Title 13
PUBLIC SERVICES

Chapters:

Chapter 13.04
SEWAGE DISCHARGES

Sections:

13.04.010 Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

"B.O.D." (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Celsius, expressed in parts per million by weight.

B. "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

C. "Building sewer" means the extension from the building drain to the public sewer or other place of disposal.

D. "Combined sewer" means a sewer receiving both surface runoff and sewage.

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

F. "Industrial waste" means the waste arising from, or associated with, an industrial operation. Such operation shall be understood to include production, processing, packing or canning of fruits, vegetables, meat or beverages, laundering of clothes in public laundries or public self service laundries, production of fertilizers, keeping of livestock and operation of dairies, production or dyeing of textiles, production of soap or other detergents or chemicals, plating of materials, processing or reclamation of refuse and kinds of manufacturing and other similar operations. Waste not comparable in composition and volume to normal domestic sewage shall be considered to be industrial waste, except as described in this chapter. It includes the washing of equipment, or spaces used in industrial operation, unless otherwise provided for. It does not include wastewater from the operation of restaurants, hotels, schools, hospitals, vehicle service stations, wash racks, garages, and establishments for regeneration of water softening apparatus, or places of retail business; and does not include the wastewaters from lunchrooms, toilets, or washrooms in industrial establishments.

G. "Inspector" means the building inspector, street superintendent, or such other person or persons as shall be designated by the city council to implement this Chapter.

H. "Interceptor" means an approved structure designed to temporarily slow down or retain the sewage from the premises immediately prior to discharge into the public sewer to permit the separation of material deleterious to the operation of the sewage system and treatment plant.

I. "Natural outlet" means any outlet into a watercourse, both ditch, lake, or any other body of surface water or groundwater.

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

K. "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-quarter of an inch in any dimension.

L. "Sanitary sewer" means a sewer which carries sewage and into which stormwaters, surface waters and groundwaters are not intentionally admitted.

M. "Sewage sewer" or "storm drain" means any arrangement of devices and structures used for treating sewage.

N. "Storm sewer" or "storm drain" means a sewer which carries stormwaters and surface waters and drainage, but excludes sewage and polluted industrial wastes.

O. "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.

P. "Watercourse" means a channel *in* which a flow of water occurs, either continuously or intermittently. (Ord. 329 §1, 1961)

13.04.020 Unlawful discharges.

A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, polluted cooling water or polluted industrial process waters to any sanitary sewer.

B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the inspector. Unpolluted commercial and industrial cooling water or unpolluted process waters may be discharged, upon approval of the inspector and after receiving waste discharge requirements from State of California Regional Water Control Board No. 8 to a storm sewer, combined sewer, natural outlet or sanitary sewer.

C. Except as provided in this chapter, no person shall discharge any of the following described waters or wastes to any public sewer: (Ord. 958; 10/20/09)

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit;
2. Any gasoline, benzene, naphtha, fuel *oil,* or other inflammable or explosive liquid, solid or gas;
4. Any garbage that has not been properly shredded;
5. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feather, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;
6. Any waters or wastes having a pH lower than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;
7. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;
8. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;
9. Any noxious or malodorous gas or substance capable of creating a public nuisance.

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

1. A five-day biochemical oxygen demand greater than three hundred parts per million by weight; or
2. Containing more than three hundred parts per million by weight of suspended solids; or

3. Containing any quantity of substances having the characteristics described in Section 13.04.020 having an average daily flow greater than two percent of the average daily sewage flow of the city, shall be subject to the review and approval of the inspector. Where necessary in the opinion of the inspector, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:
   a. Reduce the biochemical oxygen demand to three hundred parts per million and the suspended solids to three hundred parts per million by weight; or
   b. Reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 13.04.020, or
   c. Control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the inspector and of the Water Pollution Control Commission of the state, and no construction of such facilities shall be commenced until the approvals are obtained in writing. (Ord. 522 §1, 19811 Ord. 329 §2, 1961)

13.04.030 Special restrictions--Vehicle servicing stations.

A. Any station maintained for the servicing or repair of roadway vehicles shall install and maintain a sand-and- oil interceptor within two months after the effective date of the ordinance codified in this chapter.

B. Wastewaters from toilets shall not be allowed to pass through this interceptor, but all wastewaters arising from the servicing and repair of vehicles shall pass through this interceptor before discharge to a public sewer of the city.

C. If the service station does not include facilities for the washing of more than one vehicle at a time, the interceptor shall have an operating fluid capacity of not less than six cubic feet and an accessible effective water surface not less than four square feet. "Accessible effective water surface" is here understood to mean a surface which is easily accessible for cleaning and which at the time will retain oil floating on the surface of water passing through the trap under conditions of use.

D. If the service station has facilities for washing more than one vehicle at a time, the interceptor shall have an operating fluid capacity of at least twelve cubic feet and an accessible effective water surface of at least six square feet, and shall be as much larger than this as is necessary so that a seven-day accumulation of sand and oil will not together fill more than twenty-five percent of the fluid capacity.

E. The interceptor shall be designed so as to retain any oil and grease which will float and any sand which will settle. It shall be watertight and structurally sound and durable. It shall be easily accessible for cleaning and also for inspection of the inspector. (Ord. 329 §3, 1961)

13.04.040 Interceptors--Used previous to these provisions. Any interceptor legally and properly installed at a vehicle service station before the effective date of the ordinance codified in this chapter shall be acceptable as an alternative to the interceptor specified in Section 13.04.030, provided such interceptor is effective in removing sand and oil and is so designed and installed that it can be inspected and properly maintained. If the city building inspector finds either by engineering knowledge or observation, that an interceptor is incapable of retaining adequately the sand and oil in the wastewater flow from a service station, he shall condemn such interceptor and declare that it does not meet the requirements of this chapter. (Ord. 329 §4, 1961)

13.04.050 Interceptors--Information on file. The city building inspector shall maintain a file, available for public use, of suitable designs of sand-and-oil interceptors. This shall be for informational purposes. Installation of an interceptor of a design shown in this file, or of any design meeting the size requirements set forth in this chapter shall not impute any liability to the city for the adequacy of the interceptor under actual conditions of use. It shall not relieve the owner or proprietor of responsibility for keeping sand and oil out of the sewer. If his interceptor is not adequate under the conditions of use, he shall construct one which is effective in accomplishing the intended purpose. (Ord. 329 §5, 1961)

13.04.060 Interceptors--Meeting standards required to approve plumbing of station. The building inspector shall not approve the plumbing of a vehicle servicing or repairing station if it does not have a sand-and-oil interceptor meeting the requirements of this chapter. (Ord. 329 §6, 1961)

13.04.070 Interceptors--Proper maintenance required. The sand-and-oil interceptor of a vehicle servicing station shall be properly maintained. It shall be cleaned as often as is necessary to assure that sand and oil do not accumulate in sufficient amount to impair the efficiency of the interceptor, or in such amount that sand and oil will pass ·out with the effluent. When an interceptor is cleaned, the accumulated sediment and floating material shall be removed and legally disposed of otherwise than to a sewer. An interceptor is not considered to be properly maintained if for any reason it is not in good working condition. It is not considered to be properly maintained if sand and oil accumulations total more than twenty-five percent of the operating fluid capacity. The owner of any service station, the lessee or sublessee, if there be such, and the proprietor, operator or superintendent of such station are individually and severally liable for any failure of proper maintenance of such interceptor. (Ord. 329 §7, 1961)

13.04.080 Special restrictions--Water treatment waste.

A. It is unlawful for any person or persons to discharge or cause to be discharged from any establishment, industry or apparatus used for commercial regeneration of potable water treating units, or of replaceable elements of water treating equipment, any waste containing in excess of 0.36 pounds of chloride ion per kilogram of softening capacity regenerated, or to discharge any quantities of other water-treating wastes which may cause or contribute to difficulties in operation and maintenance of the sanitary sewer system or sewage treatment service.

B. It is unlawful for any person or persons to discharge or cause to be discharged from any establishment, industry or apparatus used for regeneration of water treating equipment or for treating of all or a portion of water used by the person or persons, any waste containing more than 0.20 pounds of chloride ion per kilogram of softening capacity regenerated, or to discharge any quantities of other water-treating wastes which may cause or contribute to difficulties in operation and maintenance of the sanitary sewer system or sewage treatment works. This section does not apply to use of individual residential water softening units when regeneration is performed at the residence where the unit is located. (Ord. 329 §8, 1961)

13.04.090 Commercial apparatus to regenerate ion-exchange water softeners. Any person desiring to install, enlarge, or replace any apparatus to regenerate ion-exchange water softeners in a commercial regeneration establishment shall submit to the inspector a letter describing the intended installation or alteration and describing the arrangements which will serve to prevent the improper discharge of the wastewater, including installation and operation of recording monitoring devices simultaneously recording the conductivity and rate of flow of waste discharge or other means of ascertaining compliance with Section *13.04.080.* Within ten days, the inspector shall reply, stating whether or not the disposal arrangements are adequate to insure against the addition of excessive mineral salts to the sewage or the ground. No person shall regenerate an ion-exchange water softener or elements thereof, in a commercial regeneration establishment unless he has a letter from the inspector approving as satisfactory the proposed arrangements for disposal and monitoring of the wastewaters. Such apparatus may be operated only so long as the method of wastewater disposal is as approved by the inspector. Alteration in the method of disposal may be made only after communication to the inspector and receipt of a letter of approval as in the first instance. (Ord. 329 §9, 1961)

13.04.100 Water treatment apparatus--Inspection and reports. A person installing or operating a water treatment apparatus of the kind described in Section *13.04.080* shall make such apparatus accessible to the inspector for inspection, and shall make such reports as the inspector may request as to the operation of the apparatus. (Ord. 329 *§10,* 1961)

13.04.110 Water treatment apparatus--Exemptions. Any water treating apparatus which has a rated capacity less than five gallons in an eight-hour period shall be exempt from the provisions of this chapter. Multiple units installed to supply water to the same points of use shall be considered as a single apparatus for the purposes of this section. (Ord. 329 §11, 1961)

13.04.120 Waivers. If wastewater contains or may contain the constituents which will cause it to fail to conform to any of the requirements set forth in this chapter for sewage or industrial waste discharges, but if the inspector finds that the discharge will not cause harm to the sewerage system nor unreasonable or inequitable burden in operation of the system, and that it will not cause deterioration of the quality of the sewage effluent of the city, then he may grant approval for discharge to the sewer with waiver or modification of the requirement which would not be met. In this letter of approval he shall include a statement regarding the requirement that is waived with reasons as to why the waiver is reasonable. A copy of this letter shall be filed with the city clerk. (Ord. 329 §12, 1961)

13.04.130 Discharge to storm drains, pits and lands. It is unlawful for any person to discharge or cause to be discharged into any storm drain or stormwater-channe1 or natural watercourse, whether currently carrying water or not, into any pipe or waterway leading to such drain, channel or watercourse, or which will cause expense to the city in maintaining the proper functioning of same, or which will cause public nuisance or public hazard or which will cause detrimental pollution of natural surface or subsurface waters. (Ord. 329 §13, 1961)

13.04.140 Prohibited disposal. It is unlawful for any person to deposit or discharge or cause to be deposited or discharged into any sump which is not impermeable or into any pit or well, or on to the ground, or into any storm drain or watercourse any material which by seeping underground or by being leached or by reacting with the soil can cause such alterations of usable underground waters as to be detrimental and as to be beyond the range of the effects of ordinary-nonindustrial land uses on underground waters into which such wastes may seep, or which will violate any requirements of the State Water Pollution Control Board. (Ord. 329 §14, 1961)

13.04.150 Appeals. Any person may appeal a decision of the inspector in respect to the provisions of this chapter, to the city council. Action of the city council shall be final insofar as the authority of the city is concerned. (Ord. 329 §15, 1961)

13.04.160 Violation—Penalty In the discretion of the Enforcement Officer, any person violating the provisions of this Chapter shall be issued an Administrative Citation pursuant to Beaumont Municipal Code Chapter 1.17 or shall be guilty of an infraction pursuant to Beaumont Municipal Code Chapter 1.16. In either case, the amount of the fine shall be the appropriate amount set forth in Section 1.16.030 of this Code. Each such violation shall be deemed a separate offense as specified in Section 1.16.040.

Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor, punishable by a fine of $1,000.00, or six (6) months in jail, or both. (Ord. 997, 5.3.11)

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Chapter 13.08
SEWER SYSTEM

Sections:

I. GENERAL PROVISIONS

13.08.010 Interpretations. If ambiguity arises concerning the application of or the meaning and intent of this chapter, the city manager shall ascertain pertinent facts concerning the matter and set forth *in* a written *opinion* his findings and the application and interpretation. The opinion shall be forwarded to the city clerk for filing as an administrative interpretation of this chapter. Thereafter the administrative interpretation shall govern the matter until and unless changed by' subsequent administrative interpretation or by an amendment to this chapter. (Ord. 416 *§806, 1970)*

13.08.020 Definitions. For the purposes of this chapter, the words set out in this section shall have the meanings set out *in* this section:

A. "An accessible sewer" means a public sewer which is within a public right-of-way or sewer easement adjacent to or crossing the property.

B. "Adjusted ground floor area" for a one-floor building is the same as the adjusted total floor area. For multiple-story buildings, any area of any floor above the lowest floor shall be added insofar as its projection to the level of the lowest floor adds any amount to the adjusted area contributed by lower floors.

C. "Adjusted floor area" means the total area within the outside walls of a building, additive for multiple floors, but with these adjustments:

1. A room serving essentially for the sheltering of motor vehicles shall be excluded, provided it has no sewer drain;
2. An area of screened porches shall be reduced by one-half, provided it has no sewer drains;
3. A roofed but unenclosed and unscreened area or areas overhung by roofs, shall be included as porches, excluding, however, the roofed area determined by lines parallel to the edge of the roof and within *six* feet horizontally therefrom.

D. "Building sewer" means the drain from the building plumbing to the property line.

E. "Charges" means all future charges after date of adoption of this chapter shall be from time to time fixed by resolution of the city council.

F. "City manager" means the city manager of the city, or the person engaged by the city and authorized to perform the duties assigned to the city manager in this chapter. The term includes his deputies and representatives.

G. "Floatable oil and grease" means the oil and grease floating to the surface of a sample of the water when it is retained for one hour *in* a quiescent condition in a vessel with vertical walls, filled to a depth of thirty centimeters.

H. "Industrial wastewater" means the sewage from an industrial process. Such processes shall be understood to include, but are not limited to, processing of petroleum or petroleum products, processing or canning of foods or beverages except for foods consumed on the premises; keeping of livestock and operation of dairies; production of detergents or chemicals; cleaning of tanks, tank trucks, or barrels; chemical and electro-chemical finishing of metals; operation of laboratories; processing or reclamation of refuse, all kinds of manufacturing; and other similar operations. It includes the washing of equipment or spaces used in industrial operations. It does not include the sewage from toilets, washrooms, or kitchens in industrial establishments, or the sewage from the operations of restaurants, hotels, schools, hospitals, laundries, vehicles service stations, garages, wash racks, or retail stores.

I. "Owner," used in reference to a parcel of real property, means the holder of legal title to that property, or the administrator, lessee, proprietor, or other person who can act responsibly to construct buildings or facilities on or for that property.

J. "Person" means any individual, firm, company, association, society, corporation, or group, and includes the plural as well as the singular.

K. "Public sewer" means a *main* line sewer dedicated to public use and owned by the city and available to receive connections from buildings.

L. "Service lateral" means the drain designed or intended to convey sewage from the building sewer to the public sewer.

M. "Sewage" means water that has been polluted or contaminated by use in a residence, institution, industrial establishment, business or recreational building, and *in*cludes, but is not limited to, any wastewater collected by the plumbing drains of any building. The meaning is not intended to include rainwater or irrigation water except insofar as such waters become polluted by admixture with sewage from buildings.

N. “Sewage works construction fund" means the fund that has been established for the purpose of the extension and expansion of sewers and sewage treatment facilities.

O. "Sewerage system of the city" means a system of sanitary sewers, pump stations, treatment plants, and other appurtenant facilities owned by the city, whether located within the city limits or outside. (Ord. 416 Art. 1, 1970)

II. SEWAGE DISPOSAL

13.08.030 General policy. It is unlawful for a person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property any human fecal matter, garbage, or other objectional waste. It is unlawful to discharge to the ground or to a natural watercourse any sewage, including, but not limited to, domestic or industrial wastewater or other polluted water, in a manner that would create a hazard or nuisance or that would impair the usefulness of groundwater or surface water. (Ord. 416 §20l, 1970)

13.08.040 Private facilities.

A. Where connection to a public sewer is not required under other provisions of this article, an owner may with written permission from the city manager construct private sewage disposal facilities conforming to the requirements of the Plumbing Code and the health officer.

B. A private sewage disposal facility must be under the same ownership as the property served. Neither the disposal facility nor the property served shall be separately sold. (Ord. 416 §202, 1970)

13.08.050 Conditions requiring connection to public sewer.

A. No building for human use shall be constructed in the city without proper toilet facilities complying with the requirements of other applicable ordinances, regulations, and laws. If any part of a new building is constructed within two hundred feet from a public sewer accessible to the parcel of property, the building shall be connected to the sewer. The city manager may grant a temporary deferment of the requirements to connect if future construction of a nearer or more easily accessible sewer is anticipated.

B. If the city manager finds that a nuisance is arising from the private disposal of sewage, he shall notify the owner. The owner shall take all necessary steps to abate the nuisance, and shall within sixty days connect to a public sewer if one is accessible to the property and is within two hundred feet of the building where the sewerage originates. Enlargement of an existing private disposal facility shall not excuse an owner from the requirement to connect. If a private disposal facility is removed or rendered inoperative, the work and manner of abandonment shall be nuisance free and in accordance with the requirements of the Plumbing Code and the health officer.

C. The pumping of a cesspool or septic tank in excess of three times in a one-year period, or the rising or overflowing or substantial risk of rising, or overflowing of sewage on the surface of the ground, or the unsanitary disposal of any wastewater *is* declared to be a public nuisance. (Ord. 416 §203, 1970)

III. POLICY ON OWNERSHIP AND ON CONNECTIONS TO THE PUBLIC SEWERS

13.08.060 Sewers within the city. Sewers and appurtenances constructed *in* any part of the city, served or to be served by a sewerage system of the city, but excluding building sewers and service laterals, shall be deeded to the city before being placed *in* use. (Ord. 416 §301, 1970)

13.08.070 Sewers outside the city or assessment district in city. Before any sewer outside the *city* or any sewer outside an assessment district in the *city* shall be connected to the sewer system of the city, it shall be deeded to the city including all upstream sewers and appurtenances except service laterals and building sewers; provided, however, the city may make a contract with a responsible operator of such outside sewer systems whereby the city will upon proper compensation, receive into its system the sewerage collected by the outside system. (Ord. 494 §2, 1978: Ord. 416 §302, 1970)

13.08.080 Access only by permit. No unauthorized person shall uncover, make a connection with or opening into, or alter or disturb any part of the sewerage system of the city, or appurtenance thereof, without first obtaining written permission from the city manager, and paying any required charges. (Ord. 416 §303, 1970)

13.08.090 Multiple connections.

A. The city manager will permit two or more separately owned properties to use a common connecting pipe to a public sewer; provided, that it can be shown that the proposed connection is adequately sized for the several properties.

B. If two or more separately owned properties wish to use a single connection to the sewer, any pipeline used jointly by them shall be in a public right-of-way or in a sewer easement made in favor of the city to provide access for maintenance. The joint portion of the connection shall be deeded to the city, and become part of the city sewerage system. (Ord. 416 §304, 1970)

13.08.100 Owner bears connection cost. The costs for construction of a service lateral and for the making of a connection to a public sewer including applicable administration and inspection fees shall be borne by the owner of the property served or other person acting on his behalf. The fees will be paid to the city with the signed service application. (Ord. 416 §305, 1970)

13.08.110 Maintenance of sewer laterals. The owner shall be responsible for maintenance of the service lateral. If there is a failure of a service lateral not remediable by use of rodding tools, it shall be the responsibility of the owner to call this to the attention of the city. As a public service, the city may, at its own expense, make the necessary repairs. (Ord. 416 §306, 1970)

IV. USE OF CITY SEWERAGE SYSTEM

13.08.120 General policy. It is unlawful for a person to discharge into the sewer unnecessary quantities of water or solids beyond the reasonable requirements of a home, business, industry, or other lawful user. It order that the sewerage system may be used efficiently and equitably and in the public interest, the use of the sewers shall be subject to the restrictions set out in this article. (Ord. 416 §401, 1970)

13.08.130 General limitations of sewer use. Except as provided in this chapter, it is unlawful for a person to discharge or to cause to be discharged into a public sewer or to an opening leading to a public sewer any of the following:

A. Earth, rock, concrete, glass, metal filings or metal objects, or other materials which will not be carried by the sewage stream, or any object which will cause clogging of a sewage pump or sewage sludge pump;

B. Garbage which has not first been shredded so that no particle is more than one-quarter inch in mean diameter;

C. Solid or semisolid material such as garbage, trimmings, cuttings, offal, or other wastes produced in the processing of meats, fruits, vegetables, foodstuffs, or similar material except garbage produced in the preparation of, or residues from, meals served on the premises;

D. Substances which may produce strong odors in the sewers or sewage treatment plant;

E. Compounds which may produce strong odors in the sewers or sewage treatment plant;

F. Overflow from a septic tank or cesspool, or any liquid or sludge pumped from a cesspool or septic tank, except at such place and in such manner as may be prescribed by the city manager;

G. Stormwater or runoff from any roof, yard, driveway, or street;

H. Unpolluted water or water sufficiently pure so that it can be discharged into available natural watercourses or storm drains, except as approved by the city manager;

I. Material which will cause damage to any part of the sewerage system or abnormal sulfide generation or abnormal maintenance or operation costs of the sewerage system or which may cause any part of the sewerage system to become a nuisance or a menace to public health, or a hazard to workers, or which will cause objectionable conditions at the final point of disposal of the sewage. (Ord. 416 §402, 1970)

13.08.140 Water softeners.

A. Permit Required for Installation. It is unlawful for any party to install or use a home-regenerated water softener or other ion-exchange water treatment device having provisions for on-site regeneration unless he holds a valid permit from the city for such installation.

