

## **Legal Authority**

Included are the relevant City of Pacifica ordinances providing for the legal authority over the sanitary sewer system.



**CHAPTER 10. REGULATIONS FOR THE USE  
OF THE CITY SEWER SYSTEM**

**Article 1. Definitions**

**Sec. 6-10.101. Scope.**

Unless the context specifically indicates otherwise, the meaning of terms in this chapter shall be as defined in this article.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.102. BOD (biochemical oxygen demand).**

"BOD (biochemical oxygen demand)" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees Centigrade expressed in milligrams per liter.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.103. Building drain.**

"Building drain" shall mean 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. The building drain ends where it connects to the building sewer two (2) feet outside the building wall.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.104. Building sewer.**

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

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.105. Council.**

"Council" shall mean the City Council of the City of Pacifica.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.106. Combined sewer.**

"Combined sewer" shall mean a sewer receiving both surface runoff and industrial wastes.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.107. Director.**

"Director" shall mean the Director of Community Development and Services of the City or his authorized deputy, agent, or representative.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.108. Dwelling unit.**

"Dwelling unit" shall mean each single-family house, each apartment, or each living quarters having its own separate kitchen facility.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.109. Garbage.**

"Garbage" shall mean putrescible solid waste from the domestic and partial preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.110. Industrial waste.**

"Industrial waste" shall mean the water-carried putrescible waste from industrial manufacturing or industrial processing as distinct from sanitary sewage. It shall include the trade wastes produced by, but not limited to, food-processing and bottling plants, food-manufacturing plants, slaughtering plants, tallow works, plating works, disposal services, industrial cleaning plants, fertilizer plants, car and truck washes, laundries, cleaning establishments, agricultural sprayers, cooling plants, industrial plants, or factories and chemical treatment installations. It shall not include sanitary sewage, such as might be discharged from residences, hotels, or restaurants, or from business establishments or premises solely engaged in the sale, storage, or repair of goods, wares, or merchandise, nor shall it include water of a quality acceptable for discharge to the storm drainage system.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.111. Industrial waste sewer.**

"Industrial waste sewer" shall mean a sewer receiving industrial waste only.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec 6-10.112. Natural outlet.**

"Natural outlet" shall mean any outlet into a water-course, pond, ditch, lake, or other body of surface or ground water.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.113. Person.**

"Person" shall mean any individual, firm, company, association, society, corporation, or group.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.114. pH.**

"pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.115. Premises.**

"Premises" shall mean all the parcels of land included by the County Assessor in a single Assessor's parcel number.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.116. Properly shredded garbage.**

"Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of foods 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-half (1/2) inch in any dimension.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.117. Public sewer.**

"Public sewer" shall mean a sewer in publicly-owned land or easements and controlled by the City.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.118. Sanitary sewage.**

"Sanitary sewage" shall mean the water-carried putrescible wastes from residences, hotels, restaurants, or eating houses, or from business establishments or premises engaged solely in the sale, storage, or repair of goods, wares, or merchandise, and which contains garbage, human wastes, or animal wastes.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.119. Sanitary sewer.**

"Sanitary sewer" shall mean a sewer which carries sanitary sewage and to which storm surface and ground waters are not intentionally admitted.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.120. Sewage.**

"Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground surface and storm waters as may be present.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.121. Sewage treatment plant.**

"Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.122. Sewage works.**

"Sewage works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.123. Sewer.**

"Sewer" shall mean a pipe or conduit for carrying sewage.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.124. Shall and may.**

"Shall" shall be mandatory. "May" shall be permissive.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.125. Slug.**

"Slug" shall mean any discharge of water, sewage, or industrial waste which, in concentration of any given constituent or in quantity of flows, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operations.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.126. Special sewer.**

"Special sewer" shall mean any sewer or storm drain constructed under the authority of the City, the cost of which was not directly assessed to or borne by the abutting property and which has been or may hereafter be designated as a special sewer by resolution of the Council

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.127. Special sewer fee.**

"Special sewer fee" shall mean a fee established by resolution of the Council to be paid by any person upon the issuance of a permit to connect to a special sewer.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.128. Storm drain.**

