD agrees to comply with all requirements, which are now, or which may hereafter be imposed by HUD for the HOME Program, as well as such requirements as may be imposed by the City of Turlock/Stanislaus County HOME Consortium.
49. WATERFORD agrees that it will comply with the Americans with Disabilities Act and Title VII of the Civil Rights Acts of 1964, and that no person in the United States shall, on the grounds of race, creed, color, disability, sex, sexual orientation, national origin, age, religion, Vietnam era veteran's status, political affiliation or any other non-merit factors be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity funded in whole or in part with funds made available to CITY and WATERFORD pursuant to this contract.
50. To comply with the HOME regulation that funds be spent within 15 days of disbursement, WATERFORD shall request reimbursement of expenditures.
51. **IN WITNESS WHEREOF**, the parties have caused this Agreement to be executed by and through their respective officers' thereunto duly authorized.

**CITY OF TURLOCK**

**CITY OF WATERFORD**

By: \_\_\_\_\_  
Roy W. Wasden, City Manager

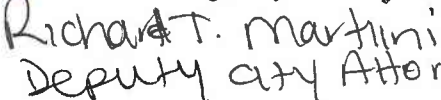
By:   
Tim Ogden, City Manager

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Phaedra A. Norton, City Attorney

By:   
Corbett Browning, City Attorney

  
Richard T. Martini  
Deputy City Attorney

ATTEST:

By: \_\_\_\_\_  
Kellie E. Weaver, City Clerk





1231 Eleventh St.  
P.O. Box 4060  
Modesto, CA 95352  
(209) 526-7373

March 31, 2014

Tim Ogden  
City of Waterford  
101 E. Street  
Waterford, CA 95386

**Re: Modesto Irrigation District Surface Water Acquisition**

Dear Mr. Ogden:

Modesto Irrigation District (MID) is in receipt of your March 3, 2014 request for up to 750 acre-feet (AF) of treated or untreated surface water annually from MID. MID staff has met internally to discuss your request and following additional research on our end we will be better positioned to provide a comprehensive response.

Given the drought conditions, however, and our commitment to our existing customers MID likely won't be in a position to complete such research or discuss further until after the 2014 irrigation season. Thanks in advance for your patience and we look forward to working with you. In the meantime, should you have any further questions, please feel free to contact my office at (209) 526-7382.

Sincerely,

Roger VanHoy  
General Manager

cc: Administration Files  
Board of Directors (5)  
Greg Dias, P.E., Project Manager  
Pat Ryan, WTP Manager  
John B. Davids, Civil Engineering Manager

Document Number: 346823