B. Permit Required to Sell. It is unlawful for anyone to offer home-regenerated softeners for sale or to solicit an owner or occupant of a property in the city to purchase such a unit except where the purchaser holds a valid permit for such installation. The penalties against a party making such a sale shall include the requirement that he remove the illegally installed unit and that his business license be .suspended.

C. Permit Requirements. A permit is required for the installation, replacement, enlargement, or continued use of an ion-exchange water treating device, except for rental units regenerated elsewhere. A permit may be granted only if the operation will meet one of the following qualifications:

1. The average content of dissolved minerals in the total sewage flow from the property, including the wastewater from the ion-exchange device, does not exceed the average mineral content of the water supply by more than two hundred milligrams per liter; or

2. None of the regenerating chemicals will be discharged to the sewerage system or to the earth, but shall be removed and disposed of in a manner specifically approved by the Regional Water Quality Control Board.

D. Permit Application. A person desiring a permit for. the installation, enlargement, use or regeneration of an ion-exchange water treating device shall apply to the city manager and shall submit information to support claims that the proposed operation will conform to one or both of the qualifications of subsection C of this section, and such other information as the city manager may require. The applicant shall pay a fee of ten dollars at the time of application. No fee shall be required if the application is only to continue an operation existing on the effective date of the ordinance codified in this chapter. The fee is for application processing, and is not refundable.

E. Application Evaluation and Conditions. If the city manager finds that the information furnished by an applicant for a permit is sufficient to show that the operation will meet at least one of the qualifications of subsection C of this section, he shall issue the permit. The permit shall state the conditions that the holder must submit periodic reports to the city manager. The required frequency of the reports and the information to be supplied shall be as determined by the city manager and as stated in the permit and shall be such as are considered necessary to ascertain conformance
to the qualifications of subsection C of this section. The requirements may include a provision that the holder shall install facilities for convenient sampling of the wastewater stream and a holding tank sized to retain up to forty-eight hours of the wastewater flow.

F. Revocation for Cause. A permit obtained on the basis of fraudulent or deceptive information is null and void. If the holder of a permit violates ·any term or condition of the permit or any provisions of this chapter, the permit shall be revoked by the city manager. (Ord. 416 §403, 1970)

13.08.150 Septic tank and cesspool cleaning and brine industrial hauling.

A. A person shall not discharge the cleanings from septic tanks, cesspools, or chemical toilets to a sewerage system of the city unless he holds a valid permit to do so. Application for a permit shall be made to the city manager. The permit shall be granted and shall remain valid only so long as the applicant:

1. Maintains a deposit of one hundred dollars with the city; and
2. Utilizes suitable equipment for the sanitary conveyance of the pumping on the public roads, and dumps at prescribed place; and
3. Does not violate operating conditions laid down by the city manager;

B. Each tank truck or other conveyance shall be maintained *in* good condition, with tight covers to prevent the leaking or spilling of sewage or sludge, and with adequate discharge hoses, so as to not cause any spillage around dump manhole.

C. A permit to discharge cleanings from septic tanks or other sewerage facilities shall not be construed to permit the discharge of cleanings from grease or oil traps, salty wastes, or industrial wastes in any amount, or any other wastes forbidden by other provisions of this chapter.

D. For each truck load of septic tank or cesspool pumping discharged to a sewerage system of the city, the discharger shall pay the city the sum of fifteen dollars on a monthly accounting, and shall also submit names and addresses of the owners of the septic tanks pumped.

E. Any unpaid obligation for payment for discharges shall be a lien against the deposit specified in subdivision 1 of subsection A of this section. The deposit may be forfeited, in whole or in part, toward the satisfaction of any penalties or damages assessed by the city in connection with the licensed operation.

F. The permittee may surrender this permit at any time and reclaim the unencumbered amount of his deposit. If the permittee fails to use suitable equipment maintained in a sanitary condition, or otherwise conducts an unsatisfactory operation, or if he does not pay all discharge within thirty days of the due date, the city manager shall revoke the permit and order the unencumbered amount of his deposit returned. If permittee discharges at unauthorized times or places or falsifies reports of the number of truck loads discharged or otherwise defrauds or seeks to defraud the city, the city manager shall revoke his permit and declare his deposit forfeited. A person who has had a permit revoked may not again be licensed by the city for a period of at least one year thereafter. (Ord. 416 §404, 1970)

13.08.160 Traps for sand, grease and oil.

A. Restaurants. A restaurant or other Food Service Establishment in the City shall be required to comply with the provisions of Chapter 13.09 of the Beaumont Municipal Code. Ord. 958; 10/20/09, § 2)

B. Vehicle Service Stations or Garages. A vehicle service station or garage maintained for the servicing or repair of motor vehicles shall install and maintain a sand and grease interceptor, but all wastewaters arising from the servicing and repair of vehicles shall pass through it before discharge to a public sewer of the city. If the service station or garage does not include facilities for the washing of more than one vehicle at a time, the interceptor shall have an operation fluid capacity not less than nine cubic feet and an accessible effective water surface not less than five square feet. "Accessible effective water surface," for purposes of this chapter, means a surface which is easily accessible for cleaning and which, at the same time, will retain oil floating on the surface of the water passing through the trap under conditions of use. If wastewater enters the interceptor by way of a floor grate, the grate shall be over only one end, with the effluent pipe at the opposite end, and a partition between. If the wastewater enters by way of a pipe terminating below the surface, the partition is not required. The interceptor shall be designed to retain any oil and grease which will float and any sand which will settle. It shall be watertight and structurally sound and durable. It shall be easily accessible for cleaning and for inspection.

C. Carwash Establishments. A carwash establishment equipped to wash several autos at one time shall have a sand and grease interceptor with an operating fluid capacity not less than one hundred cubic feet and a water surface not less than thirty square feet. The interceptor shall also be sufficiently large to permit a seven-day accumulation of sand and oil which will not, together, fill more than twenty-five percent of the fluid capacity.

D. Existing Traps. An interceptor legally and properly installed at a vehicle service station or carwash establishment before the effective date of the ordinance codified in this chapter shall be acceptable as an alternative to the interceptor specified in subsections Band C of this section, provided such interceptor is effective in removing sand and oil and is so designed and installed that it can be inspected and properly maintained. If the city manager finds that an interceptor is incapable of retaining adequately the sand and oil in the wastewater flow from a service station or carwash establishment, he shall give the proprietor a written notice requiring that an adequate interceptor be installed within sixty days. If an adequate interceptor is not installed within sixty days, the city manager may disconnect the property from the sewer.

E. Approved Designs. The city manager may maintain an information file, available for public use, of acceptable designs of sand and grease interceptors. Installation of an interceptor of a design shown in this file, or of any design meeting the size requirements set forth in this chapter shall not impute any liability to the city for the adequacy of the interceptor under actual conditions of use. It shall not relieve the owner or proprietor of responsibility for keeping sand and oil out of the sewer. If his interceptor is not adequate under the conditions of use, he shall construct one which is effective in accomplishing the intended purpose.

F. Maintenance of Traps. A sand and oil interceptor required by this chapter shall be properly cleaned and maintained to assure that the accumulations of sand and oil do not impair the efficiency of the interceptor, or pass out with the effluent. An interceptor will not be considered properly maintained if sand and oil accumulations total more than twenty-five percent of the operating fluid capacity. (Ord. 416 §40S, 1970)

13.08.170 Industrial wastewaters.

A. Industrial Waste Permit Required. No person shall discharge industrial wastewaters into the sewer system of the city unless he holds an industrial waste disposal permit from the city manager. In special cases, industrial wastes may be discharged pursuant to a special use permit as provided in Section 13.08.330.

B. Permit Application. To obtain an industrial waste disposal permit, application shall be made to .the city manager. The application shall show the kind and size of the industrial operation producing the wastewater, the quantity and characteristics of the wastewater, detailed plans for any pretreatment facilities designed to prevent discharge of improper materials into the sewer, and such other information as required by the city manager. The applicant shall pay a filing and processing fee of twenty-five dollars. No fee shall be required if the application is only to continue an operation existing on the effective date of the ordinance codified in this chapter.

C. Permit Issuance. If the city manager finds that the quality of the water and the facilities for discharge to the sewer conform to the requirements of the ordinance codified in this chapter and other ordinances of the city, that the pretreatment facilities are adequate, and that sewer capacity is available, he shall issue the permit. The permit shall state the nature of the industry and the nature and amount of flow which the permittee may discharge into the sewer and shall include any restrictions which the city manager finds necessary in order that the sewerage system may serve its intended purpose. A temporary permit may be issued pending application evaluation.

D. Amended Permits. If the permittee alters pretreatment facilities or alters connections to the sewer, or seeks to discharge wastes in excess of the amounts for which a permit has been issued or wastes of a different kind, he shall apply to the city manager for an amended permit.

E. Non-transference of Permits. Permission to discharge industrial wastewaters to the city system cannot be transferred with change of ownership or tenancy of a property or industrial operation. A new owner or lessee must make application for a permit to discharge, which permit will normally be granted if the industrial waste discharge remains within the limits of the previously existing permit. If in the city manager's opinion, the change of ownership or tenancy involves a significant change in the quantity of the waste discharge, the application will be judged on its own merits, and a permit mayor may not be issued.

F. Industrial Waste Limitations. Except as provided in Section 13.08.330, no industrial waste shall be discharged to a public sewer unless it conforms to the requirements for all discharges to public sewers. No industrial wastewater flow exceeding one hundred gallons in anyone day shall be discharged to a public sewer unless it conforms also to the following requirements:

1. The content of total oil and grease shall not average more than one hundred milligrams per liter in any twenty-four-hour period.
2. The content of floatable oil and grease shall not average more than twenty-five milligrams per liter in any twenty-four-hour period.
3. The standard five-day biochemical oxygen demand shall not average more than three hundred milligrams per. liter *in* any twenty-four-hour period.
4. The suspended solids content shall not average more than three hundred milligrams per liter *in* any twenty-four-hour period.
5. The dissolved sulfide content shall at no time exceed 0.1 milligram per liter.
6. The pH shall at no time be below 6.0.
7. The concentration of hexavalent chromium shall at no time exceed 0.1 milligrams per liter and shall average not more than 0.05 milligrams per liter *in* any twenty-four-hour period.
8. The concentration of copper shall at no time exceed five milligrams per liter and shall average not more than two milligrams per liter in any twenty-four-hour period.
9. Any other constituents as called out and specific requirements set by the City Manager shall apply.

G. Sampling Manhole. Every discharge of industrial waste to a public sewer shall be routed through a manhole or sampling compartment approved or designated by the City Manager, which manhole or sampling compartment at all times shall be available and accessible to authorized city personnel. This structure shall be located in such a manner to allow easy access by the City Manager at all times and shall be built and maintained at the expense of the industry using it. The piping to and from the manhole or sampling compartment shall be so arranged that observation may be made of all of the industrial sewage flow without prior admixture of any wastewater from toilets, washrooms, kitchens, or lunchrooms and that the industrial sewage flow can be plugged off without impeding the flow of sewage from those other sources.

H. Monitoring. As conditions of issuing an industrial waste permit, the City Manager may *require* the permittee, at permittee's expense, to do any or all of the following:

1. Install a measuring device and report periodically measurements of flow to the City;
2. Install pH recording equipment with charts to be removed only by the City Manager;
3. Provide an impounding tank, equipped with mixing apparatus, sufficient to retain maximum twenty-four-hour flow;
4. Provide for inspection and laboratory tests as may be required by the City Manager;

5. Report to the City Manager on the amount of materials processed by the industry.

I. Violations of Permit Conditions. An industrial waste discharge permit may be revoked for any of the following grounds:

1. Failing to comply with the provisions or conditions of the permit;
2. Failing to comply with the provisions of this chapter, or any other applicable ordinances or statutes governing the discharge of industrial liquid waste or wastewater into the sewerage system of the City;
3. Willfully supplying false or misleading information in the application;
4. Causing a nuisance in the operation of the sewerage system.

J. The City Manager shall give notice, in writing, specifying the manner in which there has been failure to comply with the provisions of conditions of the permit, or the manner in which the discharge constitutes as unreasonable burden in the operation of the sewerage system, and shall specify a time within which the discharger shall remedy the condition. If within the time specified in the notice, the condition is not remedied the City Manager shall revoke the permit and cause the industrial wastewater outlet to be plugged. (Ord. 523 §2, 1981; Ord. 416 §406, 1970)

V. CHARGES FOR CONNECTION TO AND FOR USE OF PUBLIC SEWERS

13.08.180 General policy. The connection of a service lateral to a sewerage system of the City is contingent upon payment of permit and inspection fees, and, insofar as applicable, payment of a local sewering charge and a sewage treatment facility charge, and continued use of the sewer is contingent upon the payment of periodic sewer service charges, all as set forth in this article.
(Ord. 648 §2, 1987)

13.08.190 Permit for connection. A person desiring to make a connection to a public sewer of the city shall first apply to the City Manager for a permit. A non-refundable fee shall be paid with the application. The fee shall be based upon the average cost of processing each application and shall be set by resolution of the City Council. The application shall indicate the property to be served, the intended use of the property, and such other information as the City Manager may require. The City Manager will inform the applicant of the pertinent regulations, where the connection will be made, and amount of any applicable charges. The permit shall if not used within six months of the date of issue. (Ord. 648 §2, 1987)

13.08.200 Inspection of connection. The City will inspect the construction of service laterals and the making of connections of building sewers to service laterals or service laterals to the main sewer. Where it is necessary to cut a sewer to connect a lateral, this shall be done only with an approved cutting machine, and a special flanged stub shall be inserted into the cut hole and sealed in place to make the connection. A sewer shall be cut and stub placed only in the presence of authorized City personnel. No lateral or connection to a lateral, wye, or sewer shall be covered over until inspected and approved. If found covered over before inspection it shall be uncovered at the expense of the responsible party. The applicant shall notify the City forty-eight hours in advance of the time when inspection is required. (Ord. 648 §2, 1987)

13.08.210 Inspection fees.

A. Inspection fees for the following inspections shall be paid in the amounts set for each such inspection by resolution of the City Council in effect at the time the inspection fee is paid.

1. For inspection of a connection to an existing lateral at or near the property line;
2. For inspection of construction of a lateral and connection to an existing wye on the main sewer;
3. For inspection of construction of a lateral and the cutting and connecting to a main sewer;
4. For inspection of special construction or construction under unusual conditions.

B. The inspection fee shall be paid at the time of permit application. (Ord. 648 §2, 1987)

13.08.220 Local sewering payment requirements.

A. A parcel of property shall not be connected to a sewerage system of the City until a public sewer has been constructed for the use of such property at the expense of a developer, owner, or other interested party, or a local sewering payment has been made to the City or the property has been obligated for such payment.

B. Except where sewering assessments are levied against properties under assessment district proceedings, the local sewering payment shall be set by resolution of the City council. (Ord. 648 §2, 1987)

13.08.230 Payment for less than entire parcel. Payment may be made for less than the whole of a large parcel of property, subject to these conditions:

A. The amount of such partial payment shall not be less than two thousand dollars;

B. The part of the property to which such payment applies shall be clearly delineated and recorded with the City; and

C. The remainder of the parcel shall abut not less than one hundred feet of a street or right-of-way in which there is or may later be an accessible sewer, with an average depth not less than one hundred feet from such street or easement. (Ord. 648 §2, 1987)

13.08.240 Sewage disposal facility payment required. A parcel of property shall not be connected to a sewerage system of the City until a sewage treatment and disposal facility has been constructed to serve the property, or the property has acquired an equity in a treatment and disposal facility by payment of a sewage disposal facility payment on behalf of such property. "Sewage disposal facility," as used in this section, includes trunk sewers beyond the point where they are accessible for service connections and land for the treatment plant site. (Ord. 648 §2, 1987)

13.08.250 Amount of sewage disposal facility payment. The sewage disposal facility charge, where required, shall be based upon the intended use of the property, and shall be calculated as follows, at rates set by resolution of the City Council for each of the following categories:

A. For permanent single-family or multiple-family residences, apartments, hotels, motels, and other buildings of similar usages, at a fixed rate per unit;

B. For trailers, R.V. and mobile home parks, at a fixed rate per space;

C. For retail stores, restaurants, and liquor bars, at a fixed rate per unit; laundries and laundromats that discharge in excess of five hundred gallons per day shall be billed on the basis of average residential unit equivalents based on prior year average use;

D. For service stations and garages, at a fixed rate per unit;

E. For school buildings, at a fixed rate per square foot of total adjusted floor area. This includes buildings used for classrooms, assembly halls, cafeterias for students and faculty, gymnasiums, and other buildings for which the prime function is educational or for serving the needs of students and staff; dormitories, buildings used by enterprises for profit, and other non-educational buildings shall be calculated separately under the appropriate parts of this section;

F. For churches, warehouses, lodges, and industries, provided they do not discharge any process wastes or wastewater from laundering or from the cleaning of facilities, or wastewater from the preparing or serving of more than occasional meals or wastewater from bathing except for emergency showers, for retail stores that do not use water in preparing part or all of the goods for sale, at a fixed rate for each of the water closets and urinals,
but not less than five hundred dollars; office buildings that do not have plumbing fixtures for other than sanitary convenience in more than ten percent of the rooms and that do not produce sewage averaging more than two hundred gallons per working day per one thousand square feet of adjusted total floor space may also be charged under this subsection;

G. For industries discharging liquid industrial wastes, a sum equal to five hundred dollars per one thousand gallons per day of estimated sewage flow on the normal full working days of that industry, or such other amount as the City Council may determine to be fair and equitable. (Ord. 648 §2, 1987)

13.08.260 Buildings of multiple uses. A restaurant in a building used also for non-restaurant-related functions shall have the area pertaining to the restaurant treated separately in calculating the sewage disposal facility charge. The City Manager may distinguish other separate uses within a building when such distinction will enhance the equity of the charge. (Ord. 648 §2, 1987)

13.08.270 Multiple buildings on a parcel. When a parcel of property is connected to the sewer, all buildings except those having no plumbing fixtures in them shall be treated as though connected to the sewer. (Ord. 648 §2, 1987)

13.08.280 Sewage treatment facility payment is asset of land. An amount paid as a sewage treatment facility charge is a credit or asset pertaining to the land, and is inseparable therefrom. (Ord. 648 §2, 1987)

13.08.290 Changes in land use. If a building or the use of a building on a parcel of property is changed in a way that would make the sewage disposal facility charge greater than the amount credited to that property, the owner or user shall pay to the City the difference between the existing credit and the larger charge calculated on the basis of the enlarged facilities and/or altered use. The additional charge shall be invoiced along with the next sewer service charge following such change and shall be collectible by the same means. (Ord. 648 §2, 1987)

13.08.300 No refund for reduced use. If a building or the uses of a property are changed in a way that would make the connection charge less than the amount already credited, no refund shall be made, but the amount credited shall remain a credit to that property against any new facilities constructed in the future. (Ord. 648 §2, 1987)

13.08.310 Pre-existing sewage treatment facility credit.

A. A parcel of property shall receive credit for sewage treatment facility payment previously paid for the property if the building(s) has been demolished or damaged for more than one year.

B. If there is destruction of one or more buildings by fire, act of God, or demolition, the destroyed building(s) may be replaced in kind on the same parcel of property within one year of the date of the incident without paying a sewage treatment facility payment. If replacement is made after one year, section 13.08.310 A. is effective. (Ord. 648 §2, 1987)

13.08.320 Sewer service charges. For each calendar month that a property is connected to a sewerage system of the City, a monthly charge for the following shall be paid as set by resolution of the City Council:

A. For permanent single or multi-family residences;

B. For mobile home parks, trailer parks and R.V. parks for each mobile home space, trailer space or R.V. space;

C. For schools;

D. For properties except schools delivering more than one hundred thousand gallons of sewage in a month;

E. For all other properties. (Ord. 648 §2, 1987)

13.08.330 Special services.

A. General policy. A waste for which discharge to a sewerage system of the City is prohibited by other provisions of this chapter may nevertheless be received into the sewerage system as a special service if the City Manager ascertains that the only detriment to the sewerage system will be increased maintenance and operation costs.

B. Payment for Special Service Discharges. A person desiring to discharge wastes to the sewer under the provisions of this section shall apply to the City Manager for permission. The City Manager shall estimate the added financial burden due to the proposed discharge, and shall propose terms under which the discharge will be accepted, including payments to be made to the City. The applicant shall make the proposed discharge only upon receipt of written permission of the City Manager, and only under the terms laid down. If the proposal is to make more than a single discharge or a discharge continuing on more than a single day, or if the charges may exceed five hundred dollars, the City Manager shall submit the proposal, together with his recommendations, to the City Council, and shall grant permission only on terms approved by the Council, except that he may grant permission without Council approval in an emergency situation involving the public interest.

C. Revocation or Alteration. The City Manager may revoke permission for such discharges or alter the terms if it is found that the discharge is permanently damaging the system or causing the sewage treatment plant effluent to violate the requirements of the Regional Water Control Board, and he shall revoke the permit if the discharger violates its terms. An alteration of terms shall require the approval of the City Council if the altered terms are such that they would require Council approval as terms for a new operation. (Ord. 648 §2, 1987)

13.08.340 Charges for part of month. A property connected to the sewer and supplied with water for ten days or more in any calendar month shall be treated as though connected for the whole month and shall be obligated for the sewer service charge for that month. (Ord. 648 §2,

13.08.350 Multiple occupancy buildings. If a building has multiple occupants, the owner or proprietor shall be responsible for payment of the sewer service charge for the entire building. (Ord. 648 §2, 1987)

13.08.360 Billing. Every two months, on or before the first of the month, the City shall mail to the owner of each parcel of property or the occupant or the person who has made himself responsible for payment of bills for water service to the property or to any or all of them, the bills for sewer service charge for the preceding two-month period. The owner of property is responsible for all sewer service charges for service provided for his/her property. (Ord. 648 §2, 1987)

13.08.370 Delinquencies. If a bill is unpaid thirty days after the due date on said bill, the City shall thereupon assess a ten (10%) percent late penalty on the total amount outstanding and an additional ten (10%) percent of the overdue balance including previous penalties shall be charged thirty days after each due date until all outstanding charges have been paid in full. (Ord. 648 §2, 1987)

13.08.380 Property liens for delinquencies.

A. Each year the Treasurer of the City shall record with the County Tax Collector a list of all delinquent charges and penalties thereon, and shall include in each such list the amount of each charge and the penalty thereon plus an administrative fee established by resolution of the City Council, a description of the real property upon which the same is a lien, and the name of the City. All delinquent charges, penalties and administrative fees when so recorded shall constitute a lien upon the real property served by the sewerage system, except that no such lien shall be created against any property owned by a public corporation.