"Storm drain" (sometimes termed a storm sewer) shall mean a sewer which carries storm and surface waters and drainage but which excludes sewage and industrial wastes other than uncontaminated cooling water.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.129. Suspended solid.**

"Suspended solid" shall mean a solid that either floats on the surface of, or is in suspension in, water, sewage, or other liquids and which is removable by laboratory filtering.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.130. Watercourse.**

"Watercourse" shall mean the channel in which a flow of water occurs, either continuously or intermittently.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

## Article 2. Use of Public Sewers Required

### Sec. 6-10.201. Unsanitary disposal of wastes prohibited.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of the City any human or animal excrement, garbage, or other objectionable waste. (§ 1, Ord. 181-C.S., eff. September 13, 1976)

### Sec. 6-10.202. Disposal of sewage to natural outlets prohibited.

It shall be unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of the City any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this chapter. (§ 1, Ord. 181-C.S., eff. September 13, 1976)

### Sec. 6-10.203. Septic tanks, cesspools, privies, and the like.

Except as provided in the Plumbing Code of the City currently in effect, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage. (§ 1, Ord. 181-C.S., eff. September 13, 1976)

### Sec. 6-10.204. Plumbing Code applicable to private sewage systems.

All private sewage disposal systems shall conform with the provisions of the Plumbing Code of the City currently in effect. (§ 1, Ord. 181-C.S., eff. September 13, 1976)

## Article 3. Building Sewers and Connections

### Sec. 6-10.301. Permits for sewer connections required.

No person, except City employees or contractors directly employed by the City who are authorized to do so by the Director, shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Director. A building sewer permit shall be obtained before installing a building sewer or connecting one to the public sewer. (§ 1, Ord. 181-C.S., eff. September 13, 1976)

### Sec. 6-10.302. Application forms for sewer permits.

The owner or his agent shall make an application for a building sewer permit on a form furnished by the City. Such form may be combined with forms for other permits required by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Director. The approval of the application shall be contingent upon the payment of the connection fees to the City. (§ 1, Ord. 181-C.S., eff. September 13, 1976)

### Sec 6-10.303. Owners responsible for costs.

All costs and expenses incident to the installation, connection, and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly indirectly be occasioned by the installation or use of the building sewer. (§ 1, Ord. 181-C.S., eff. September 13, 1976)

### Sec. 6-10.304. Building sewers required for each lot.

A separate and independent building sewer shall be provided for every lot, except that the joint use of building sewers may be permitted at the discretion of the Director for developments, such as condominiums, where provisions have been made for joint maintenance by all owners served or as excepted by resolution of the Council. (§ 1, Ord. 181-C.S., eff. September 13, 1976)

### Sec. 6-10.305. Existing building sewers.

Old building sewers may be used in connection with new buildings only when they are found on examination and test by the Director to meet all the requirements of this chapter and the Plumbing Code of the City currently in effect. (§ 1, Ord. 181-C.S., eff. September 13, 1976)

### Sec. 6-10.306. Applicable construction Codes for building sewers.

The size, slope, alignment, and materials of construction of a building sewer and the methods to be used in excavating, placing the pipe, jointing, testing, and backfilling of the trench shall all conform to the requirements of the Plumbing Code and Standards of the City currently in effect at the time of installation. (§ 1, Ord. 181-C.S., eff. September 13, 1976)

### Sec. 6-10.307. Building sewer elevations.

Whenever possible, the building sewer shall be

brought to the building at an elevation below the basement floor. In all buildings in which any building drain is less than thirty (30") inches higher than the invert of the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer, or the building drain shall include a check valve maintained by the owner.  
(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.308. Surface runoffs prohibited in sewers.**

No person shall make connections of roof down spouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to the public sanitary sewer.  
(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.309. Applicable construction Codes for sewer connections.**

The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Codes and Standards of the City currently in effect. All such connections shall be made watertight. Any deviation from the prescribed procedures and materials shall be approved by the Director before installation.  
(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.310. Inspections of building sewer construction.**