B. The fees provided for in subsection A of this section may hereafter be amended and shall constitute a civil debt due to and owing the City. In addition to, but not in limitation of the foregoing, the fees provided for in said ordinance and resolution shall constitute a lien assessed against the property and shall be collected in accordance with Section 5473, et al., of the Health and Safety Code of the State. (Ord. 648 §2, 1987)

13.08.390 Sewage works construction fund. The sums received in payment for local sewering charges shall be used for sewage plant maintenance and operation costs and capital improvements if desired. The sums received for sewage treatment facility charges shall be placed in a fund designated sewage works construction fund. It is intended that this fund shall be used for capital improvements for the sewage collecting and disposal facilities. Money from this fund may be used to provide an equitable degree of reimbursement to builders who have constructed sewage works and have dedicated them to the City. (Ord. 648 §2, 1987)

VI. REGULATION OF SEWER CONSTRUCTION BY DEVELOPERS

13.08.400 Construction Standards for Private Sewerage Facilities. All sewage facilities constructed in the City on private property and not connected to a public sewerage system shall be constructed to comply with, at a minimum, and notwithstanding all other requirements of the City, with the most recent editions of the California Plumbing and Building Codes. (~~Ord. 416 §601, 1970;~~ Ord. 958, 10/20/09 § 3)

13.08.410 Public sewerage facilities. No public sewer or sewer appurtenance shall be constructed in the City except in accordance with plans approved by the City Manager. No sewer or system of sewers and appurtenances outside the City shall be connected to a sewerage system of the City unless built in accordance with plans approved by the City Manager, or until the City Manager ascertains that the system *is* built according to good engineering practice and that it will not occasion abnormal operating and maintenance costs. (Ord. 416 §602, 1970)

13.08.420 Plans for private construction of sewers to be deeded to the City.

A. A person proposing to construct sewerage facilities within or outside the City, which facilities are to be deeded to the City, shall prepare plans and specifications according to good engineering practice and within the guidelines set forth elsewhere *in* this Chapter.

B. The City manager may set standards for sizes of sheets, scales, required information, etc. The City Manager shall approve the plans if they conform to the requirements of this Chapter, to other design criteria of the City as set by the City Manager, and to good engineering practice. If they do not conform, he shall return the plans with explanations, after which the applicant may correct them and return them to the City. (Ord. 416 §603, 1970)

13.08.430 Requirements of other authorities.

A. General Conditions. Approval by the City Manager of plans for sewers to be built by a private builder shall not be construed as relieving the builder from the responsibility for constructing a structurally and functionally adequate facility within the requirements of all authorities exercising jurisdiction. Among the regulations that must be observed are ordinances and regulations of the County, particularly regarding separation between water supply and sewerage facilities, and regulations of the County Road Department and the California State Highway Department regarding work in the roads under their respective jurisdictions.

B. In Unincorporated Areas. The sewer design requirements of the County are applicable in unincorporated areas; provided, however, that for sewers to be connected to a sewerage system of the City, the specific requirements set forth in Sections 13.08.500 through 13.08.610 shall supersede the County requirements in all respects in which the City requirements are stricter than those of the County. (Ord. 416 §604, 1970)

13.08.440 Plan checking fee.

A. An applicant for approval of plans for construction of sewerage facilities shall pay the City for the checking of plans and specifications. The basic fee shall be calculated on the basis of an estimate, made by the City Manager, of the dollar value of the construction. In making this estimate, the City Manager shall use reasonable unit costs and estimating schedules, and no adjustment shall be made if the actual construction cost differs from the value estimated by the City Manager. The basic fee rate shall be set by resolution of the City Council.

B. Promptly upon receipt of plans, the City Manager shall determine the basic fee and shall notify the applicant, and no action shall be taken on the plans until receipt of the fee. An applicant may, if he wishes, make a deposit in advance sufficient to cover the fee. Any excess of such deposit above the amount of the fee will be returned to the applicant after approval of plans or after discontinuance of the application. If the applicant makes substantial changes, other than corrections requested by the City Manager, in plans that have been returned by the City Manager, or if he makes more than one re-submittal of corrected plans, additional payments shall be required. For each re-submittal with substantial changes initiated by the applicant and requiring extra work in plan checking, and for each re-submittal after the first re-submittal, an additional fee equal to one-half the basic fee shall be required. (Ord. 648 §3, 1987)

13.08.450 Subdivision sewers. Where a developer builds sewers, the properties of the developer served by those sewers shall be exempt from payment of a local sewering charge. If he builds a sewage treatment plant, his properties served by it shall be exempt from the sewage disposal facility charge except insofar as an additional payment may be required for changed use in accordance with Section 13.08.290. (Ord. 416 §606, 1970)

13.08.460 Connection of subdivision sewers to City sewerage system. A developer who constructs sewers to be connected to an existing sewerage system of the City shall pay the sewage disposal facility charge for not less than twenty-five percent of the lots to which sewers are available before the connection to the City system *is* made, and shall pay the charge for each additional lot before it is either sold or occupied. (Ord. 416 §607, 1970)

13.08.470 Reimbursement. A builder or developer may need to construct an off-site sewer to reach existing City sewers, or he may be required by the City to build a sewer of greater size than the minimum eight-inch size. The builder shall be entitled to partial reimbursement in fair proportion to the area of property served when other properties join in the use of an off-site sewer. (Ord. 416 §608, 1970)

13.08.480 Inspection.

A. A contract for construction of sewers by a private party shall state that the City will appoint an inspector to observe the work, and that he shall have authority to reject materials and equipment not conforming to plans and specifications, to stop the work if it is not proceeding according to plans and specifications, to determine when the work is completed, and to exercise such other powers as normally accompany these functions.

B. For the inspection services mentioned in subsection A of this section, either within or outside the City, the builder shall pay the City at a rate as set by resolution of the City Council and based upon the cost of construction. If construction is done by a contractor under a separate contract covering the supplying of materials and services for a complete job for the specific work inspected by the City Manager, the cost of construction shall be the amount paid to the contractor under the terms of said contract. Otherwise, the cost of construction shall be considered to be the estimated sum that would be paid to a contractor for construction under such a contract. (Ord. 648 §3, 1987)

13.08.490 As-built drawings. Before the new sewers of new facility is placed in use, as-built drawings shall be submitted to the City, reflecting all known changes from the original plans; provided, however, that the City Manager may authorize use of the system under terms that adequately assure the City of as-built information within thirty days. (Ord. 416 §610, 1970)

VII. DESIGN CRITERIA FOR SEWERS WITHIN CITY

13.08.500 General policy. The approval by the City Manager of plans for construction of sewers by private developers shall be based upon good engineering practice and upon the standards set forth in this Article. (Ord. 416 §701, 1970)

13.08.510 Pipe materials.

A. General Requirements. Materials shall be chosen for their strength, durability, and ease of maintenance, with due consideration for dead and live loads, beam strength, and resistance to corrosion. Pipe joints shall be selected to provide entrance of roots and groundwater, and sufficient flexibility to adjust to the trench bedding. Joints shall be non-rigid, and the joint sealer shall be restrained against lateral and axial movement.

B. Acceptable Materials. The following pipe materials are acceptable for construction of sewers:

1. Extra-strength vitrified clay pipe;
2. Asbestos cement pipe;
3. Non-reinforced concrete pipe;
4. Reinforced concrete pipe;
5. Cast iron pipe;
6. Steel pipe; and.
7. Plastic pipe.

C. Materials Required for Certain Conditions. Gravity sewers having slopes less than the standard minima specified in Section 13.08.550 shall be made only of clay pipe or of other corrosion-resistant material approved by the city manager. Clay or other corrosion-resistant pipe shall also be used for sewers downstream from sewers of substantial slope, to a point where, in the judgment of the city manager, there is no longer a substantial danger of corrosion due to septicity of the sewage. Cast iron or steel pipe shall be used where the sewer may be subjected to physical forces that would threaten the integrity of other materials and, generally, for sewers aboveground, but shall not be used otherwise. Clay pipe, non-reinforced concrete pipe, and plastic pipe shall not be used aboveground unless encased.

D. Pipe Strength Class. The drawings shall show the acceptable type or types of bedding, the maximum allowable trench width at the top of the pipe, and the strength class shall be sufficient so that the properly installed pipe will not be endangered, as calculated according to good engineering practice.

E. Pipe Size. The minimum pipe diameter for public sewers shall be eight inches.

F. Testing and Final Acceptability of Material. The city manager will require such tests and certifications as he deems necessary to show that the specified materials are being used on the work. Notwithstanding prior factory or yard inspection, the city manager will have the right to reject any damaged or defective materials found on the job which in his opinion will affect the durability of the installation, and may order its removal from the site. (Ord. 416 §702, 1970)

13.08.520 Alignment. Sewers shall be laid on a straight alignment and grade between manholes, except that curved sewers may be used subject to the following requirements:

A. Minimum Radius. Minimum radius shall be one hundred feet;

B. Minimum Invert Slope. Minimum invert slope shall be 0.01 except that sewers with a radius of two hundred feet or more will have the same requirements as straight sewers;

C. Total Deflections. The total- of all deflections due to curves in the sewer between any two manholes shall not exceed sixty degrees;

D. Maximum Deflection. Maximum deflection at any joint shall be as recommended by the manufacturer, but in case more than three degrees. (Ord. 416 §703, 1970)

13.08.530 Location.

A. Basic Requirement. Sewers shall not be located in the parkway or within four feet of the curb except with special permission of the city manager. On divided highways, a separate sewer shall be installed to serve each side of the highway.

B. Parallel to Other Utilities. The sewer centerline shall not be closer then ten feet horizontally to the centerline of any parallel waterline nor five feet to the centerline of a gas line or other utility except with special permission of the city manager.

C. Curved Streets. In curved streets the sewer shall in general, parallel the street curvature, at least to the extent of avoiding unnecessary crossings of the centerline.

D. Not in Public Streets. Where a sewer cannot be installed in a public street it shall be located in an easement conveyed to the city and shown as such on the tract map. Sewer plans shall show easement descriptions wherever practicable.

E. Easements. Sewer easements shall be twelve feet wide where access is provided at both ends, and fifteen feet wide where access is provided at one end only.

F. Deeds for Easements. Deeds for easements shall provide for restrictions of permanent construction so that access to the sewer for maintenance operations will not be impaired.

G. Easements in Relation to Lot Lines. Where easements follow common lot lines, the full easement width shall be on one lot, in such a manner that access to manholes will not be obstructed by walls, trees, or permanent improvements. Where this requirement cannot be met without interfering with existing buildings, easements may straddle lot lines. (Ord. 416 §704, 1970)

13.08.540 Depth of sewer. Sewers shall be installed at a depth which will provide suitable service to the properties connected and will allow subsequent installation of waterlines in accordance with the regulations of the county governing separation of sewers and water supplies, with a minimum of special construction of the waterlines other than joint spacing. (Ord. 416 §705, 1970)

13.08.550 Slopes. Minimum slope requirements are necessary to assure self-cleansing and self-oxidizing velocities in order to avoid significant generation of hazardous, odorous, and corrosive sulfur compounds. The standard minimum slope shall be 0.006 (0.6%) except where the sewer will serve more than four hundred connections. Slopes below the standard minimum slopes may be used only if justified in an engineering report, approved by the city manager, showing that it is not reasonably feasible to attain the standard slopes. (Ord. 416 §706, 1970)

13.08.560 Manholes.

A. Spacing. Manholes shall be located at all abrupt changes in alignment and at junctions, and elsewhere as required so that the spacing shall nowhere exceed four hundred feet.

B. Design. Manholes shall be provided with steps made of bent Type 304 stainless steel rod five-eighths *(5/8)* inches in diameter. The steps shall be formed so that a foot cannot slip off laterally, and shall have a clear width not less than twelve inches. The vertical spacing shall not exceed fourteen inches. The channel shall be of well-formed U shape, with a depth equal to the diameter of the pipe and with the lower half continuous with the lower half of the pipe. The bench shall slope one-half inch per foot toward the channel. The drop of invert elevation through the manhole, even on curves, shall be only the drop due to a continuation of the slope of the pipe. At a junction of two sewers of the same size, however, the invert of the branch shall be 0.1 foot above the invert of the main stream, or more if necessary to avoid retardation of flow *in* the branch. Drop manholes should be avoided insofar as possible. (Ord. 416 §707, 1970)

13.08.570 Terminal cleanouts.

A. Use Allowed. The upper end of a sewer may end *in* a terminal cleanout if the distance to a manhole *is* not more than two hundred feet, or if the slope *is* no less than 0.01 (0.1%) and the distance to a manhole *is* not more than three hundred feet. Otherwise, it shall end *in* a manhole.

B. Design. A terminal cleanout shall be constructed generally as illustrated on drawings furnished by the city manager. (Ord. 416 §708, 1970)

13.08.580 Service laterals.

A. Requirements. Wherever it *is* known or can be reasonably assumed that a building sewer connection *is* required, a service lateral shall be shown on the plans and installed to the property line as a part of the street sewer construction prior to paving; provided, however, that a subdivider will not be required to pay for service laterals from off-site sewers.

B. Size. A service lateral serving a single dwelling shall be at least four inches inside diameter. All others shall be at least *six* inches inside diameter.

C. Wyes or Tees. Where a service lateral will not be needed because the public sewer will be on private property, or where for some reason it may not be feasible,- during main sewer construction, to construct a lateral for future use, yet there *is* a strong possibility that a connection will be needed, the city manager may require that a wye or a tee be installed.

D. Unused Openings. Unused wyes and service laterals shall be tightly sealed and supported *in* a manner to facilitate their future location and use. Locations shall be *in*dicated on the plans and marked on the curb, or as otherwise approved by the city manager.

E. Making Connections. The making of connections to wyes, tees, and service laterals, the tapping of the main sewer where there is no wye or service lateral, the maintenance of service laterals are subject to the requirements of Sections 13.08.060 through 13.08.110. (Ord. 416 §709, 1970)

13.08.590 Construction. The construction specifications shall contain adequate provisions, satisfactory to the city manager, describing the conditions of excavation so as to minimize hazard or nuisance to the public and to safeguard the integrity of the sewer being installed. Methods of backfilling also shall be specified that will avoid trouble from damaging of the pipe or from subsequent sinking of the surface. (Ord. 416 §710, 1970)

13.08.600 Testing.

A. General Requirements. The specifications shall require that the sewer line pass a test for tightness before its acceptance by the city, said test to be not less strict than set forth in this section.

B. Test Method Alternatives. The finished sewer shall be tested either by air or water.

C. Air Test. After plugging all openings and providing thrust blocking as necessary, air shall be admitted to the section under test at an inlet pressure not exceeding 5 psi from a source regulated by an adjustable pressure control valve and measured by a sensitive pressure gauge .calibrated from zero to 10 psi. When the internal gauge pressure has reached 3.5 psi under stabilized temperature conditions, the air supply to the test section shall be cut off. The inspector shall then observe the time interval during which the internal pressure drops 1 psi from 3.0 to 2.0 psi. The length of time for the 1 psi loss shall not be less than that shown in the following table for the sewer size being tested:

Sewer Diameter (in inches)	Minimum Time For 1 psi Loss (in minutes)
6 through 14	1
15 through 20	2
21 through 30	3
33 through 36	4

D. Water Exfiltration Test. Water shall be applied until the head over the lower end of the reach is ten feet, or the head over the upper end is five feet, whichever requires the higher water level, except that a lower head may be applied where necessary to avoid overflowing a manhole or exceeding the safe working pressure of the pipe. The leakage shall be determined from the loss of water from a standpipe or manhole. The water level shall not drop more than two feet during the measurement. The rate of loss of water shall not exceed 0.05 gallon per day per inch of pipe diameter per foot of length tested, including the length of service laterals. (Ord. 416 §711, 1970)

13.08.610 Exceptions. It is recognized that unusual conditions not anticipated in the composing of these criteria may arise, of such nature that strict conformance would lead to designs not indicative of the application of proper engineering skill. The criteria shall not be interpreted to excuse the designing engineer from the need to develop an all-around good design. On the other hand, rigid conformance to the criteria may not be required in situations where no useful purpose would be served. Therefore, the City Manager may reject a design that he considers unsatisfactory even though it may not specifically violate any criterion listed in this Article, and he may grant exceptions to the criteria of this Article where the exercise of sound engineering judgment requires such exceptions. (Ord. 416 §712, 1970)

VIII. ENFORCEMENT, DAMAGES AND PENALTIES

13.08.620 Disconnection for illegal use. If a connection to a sewerage system of the City is used to discharge materials prohibited by this Chapter, the City Manager may order the property disconnected from the sewer or the water supply to the property disconnected, or both. He may excavate and sever the service lateral to disconnect the property. Upon the property owner taking steps to prevent a recurrence of the illegal discharge, the property may

be reconnected. Before such reconnection is made, the owner shall reimburse the City for the expenses of disconnection and any damages for the illegal discharge, plus twenty percent for administration. (Ord. 416 §801, 1970)

13.08.630 Assessment of damages.

A. If the City Manager finds that any person has discharged any liquid or solid wastes into the sewerage system of the City in violation of this Chapter and that the discharge caused harm to the sewerage system of the City or caused abnormal operating costs or diminished the efficiency of the treatment process, the City Manager shall estimate the value of the harm done and include that sum on that person's next regular sewer service billing. The items that the City Manager shall consider include, but are not limited to, the following:

1. Cost of repairs to the sewerage system;
2. Depreciation of the system due to damage not repaired;
3. Extra operating cost;
4. Value of loss of sewage treatment plant operating efficiency, based upon the City's normal operating costs and the extent to which the performance of the plant was reduced below normal as a result of the improper discharge to the sewer; and
5. Any costs to the City due to its liability for discharging the improper effluent.

B. To the sum of these and any other proper items, twenty percent shall be added as administrative costs. The amount so charged is intended to compensate the City for improper use of the sewer and shall be in addition to, and not in limitation of, any fines or other penalties for violation of this Chapter. (Ord. 416 §802, 1970)

13.08.640 Illegal opening of sewer. No person may, without written permission of the City Manager, cut or open or break a sewer or manhole or other part of a sewerage system of the City or make an illegal connection thereto. (Ord. 416 §803, 1970)

13.08.650 Violation—Penalty In the discretion of the Enforcement Officer, any person violating the provisions of this Chapter shall be issued an Administrative Citation pursuant to Beaumont Municipal Code Chapter 1.17 or shall be guilty of an infraction pursuant to Beaumont Municipal Code Chapter 1.16. In either case, the amount of the fine shall be the appropriate amount set forth in Section 1.16.030 of this Code. Each such violation shall be deemed a separate offense as specified in Section 1.16.040.

Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor, punishable by a fine of $1,000.00, or six (6) months in jail, or both. (Ord. 997, 5.3.11)

IX. AMENDMENT OF CHAPTER

13.08.660 Setting fees by resolution and amendment of Chapter by ordinance.

A. The City Council shall at least annually review the fees to be charged by the City as required in this Chapter and shall by resolution set the fees and/or fee rates to be charged as required by this Chapter for the period until a new fee resolution is adopted.

B. The City Council may amend this Chapter by ordinance of the City Council in the manner governing the adoption or ordinances. (Ord. 648 §3, 1987)

CHAPTER 13.09

REGULATING FATS, OILS AND GREASE (F.O.G.) MANAGEMENT IN FOOD SERVICE ESTABLISHMENTS

Sections:

13.09.010 Purpose and Intent. The purpose of this Chapter is to comply with the Order No. DWQ 2006-0003 adopted by the State Water Resources Control Board in May, 2006, mandating implementation of various tasks associated with the City's sanitary sewer systems.

13.09.020 Administration. This Chapter shall be administered by the Director of the Department of Public Works of the City. This Chapter shall be construed and administered to assure consistency with the Order No. DWQ 2006-0003 and amendments, revisions and renewals thereof.

13.09.030 General Prohibition. The discharge of fats, oils, greases and other solids ("F.O.G.") in concentrations from Food Services Establishments and other commercial and other industrial facilities to the City sewer systems that may adversely affect the normal function of these systems or result in blockages and/or public nuisance is prohibited.

13.09.040 Specific Prohibitions.

The following prohibitions apply to all Food Service Establishments:

A. Installation of food grinders in the plumbing system of all new construction. All food grinders installed in Food Service Establishments as of November 1, 2009 shall be removed within 180-days thereafter;

B. Introduction of any additive into Food Service Establishments for the purpose of emulsifying F.O.G.;

C. Any disposal of cooking oil into the sewer system. All waste cooking oil shall be collected and stored properly in recyclable containers and removed off-site for proper recycling and /or disposal;

D. Discharge of wastewater from dishwashers to any grease traps or grease interceptors;

E. Discharge of wastewater in excess of 150 F 0, which is considered hot, to any grease control device, including grease traps and grease interceptors;

F. Discharge of wastes from toilets, urinals, wash basins, and other fixtures containing fecal materials to sewer lines intended for grease interceptor service, or vice versa;

G. Discharge of any waste, including F.O.G. and other solid materials removed from the grease control device to the sewer system. F.O.G. and other solid material removed from grease interceptors shall be hauled off-site periodically as part of the operation and maintenance requirements for grease interceptors.

13.09.050. Definitions. Unless otherwise defined herein, terms related to water quality shall be as adopted in the latest edition of Standard Methods for Examination of Water and Wastewater Environment Federation. The testing procedures for waste constituents and characteristics shall be as provided in 40 CFR 136 (Code of Federal Regulations). Other terms not herein defined are defined as being the same as set forth in the latest adopted applicable editions of the California codes applicable to building construction adopted pursuant to the California Building Standards Law. Subject to the foregoing provisions, the following definitions shall apply in this Chapter:

Best Management Practices	Schedule of activities, prohibitions of practices maintenance procedures and other management practices to prevent or reduce the introduction of F.O.G. to the sewer facilities.
Change in Operations	Any change in the ownership food types or operational procedures that have potential to increase the amount of F.O.G. generated and/or discharged by Food Service Establishments in an amount that alone or collectively causes or creates a potential for a sewer system overflow (“SSOs”) SSOs to occur.
City	The City of Beaumont

City Manager	The City Manager of the City of Beaumont or his or her designee
City Sewer Facility or System	Any property belonging to the City used in the treatment, reclamation, reuse, transportation, or disposal of wastewater, or sludge.
Composite Sample	A collection of individual samples obtained at selected intervals based on an increment of either flow or time. The resulting mixture (composite sample) forms a representative sample of the waste stream discharged during the sample period. Samples may be collected when a wastewater discharge occurs.
Discharger	Any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer. Discharger shall mean the same as User.
Effluent	Any liquid outflow from the Food Service Establishment that is discharged to the sewer.
Fats, Oils, and Grease ("F.O.G.")	Any substance such as a vegetable or animal product that is used in, or is a byproduct of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions.
Food Grinder	Any device installed in the plumbing or sewage system for the purpose of grinding food waste or food preparation by products for the purpose of disposing it in the sewer system.
Food Service Establishment	Facilities defined in California Uniform Retail Food Services Establishments Law ("CURFFL") Section 113785, and any commercial entity within the boundaries of the City, operating in a permanently constructed structure such as a room, building, or place, or portion thereof, maintained, used, or operated for the purpose of storing, preparing, serving, or manufacturing, packaging, or otherwise handling food for sale to other entities, or for consumption by the public, its member or employees, and which has any process or device that uses or produces F.O.G., 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 Section 113785. A limited food preparation establishment is not considered a food Services Establishment 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 F.O.G. A limited food preparation establishment does not include any operation that changes the form, flavor, or consistency of food.
Formal Notice or Notification	The date on which the City mails notice by regular mail to Food Service Establishments.
Grease Control Device	Any grease interceptor, grease trap or other mechanism, device, or process, which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap or collect or treat F.O.G. prior to it being discharged into the sewer system

Grease Interceptor	A multi-compartment device that is constructed in different sizes and is generally required to be located, according to the California Plumbing Code, underground between a Food Service Establishment and the connection to the sewer system. These devices primarily use gravity to separate F.O.G. from the wastewater as it moves from one compartment to the next. These devices must be cleaned, maintained, and have the F.O.G. removed and disposed of in a proper manner on regular intervals to be effective.
Grease Trap	A grease control device that is used to serve individual fixtures and have limited effect and should only be used in those cases where the use of a grease interceptor or other grease control device is determined to be impossible or impracticable.
Grab Sample	A sample taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.
Hot Spots	Areas and sewer lines that have experience sanitary sewer overflows or that must be cleaned or maintain frequently to avoid blockages of sewer system.
Inflow	Water entering a sewer system through a direct storm water runoff connection to the sanitary sewer, which may cause an almost immediate increase in waste water flows
Infiltration	Water entering into sewer system, including sewer service connections, from the ground through such means as defective pipes, pipe joints, connections, or manhole walls.
Inspector	A person authorized by the City to inspect any existing or propose wastewater generation, conveyance, processing, and disposal facilities.
Interceptor	A grease interceptor.
Interference	Any discharge which, alone or in conjunction with discharges from other sources, inhibits or disrupts the City's NPDES or Waste Discharge Requirements or prevents lawful sludge use or disposal.
Local Sewering Agency	Any public agency or private entity responsible for the collection and disposal of wastewater to the City's sewer facilities duly authorized under the laws of the State of California to construct and/or maintain public sewers.
NPDES	The National Pollutant Discharge Elimination System and the permit issued to control the discharge of liquids or other substances or solids to surface waters of the United States as detailed in Public Law 92-500, Section 402.
New Construction	Any structure planned or under construction for which a sewer connection permit has not been issued.

Permittee	A person or owner of a food establishment who has received a permit to discharge wastewater into the City's sewer facilities subject to the requirement and conditions established by the City.
Person	Any individual, partnership, firm, association, corporation or public agency, including the State of California and the United States of America.
Program	The Program required by RWQCB Order No. R8-2002-0014, Section (c) (12) (viii) or the SWRCB Order No. DWQ 2006-003 and its amendment or renewals.
Program Manager	The City Manager or his or her designee.
Public Agency	The State of California and/or any city, county, special district, other local governmental authority or public body of or within this State.
Public Sewer	A sewer owned and operated by the City.
Regulatory Agencies	Regulatory Agencies shall mean those agencies having regulatory jurisdiction over the operations of the city, including but not limited to: a) United States Environmental Protection Agency, Region IX, San Francisco and Washington, DC (EPA). b) California State Water Resources Control Board (SWRCB) c) California Regional Water Quality Control Board, Santa Ana Region (RWQCB) d) South Coast Air Quality Management District (SCAQMD) e) California Department of Health Services (DOHS).
Remodeling	A physical change or operational change causing generation of the amount of F.O.G. that exceed the current amount of F.O.G. discharge to the sewer system by the Food Service Establishment in an amount that alone or collectively causes or creates a potential for SSOs to occur or an Establishment that requires a building permit, and involves any one or combination of the following: (1) underslab plumbing, (2) a 30% increase in the net public seating area, (3) a 30% increase in the size of the kitchen area, or (4) any change in the size or type of food preparation equipment.
Sample Point	A location approved by the City, from which wastewater can be collected that is representative in content and consistency of the entire flow of wastewater being sampled.
Sampling Facilities	Structure(s) provided at the user's expense for the City or user to measure and record wastewater constituent mass, concentrations, collect a representative sample, or provide access to plug or terminate the discharge.
Sewer	Wastewater
Sewer Facilities or System	Any and all facilities used for collecting, conveying, pumping, treating, and disposing of wastewater and sludge.

Sewer Lateral	A building sewer as defined in the latest edition of the California Plumbing Code. It is the wastewater connection between the building's wastewater facilities and a public sewer system.
Sludge	Any solid, semi-solid or liquid decant, subnate or supermate from a manufacturing process, utility service, or pretreatment facility.
User	Any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer system. User shall mean the same as discharger.
Waste	Sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation or of human or animal nature, including such wastes placed within the containers of whatever nature prior to and for the purpose of disposal.
Wastewater Discharge	A permit issued by the City subject to the requirements and conditions established by the City authorizing a Food Service
Permit	Establishment to discharge wastewater into the City's sewer facilities or into sewer facilities which ultimately discharge into a City sewer facility.
Manifest	That receipt which is retained by the generator of wastes for disposing recyclable wastes or liquid wastes as required by the City.
Waste Minimization Practices	Plans or programs intended to reduce or eliminate discharges to the sewer system or to conserve water, including, but not limited to, product substitutions, housekeeping practices inventory control, employee education, and other steps as necessary to minimize wastewater produced.
Waste Hauler	Any person carrying on or engaging in vehicular transport of waste as part of, or incidental to, any business for that purpose.
Wastewater	The liquid-and water-carried wastes of the community and all constituents thereof, whether treated or untreated, discharge into or permitted to enter a public sewer.

Words used in this Chapter in the singular may include the plural and the plural the singular. Use of masculine shall mean feminine and use of feminine shall mean masculine. Shall is mandatory; may is permissive or discretionary. (Ord. 959, 10/09; Section 1)

13.09.060 Wastewater Discharge Permit Required No person shall discharge, or cause to be discharge, any wastewater from food Service Establishments directly or indirectly into the sewer system without first obtaining a Wastewater Discharge Permit pursuant to this Ordinance. (Ord. 959, 10/09; §1)

13.09.070 Design and Construction of Sewage Facilities. Any and all sewerage facilities for any Food Service Establishment shall be designed, and constructed as a minimum in accordance with the most current edition of the California Plumbing and Building Codes, and in accordance with the City's current sewerage design and construction standards. (Ord. 959, 10/09; §1)

13.09.080 Sampling and Inspection. Sampling and inspection of Food Service Establishments may be conducted in the time, place, manner, and frequency as determined by City Manager or his or her designee. (Ord. 959, 10/09; §1)

13.09.090 Revocation or Suspension of Wastewater Discharge Permit. The City Manager or it designee may revoke or suspend a wastewater discharge permit for any of the following reasons: (Ord. 959, 10/09; §1)

A. Violation of a permit condition

B. Creating a nuisance

C. Violation of this Chapter

D. Violation of State or Federal law related to F.O.G. discharges.

13.09.100 Notice of Violation. The City Manager or his or her designee shall issue to the Food Service Establishment a Notice of Violation prior to revocation of the Establishment's wastewater discharge permit, except in emergency situations. The City Manager or his or her designee shall issue the Notice in accordance with the provisions of Chapter 1.17 of this Code. (Ord. 959, 10/09; §1)

13.09.110 Appeal. If the Food Service Establishment objects to the intended revocation, or it shall follow the procedures for appeal set forth in Chapter 1.17 of this Code. (Ord. 959, 10/09; §1)

13.09.120 Best Management Practices. All Food Service Establishments shall, at a minimum, implement the following Best Management Practices, when applicable:

A. Installation of drain screens. Drain screens shall be installed on all drainage pipes in food preparation areas.

B. Segregation and collection of waste cooking oil. All waste cooking oil shall be collected and stored properly in recycling receptacles shall be maintained properly to ensure that they do not leak. Licensed waste haulers or an approved recycling facility must be used to dispose of waste cooking oil.

C. Disposal of food waste. All food waste shall be disposed of directly into the trash or garbage, and not in sinks.

D. Employee training. Employees of the Food Service Establishment shall be trained by the Food Service Establishment within 180 days of November 1, 2009 and twice each calendar year thereafter, on the following subjects:

1. How to "dry wipe" pots, pans, dishware and work areas before washing to remove grease.
2. How to properly dispose of food waste and solids in enclosed plastic bags prior to disposal in trash bins or containers to prevent leaking and odors.
3. The location and use of absorption products to clean under fryer baskets and other locations where grease may be spilled or dripped.
4. How to properly dispose of grease or oils from cooking equipment into a grease receptacle such as a barrel or drum without spilling.

Training shall be documented and employee signatures retained indicating each employee's attendance and understanding of the practices reviewed. Training records shall be available for review at any reasonable time by the Program Manager or an inspector.

E. Maintenance of kitchen exhaust filters. Filters shall be cleaned as frequently as necessary to be maintained in good operating condition. The wastewater generated from cleaning the exhaust filter shall be disposed properly.

F. Kitchen signage. Best management and waste minimization practices shall be posted conspicuously in the food preparation and dishwashing areas at all times. (Ord. 959, 10/09; §1)

13.09.130 Grease Interceptor Maintenance Requirements.

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

B. All existing and newly installed grease interceptors shall be regularly maintained.

C. No F.O.G. that has accumulated in a grease interceptor shall be allowed to pass into any sewer lateral, sewer system, storm drain, or public right of way during maintenance activities.

D. Food Service Establishments with grease interceptors may be required to submit data and information necessary to establish the maintenance frequency grease interceptors.

E. The maintenance frequency for all Food Service Establishments with a grease interceptor shall be determined in one of the following methods:

1. Grease interceptors shall be fully pumped out and cleaned at a frequency such that the combined F.O.G. and solids accumulation does not exceed 25% of the total liquid depth of the grease interceptor. This is to ensure that the minimum hydraulic retention time and required available volume is maintained to effectively intercept and retain F.O.G. discharge to the sewer system.

2. All Food Service Establishments with a Grease Interceptor shall regularly maintain their grease interceptor and maintain a record of such maintenance.

3. Grease interceptors shall be fully pumped out and cleaned quarterly when the frequency described in (1) has not been established. The maintenance frequency may be adjusted when sufficient data have been obtained to establish an average frequency based on the requirements described in (1). Based on the actual generation of F.O.G. from the Food Service Establishment, the maintenance frequency may increase or decrease.

4. If the grease interceptor, at any time, contains F.O.G. and solids accumulation that does not meet the requirements described in (1), the Food Service Establishment shall be required to have the grease interceptor serviced immediately such that all fats, oils, grease, sludge, and other materials are completely removed from the grease interceptor. If deemed necessary, the Program Manager may also increase the maintenance frequency of the grease interceptor from the current frequency. (Ord. 959, 10/09; §1)

13.09.140 Enforcement.

A. In addition to the specific provisions set forth in this Chapter, the City may enforce this Ordinance through any of the Civil, Criminal or Administrative Procedures established by the City of Beaumont Municipal Code.

B. In addition to the specific provisions set forth elsewhere in this Code, the City may enforce this Chapter, through any Civil, Criminal or Administrative Procedures established by State or Federal Laws. (Ord. 959, 10/09; §1)

Chapter 13.12
GAS CONNECTIONS

Sections:

.

13.12.010 Prohibited acts. It is unlawful for any person, firm or corporation, excepting an authorized agent or employee of a person, firm or corporation engaged in the business of furnishing or supplying gas and whose service pipes supply or connect with the particular premises, to turn on or reconnect to gas service in or on any premises where and when gas service is not at the time being rendered. (Ord. 215, 1943)

13.12.020 Violation—Penalty In the discretion of the Enforcement Officer, any person violating the provisions of this Chapter shall be issued an Administrative Citation pursuant to Beaumont Municipal Code Chapter 1.17 or shall be guilty of an infraction pursuant to Beaumont Municipal Code Chapter 1.16. In either case, the amount of the fine shall be the appropriate amount set forth in Section 1.16.030 of this Code. Each such violation shall be deemed a separate offense as specified in Section 1.16.040.

Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor, punishable by a fine of $1,000.00, or six (6) months in jail, or both. (Ord. 997, 5.3.11)

Chapter 13.14
UTILITY USER TAX *

Sections:

13.14.010 Established-Purpose. There is hereby established a three (3%) percent utility user tax for the purpose of providing general fund operating funds for use by the City. (Ord. 702 § 2, 1991; Ord. 629 § 1, 1986)

13.14.020 Definitions. The following words and phrases, whenever used in this Ordinance shall be construed as defined in this Section:

A. "City" shall mean the City of Beaumont.

B. "Month" shall mean a calendar month.

C. "Person" shall mean any domestic or foreign corporation, firm, association, syndicate, joint stock company, partnership of any kind, joint venture, club, Massachusetts business or common law trust, society or individuals.

D. "Tax Administrator" shall mean the Finance Director of the City of Beaumont.

E. "Telephone corporation", "Electrical corporation", "Gas corporation" and "Cable Television corporation" shall have the same meanings as defined in Section 234, 218, 222 and 215-5, respectively, of the Public Utilities Code of the State of California as said sections existed on January 1, 1986. "Electrical corporation" shall be construed to include any municipality or franchised agency engaged in the selling or supplying of electrical power to a service user.

***Editorial Note:** * Prior history: Ord. 585.

F. "Service supplier" shall mean a utility company which receives taxes paid and remits same as imposed by this Ordinance.

G. "Service user" shall mean a person required to pay a tax imposed by this Ordinance.

H. "Non-utility service supplier" shall mean a service supplier, other than an electrical corporation franchised to serve the City, which generates electrical energy in capacities of at least fifty (50) kilowatts for its own use or for sale to others. (Ord. 702 § 2, 1991; Ord. 629 § 2, 1986)

13.14.030 Exemptions. Nothing in this Ordinance shall be construed as imposing a tax upon any person when imposition of such tax upon that person would be in violation of the Constitution of the United States or that of the State of California.

A. A household with a combined annual gross income of seven thousand five hundred dollars ($7,500.00) or less is eligible for exemption or refund when application is made pursuant to Sections 13.14.110(0) and 13.14.140(F).

B. The Tax Administrator shall prepare a list of the persons exempt from the provisions of this Chapter by virtue of this Section and furnish a copy thereof to each service supplier. (Ord. 702 § 2, 1991; Ord. 629 § 3, 1986)

13.14.040 Telephone users tax.

A. There is hereby imposed a tax on the amounts paid for any intrastate telephone services by every person in the City using such services. The tax imposed by this Section shall be at the rate of three (3%) percent of the charges made for such services and shall be paid by the person paying for such services.

B. As used in this Section, the term "charges" shall not include charges for services paid for by inserting coins in coin-operated telephones except that where such coin-operated service is furnished for a guaranteed amount, the amounts paid under such guarantee plus any fixed monthly or other periodic charge shall be included in the base for computing the amount of tax due; nor shall the term "charges" include charges for any type of service or equipment during any period in which the same lease from persons other than a service supplier subject to Public Utility regulations, nor shall the words "telephone communication service" include land mobile services or maritime mobile services as defined in Section 2.1 of Title 47 of the Code of Federal Regulations, as said Section existed on January I, 1970. The term "telephone communication services" refers to that service which provides access to a telephone system and the privilege of telephone quality communication with substantially all persons having telephone stations which are part of such telephone system. The Telephone Users Tax is intended to, and does, apply to all charges billed to a telephone account having a situs in the City, irrespective of whether a particular communication services originates and/or terminates within the City.

C. The tax imposed by this Section shall be collected from the service user by the person providing the intrastate telephone communications services, or the person receiving payment for such services. The amount of the tax collected in one (I) month shall be remitted to the Tax Administrator on or before the last day of the following month; or the amount of tax collected in one (I) month shall be remitted to the Tax Administrator on or before the last day of the following month; or at the option of the person required to collect and remit the tax, an estimated amount of tax collected, measured by the tax bill in the previous month, shall be remitted to the Tax Administrator on or before the last day of each month.

D. The following shall be exempt from the tax imposed by this section, if any:

1. Service paid for by inserting coins in coin-operated telephones with respect to local telephone service, or with respect to toll telephone service if the charge for such toll telephone service is less than twenty-five cents ($.25); except that where such coin-operated telephone service is furnished for a guaranteed amount, the amounts paid under such guarantee plus any fixed monthly or other periodic charge shall be subject to the tax.

2. Payment received from any person for services used in the collection of news for the public press, or a news ticker service furnishing a general news service similar to that of the public press, or radio broadcasting, or in the dissemination of news through the public press, or a news ticker service furnishing a general news service similar to that of the public press, or by means of radio broadcasting, if the charge for such service is billed in writing to such person.

3. Payment received for services furnished to an international organization, or to the American National Red Cross.

4. Payment received for any toll telephone service which originates within a combat zone from a member of the Armed Forces of the United States performing service in such combat zone, as determined under such section, provided a certificate, setting forth such facts as applicable regulations may prescribe, is furnished to the person receiving such payment. (Ord. 702 § 2, 1991; Ord. 629 § 4, 1986; Ord. 903, § 1,2, 10-17-06)

13.14.050 Electricity users tax.

A. There is hereby imposed a tax upon every person in the City using electrical energy in the City. The tax imposed by this Section shall be at the rate of three (3%) percent of the charges made for such energy by an electrical corporation franchised to serve the City and shall be paid by the person using the energy. The tax applicable to electrical energy provided by a non-utility service supplier shall be determined by applying the tax rate to the equivalent charges the service user would have incurred if the energy used had been provided by the electrical corporation available from the City. Non-utility suppliers shall install and maintain an appropriate utility-type metering system which will enable compliance with this Section. "Charges", as used in this Section, shall include charges made for: (1) metered energy, and (2) minimum charges for service including customer charges, service charges, demand charges, stand-by charges and annual and monthly charges, fuel cost adjustments, etc.

B. As used in this *Section,* the term "using *electrical* energy" shall not be construed to mean the storage of such energy by a person *in* a battery owned or possessed by him for use in an automobile or other machinery or device apart from the premises upon which the energy was received; provided,- however, that the term shall include the receiving of such energy for the purpose of using it in the charging of batteries; nor shall the term include electricity used and consumed by an electric utility supplier in the conduct of its business as an electric public utility or governmental agency at a point within the City of Beaumont for resale; or the use of such energy in the production or distribution of water by a public utility or a governmental agency.

C. The tax imposed in this Section shall be collected from the service user by the person supplying such energy. The tax shall be self-imposed by non-utility suppliers as to their own use. The amount of tax collected in one (1) month shall be remitted to the Tax Administrator on or before the last day of the following month; or at the option of the person required to collect and remit the tax, an estimated amount of tax, measured by the tax billed in the previous month, shall be remitted to the Tax Administrator on or before the last day of each month. Remittance of tax may be predicated on a formula based upon the payment pattern of the supplier's customers. (Ord. 702 §2, 1991; Ord. 629 §5, 1986)

13.14.060 Gas users tax.

A. There is hereby imposed a tax upon every person in the *City,* other than a gas corporation or electrical corporation, using in the City gas which is delivered through mains or pipes. The tax imposed by this Section shall be at the rate of three (3%) percent of the charges made for such gas and shall be paid by the person paying for such gas. "Charges" as used in this Section shall include: (1) gas which is delivered through mains or pipes; (2) *minimum* charges for such services, including customer charges, service charges and annual and monthly charges.

B. There shall be excluded from the base on which the tax imposed in this *Section is* computed:

1. Charges made for gas which is to be resold and delivered through *mains* or pipes;
2. Charges made for gas sold for use in the generation of electrical energy or for the production or distribution of water by a public utility or governmental agency;
3. Charges made by a gas public utility for gas used and consumed in the conduct of the business of gas public utilities;
4. Charges made for gas used in the propulsion of a motor vehicle, as that phrase is defined in the Vehicle Code of the State of California, utilizing natural gas, and
5. Charges related to late payments and returned checks.

C. The tax imposed in this Section shall be collected from the service user by the person selling the gas. The person selling the gas shall, on or before the twentieth (20th) of the calendar month, commencing on the twentieth (20th) day of calendar month after the effective date of this part, make a return to the Tax Administrator stating the amount of taxes billed during the preceding calendar month. At the time such returns are filed, the person selling the gas shall remit tax payments to the Tax Administrator in accordance with schedules established or approved by the Tax Administrator. (Ord. 702 §2, 1991; Ord. 629 §6, 1986)

13.14.070 Cable television users tax.

A. There is hereby imposed a tax upon every person in the City using cable television service. The tax imposed by this Section shall be at the rate of three (3%) percent of the charges made for such service and shall be paid by the person paying for such service.

B. The tax imposed in this Section shall be collected from the service user by the person furnishing the cable television service. The amount collected in one (1) month shall be remitted to the Tax Administrator on or before the last day of the following month. (Ord. 702 §2, 1991; Ord. 629 §7, 1986)

13.14.080 Penalty for delinquency.

A. Taxes collected from a service user which are not remitted to the Tax Administrator on or before the due dates provided in this Ordinance are delinquent.