The applicant for the building sewer permit shall notify the Director when the building sewer is ready for inspection and connection to the public sewer.  
(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.311. Protective devices required.**

All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to assume responsibility for any public liability or property damage which may result from the work. Streets, sidewalks, parkways, or other public property disturbed in the course of the work shall be restored in accordance with the OSHA Standards currently in effect. Permits for building sewers shall also be considered as encroachment permits as required by other provisions of this Code.  
(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Article 4. Use of the Public Sewers**

**Sec. 6-10.401. Clear water prohibited from sanitary sewers.**

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or uncontaminated industrial process water to any sanitary sewer.  
(§ 1, Ord. 181-C.S., eff. September 13 1976)

**Sec. 6-10.402. Storm water disposal.**

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated storm sewers or to a natural outlet approved by the Director. Industrial cooling water or uncontaminated process water may be discharged on the approval of the Director to a storm sewer or natural outlet.  
(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.403. Materials prohibited in sewers.**

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;

(b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity (either singly or by interaction with other wastes) to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including, but not limited to, cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer;

(c) Any waters or wastes having a pH lower than five and five-tenths (5.5) or having any other corrosive property capable of causing damage or hazard to the structures, equipment, or personnel of the sewage works; and

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and whole or ground paper, dishes, cups, milk containers, and the like.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.404. Materials the Director may prohibit in sewers.**

No person shall discharge or cause to be discharged into any sewer the following described substances, materials, waters, or wastes if it appears likely, in the opinion of the Director, that such wastes can harm either the sewers, sewage treatment plant process, or equipment, have an adverse effect on the receiving stream, or otherwise endanger life, limb, or public property or constitute a nuisance. In forming his opinion as to the acceptability of such wastes, the Director will give consideration to such factors as the quantities of subject wastes in relation to the flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade);

(b) Any water or waste containing fat, wax, grease, or oil, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees and 150 degrees Fahrenheit (0 and 65 degrees Centigrade);

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of  $\frac{3}{4}$  HP (0.76 HP metric) or greater shall be subject to the review and approval of the Director;

(d) Any waters or wastes containing strong acid, iron picking wastes, or concentrated plating solutions, whether neutralized or not;

(e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Director for such materials;

(f) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Director as necessary, after treatment of the compost sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction of such discharge to the receiving waters;

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed the limits established by the Director in compliance with applicable State or Federal regulations;

(h) Any waters or wastes having a pH in excess of nine and five-tenths (9.5);

(i) Materials which exert or cause:

(1) Unusual concentrations of suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues and organic materials) or of dissolved solids (such as, but not limited to, starch, sugar, sodium chloride, and sodium sulfate);

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

(3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; and

(4) Unusual volumes of flow or concentrations of wastes constituting slugs; and

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or which are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over the discharge to the receiving waters.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.405. Action resulting from deposits of deleterious wastes.**

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 6-10.404 of this article, and which, in the judgment of the Director, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Director may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

(c) Require control over the quantities and rates of discharge; and

(d) Require a payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under any other provision of this chapter.

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

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.406. Grease traps required.**

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing grease

in excess amounts, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Director and shall be located so as to be readily and easily accessible for cleaning and inspection. Failure by the owner to properly clean and maintain such interceptors shall be considered sufficient cause for the disconnection of the premises from the public sewer or punitive action as provided for in this chapter. (§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.407. Pretreatment facilities maintained by owners.**

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. (§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.408. Industrial waste measuring devices required.**

The owner of any premises serviced by a building sewer carrying over 10,000 gallons per day of industrial waste may be required by the Director to install a suitable device for continuously recording the flow discharged to the City's sewer, together with a suitable control manhole to facilitate the observation and sampling of the waste. Such manholes and measuring devices, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Director. They shall be of such design and construction as to prevent infiltration by ground and surface waters or the introduction of slugs of solids to the sewer. The installation of screens with maximum openings of one inch, but of sufficient fineness to prevent the entrance of objectionable slugs of solids to the sewer, may be required. The facilities shall be so maintained by the person discharging industrial waste that any authorized representative or employee of the City may readily and safely measure the volume or obtain samples of the flow at all times. The manhole and the measuring device shall be installed by the applicant, at his expense, for all existing facilities or before discharging wastes for all premises not connected. (§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.409. Testing and sampling procedures.**