B. The interest penalty shall be the same as specified in Section 13.14.120, Paragraph D Administrative Remedy Penalty. (Ord. 702 §2, 1991; Ord. 629 §8, 1986)

13.14.090 Actions to collect. Any such tax received from a service user which has willfully been withheld from the Tax Administrator shall be deemed a debt owed to the City by the person required to collect and remit. Any person holding such money contrary to provisions of this Ordinance shall be liable to an action brought in the name of the City for the recovery of such amount. (Ord. 702 §2, 1991; Ord. 629 §9, 1986)

13.14.100 Duty to collect-Procedures: The duty to collect and remit the taxes imposed by this Ordinance shall be performed as follows:

A. The tax shall be collected insofar as practicable at the same time as and along with the charges made in accordance with the regular billing practices of the service supplier. Where the amount paid by a service user to a service supplier is less than the full amount of the energy charge and tax which has accrued for the billing period, such amount and any subsequent payments by a service user shall be applied to the utility charges has been. Any remaining balancing shall be applied to taxes due. In those cases where a service user shall be applied to the utility charges first until such charge has been satisfied. Any remaining balances shall be applied to taxes due. In those cases where a service user has notified the service supplier of his refusal to pay the tax imposed on said energy charge, section 13.14.120 (c) will apply.

B. The duty to collect tax from a service user shall commence with the beginning of the first full regular billing period appliance to the service user where all charges normally included in such regular billing are subject to the provisions of the Chapter. Where a person receives more than one billing, one or more being for different periods than other, the duty to collect hall arise separately for each billing.

13.14.110 Powers of Tax Administrator.

A. The Tax Administrator shall have the power and duty, and is hereby directed to enforce each and all of the provisions of the ordinance.

B. The Tax Administrator shall have power to adopt rules and regulations not inconsistent with provisions of this ordinance for the purpose of carrying out and enforcing the payment, collection and remittance of taxes herein imposed. A copy of such rules and regulations shall be on file in the Tax Administrator office.

C. The Tax Administrator may make administrative agreements to vary the strict requirements of this Ordinance so that collection of any tax imposed here may be made in conformance with the billing procedures of a particular service supplier so long as said agreements result in collection of the tax in conformance with the general purpose and scope of this Ordinance. A copy of this agreement shall be on file in the Tax Administrator's Office.

D. The Tax Administrator shall determine the eligibility of any person who asserts a right to exemption from the tax imposed by this Ordinance. The Tax Administrator shall provide the service supplier with the name of any person who the Tax Administrator determines is exempt from the tax imposed hereby, together with "the address and account numbers to which services are supplied to any such exempt person. The Tax Administrator shall notify the service supplier of the termination of any person's right to exemption hereunder, or the change of any address to which service is supplied to any exempt person. (Ord. 702 §2, 1991; Ord. 629 §ll, 1986)

13.14.120 Assessment--Collection by Tax Administrator.

A. The Tax Administrator may make an assessment for taxes not remitted by a person required to remit.

B. Whenever the Tax Administrator determines that a service user has deliberately withheld the amount of the tax owed by him from the amounts remitted to a person required to collect the tax, or that a service user has refused to pay the amount of tax to such person, or whenever the Tax Administrator deems it in the best interest of the City, he may relieve such person of the obligation to collect taxes due under this Ordinance from certain named service users for specified billing periods.

C. The service supplier shall provide the City with amounts refused along with the names and addresses of the service users refusing or neglecting to pay the tax imposed under provisions of this Ordinance. Whenever the service user has failed to pay the amount of tax for a period of two or more billing periods, the service supplier shall be relieved of the obligation to collect back taxes due.

D. The Tax Administrator shall notify the service user that he has assumed responsibility to collect the taxes due for the stated periods and demand payment of such taxes. The notice shall be served on the service user by handing it to him personally or by deposit of the notice in the United States mail, postage prepaid thereon, addressed to the service user at the address to which billing was made by the person required to collect the tax; or should the service user have changed his address, to his last known address. If a service user fails to remit the tax to the Tax Administrator within fifteen (15) days from the date of the service of the notice upon him, which shall be the date of mailing if service is not accomplished in person, a penalty of twenty-five percent (25%) of the amount of the tax set forth in the notice shall be imposed, but not less than $5.00. The penalty shall become part of the tax herein required to be paid. (Ord. 702 §2, 1991; Ord. 629 §12, 1986)

13.14.130 Records. It hall be the duty of every person required to collect and remit to the City any tax imposed by this Ordinance to keep and preserve, for a period of three (3) years, all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and remittance to the Tax Administrator, which records the Tax Administrator shall have the right to inspect at all reasonable times.

13.14.140 Refunds.

A. Whenever the amount of any tax has been overpaid or paid more than once or has been erroneously or illegally collected or received by the Tax Administrator under this Ordinance, it may be refunded as provided in this Section.

B. Notwithstanding the provisions of Subsection A of this Section, a service supplier may claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once, or erroneously or illegally collected or received when it is established that the service user from whom the tax has been collected did not owe the tax; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the service user or credited to charges subsequently payable by the service user to the person required to collect and remit. A service supplier that has collected any amount of tax in excess of the amount of tax imposed by this ordinance, and actually due from a service user, may refund such amount to the service user and claim credit for such overpayment against the amount of tax which is due upon any other monthly returns, provided such credit is claimed in a return dated no later than three (3) years from the date of overpayment.

C. No refund shall be paid under the provisions of this Section unless the claimant establishes his right thereto by written records showing entitlement thereto.

D. Notwithstanding other provisions of this Section whenever a service supplier, pursuant to an order of the California Public Utilities Commission or a court of competent jurisdiction, makes a refund to service users of charges for past utility service, the taxes paid pursuant to this ordinance on the amount of such refunded charges shall also be refunded to service users, and the service supplier shall be entitled to claim a credit for such refunded taxes against the amount of tax which is due upon the next monthly returns. In the event this Ordinance is repealed, the amounts of any refundable taxes will be borne by the City.

E. If the amount of any tax paid is in excess of the Maximum amount payable as provided in any section hereof, the Tax Administrator shall refund the amount overpaid to the service user within sixty (60) days after the service user has established his entitlement to such refund, provided that no refunds under this Subsection need be made more frequently than quarterly-annually.

F. A refund of all taxes due and paid under the provisions of this Ordinance for utility services rendered on and after July 1, 1990 and through June 30, 1991, or for any succeeding twelve-month period, shall be made whenever all of the following occur:

1. The annual gross income of the household in which claimant lives is less than $7,500 for the claimant's preceding, federal or state personal income tax reporting period;
2. An amount greater than the maximum amount specified in Section 13.14.050(D) is paid;
3. Claimant makes application and files a verified claim in writing at the Department of Finance at City Hall for such refund upon a claim form provided by the Tax Administrator;
4. The claim is approved by the Tax Administrator as being in conformance with this Subsection.

G. Only one member of each household may file a claim, and only one claim may be filed for each individual household.

H. The claimant shall be the person in whose name the bills for utility services were rendered. "Income of the household" means all income of the claimant's household while members of such household are related to the claimant as a spouse or as defined in Sections 17056 and 17057 of the Revenue and Taxation Code of California.

I. "Gross income" shall mean the sum of adjusted gross income as used for purposes of the California Personal Income Tax Law, together with the net income from all sources of all kinds, including but not limited to alimony, support money, cash public assistance and relief, pensions, annuities, social security, interest on securities (including tax free interest on governmental securities), realized capital gains, workers' compensation (not including medical benefits), unemployment insurance income, insurance benefits of all kinds (other than medical), and gifts, except that income shall not include Medicare benefits, Medicaid benefits, gifts of food and gifts between members of the household, the receipt of surplus food or other relief in kind supplied by a governmental agency.

J. The claim for such refund for the preceding twelve-month period ending on June 30 shall be made only during the month of September or October of each year, and must be accompanied by a copy of the utility bills, together with proof that the utility taxes have been paid by the claimant or some member of the household. No such refund shall be made on any claim filed or postmarked later than the 31st day of October.

K. No refund shall be made to any person for taxes levied on a utility account for which any utility tax is due and outstanding for the period for which refund is claimed or for any prior period. No refund shall be made of any tax which was paid with public assistance or relief funds which included an allowance to pay the tax.

L. Nothing in this Section shall be construed to require that any utility company has any obligation to make or furnish, for the purpose of the refund provisions hereof, proof of utility taxes due or utility taxes paid. (Ord. 702 §2, 1991; Ord. §14, 1986)

13.14.150 Civil Debt. The taxes imposed by this Ordinance shall be civil debts owing to the City from the service user. A service supplier is not liable to the City until the tax is collected from a service user. Any person owing money to the City under the provisions of this Ordinance shall be liable to an action brought in the name of the City for the recovery of such amount. (Ord. 702 §2, 1991; Ord. 629 §15, 1986)

(Continue on next page)

Chapter 13.20
PRETREATMENT AND REGULATION OF WASTES

Sections:

ARTICLE I. GENERAL PROVISIONS

13.20.005 Findings. The treatment facilities of the city discharge treated effluent into permeable soil structures. The California Regional Water Quality Control Board, Santa Ana Region, hereinafter called "Regional Board," has established limitations upon the chemical content of wastewater effluent discharge by the city, and such limitations are set forth in duly enacted Resolutions and Orders of the Regional Board. These resolutions and Orders may be amended by the Regional Board. In order to comply with such discharge limitations, the city must regulate the flow of certain wastes into its public sewer and treatment facilities. (Ord. 627 §4 (Ext. A) (part), 1986)

13.20.010 Purpose and policy. This chapter sets forth 'uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the city of Beaumont and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this chapter are:

A. To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sledge;

B. To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

C. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and

D. To provide for equitable distribution of the cost of the municipal wastewater system. This chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. This chapter shall apply to the city of Beaumont and to persons outside the city who are, by contact or agreement with the city, Users of the POTW. Except as otherwise provided
herein, the city Manager shall administer, implement, and enforce the provisions of this chapter. (Ord. 627 §4 (Ext. A) (part), 1986)

13.20.020 Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

A. "Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et. seq.

B. "Approval authority" means the California Regional Water Quality Control Board, Santa Ana Region, or the U.S. Environmental Protection Agency.

C. "Authorized representative of industrial user": An "authorized representative of an industrial user" may be:

1. A principal executive officer of at least the level of vice-president, if the industrial user is a corporation,

2. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively,

3. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

D. "Biochemical oxygen demand" (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at twenty degrees centigrade expressed in terms of weight and concentration (milligrams per liter).

E. "Building sewer" means a sewer conveying wastewater from the premises of a user to the POTW.

F. "Categorical standards" means national categorical pretreatment standards or pretreatment standard.

G. "City" means the city of Beaumont or the city council of Beaumont.

H. "Cooling water" means the water discharged from any use such as air-conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

I. “Control Authority” shall refer to the Approval Authority, defined hereinabove; or the City Manager if the City has an approved pretreatment program under the provisions of 40 CFR, 403.11.

J. “Direct Discharge”. The discharge of treated or untreated wastewater directly to the waters of the State of California.

K. “Discharge to the Ground”. “Discharge to the Ground” shall mean discharge of wastewater to or into the soil and not contained in a facility approved by the City as being impermeable.

L. “Domestic Wastewater” shall mean wastewater from residences and wastewater from other premises resulting from personal use of water for washing or sanitary purposes.

M. “Environmental Protection Agency, or EPA”. The U.S. Environmental Protection Agency, or where appropriate the term also may be uses as a designation for the Administrator or other duly authorized official of said agency.

N. “Grab Sample”. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

O. “Holding Tank Waste”. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pumps tank trucks.

P. “Indirect Discharge”. The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307 (b) or (c) of the Act, (33 U.S.C. 1317) into the POTW (including holding tank waste discharged into the system.

Q. “Industrial Discharge Permit” shall mean the same as “wastewater contribution permit”.

R. “Industrial User”. A source of Indirect Discharge which does not constitute a “discharge of pollutants” under regulations issued pursuant to Section 402, of the Act. (33 U.S.C. 1342).

S. “Industrial Wastewater” means the same as nondomestic wastewater.

T. “Interference”. The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the City’s NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, r regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substance Control Act, or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA applicable to the Method of disposal or use employed by the POTW.

U. “National Categorical Pretreatment Standards or Pretreatment Standards”. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial users.

V. "National prohibitive discharge standard" or "prohibitive discharge standard" means any regulation developed under the authority of 307(b) of the Act and 40 CFR 403.5.

W. "National pollution discharge elimination system permit" or "NPDES permit" means a permit issued to the wastewater treatment facilities by the Regional Board pursuant to Section 402 of the Act (33 USC 1342).

X. "New source" means any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 USC 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within one hundred twenty days of proposal in the Federal Register. Where the standard is promulgated later than one hundred twenty days after proposal, a new source means any source, the construction of which is commenced after the date or promulgation of the standards.

Y. "Nondomestic wastewater" means wastewater other than domestic wastewater, or industrial wastewater combined with domestic wastewater.

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

AA. "pH" means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

BB. "Pollution" means the manmade or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

CC. "Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

DD. "Pretreatment" or "treatment" 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 a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes other means, except as prohibited by 40 CFR 403.6(d).

EE. "Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than National Pretreatment, other than National Pretreatment Standard imposed on an industrial user.

FF. Publicly Owned Treatment Works (POTW). 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 sewer that convey wastewater to the POTW treatment plant, but does not include pipes, sewer or other conveyances not connected to a facility providing treatment. For the purposes of this ordinance, “POTW” shall include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city’s POTW.

GG. POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.

HH. Shall is mandatory; May is permissive.

II. Significant Industrial User. Any Industrial User of the City's wastewater disposal system who (i) has a discharge flow of 10,000 gallons or more per average work day, or (ii) has a flow greater than 5% of the flow in the City's wastewater treatment system, or (iii) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act o California Statutes and rules or (iv) is found by the City, Regional Board or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

JJ. State. State of California

KK. Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

LL. Storm Water. Any flow occurring during or following any form of natural precipitation and resulting there from.

MM. Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

NN. Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307 (a) or other Acts.

OO. User. Any person who contributes, causes or permits the contribution of wastewater into the City's POTW.

PP. Wastewater. 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 POTW.

QQ. "Wastewater contribution permit" has the meaning set forth in Section 13 .20.170.

RR. "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state of any portion thereof. (Ord. 627 §4(Ext. A) (part), 1986)

13.20.030 Abbreviations. The following abbreviations shall have the designated meanings:

A. "BOD" means biochemical oxygen demand.

B. "CFR" means the Code of Federal Regulations.

C. "COD" means chemical oxygen demand.

D. "EPA" means the Environmental Protection Agency.

E. "1" means liter.

F. "mg" means milligrams.

G. "mg/l" means milligrams per liter.

H. "NPDES" means national pollutant discharge elimination system.

I. "POTW" means the publicly owned treatment works.

J. "SIC" means standard industrial classification.

K. "SWDA" means the Solid Waste Disposal Act, 42 USC 6901, et seq.
L. "USC" means the United States Code.
M. "TSS" means total suspended solids. (Ord. 627 §4 (Ext. A) (part), 1986)

ARTICLE II. REGULATIONS

13.20.040 General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements. A user may not contribute the following substances to any POTW:

A. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent nor any single reading over ten percent of the lower explosive limit (EEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substance which the City the State or EPA has notified the User is a fire hazard or a hazard to the system.

B. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: any earth, sand, rocks, ashes, gravel, plaster, concrete, semi-solid (partially solid) or viscous material in quantities or volume which will obstruct the flow of sewage in the public sewer or any object which will cause clogging of a sewage in the public sewer or any object which will cause clogging of a sewage pump or sewage sludge pump, or interfere with the normal operation of the wastewater treatment facilities; grease, garbage with particles greater than one-quarter inch (1/4”) in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalts residues, residues from refining, or processing of fuel or lubricating refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

C. Any wastewater having a pH less than 6.5 or greater than 8.0, unless the POTW is specifically designed to accommodate such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

D. Any overflow from any septic tank or cesspool, or any liquid or sludge pumped from a cesspool or septic tank, except at such place and in such manner as may be prescribed by the City Manager.

E. Any wastewater containing toxic pollutants in sufficient quality, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307 (a) of the Act.

F. Any storm water or any runoff from any field, roof, yard, driveway, or street.

G. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

H. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interface with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in compliance with sludge use of disposal criteria, guidelines, or regulations, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

I. Any substance which will cause the POTW to violate its NPDES (and/or State Disposal System) Permit or the receiving water quality standards;

J. Any material or quantity of material which will cause significant damage to any part of the public sewer system, abnormal sulfide generation or abnormal maintenance or operation costs of any part of the public sewer system;

K. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;

L. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds forty degrees centigrade (104° F) unless the POTW treatment plant is designed to accommodate such temperature;

M. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen minutes more than five times the average twenty-four-hour concentration, quantities, or flow during normal operation;

N. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city manager in compliance with federal, state or county regulations; in addition, the discharge of any radioactive wastes is prohibited except:

1. When the person is authorized to use radioactive materials by the California Department of Health or other governmental agency empowered to regulate the use of radioactive materials, and
2. When the waste is discharged in strict conformity with current California Radiation Control Regulations (California Administrative Code, Title 17) for safe disposal, and
3. When the person is in compliance with all rules and regulations of all other applicable regulatory agencies, and
4. When a wastewater contribution permit has been obtained from the City.

O. Any Wastewater which causes a hazard to human life or creates a public nuisance.

When the City Manager determines that a User(s) is contributing to the POTW, any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the City Manager shall 1) advise the user(s) of the impact of the contribution on the POTW; and 2) Develop effluent limitation(s) for such User to correct the Interference with the POTW.

13.20.050 Federal Categorical Pretreatment Standards. Upon the promulgation of the federal Categorical Pretreatment Standards for a particular industrial sub category, the Federal Standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The City Manager shall notify all affected users of the applicable reporting requirements under CFR, Section 403.12.

13.20.060 Modification of Federal Categorical Pretreatment Standards. Where the City's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the City may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent Removal" shall mean reduction in the amount of a pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system 95 percent of the samples taken when measured according to the procedures set forth in Section 403.7 (c) (2) of (Title 40 of the Code of Federal Regulations, Part 403) – "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The City may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Approval Authority is obtained.

13.20.070 Specific Pollutant Limitations

A. No person shall discharge wastewater containing in excess of:

Copper	.02
Cyanide	.2
Iron	.3
Lead	.05
Manganese	.05
Mercury	.002
Selenium	.01
Silver	.05
Zinc	.1
Ammonia	14
Total filterable residue	490
Sodium	115
Total hardness	205
Sulfate	75
Chloride	90
Fluoride	1.0
Boron	0.75
Gross Beta	50 pCi/L
Tritium	20,000 pCi/L
Strontium-90	8 pCi/L

B. Wastes containing in excess of 0.01 mg/l PCB's and/or pesticides, to include, but not limited to, at least the following: DDT (dichlorodiphenylethylene), DDD (dichlorodiphenyldichloroethane), Aldrin, Benzene Hexachloride (alpha beta and gamma isomers), Chlordane, Endrin, Endrin aldehyde, 2, 3, 7, 8, tetrachlorodibenzopdioxin (TCDD), toxaphene, Alpha-endosulfan, Beta-endosulfan, Endosulfan sulfate, Heptachlor, Heptachlor epoxide, Dieldrin
PCB' s: aroclors 1016, 1221, 1228, 1232, 1242, 1248, 1254, 1260 and 1262.

13.20.080 State requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this chapter.

13.20.090 City's Right of Revision. The City reserves the right to establish by ordinance more stringent limitations or requirements on discharge to the wastewater disposal system if deemed necessary to comply with the objective presented in Section 13.20.010 of this chapter.

13.20.100 Excessive Discharge. No users shall eve increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the City or State. (Comment: Dilution may be an acceptable means of complying with some of the prohibitions set forth in Section 13.20.040 e.g. the pH prohibition.)

13.20.110 Accidental Discharge

A. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge or prohibited materials shall be provided and maintained at the owner or user's own cost or expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. No user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

B. Written Notice. Within five (5) days following an accidental discharge, the User shall submit to the City Manager a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by the article or other applicable law.

C. Notice to Employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (Ord. 627 §4 (Ext. A) (part), 1986)

ARTICLE III. FEES

13.20.120 Purpose. It is the purpose of this chapter to provide for the recovery of costs from users of the city's wastewater disposal system for the implementation of the program established in this chapter. The applicable charges or fees shall be set from time to time by resolution of the city council. (Ord. 627 §4 (Exbt. A) (part), 1986)

13.20.130 Charges and fees. The city may adopt charges and fees which may include:

A. Fees for reimbursement of costs of setting up and operating the city's pretreatment program,
B. Fees for monitoring, inspections and surveillance procedures,
C. Fees for reviewing accidental discharge procedures and construction,
D. Fees for permit applications;
E. Fees for filing appeals,
F. Fees for consistent removal (by the city) of pollutants otherwise subject to Federal Pretreatment Standards,
G. Other fees as the city may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the city. (Ord. 627 §4(Exhibit A) (part), 1986)

13.20.140 Fee for use. A discharger who is issued a wastewater contribution permit under the provisions of this chapter shall pay a fee for use in accordance with the formula contained herein and the unit charge rates adopted annually by resolution of the city council. These fees shall be invoiced on a bimonthly basis. The bimonthly invoice may be based upon an estimate of the annual use as determined by the city. Annually, the city shall compute the fee for use based upon actual use for the preceding twelve-month period on an annual reconciliation statement. The fee for use is payable within fifteen days of invoicing by the city.

A. The fee for use shall be computed by the following formula:

Fee for Use = VoV + BoB + SoS

Where V = total annual volume of flow, in millions of gallons.
B = Total annual discharge of biochemical oxygen demand, in thousands of pounds.
S = total annual discharge of suspended solids, in thousands of pounds
Vo, Bo, So = Unit charge rates adopted annually by resolution of the City Council based upon the funding requirements of

providing sewerage service, in dollars per unit as described in Paragraph B below:

B. The unit charge rates in the fee for use formula shall be determined by the following method:
    1) the total annual operation and maintenance funding requirements of the sewerage system shall be allocated among the three wastewater charge parameters of flow, biochemical oxygen demand and suspended solids in accordance with the City Manager's determination as to the costs associated with each parameter and pursuant to applicable requirements of State and Federal regulatory agencies. The operation and maintenance costs as distributed to flow, biochemical oxygen demand and suspended solids shall be divided by the projected annual total flow volume and weights of biochemical oxygen demand and suspended solids to be treated by the sewerage system in the budgeted year.
    2) A capital facilities charge for capital recovery and capital improvement shall be levied at the rate of $200 per million gallons of wastewater. This charge shall be allocated among wastewater charge parameters of flow, biochemical oxygen demand and suspend solids in accordance with the City Manager's determination of which portion of the charge distributed to biochemical oxygen demand and suspended solids shall be divided by the projected annual weights of biochemical oxygen demand and suspended solids to be treated by the sewerage system in the budgeted year.
    3) The unit charge rates for each respective wastewater parameter in (1) and (2) above shall be summed. The unit wastewater charge rates so determined will be expressed in rates so determined will be expressed in dollars per million gallons for Vo, and in dollars per thousand pounds for Bo and So.

C. Other measurements of the organic content of the wastewater of a discharger, such as C.O.D. or T.O.C., may be used instead of B.O.D. However, the discharger must establish for the city a relationship between the B.O.D. of his wastewater and the parameter of measure. This relationship shall be used by the City in determining the fee for use. When wastewater from sanitary facilities is discharged separately from the other wastewater of a discharger, the fee for use for discharger, the fee for use for discharging the sanitary wastewater may be determined by using the following:

    1. Ten thousand gallons per employee per year;
    2. BOD and suspended solids to be calculated at two hundred fifty mg/l per employee per year.

(The number of employees will be considered as the average number of people employed full-time on a daily basis. This may be determined by averaging the number of people employed at the beginning and ending of each quarter, or other period that reflects normal employment fluctuations.) (Ord. 627 §4 (Exhibit A) (part), 1986)

13.20.150 Service charge. A. A discharger who is issued a wastewater contribution permit under the provisions of this chapter shall pay a service charge in accordance with the formula contained in this section. The service charges shall be invoiced on a bimonthly basis. The bimonthly invoice may be based upon an estimate of the annual use as determined by the city. Annually, the city shall compute the service charge based upon actual costs for the preceding twelve-month period on an annual reconciliation statement. The service charge is payable within fifteen days of invoicing by the city.

B. The service charge shall be computed by the following formula:

UCi = ScSi + AcAi

Where:

UCi= Pretreatment monitoring charge for a particular industry
Sc = Cost per sampling activity.
Si = Number of sampling activities for a particular industry.
Ac= Cost for laboratory analysis.
Ai= Number of analyses required for a industry.(Ord. 627 §4 (Exbt. A) (part), 1986)

ARTICLE IV. ADMINISTRATION

13.20.160 Wastewater dischargers. It is unlawful to discharge without a permit to any natural outlet within the city of Beaumont, or in any area under the jurisdiction of said city, and/or to the POTW any wastewater except as authorized by the city manager in accordance with the provisions of this chapter. (Ord. 627 §4(Ext. A) (part), 1986)

13.20.170 Wastewater contribution permits.

A. General Permits. All significant users proposing to connect to or to contribute to the POTW shall obtain a wastewater contribution permit before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall obtain a wastewater contribution permit within 30 days after the effective date of this chapter.

B. Permit Application. Users required to obtain a Wastewater Contribution Permit shall complete a file with the City, an application in the form prescribed by the City, and accompanied by a fee of $50.00. Existing users shall apply for a Wastewater Contribution Permit within 30 day after the effective date of the Ordinance, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

1) Name, address, and location, (if different from the address);
2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
3) Wastewater constituents and characteristics including but not limited to those mentioned in Section 2 of this chapter as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with

procedures established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136, as amended;

4) Time and duration of contribution;
5) Average daily and 30 minutes peak wastewater flow rates, including daily, monthly and seasonal variations if any;
6) Site Plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size and location and evaluation;
7) Description of activates, facilities and plant processes on the premises including all materials which are or could be discharged;
8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, State, or Federal Pretreatment Standards, and a statement regarding whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the User to meet applicable Pretreatment Standards.
9) If additional pretreatment and/or O& M will be required to meet the Pretreatment Standards; the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later that the compliance date established for the applicable pretreatment standards. The following conditions shall apply to this schedule:
    a. The schedule shall contain increments of progress in the form· of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
    b. No increment referred to in paragraph a of this subdivision shall exceed nine months.
    c. Not later than fourteen days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the city manager including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the city manager.
10. Each product produced by type, amount, process or processes and rate of production;
11. Type and amount of raw materials;
12. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
13. Any other information as may be deemed by the city to be necessary to evaluate the permit application. The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater contribution permit subject to terms and conditions provided herein.

C. Permit Modifications. Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater contribution permit as required by subsection B of this section, the user shall apply for a wastewater contribution permit within one hundred eighty days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater contribution permit shall submit to the city manager within one hundred eighty days after the promulgation of an applicable federal categorical pretreatment standard the information required by subdivisions 8 and 9 of subsection B of this section.

D. Permit Conditions. Wastewater discharge permits shall be expressly Subject to all provisions of this chapter and all other applicable regulation, user charges and fees established by the City. Permits may contain the following:

1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
2) Limits on average and maximum wastewater constitutes and characteristics;
3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
4) Requirements for installation and maintenance of inspection and sampling facilities;
5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
6) Compliance schedules;
7) Requirement for submission of technical reports or discharge reports (see c).
8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording City access thereto;
9) Requirements for notification of the City of any new introduction of wastewater constitutions or any substantial change in the volume or character of the wastewater constitutes being introduced into the wastewater treatment system;
10) Requirements for notification of slug discharges as per 13.20.110;
11) Other conditions as deemed appropriate by the City to ensure compliance with this chapter.

E. Permits shall be issued for a specified time period, not to exceed three (3) years. A permit may be issued for a period less than a year or may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements as identified in Section 2 are modified or other just cause exists. The User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

F. Wastewater Discharge Permits are issued to a specific User for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the City. Any succeeding owner or User shall also comply with the terms and conditions of the existing permit.

13.20.180 Reporting requirements for permittee.

A. Compliance Date Report. Within ninety days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the city manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

B. Periodic Compliance Reports.

1. Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the city manager during the months of June and December, unless required more frequently in the pretreatment standard or by the city manager, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in subdivision 4 of this subsection. At the discretion of the city manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the city manager may agree to alter the months during which the above reports are to be submitted.

2. The city may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subdivision 1 of this subsection shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the city manager, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analyses shall be performed in accordance with procedures established by the Administrator pursuant to Section 304 (g) of the Act and contained in 40 with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. (Ord. 627 §4 (Ex. A) (part), 1986)

13.20.190 Monitoring Facilities.

A. The City shall require to be provided and operated at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the City may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

B. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

C. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the City.

13.20.200 Pretreatment. The City shall inspect the facilities of any User to ascertain whether the purpose of the chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the City or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The City, Approval Authority, and EPA shall have the right to set up on the User's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City, Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

13.20.210 Pretreatment.

A. Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will *in* no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter. Any subsequent changes *in* the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.

B. The city shall annually publish *in* the Record Gazette newspaper a list of the users which were not *in* compliance with any pretreatment requirements or standards at least once during the twelve previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve months.

C. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request. (Ord. 627 §4(Exhibit A) (part), 1986)

13.20.220 Confidential information.

A. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

B. When requested by the person furnishing a report, 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 upon written request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System permit and/or the Pretreatment Programs; 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 person 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 by the City until and unless a ten-day notification is given to the User.

ARTICLE V – Enforcement

13.20.230 Harmful Contributions

A. The City may suspend the wastewater treatment services and/or a Wastewater Contribution Permit when such suspension is necessary, in the opinion of the City, in order to stop the actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the City to violate any condition of its NPDES Permit.

B. Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Contribution Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall reinstate the Wastewater Contribution Permit and/or the wastewater treatment service upon proof o the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the City within 15 days of the date of occurrence.

13.20.240 Revocation of Permit Any user who violates the following conditions of this chapter, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of Section 5 of this Chapter:

A. A person knowingly giving false statements, representation, record, report, plan or other documents to the City or falsifying, tampering or knowingly rendering inaccurate any monitoring device or method required under this chapter.

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

C. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;

D. Violation of the permit requirements or conditions and/or violations of this chapter;

E. Failure to pay fees and charges for use established pursuant to this chapter. (Ord. 627 §4(Ext. A) (part), 1986)

13.20.250 Notification of violation. Whenever the city finds that any user has violated or is violating this chapter, wastewater contribution permit, or any prohibition, limitation of requirements contained in this chapter, the city may serve upon such person a written notice, stating the nature of the violation. Within thirty days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the city by the user. (Ord. 627 §4 (Ext. A) (part), 1986)

13.20.260 Show cause hearing.

A. The city may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the city council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the city council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the city council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

B. The city council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the city to:

1. Issue in the name of the city council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
2. Take the evidence;
3. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the city council for action thereon.

C. At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

D. After the city council has reviewed the evidence, it may issue an order to the user responsible for the violated this chapter or the orders, rules, regulations, and permits issued under this chapter. 627 §4 (Exhibit A) (part), 1986)

13.20.270 Legal Action. If any person discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this chapter, Federal or State Pretreatment Requirements, or any order of the City, the City Attorney may commence an action for appropriate legal, equitable and/or injunctive relief in the Municipal or Superior Court of Riverside County.

ARTICLE VI - Penalty: Costs

13.20.280 Civil Penalties. Any user who is found to have violated an Order of the City Council or who willfully or negligently failed to comply with any provisions of this chapter, and the orders, rules, regulations and permits issued hereunder, shall be punishable by a fine not less than One Thousand Dollars ($1,000) nor more than Six Thousand Dollars ($6,000) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition, to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporters fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder.

13.20.290 Criminal Penalties. Any user who is found to have violated an order of the City Council or who is willfully or negligently failed to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder, shall be punishable by a fine not to exceed Five Hundred Dollars ($500.00) or by imprisonment for a period of not more than six (6) months, or by both such fine and imprisonment for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition, to the penalties provided herein, the City may recover reasonable attorneys fees, court costs, court reporters fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder.

13.20.300 Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or wastewater contribution permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be punished by a fine of not more than one thousand dollars or by imprisonment for not more than six months, or by both. 627 §4 (Exhibit A) (part),1986)

ACTICLE VII - Severability

13.20.310 Invalidation. If any provision, paragraph, word, section or article of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

ARTICLE VIII- Conflict

13.20.320 Inconsistency/Conflict. All other chapters and parts of other chapters inconsistent or conflicting with any part of this chapter are hereby repealed to the extent of such inconsistency or conflict.

(Continue on next page)

Chapter 13.21
Mobile Home Park Rent Stabilization

Sections:

13.21.010 Title. This Ordinance may be cited as the Mobile Home Park Rent Stabilization Ordinance of the City of Beaumont.

13.21.020 Statement of Purpose and Findings.

A. Mobile home owners have a substantial investment in their residences and appurtenances for which space is rented or leased. Alternate sites for relocation of mobile homes are difficult to find due to restrictions of age, size, or style of mobile homes permitted in many parks, and related to the installation of mobile homes, including permits, landscaping and site preparation. Additionally, the cost of moving a mobile home may be substantial, and the risk of damage in moving is significant.

B. A significant percentage (nearly 11%) of the residential population of the City of Beaumont resides in mobile homes.

C. Mobile homes are often occupied by senior citizens, persons on fixed income and persons of low or moderate income, where extreme rent adjustments fall upon these individuals with particular harshness. Many mobile home owners have a substantial portion of their net asset worth invested in their mobile homes. The continuing possibility of unreasonable space rental adjustments in mobile home parks threatens to diminish the value of the investment of the mobile home owners in their homes. Further, existing state law permits mobile home park owners to require mobile home owners to make modifications to their homes for reasons of aesthetics or conformity to park standards that amount to capital improvements which would accrue to the benefit of the park owner by potentially increasing the market value of the park itself.

D. The result of these conditions is the creation of a captive market of mobile home owners and tenants. This, in turn, contributes to the creation of an imbalance in the bargaining relationship between park owners and mobile home park tenants in favor of the park owners.

E. The City council of the City of Beaumont finds and declares it necessary to facilitate and encourage fair bargaining between mobile home owners and park owners in order to achieve mutually satisfactory agreements regarding space rental rates in mobile home parks (a) to preserve to the residents the value of their mobile homes and (b) to preserve to the park owners the value of their parks. Absent such agreements, the City Council further finds and declares it necessary to protect the owners and residents of mobile homes from unreasonable space rental adjustments while simultaneously recognizing and providing for the need of park owners to receive a just and reasonable return on their property.

F. The City Council of the City of Beaumont finds that it is the goal of the City's Housing Element to "conserve and improve existing affordable housing" in the City, and to prohibit conversion of mobile home rental units or mobile home parks to ownership or other uses unless conditions are adopted to maintain existing affordable conditions.

G. The City Council of the City of Beaumont finds and declares that Ordinance No. 602, enacted in 1984, and amendments, adding Chapter 13.16 to the Beaumont Municipal Code, entitled Mobile Home Rent Revenue Commission, has been reviewed and evaluated and is found to be inadequate for the needs and purposes of the City as reflected in the above findings and should, therefore, be repealed with the adoption of this Ordinance.

H. Administration of this Ordinance shall be under the general direction of the Planning Director hereinafter referred to as "Director," with general oversight responsibility vested in the City Manager.

13.21.030 Application. The provisions of this Ordinance shall apply to all mobile home residential rental spaces located within the City of Beaumont unless otherwise exempt from the provisions of this Ordinance, as such exemptions are provided for hereinafter in this Ordinance and by law. Nothing in this Ordinance shall be deemed to supersede any provision of California Civil Code Section 798 et seq., and as it may be amended.

13.21.040 Definitions. In construing the provisions of this Ordinance, the following definitions shall apply:

A. "Base year" is the calendar year 1995; or the year established by the most recent (prior) hearing before the Arbitrator or Board; or, if necessary, the year established by the Arbitrator or Board in parks that have been sold since 1995.

B. "Consumer Price Index" or "C. P. I." means the Index known as the "Consumer Price Index for all Urban Consumers for the Los Angeles-Anaheim-Riverside Area, (1982-1984) and thereafter or the index which may replace this index if it is discontinued.

C. "Landlord" means any owner, lessor, operator or manager of a mobile home park.

D. "Mobile Home or "mobile home" means a structure designed for human habitation and for being moved on a street or highway under permit pursuant to Section 35790 of the Vehicle Code. Except as provided in Civil Code Section 798.3, mobile home does not include "recreational vehicle" as defined in Section 799.29 of the Civil Code or a "commercial coach" as defined in Section 18001.8 of the Health and Safety Code.

E. "Mobile Home Owner" or "Resident" means any person entitled to occupy a mobile home dwelling space pursuant to ownership thereof or a rental or lease agreement with the owner thereof.

F. "Mobile Home Park Owner" or Park Owner" means the owner, lessor, operator, manager or designated agent thereof of a mobile home park; sometimes referred to as "owner."

G. "Mobile Home Space or Space" means the site within a mobile home park intended, designed, or used for the location or accommodation of a mobile home and any accessory structures or appurtenances attached thereto or used in conjunction therewith.

H. "Rent Adjustments" means any rent increase or decrease demanded of or paid by a tenant, including any reduction in housing services without a corresponding reduction in the monies demanded or paid for rent.

I. "Rental Agreement" means an agreement between a mobile home park owner and tenant establishing the terms and conditions of a tenancy in a mobile home park. A lease is a rental agreement.

J. "Residential rental space" means any mobile home space occupied by any person other than the owner of the park for payment of rent pursuant to an oral or written lease, or other form of rental agreement.

K. "Space Rent" means the consideration, including any bonuses, benefits, or gratuities demanded or received for and in connection with the use or occupancy of a mobile home space within a mobile home park, or for housing services provided and security deposits, but exclusive of any amounts paid for the use of the mobile home as a dwelling unit. The use or occupancy of a mobile home space shall include the exercise of all rights and privileges and the use of facilities, services and amenities accruing to the residents thereof. "Space Rent" shall not include any separately billed utility fees and charges for natural gas or liquid propane gas, electricity, water, cable television, garbage or refuse service and sewer service.

L. "Tenancy" means the right of a tenant to the use of a mobile home site within a mobile home park on which to locate, maintain, and occupy a mobile home, site improvements and accessory structures; for human habitation, including the use of the services and facilities of the mobile home park.

M. "Tenant" means any person entitled to occupy such mobile home space pursuant to an oral or written lease with the owner thereof, or pursuant to some other rental agreement with the owner, lessor, operator or manager thereof.

13.21.050 Exemptions from coverage. The provisions of this Ordinance shall not apply to the following:

A. Newly Constructed Space - Space rent or space rent adjustments for new mobile home spaces whether in parks constructed after January 1, 1990 or spaces rented out for the first time after January 1, 1990 shall be exempt from the provisions of this Ordinance. Civil Code Section 798.45.

B. Vacancies

1. Subject to the exceptions in paragraphs 2 and 3 below, if the mobile home space or mobile home is (a) voluntarily vacated, abandoned or repossessed, or (b) vacated pursuant to California Civil Code Sections 798.56 or 798.75 the landlord may adjust the rental rate to an amount as he or she in his or her discretion may determine.

2. Subject to the provisions of civil Code Section 798.17, if the mobile home is sold in place and is to remain on site, the landlord may only increase the rental rate of the space to the new owner to an amount that is no greater than the average of the three highest rentals then currently being charged by the park owner for resident owner occupied spaces of comparable size, location and amenities in the park.

3. In the event a resident owner must move from his or her mobile home because of a need for long term medical or custodial care, the space shall remain subject to this Ordinance during the time that the owner is absent and remains incapacitated. In those parks that allow subletting, the absent and incapacitated owner may sublet the mobile home for a charge not to exceed the space rent and utilities and all legally allowable pass thorough costs for a period of time not to exceed twenty-four (24) months without removing the space from the protection of this Ordinance.

C. Space Rent Agreement Exemption - Any rental agreement in excess of twelve-months duration which also meets all criteria specified by Section 798.15 and Section 798.17 of the California civil Code, including, but not limited to, the tenant notification requirement within the first paragraph of such rental agreements, shall be exempt from the space rent ceiling provisions of this Ordinance, but only during the term of such rental agreement or any uninterrupted, continuous extensions thereof. If such rental agreement is not extended and no new rental agreement in excess of twelve-months duration is entered into, then the last month's rent under the expired rental agreement shall be the base rent for purposes of this Ordinance. Any rental agreement exempt from this Ordinance by virtue of this subsection shall remain so exempt despite voluntary amendments made thereto, as long as any amendments extending the term contain the disclosures required by Section 798.17 of the California civil Code.

D. Lease Agreement Exemption - Section 7 of this Ordinance does not apply to any residential rental space for the rental of which the mobile home park owner and the tenants have mutually agreed to enter into a lease which conforms to the provisions of California Civil Code Section 798.15 et seq.

E. Tenant Approval - This Ordinance does not apply if two-thirds of all mobile homes affected by the rent increase or other action give their approval in writing as evidenced by the signature of one tenant for each space or in an election called to consider the matter with each space casting one vote. The park owner shall supply proof of such approval to the Director for verification.

F. Violation - No person shall perform any act of duress, menace, or undue influence with the intent of thereby obtaining the consent of any other person to enter into any lease for the occupancy of a residential rental space in a mobile home park.

13.21.060 Registration and Fees.

A. Within ninety (90) calendar days after the effective date of this Ordinance, mobile home park owners are required to register all mobile home parks and mobile home rental spaces within such parks with the Director. The initial registration shall include: the name(s), business address (es) , business telephone number(s) of each person or legal entity possessing an ownership interest in the park and the nature of such interest; the number of mobile home rental spaces within the park; the space rent charged for each space during the base year; and the number of spaces currently exempt under civil Code Sections 798.17 and 798.45. The Director is hereby empowered to establish procedures for requiring such re-registration as he or she deems necessary.

B. After initial registration and on an annual basis, if needed thereafter, each space in the park then subject to the provisions of this Ordinance and not otherwise exempt under provisions in the Mobile Home Residency Law, i.e, civil Code Sections 798.17 [or such other amount as the City Council may establish] and 798.45, may be assessed a fee of up to $12 per space per year to cover the anticipated costs of administering this Ordinance. The fee shall be collected by the park owner who shall promptly remit all of the per space fee collected except one dollar ($1) per space to the Director who shall use the monies so received to cover the costs of administering this Ordinance. The park owner shall be entitled to retain one dollar ($1) of the fee amount collected to cover the park owner's expenses in complying with this Ordinance.

C. No park owner shall be eligible to receive any rent ceiling adjustment as provided for under the provisions of this Ordinance unless such current registration information as may then be required for the mobile home park is on file with the Director at the time the petition for the rent ceiling adjustment is filed. The registration and re-registration requirements provided for in this section, or which may be hereafter established by the City Council, shall apply to all mobile home parks including those exempt from the space rent ceiling limitation by reason of the existence of a valid space rent agreement. Registration shall not apply to parks that were constructed in 1990 or later.

13.21.070 Space rent ceiling or maximum allowable space rent. Beginning the first month which commences following the day after the effective date of this Ordinance, no mobile home park owner shall charge space rent for any mobile home space in an amount greater than (a) the space rent in effect on December 31, 1995 increased by the increase in the CPI since that date or (b) the rent for the space that is in effect on the effective date of this Ordinance. The space rent in effect on that date shall be known as the "space rent ceiling."

If there was no space rent in effect on December 31, 1995, the space rent ceiling shall be the space rent that was charged on the first date that space rent was charged after December 31, 1995 (with the exception above noted) adjusted by the CPI to the current date as indicated above or the rent for the space that is in effect on the effective date of this Ordinance. If a mobile home park space is exempted from the application of this Ordinance by reason of the existence of a space rent agreement and the agreement expires, the space rent ceiling for that space shall be the space rent in effect on the date the agreement expires.

13.21.080 Space rent ceiling adjustment – initial adjustment.

A. No adjustment in space rent ceilings shall be permitted except as provided for herein.

B. Permissive Adjustment - A park owner shall be entitled to an initial permissive adjustment gross space rental income equal to one hundred (100%) percent increase in the Consumer Price Index (CPI) from the end of the base year (1991) to the date of application for the adjustment. The percentage adjustment in the CPI shall be calculated by subtracting the CPI reported for December, 1995, from the most recently reported monthly CPI preceding the application and then dividing this remainder by the December, 1995, CPI.

13.21.090 Space rent ceiling adjustment – annual adjustments. Commencing in calendar year 1996, park owners shall be entitled to the following annual adjustments.

A. Permissive Annual Adjustment

1. A park owner shall be entitled to one annual permissive adjustment of gross space rental income equal to one hundred percent (100%) of the percentage adjustment in the CPI from the date of the most recent initial or annual adjustment to the date of application for the proposed adjustment. No application or permission is required for the annual adjustment under this section.

B. Net Operating Income (NOI) Adjustment

1. In the event a park owner believes he or she does not receive a just and reasonable return on park property after receiving the maximum permissive adjustment provided for above, the park owner may, upon payment of a filing fee as hereinafter provided, file a petition with the Director for an adjustment of the space rent ceiling, providing adequate justification for the proposed increase.

(a) Upon the filing by a park owner of a petition for hardship rent increase, the Director shall request a deposit from the petitioner who shall pay 50% of the anticipated cost of the proceedings. Any final decision of the Arbitrator or Mobile Home Board (or final decision of a Hearing Officer if not appealed to the City Council) shall contain an estimate of the total expenses of the Hearing process. The petitioner shall be obligated to pay, as a fee, one-half of the total cost of said hearing process (less the deposit). Any hardship rent increase may be conditioned upon the payment of said fee. In the event that the deposit exceeds one-half of the expense of the hearing process, the petitioner will be entitled to a refund of that difference.

2. If the City shall establish forms for such a petition, the petition shall be prepared and submitted using such a form. In the absence of such designated form, such petition shall be in writing verified by the applicant, and shall contain the names, address and telephone number of the applicant, the name and address of the tenant of each rental space which would be affected if the petition were granted, a statement of the facts giving rise to the petition for an NOI adjustment in sufficient detail that, if established, such facts would demonstrate the existence of a decrease in the NOI warranting such NOI adjustment. Within thirty (30) working days after the petition has been submitted to the Director for filing, petitioner shall be given notice of the time and place of the hearing, which notice together with a copy of the petition shall be served upon or mailed to each tenant of a rental space which would be affected by the NOI adjustment if granted. When a declaration of service has been submitted to the Director, the petition for an NOI adjustment shall be deemed filed.

3. A park owner shall be entitled to an adjustment of the space rent ceiling so as to enable the park owner's Net Operating Income (NOI) for the subsequent year to be increased by a rate which, when added to the maximum permissible adjustment provided for above will give the park owner a just and reasonable return on park property. In determining whether the current NOI is adequate in comparison with the base year NOI, the NOI for the park earned in the base year shall be increased by the amount of the CPI increase from the base year to the date of the proposed rental increase.

C. No annual adjustment shall become effective if a previous annual adjustment became effective within the previous twelve (12) months unless approved by Arbitrator.

D. Rent Increase Based upon Capital Improvements.

1. An application for a rent increase based on the cost of a proposed or completed capital improvement may be filed by the park owner with the Director pursuant to this subsection. For the purposes of this subsection "Capital Improvement" is defined as the installation of new improvements and facilities, and/or the replacement or reconstruction of existing improvements and facilities which consist of more than ordinary maintenance or repairs, with a useful life of at least five (5) years. A capital improvement shall be approved by the Arbitrator where the improvement has been agreed upon between the park owner, and by more than 50 percent (50%) of the owners of all mobile homes affected by the improvement in an election called to consider the matter with each space casting one vote.
2. A capital improvement shall be approved if the improvement is required (a) to maintain the common facilities and other areas of the park in a safe and sanitary condition (b) to maintain the existing level of park amenities and services, or (c) to comply with the law or an administrative regulation. No vote of Mobile Home owners shall be required for approval under this provision.
3. Capital improvement costs for items which are not necessary or approved as described above, in paragraphs 1 and 2, shall be allowable rent increases only if the park owner has (a) consulted with the park residents to be affected prior to initiating construction of such improvements, regarding the nature and purpose of such improvements and the estimated cost of such improvements, and (b) demonstrated the need for the improvements and the reasonableness of the anticipated costs.
4. Capital Improvement rent increases shall be amortized over the useful life of the improvement as set forth in Internal Revenue "class life" tables then in effect, unless the Arbitrator at its discretion determines that the use of such tables is unreasonable under the circumstances.
5. In addition to the reasonable cost of the improvement(s) and the reasonable costs of financing, the rent increase shall include a return of two percent (2%) over the prime rate at Bank of America in effect at the time the rent increase is approved calculated annually on the unamortized cost improvement.
6. In the event the need for the capital improvement is a result of an accident, disaster, or other event for which the park owner receives insurance benefits, only those capital improvement costs which exceed such insurance benefits may be amortized as operating expenses unless the uncovered loss or portion thereof is a result of an underinsured or uninsured loss in which event the underinsured or uninsured portion is disallowed unless prudent business practices would not require it to be ensued.

7. Capital Improvement rent increases shall be apportioned equally among all spaces in the mobile home park affected thereby and shall be payable monthly, and shall be set forth by the park owner as a separate item from the space rent. The increase shall remain in effect until the cost of the improvement, plus reasonable costs of financing as set forth above, have been fully recovered.
8. The application for the cost of a completed capital improvement or the estimated cost of a proposed capital improvement shall contain:
   (a) A description of the capital improvement;
   (b) A copy of all estimates, contracts, bills, invoices, canceled checks and other documentation reasonably necessary to establish the cost of the capital improvement and the reasonable cost of financing the capital improvement. If, instead of borrowing the money to make the capital improvement, the park owner uses his or her own funds, the reasonable cost of financing which will be allowed shall be the average prime rate charged by the Bank of America for the three months preceding the start of construction of the capital improvement; and
   (c) If the capital improvement has been agreed upon between the park owner and by more than fifty percent (50%) of the owners of all mobile homes affected by the improvement, proof of that fact will be submitted with the application.
9. A petition by tenants, as allowed by Section 13.21.120, will be limited to challenging the special increase for a capital improvement only on the basis that it does not meet the criteria established by Section 13.21.090.D of this Ordinance.
10. The Hearing Officer or Arbitrator may, in its discretion, approve the capital improvement without the necessity of a hearing, as provided for in this Ordinance.
11. No rent increase for a proposed capital improvement may be collected until the park owner provides proof to the Director that the improvement has been completed.

13.21.100 Required Certification on Rental Adjustment Notice. The Arbitrator shall have the right to deny any rent adjustment under this Ordinance if the owner:

A. Has failed to comply with any provisions of this Ordinance and/or regulations issued there under by the Director or the City Council.

13.21.110 Petition by tenant.

A. Any tenant of a mobile home rental space affected by this Ordinance, upon payment of a filing fee of one dollar ($1) and joined by at least 30% of the other tenants similarly affected (each of whom pays one dollar ($1) per space), may petition for a determination whether a proposed or actual action by the landlord affecting such tenant(s) is within the terms of this Ordinance. If the City shall establish forms for such petitions, the petition shall be prepared and submitted upon such form. In the absence of such designated form, the petition shall contain the name, address and telephone number, if known, of the landlord, owner, manager, or other person authorized to represent the owner of the mobile home park, a brief statement of the facts giving rise to the petition and a statement that a copy of the petition has been personally served or mailed to the owner, manager or other person authorized to accept and receive notices to the landlord.

B. The petition shall also include the name, address, and telephone number of the designated representative of the petitioner(s) to whom notices and other communications respecting the petition are to be transmitted.

C. In the event a petition by a tenant(s) results in a downward adjustment in the space rent, the park owner shall not be obligated to adjust any rent except the rent of those tenant(s) who signed the petition and paid the established filing fee.

D. A petition must be filed within 60 days of notice being given by the park owner or within 90 days of the action actually taken by the park owner when no written notice preceded the action.

E. In the event the petitioner or petitioners are claiming that a net operating income rental increase otherwise allowed by Section 13.21.090B above should be disallowed in whole or in part because of conditions of deteriorating maintenance the petitioner(s) shall specify the conditions of deteriorating maintenance in their petition with the specificity required by Civil code Section 798.84(b).

F. Upon receipt of the petition, the Director shall determine whether or not the petition contains the minimum number of signatures required. Thereafter, the Director shall notify, in writing, the park owner and the residents of the results of his/her determination.

G. The Director shall in a timely manner assign a Hearing Officer who shall conduct an informal hearing in an attempt to resolve the matter. In making his/her recommendation(s), the Hearing Officer may consider all relevant factors including those listed in this Ordinance.

H. The Hearing Officer shall, if he/she finds it practical to do so, hold the informal hearing at the mobile home park. In any event, the Hearing Officer shall use all reasonable efforts to hold the hearing at a location which is convenient for the residents of the park.

I. The hearing may be attended by no more than two representatives from the affected tenants and two representatives from the park owner. Attorneys shall not be present at the informal hearing(s) unless agreed to in writing, by both sides except in a case where the park owner or petitioning tenant(s) is an attorney in which case the other party may be accompanied by its own attorney.

J. Either side may submit written, photographic or other type of documentary evidence to support their contentions, but is not required to do so.

K. The Director shall set time lines by which the informal hearing process must be concluded and shall take all appropriate steps to see that the informal hearing process is conducted in a manner that respects the rights of both sides.

L. The Hearing Officer shall serve, by his/her final recommendations in written form to both sides and to the Director.

M. Any agreements reached by the parties shall be reduced to writing and be signed by them and the Hearing Officer.

N. No statement(s) made by a party in the informal hearing process may be introduced into evidence or presented before the Arbitrator unless agreed to by the party making the statement.

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13.21.120 Petition by landlord. Any landlord of a mobile home park affected by this Ordinance may, upon payment of a filing fee of one dollar ($1) per space affected under this Ordinance, petition for a determination whether a particular course of action by said landlord is allowable, valid and in conformity with this Ordinance. The Director may designate forms for the filing of such petitions. In the event that no such form has been designated, the petition shall be in writing, and shall contain the name, address and telephone number, if any, of the person requesting the interpretation or opinion, the name and address of each tenant of a rental space owned or managed by the person requesting the interpretation or opinion, if it is intended that such interpretation or opinion affects such rental space, a brief statement of the facts giving rise to the request for interpretation or opinion, and a statement that a copy of such petition has been personally served upon or mailed to each such tenant who might be affected thereby.

The Hearing Officer procedures specified in Section 13.21.110 G-N inclusive of this Ordinance shall be used for the initial consideration of the landlord's Petition.

13.21.130 Appeal to Arbitrator. Any party to a hearing conducted by a Hearing Officer shall be entitled to appeal the decision of the Hearing Officer to the Arbitrator.

13.21.140 Arbitration.

A. If a majority of the petitioning parties or the park owner wish to proceed to arbitration they shall, within 20 days of the date of service of the written notification of the Hearing Officer's final recommendation, notify the Director in writing of their decision to proceed to arbitration.

B. Within 30 days of notice of the filing of the request for arbitration the Mobile Home owner(s) and park owner shall contribute and deposit a sum of money with the Director for the estimated costs of, and as determined by, the Director. In no event shall the mobile home owner(s) contribution exceed $300 or such other amount (greater or lesser) as the Director may establish. Failure on the part of the petitioner(s) to deposit its share, shall terminate the proceedings and will be deemed a denial of the request. In the event the park owner fails to deposit his share, the Arbitrator shall enter an order as to such park owner denying any increase in rent or any other new "pass through" charge for a 12 month period, beginning the date of the notice of increase that is the subject of dispute. This order shall become effective 30 days from the date it is mailed by the Director unless a court-ordered stay of execution is granted. Unless such a stay is granted, any rent increase collected by park owner while this procedure was pending shall be refunded to residents within sixty (60) days of the date of mailing of the notice denying the increase pursuant to this Section, by the Director. If no contrary court order is entered, and the amounts owed are not repaid in sixty (60) days, affected residents may reduce their rental payments next due by the amount overpaid. If the amount exceeds one month's payment, the balance shall be deducted the next month until resident has received the overpayment plus 10% of the total as a penalty for park owner not having complied with the provisions of this Ordinance.

C. In the event a petition by a tenant(s) results in a downward adjustment in the space rent, the park owner shall not be obligated to adjust any rent except the rent of those tenant(s) who signed the petition and paid the established filing fee.

13.21.150 Selection of Arbitrator.

A. The City Manager shall, if the parties cannot otherwise agree, select the person who is to be the Arbitrator. The Arbitrator shall be selected from a list of recommendations provided by the Board of Directors of the Riverside County Bar Association or such other organization(s) as the City Manager deems appropriate. The Arbitrator shall be a resident of Riverside County and be qualified by education, training and experience.

B. The City shall pay the Arbitrator his or her fees as agreed between the Arbitrator and the City Manager.

13.21.160 Conduct of Arbitration.

A. The following is applicable to all hearings before the Arbitrator.

B. Each party to a hearing may have assistance in presenting evidence or in setting forth by argument his or her position, from an accountant, attorney or such other person of his own choosing as may be designated by said party.

C. Formal rules of evidence shall not apply in such proceedings; however, all testimony (oral or written) offered as evidence shall be submitted under oath.

D. In the event any party shall fail to appear at the time and place set for hearing of a petition without good cause as determined by the Arbitrator, the Arbitrator may hear and review such evidence as may be presented by those present, and may make such findings and decisions as shall be supported by the evidence placed into the record.

E. The Arbitrator, shall make findings based on the evidence as presented as to each fact relevant to its decision on the petition. The decision shall be based upon the findings, and shall:

1. Determine whether the action or proposed action of a landlord is valid, authorized, and in conformity with this Ordinance;

F. The decision shall be made no later than thirty (30) days after the matter has been submitted for determination. No rent adjustment shall be authorized unless supported by a preponderance of the evidence. A written notice of the decision shall be sent to each party to a proceeding.

13.21.170 Appeal to Court. The findings and decision of the Arbitrator shall be a final administrative action. There shall be no right of appeal to the City Council, but appeal may be made to Court pursuant to Code of Civil Procedure Sections 1094.5 and 1094.6. Such findings and decision shall be public records, arid may be certified by the Director, or by the City Clerk. Each decision shall set forth a Notice as required by California Government Code Section 1094.6. The decision shall become effective and final upon mailing to the parties.

13.21.180 Priorities. All petitions for hearings shall be heard in order of date filed.

13.21.190 Rent adjustment regulations. For purposes of determining allowable rent adjustments, except those specified in Section 13.21.090 A for permissive annual adjustment and in Section 13.21.090 D for capital improvements, the principles set forth in this section shall be used. The Arbitrator may consider all relevant factors including, but not limited to: increases or decreases in operating and maintenance expenses, the extent and cost of utilities paid by the park owner, necessary and reasonable capital improvements of the park as distinguished from normal repair, replacement and maintenance, increases or decreases in amenities, equipment, insurance, services, substantial deterioration of the park other than as a result of ordinary wear and tear, failure on the part of the park owner to provide timely and/or adequate maintenance and repair, federal and state income tax benefits, the speculative nature of the investment, whether or not the property was acquired or is held as a long term or short term investment, the owner's rate of return on investment, the owner's method of financing and prudent use and need thereof, the owner's current and base year Net Operating Income (NOI) as inflated to date by current CPI and any other factors deemed relevant by the Arbitrator, in providing the owner a fair return.

The fact that a park is old shall not, of itself, be indicative that maintenance has deteriorated. The Arbitrator shall distinguish between normal deterioration and obsolescence of the park due to age and failure to adequately maintain.

In the event any such claim or claims of failure to adequately maintain are proven, the Arbitrator may take one or more of the following actions:

A. Deny any rental increase;
B. Offset any allowable rental increase by an amount that is adequate to reflect the degree of failure to adequately maintain.
C. Condition any allowable rental increase upon a remediation of the failure to maintain by the park owner. In this regard, the Arbitrator may freeze rents at the pre-increase level until such time as the park owner has come into compliance with the Arbitrator's decision.
D. The Arbitrator may recess the hearing for a period not exceed 90 days to allow the park owner to correct the condition or conditions of inadequate maintenance.
E. The Arbitrator may combine any two or more of the above listed actions and/or may take any other action or actions that it deems necessary to correct the problem of inadequate maintenance.

13.21.200 Net operating income. Net Operating Income (NOI) shall be gross income less allowable operating expenses.

13.21.210 Gross income.

Gross Income equals:

A. Gross rents, computed as gross rental income at 100% paid occupancy, plus
B. Interest from rental deposits, unless directly paid by the landlord to the tenants.
C. Income from miscellaneous sources, including, but not limited to, laundry facilities, vending machines, amusement devices, cleaning fees or services, garage and parking fees, plus

D. All other income or consideration received or receivable for or in connection with the use or occupancy of rental units,

E. Minus uncollected rents due to vacancy and bad debts to the extent that the same are beyond the landlord's control.

13.21.220 Allowable Operating Expenses. Operating expenses shall include but not be limited to the following:

A. Real property taxes,

B. Utility costs. Utility costs are for natural gas or liquid propane gas, electricity, water, cable television, garbage or refuse service, and sewer service, unless billed separately to and paid by the park residents in which case the park owner may not deduct such costs. It is assumed that charges for utility services billed to the tenant separately include an adequate reserve amount to repair and upgrade meters, lines and equipment and the park owner shall have the burden of showing by clear and convincing evidence that any additional expense is necessary to cover such repairs or upgrade.

C. Management fees actually paid if management services are contracted for. If all or a portion of management services are performed by the landlord, management fees shall include the reasonable value for such landlord performed services. Management fees greater than five percent (5%) of gross income are presumed to be unreasonable. Such presumption may be rebutted.

D. Other reasonable management expenses, including, but not limited to, necessary and reasonable advertising, accounting and insurance.

E. Normal repair and maintenance expenses, including, but not limited to, painting, normal cleaning, fumigation, landscaping, and repair of all standard services, including electrical, plumbing, carpentry, furnished appliances, drapes, carpets, and furniture.

F. Owner-performed labor, which shall be compensated at the following hourly rates upon documentation of the date, time, and nature of the work performed:

1. At the general prevailing rate of per diem wages for the Riverside area, for the specific type of work performed, as determined and published by the Director of the Department of Industrial Relations of the State of California pursuant to Section 1770 et seq. of the Labor Code of the State of California.
2. If no such general prevailing rate has been determined and published, then a cost per hour for general maintenance and a cost per hour for skilled labor as established by Riverside County Department of Economic Development.
3. Notwithstanding the above, a landlord may receive greater or lesser compensation for self-labor if the landlord proves by clear and convincing evidence that the amounts set forth above are substantially unfair in a given case.

4. Owner performed labor in excess of 5% of Gross Income shall not be allowed unless the landlord proves by clear and convincing evidence that such excess labor expenses resulted in proportionately greater services for the benefit of tenants.

G. License and registration fees required by law to the extent same are not otherwise paid by tenants.

H. The reasonable cost of the capital improvement including reasonable financing costs, plus two percent (2%) over the prime rate at Bank of America in effect at the time of the assessment computed in accordance with any useful life table utilized by the Internal Revenue Service.

I. Reasonable attorneys fees and costs incurred as normal reasonable costs of doing business, including, but not limited to, good faith attempts to recover rents owing and good faith unlawful detainer actions not in derogation of applicable law, to the extent same are not recovered from tenants.

13.21.230 Operating expenses not allowable. Operating expenses shall not include the following:

A. Avoidable, unreasonable or unnecessary expenses;

1. All expenses allowed must be reasonable. To the extent that the Arbitrator finds any expense(s) to be unreasonable, the Arbitrator shall adjust such expense(s).

B. Mortgage principal and interest payments;

1. In refinancing, increased interest shall be permitted to be considered as an operating expense only where the park owner can show that the refinancing was reasonable and consistent with prudent business practices under the circumstances.

C. Lease purchase payments; and rent or lease payments to park owner's lesser; except that increases in such payments in any year may be allowed if found by the Arbitrator to be reasonable and consistent with prudent business practice under the circumstances.

D. Excessive costs of maintenance caused by delaying normal maintenance;

E. A cost that results because the loss is uninsured where prudent business practice would expect insurance coverage or the cost for that portion of a loss above a normal deductible, if underinsured, shall not be included as an operating expense.

F. Depreciation of the real property;

G. Any expenses for which the landlord has been reimbursed by any security deposit, insurance settlement, judgment for damages, settlement, or any other method.

H. Attorneys fees and other costs incurred for preparation and presentation of proceedings before the Arbitrator or Board, or in connection with civil actions or proceedings against the Arbitrator or Board.

I. Penalties, fees or interest assessed or awarded for violation of this or any other statute;

13.21.240 Presumption of fair base year net operating income. Except as provided in below, it shall be presume that the Net Operating Income produced by a park owner during the base year, provided a fair return on property. Owners shall be entitled to maintain and increase their Net Operating Income from year to year in accordance with Sections 13.21.080B and 13.21.090B.

13.21.250 Rebutting the presumption. It may be determined that the base year net operating income yielded other than a fair return on property, in which case, the base year Net Operating Income may be adjusted. In order to make such a determination, the Arbitrator or its designee must make at least one of the following findings:

A. The owner's operating and maintenance expenses in the base year were unusually high or low in comparison to other years. In such instances, adjustments may be made in calculating such expenses so the base year operating expenses reflect average expenses for the property over a reasonable period of time. The Arbitrator shall consider the following factors:

1. The owners made substantial capital improvements during the base year which were not reflected in the rent levels on the base date.
2. Substantial repairs were made due to damage caused by natural disaster, vandalism or other cause which management has taken appropriate action to reduce.
3. Maintenance and repair were below accepted standards so as to cause significant deterioration in the quality of housing services.
4. Other expenses were unreasonably high or low notwithstanding the following of prudent business practices by management.

B. The rental rates in the base year were disproportionate due to enumerated factors below. In such instances, adjustments may be made in calculating gross rents consistent with the purpose of this Ordinance.

1. The rental rates in the base year were substantially higher or lower than in preceding months by reason of premiums being charged or rebates being given for reasons unique to particular units or limited to the period determining the base rent.
2. The rent in the base year was substantially higher or lower than at other times of the year by reason of seasonal demand or seasonal variations in rent.
3. The rental rates in the base year were exceptionally high or low due to other factors which would cause the application of the base year net operating income to result in gross inequity to either the owner or tenant.

13.21.260 Determination of base year net operating income.

A. To determine the Net Operating Income during the base year, there shall be deducted from the annualized gross income being realized in 1991, a sum equal to the actual operating expenses for calendar year 1991, unless the owner demonstrates to the satisfaction of the Arbitrator that the use of some other consecutive 12-month period is justified by reasons consistent with the purposes of this section.

B. In the event the owner did not own the subject property during the base year, the operating expenses for 1991 shall be determined by one of the following methods, whichever the Arbitrator or Board determines to be more reliable in the particular case:

1. The previous owner's actual operating expenses as defined in Section 13.21.230 if such figures were available, or
2. Actual operating expenses for the first calendar year of new ownership, adjusted to 1991.

C. Park owners shall be entitled to maintain and increase their net operating income from year to year in accordance with the guidelines set forth in this Ordinance. It shall further be rebuttably presumed that where the net operating income is less than fifty percent (50%) of gross income in the base year, the park owner was receiving less than a just and reasonable return on the mobile home park.

13.21.270 Determination of current year net operating income. To determine the current year net operating income there shall be deducted from the annualized gross income, determined by analyzing the monthly rents in effect at the time of filing of a petition, a sum equal to the actual operating expenses for the last calendar year (unless the owner demonstrates to the satisfaction of the Arbitrator that the use of some other consecutive 12-month period is justified by reasons consistent
with the purposes of this section).

13.21.280 Schedule of increases in operating expenses. Where scheduling of rental increases, or other calculations, require projections of income and expenses, it shall be assumed that operating expenses, exclusive of property taxes, and management expenses, increase at 5% per year, that property taxes increase at 2% per year, and that management expenses constitute 5% of gross income, provided, however, that if actual increases are greater or less than those listed in this section, the actual increases shown according to proof shall be the increases applicable.

13.21.290 Discretionary considerations. While the Net Operating Income formula should operate to provide a park owner a fair return on the park, the Hearing Officer or Arbitrator considering a request for rent increases shall consider all relevant factors presented in making a determination, as set forth in this Ordinance.

13.21.300 Increases pending hearing. Rent increases may be collected in full by the park owner until such time as ordered otherwise by a final decision of the Arbitrator or unless agreed upon by the residents and the park owner.

13.21.310 Rent adjustments for reduction in utility services

A. If a mobile home park provides in the rent, without separate charge, utilities or similar services (including, but not limited to, natural gas, electricity, water, sewer, trash, and/or cable television) and converts to separate charge for such service by separate metering, separate charge or other lawful means of transferring to the tenant the obligation for payment for such services, the cost savings shall be passed through to tenants by a rent adjustment equal to the actual cost to the park of such transferred utility or similar service (less common area usage) based on costs for the twelve (12) months period prior to notice to the tenants of the change. It is the intent of this Section for those rental agreements entered into on or after January 1, 1991, to be consistent with the provisions of Civil Code Section 798.41 as adopted by Chapter 1013, Section 2 of the Statutes of 1990.

B. For purposes of this section, in determining cost savings to be passed on to tenants in the form of decreased rent, the cost of installation of separate utility meters, or similar costs incurred by the owner to shift the obligation for payment of utility costs to the tenants shall not be considered. However, this shall not be construed to prohibit or prevent the consideration of inclusion of such costs as an increased operating expense at arbitration.

13.21.320 Quantum of proof and burden of proof. The decision of the Arbitrator, the Director, or the Hearing Officer must be supported by the evidence submitted. In Arbitration, the petitioning party shall have the burden of going forward with the evidence and the burden of persuasion by a preponderance of the evidence.

13.21.330 Remedies for violation.

A. Civil Remedies - Any person who demands, accepts, or retains any payment in violation of any provision of this Ordinance shall be liable in a civil action to the person from whom such payment is demanded, accepted, or retained for damages in the sum of three (3) times the amount by which the payment or payments demanded, accepted or retained exceed the maximum rent which could lawfully be demanded, accepted, or retained, together with reasonable attorney's fees and costs as determined by the Court.

B. Criminal Remedies - It shall be unlawful for any owner to willfully and knowingly adjust any rent in an amount in excess of that allowed under this Ordinance or by order of the Arbitrator. Any owner who willfully and knowingly violates any of the provisions of this Ordinance or the orders of the Arbitrator shall be guilty of a misdemeanor punishable by a fine not exceeding $1,000 or six months in jailor both.

C. Injunctive and Other civil Relief – The Arbitrator, the Director, the City, and/or the Tenants and Owners may seek relief from the appropriate Court within the jurisdiction in which the rental unit is located to enforce any provision of this Ordinance or its implementing regulations or to restrain or enjoin any violation of this Ordinance and of the rules, regulations, orders and decisions of the Arbitrator or City Council.

D. Non-waiver of Rights-Any waiver or purported waiver by a tenant or prospective tenant of rights granted under this Ordinance prior to the time when such rights may be exercised, whether oral or written, shall be void as contrary to public policy.

13.21.340 Periodic review of Ordinance. The City Council shall review the provisions of this Ordinance following a report by the Director one year following the date of adoption thereof, and at any other time deemed appropriate, in order to consider the following:

1. Whether this Ordinance continues to be necessary to protect the public health, safety, and welfare.

2. Whether the implementation of the provisions of this Ordinance have been adequate; and

3. Whether the provisions of this Ordinance should be amended to provide more effective regulations or to avoid unnecessary hardship.

13.21.350 Severability. If any provision of this Ordinance or application thereof to any person or circumstances is held to be invalid, this invalidity shall not affect other applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

13.21.360 Ordinance to be liberally construed. This Ordinance shall be liberally construed to achieve the purposes of this Ordinance and to preserve its validity.

13.21.370 Prospective Effect. This Ordinance is intended to operate prospectively from its effective date, and anything which occurred prior to the effective date of this Ordinance which was otherwise lawful shall not be affected.

13.21.080 Introduction. This Ordinance was duly and regularly introduced as a meeting of the City on the 12th day of March, 1996.

13.21.390 Effective Date. This Ordinance is effective thirty-one (31) days after adoption.

13.21.400 Repeal of Ordinance No. 602, and Amendments Thereto. Ordinance 602, and amendments thereto, enacted in 1984 adding Chapter 13.16 entitled Mobile Home Rent Review Commission to the Beaumont Municipal Code, is hereby repealed and superseded by the adoption of this Ordinance.

Chapter 13.22
REGULATION OF CITY-OWNED RAILROAD TRACK

Sections:

13.22.010 Definitions. For the purposes of this Chapter, the following words and phrases shall have the meanings ascribed to them unless otherwise noted:

"City Track" means and includes the following portions of City-owned railroad track located at or near Milepost 562.6, Yuma Subdivision of the Union Pacific Railroad Company ("UPRC"), as more particularly described in that certain "Industry Track Contract" dated June 25, 2001, between the City and the UPRC, as it presently exists and may hereafter be amended.

"City Track Use Permit" means and includes a permit issued by the City to a person or business authorizing such person or business to use the City Track for the loading and unloading of goods. (Ord. No. 870, § 1, 10-5-04)

13.22.020 City Track Permit Required. Any business, business owner or other person desiring to use the City Track shall first apply for and obtain a City Track Use Permit. (Ord. No. 870, § 1, 10-5-04)

13.22.030 City Track Use Permit: Application. Any business, business owner or other person desiring to use the City Track shall make application therefor and pay the prescribed application fee to the Planning Director. The application shall set forth the following:

1. The name, business address and telephone number(s) of the applicant;

2. A description of the activities which the applicant proposes to conduct on and about the City Track, including a description of the vehicle(s) which the applicant proposes to use to load and unload railroad cars;

3. The number of times per day, week, month or year, whichever is appropriate or applicable, that the applicant intends to use the City Track;

4. Proof of insurance, including general liability insurance, automobile insurance and workers compensation insurance; and

5. Such additional information as the Planning Director may require. (Ord. No. 870, § I, 10-5-04)

13.22.040 Annual Fees. Each and every City Track permittee shall pay the following fees annually:

A. Annual Regulatory Fee: This fee shall be levied and collected for the purpose of defraying the cost of the administration of City Track permits, and the inspection and monitoring of City Track usage.

B. Annual Use Fee: This fee shall be levied and collected at least annually and shall be based upon the number of railroad cars utilizing the City Track. Proceeds from the Fee shall be used for the operation, maintenance and replacement of the City Track.

C. Fee Schedule: The City Council shall adopt, from time-to-time, a resolution establishing a Fee Schedule for the Application Fee, the Annual Regulatory Fee, and the Annual Use Fee. (Ord. No. 870, § I, 10-5-04)

13.22.050 Prohibitions.

A. No person shall utilize the City Track for loading or unloading purposes without first obtaining from the Planning Director a permit therefor.

B. No person shall allow any materials, commodities, bulk materials or other substance, whether liquid or solid, to be deposited on the ground in or around the City Track. In the event of a spill or other deposit, the permittee shall take all steps necessary to immediately clean up such spill or deposit, and shall call the City Building Department for an inspection.

C. No person shall utilize the City Track in a manner that will damage the City Track or any appurtenant or adjacent facilities including, without limitation, docks, ramps and adjacent surfaces.

D. No permittee shall use the City Track in violation of this Chapter or the provisions, terms and conditions of any City Track permit issued hereunder. (Ord. No. 870, § I, 10-5-04)

13.22.060 Penalty. Any individual violating any provision of this Chapter shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. Such individual shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Chapter is committed, continued, or permitted. Any individual convicted of a violation of this Chapter shall be: (1) guilty of an infraction offense and punished by a fine not exceeding one hundred dollars ($100.00) for a first violation; (2) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars ($200.00) for a second violation of the same Chapter provision and perpetrated by the same individual. The third and any additional violations on the same Chapter and perpetrated by the same individual shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars ($1,000.00) or six (6) months in jail, or both. Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor. Payment of any penalty herein shall not relieve an individual from the responsibility for correcting the violation. (Ord. No. 870, § 1, 10-5-04)

CHAPTER 13.24
STORM WATER AND URBAN RUNOFF MANAGEMENT

Sections:

13.24.010 Definitions. The following words and phrases shall, for purposes of this Chapter, are defined as follows:

A. "**Best Management Practices**" (BMPs) means any activities, practices, procedures, programs, prohibitions or any other measures designed to prevent or reduce the discharges of pollutants directly or indirectly into waters of the United States. BMPs shall include, but are not limited to, those measures specified in the California Storm Water Best Management Practices Handbook for the Municipal, Industrial/ Commercial and Construction Activities, as they may be amended from time-to-time, and such measures as may be mandated by the City Engineer. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage or recyclable materials storage areas.

B. "**City**" mean the City of Beaumont.

C. "**Clean Water Act**" means the Federal Water Pollution Control Act, amended in 1977 as the Clean Water Act, and amended in 1987 to establish new controls on industrial and municipal storm water discharges, and any and all subsequent amendments thereto.

D. "**Discharges**" means any release, spill, leak, disposal, flow, escape, leaching (including subsurface migration or deposition of groundwater) dumping or discarding of any liquid, semi-liquid, condensate, vapors or solid substances, or combination thereof.

E. "**Illegal Discharge**" means any discharge to the storm drain system that is not composed entirely of Storm Water Runoff except Discharges made pursuant to a National Pollutant Discharge Elimination System (NPDES) Permit or as otherwise authorized by the Santa Ana Regional Water Quality Control Board.

F. "**Illegal Connection**" means any physical connection to a storm drain system which has not been permitted by the City, the Riverside County Flood Control and Water Conservation District, or other appropriate public agency.

G. "**National Pollutant Discharge Elimination System (NPDES) Permit**" means a storm water discharge permit issued by the Santa Ana Regional Water Quality Control Board or the State Water Resources Control Board pursuant to the Clean Water Act, including an MS4 Permit.

H. "**Municipal NPDES Permit**" means the area-wide NPDES Permit issued to a governmental agency or agencies for the discharge of storm water to a storm water system.

I. "**Non-Storm Water Discharge**" means any Discharge to storm water system that is not entirely composed of storm water.

J. "**Person**" means any natural person, firm, association, club, organization, corporation, partnership, business trust, company or other entity which is recognized by law as the subject of rights and duties.

K. "**Pollutant**" means the following liquid, solid or semi liquid, vapors or combinations thereof:

1. Artificial materials, chips, residues, pieces of natural or manmade materials such as floatable plastics, wood, paper and metal shavings;

2. Household wastes such as trash, paper, plastics, lawn clippings and yard wastes, animal fecal materials, pesticides, fertilizers, herbicides, used oil and other fluids from vehicles and other machinery such as lawn mowers;

3. Metals, such as cadmium, lead, iron, zinc, copper, silver, nickel, chromium and non-metals, such as phosphorus and arsenic;

4. Petroleum hydrocarbons (such as fuels, lubricants, coolants, surfactants, waste oils, solvents and greases);

5. Excessive eroded soils, sediments and other particulate materials;

6. Animal wastes (such as discharges from confined animal facilities, kennels, pens and recreational facilities, including, stables, pet zoos, show facilities or polo fields;

7. Substances having characteristics with a pH of less than 6.5 or greater than 8.5 or unusual turbidity, color or excessive levels of fecal coliform, fecal streptococcus or enterococcus;

8. Waste materials and wastewater generated from construction sites and by construction activities (such as painting, staining, use of sealants, glues, limes, excessive pesticides, fertilizers or herbicides, use of wood preservatives and solvents, disturbance of asbestos fibers, paint flakes or stucco pigments , application of oils, lubricants, hydraulic, radiator or battery fluids, construction equipment washing, concrete pouring and cleanup wash water or use of concrete detergents; steam cleaning or sand blasting residues; use of chemical degreasing or diluting agents ; and chlorinated potable water line flushing);

9. Materials causing an increase in biochemical oxygen demand (BOD), chemical oxygen demand (COD) or total organic carbon compounds (TOC);

10. Materials which contain base neutral/or acid extractable organic compounds;

11. Those pollutants defined in Title 33 U.S.C Section 1362 (6) of the Federal Clean Water Act;

12. A material stored for reuse or future recovery but discharged off-site is construed as a waste;

13. Any other constituent or material that may adversely affect the beneficial uses of receiving waters, flora, fauna of the State, as determined by an appropriate regulatory agency.

Pollutant does not include uncontaminated storm water, runoff, potable water or recycled water generated and used in a lawful manner.

L. "**Premises**" means any building, lot, parcel of land, land or portion of land whether improved or unimproved.

M. "**Regional Board**" means the Santa Ana Regional Water Quality Control Board.

N. "**State Board**" means the State Water Resources Control Board.

O. "**Storm Drain System**" means any facility within the City of Beaumont by which storm water may be conveyed to waters of the United States which includes, but is not limited to, roads, streets, curbs, gutters, alleys, catch basins, natural or artificial channels, ditches, inlets, conduits, storm drains or other drainage structures.

P. "**Storm Water**" or "**storm water runoff**" means surface runoff and drainage associated with rainwater or other precipitation events. (Ord. 1010, February 7, 2012)

13.24.020 Responsibility for Administration. This Chapter shall be administered for the City by the City Engineer/ the Director of Public Works and the City Attorney. (Ord. 1010, February 7, 2012)

13.24.030 Non-Storm Water Discharges. No person shall discharge or cause or permit to be discharged any Non-Storm Water Discharge to areas where it will or may enter any storm drain system, except:

(a) Discharges covered by an NPDES permit, or for which an approval has been issued by, the Regional Board or the State Board;

(b) Discharges from potable water flushing and other potable water resources where chlorine in detectable concentration is not present and either the Regional Board or the State Board has issued approval as a deminimus discharge;

(c) Discharges from fire fighting and fire hydrant testing and flushing as long as no detectable chlorine is present;

(d) Discharges from landscape irrigation, lawn watering and other irrigation activities;

(e) Diverted stream flows;

(f) Rising ground waters and natural springs;

(g) Uncontaminated ground water infiltration (as defined in 40 CFR 35. 2005 (20) and uncontaminated pumped ground water;

(h) Passive foundation drains;

(i) Air conditioning condensate;

(j) Water from crawl space pumps;

(k) Passive footing drains;

(l) Discharges from individual residential vehicle washing;

(m) Flows from riparian habitats and wetlands;

(n) Dechlorinated swimming pool discharges;

(o) Street and side walk washing and runoff;

(p) Waters not otherwise containing wastes as wastes are defined in the California Water Code Section 13050 (d); and

(q) Other discharges specifically authorized and permitted by the Regional Board, as described in the MS4 permit issued to the City as a co-permittee.

(Ord. 1010, February 7, 2012)

13.24.040 Regulation of Illicit Connections. No person shall construct, use, maintain, operate, facilitate or permit the existence of any illegal connection to the Storm Water System on any premises owned, controlled or operated by such Person. (Ord. 1010, February 7, 2012)

13.24.050 Prohibited Discharges. Except as otherwise permitted under this Chapter, no Person shall Discharge any liquid, semi-solid or solid substance, or combination, thereof, that is not composed entirely of Storm Water, and which contains any pollutant, to:

(a) the Storm System / Storm Water Drain;

(b) any upstream flow which is tributary to the Storm System;

(c) any ground water, stream, creek, wash or dry weather arroyo, wetlands areas or marshes.

(Ord. 1010, February 7, 2012)

13.24.060 Inspections. The City Manager or City Engineer, or designee of either, may, on 24-hour oral or written notice, unless exigent circumstances justify a shorter time period, enter upon and inspect any private Premises for the purpose of verifying compliance with the terms and conditions of this Chapter, Such inspections may include, but are not limited to:

(a) Identifying products produced, processes conducted, chemicals and materials used, stored or maintained on the subject Premises;
(b) Identifying points of Discharge of all wastewater, processed water systems and Pollutants;
(c) Establishing location of all points of Discharge from the Premises, whether by surface runoff or through the Storm System;
(d) Identifying the natural slope of the Premises, including drainage patterns and man-made conveyance systems;
(e) Locating any illegal Connection or any Discharge prohibited by this Chapter or the Clean Water Act or the State Permit(s);
(f) Investigating the condition of any legal nonconforming connection;
(g) Conducting routine inspections to verify compliance with this Ordinance terms and conditions;
(h) Installing any necessary sampling devices to conduct sampling or metering operations. During all inspections as provided herein, the city staff or its agents may take any samples deemed necessary to aid in pursuit of the inquiry or in the recordation of the activities on-site.

(Ord. 1010, February 7, 2012)

13.24.070 Notification of Spills. All Persons in charge of the Premises are responsible for training on-site personnel to identify, and to notify the City of any suspected, confirmed or unconfirmed release of material, pollutants or waste creating a risk of discharge to the storm system. The Person in charge shall promptly implement an emergency response to contain and, clean up such releases in a timely manner. (Ord. 1010, February 7, 2012)

13.24.080 Enforcement.

A. Any violation of this Chapter is a misdemeanor and shall be punishable by either a fine of up to $1,000 or six months in the County Jail or both.

B. As a part of any sentence or other penalty imposed or the award of any damage, the Court may also order that restitution be paid to the City or any injured person by any person violating this Chapter, or, in the case of a violator who is a minor , by the minor's parent or lawfully designated guardian or custodian. Restitution may include the amount of any reward.

C. Any Person violating the provisions of this Chapter shall reimburse the City for any and all costs incurred in responding to, investigating, assessing, monitoring, treating, removing, or remediating any Pollutant to Storm System; rectifying any illegal Connection; or remediating any violation of this Chapter. Such costs to be paid to the City include all inspections, administrative expenses and all legal expenses, including costs and attorneys' fees. The costs to be recovered shall be recoverable from any and all Persons creating, causing or committing or maintaining the violation of this Chapter, or participating in the same.

D. In the event any violation of this Chapter constitutes an imminent danger to public health, safety, or the environment, the City Manger or the City Engineer, or the Building Official, or any authorized agent thereof, may enter upon the Premises from which the suspected violation emanates. Premises affected by the alleged violation, without notice to or consent from the owner/operator/ occupant of the Premises. An imminent danger shall include but is not limited to exigent circumstances created by the Discharge of Pollutants, where such Discharge presents significant and immediate threat to the public health or safety, or the environment. The determination of imminent danger condition will be solely determined by the City Manager, City Engineer or their designees.

E. Violations of this Chapter may further be deemed to be public nuisance which may be abated by administrative citation, administrative abatement or civil or criminal action in accordance with the terms and provisions of this Code and State law.

F. All costs and fees incurred by the City as result of any violation of this Chapter which constitutes a nuisance, including all administrative fees and expenses and legal fees and expenses, shall become a lien against the subject Premises from which the nuisance emanated and a personal obligation against the owner, in accordance with the Government Code Sections 38773.1 and 38773.6. The owner of record of the premises subject to any lien shall receive notice of the lien prior to recording, as required by Government Code Section 38773.1. The City Attorney is authorized to collect abatement costs or enforce a nuisance lien in an action brought for money judgment, or by delivery to the County Assessor of a special assessment against the Premises in accordance with the conditions and requirements of the Government Code section 3877.5.

G. Any Person acting in violation of this Chapter may also be acting in violation of the Clean Water Act or the California Porter Cologne Act (California Water Code Sections 13000 et seq.) and the regulations hereunder, and other laws and regulations, and may be subject to damages, fines and penalties, including civil liability under such other laws. The City Attorney is authorized to file a citizen's suit pursuant to the Clean Water Act, seeking penalties, damages and orders compelling compliance and appropriate relief.

H. The City Attorney is authorized to file in a court of competent jurisdiction a civil action seeking an injunction against any violation or threatened or continuing violation of the Chapter. Any temporary, preliminary or permanent injunction issued pursuant hereto may include an order for reimbursement to the City for all costs incurred in enforcing this Chapter, including costs of inspection, investigation, monitoring, treatment, abatement, cleanup, removal or remediation under taken by or at the expense of the City, and may include all legal expenses and fees and any and all costs incurred relating to the restoration, cleanup or remediation of the environment.

I. The City has the right to order to cease and desist violations of the Code including requiring cessation of operation in situations of imminent danger.

J. The City may utilize any and all other remedies as otherwise provided by law.

13.24.090 Separate Offense. A Person shall be deemed guilty of a separate offense for each day and every day or portion thereof during which any violation of any of the provisions of this Chapter is committed, continued or permitted. (Ord. 1010, February 7, 2012)