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination

of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily-accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Sec. 6-10.410. Special arrangements for unusual strength sewage.**

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment by the industrial concern of agreed additional charges. (§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Article 5. Connections Outside the City**

**Sec. 6-10.501. Approval required.**

No sanitary sewer connection permit shall be issued after September 13, 1976, to serve any property located outside the corporate limits of the City, except with the specific approval of the Council. Such connections shall be authorized by resolution and shall be subject to such terms, conditions, and fees as the Council finds necessary or appropriate. (§ 1, Ord. 181-C.S., eff. September 13, 1976)

**Article 6. Protection from Damages**

**Sec. 6-10.601. Prosecutions for damages to system.**

No unauthorized person shall maliciously, wilfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be guilty of a misdemeanor. (§ 1, Ord. 181-C.S., eff. September 13, 1976)

## Article 7. Powers and Authority of Inspectors

### Sec. 6-10.701. Inspections of premises.

The Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

### Sec. 6-10.702. Observance of safety rules.

While performing the necessary work on private property as set forth in Section 6-10.701 of this article, the Director and duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees, and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in this chapter.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

### Sec. 6-10.703. Credentials of City representatives.

The Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within such easement. All entries and subsequent work, if any, on such easements shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

## Article 8. Violations: Penalties

### Sec. 6-10.801. Notices of violations.

Any person found to be violating any provision of this chapter shall be served by the City with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

### Sec. 6-10.802. Violations misdemeanors.

Any person who shall continue any violation beyond the time limits provided for in Section 6-10.801 of this article shall be guilty of a misdemeanor and, on conviction thereof, shall be fined in an amount not exceeding Five Hundred and no/100ths (\$500.00) Dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

### Sec. 6-10.803. Violations: Costs.

Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss, or damage occasioned by the City by reason of such violation.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

## Article 9. Validity

### Sec. 6-10.901. Validity.

The validity of any section, clause, sentence, or provision of this chapter shall not affect the validity of any other part of this chapter which can be given effect without such invalid part or parts.

(§ 1, Ord. 181-C.S., eff. September 13, 1976)

**CHAPTER 11. SEWER CONNECTION CHARGES**

**Article 1. Sewer Connection Charges**

**Sec. 6-11.101. Definitions.**

For the purposes of this article, unless otherwise apparent from the context, certain words and phrases used in this article are defined as follows:

(a) "Commercial unit" shall mean twelve (12) unit fixtures, or any part thereof, as set forth in the Uniform Plumbing Code,

(b) "Main trunk, interceptor, and outfall sewers" shall mean those sewer lines where a size larger than six (6") inches in diameter, using available slopes, is required to handle the total ultimate flow for the area.

(§ 2 Ord. 5, as amended by §§ 1 and 3, Ord. 374, as renumbered by § 2, Ord. 395-C.S., eff. March 8, 1984)

**Sec. 6-11.102. Sewer connection charges.**

The following charges are hereby established for the connection of the plumbing of any building or structure to the sanitary sewer system of the City:

(a) Residential schedule in the original City limits:

(1) Six Hundred and no/100ths (\$600.00) Dollars for each single-family, townhouse, and condominium dwelling unit;

(2) Four Hundred Sixty and no/100ths (\$460.00) Dollars for each multiple-family dwelling unit; and

(3) Three hundred and no/100ths (\$300.00) Dollars for each second residential unit;

(b) Commercial schedule in the original City limits:

(1) Six Hundred and no/100ths (\$600.00) Dollars per unit for commercial units not discharging industrial waste; and

(2) A charge based on the biochemical oxygen demand removal requirements, gallonage of flow, or a combination thereof, for commercial and industrial units discharging industrial waste;

(c) Areas annexed:

(1) For areas annexed between November 23, 1957 and December 31, 1960, subject to the City's then existing bonded indebtedness for sewer purposes:

(i) Eight Hundred Thirty and no/100ths (\$830.00) Dollars for each single-family, townhouse, and condominium dwelling unit;

(ii) Six Hundred Thirty and no/100ths (\$630.00) Dollars for each multiple dwelling unit;

(iii) Four Hundred Fifteen and no/100ths (\$415.00) Dollars for each second residential unit; and

(iv) A charge as set forth in subsection (b) of this section for commercial and industrial units; and

(2) For areas annexed after December 31, 1960, subject to the City's then existing bonded indebtedness for sewer purposes:

(i) One Thousand Two Hundred Sixty and no/100ths (\$1,260.00) Dollars for each single-family, townhouse, and condominium dwelling unit;

(ii) Eight Hundred Eighty and no/100ths (\$880.00) Dollars for each multiple dwelling unit;

(iii) Six Hundred Thirty and no/100ths (\$630.00) Dollars for each second residential unit; and

(iv) A charge as set forth in subsection (b) of this section for commercial and industrial units;

(d) A charge for schools based on the following formula:

Number of Students X School Hours X 5 (School Days) X 600.00\*

Number of persons 24 hours/day 7 (days of week)  
per average family

\*Residential unit charge

(e) A charge for the Commercial Recreation District (C-R), as set forth in Section 9-4.1501 of Article 15 of Chapter 4 of Title 9 of this Code, for the connection of the plumbing of any building or structure to the sanitary sewer system of the City equivalent to one-half (1/2) the fees set forth, in subsections (a), (b), (c), and (d) of this section.

To provide for construction cost increases due to inflation, on July 1 of each year, beginning September 1, 1984, the fee shall be increased on the basis of the Construction Cost Index (CCI) in the San Francisco Bay Area, published in the issue of the Engineering News Record (ENR) by McGraw-Hill Publication Company. (§ 2, Ord. 5, as amended by § 1, Ord. 374, § 2, Ord. 128-C.S., eff. September 25, 1974, § 1, Ord. 188-C.S., eff. December 22, 1976, § 1, Ord. 265-C.S., eff. October 11, 1979, and § 2, Ord. 385-C.S., eff. February 8, 1984, as renumbered by § 2, Ord. 395-C.S., eff. March 28, 1984)

**Sec. 6-11.103. Sewer connection charges to provide funds for sewage facilities, main trunk, interceptor, outfall sewers, acquisition, construction or reconstruction of sanitation or sewage facilities.**

In addition to the charges set forth in Section 6-11.102 of this article, the following charges are hereby established for the connection of the plumbing system of any

building or structure to the sanitary system of the City for the purpose of providing funds for sewage facilities, main trunk interceptor, and outfall sewers, and the acquisition, construction or reconstruction of sanitation or sewage facilities:

(a) Four Hundred Fifty and no/100ths (\$450.00) Dollars for each residential, multiple, and/or commercial unit but not less than Nine Hundred and no/100ths (\$900.00) Dollars per acre of residential, multiple, and/or commercial property;

(b) A charge based on the estimated rate of flow expressed in terms of equivalent units for commercial, manufacturing, and industrial connections; and

(c) A charge for the Commercial Recreation District (C-R), as set forth in Section 9-4.1501 of Article 15 of Chapter 4 of Title 9 of this Code, for the connection of the plumbing of any building or structure to the sanitary sewer system of the City equivalent to one-half (1/2) the fees set forth in subsections (a) and (b) of this section.

To provide for construction cost increases due to inflation, on July 1 of each year, beginning September 1, 1984, the fee shall be increased on the basis of the Construction Cost Index (CCI) in the San Francisco Bay Area, published in the issue of the Engineering News Record (ENR) by McGraw-Hill Publication Company. (§ 2, Ord. 374, as amended by § 3, Ord. 128-C.S., eff. September 25, 1974, § 2, Ord. 188-C.S., eff. December 22, 1976, § 2, Ord. 265-C.S., eff. October 11, 1979, and § 2, Ord. 385-C.S., eff. February 8, 1984, as renumbered by § 2, Ord. 395-C.S., eff. March 28, 1984, as amended by § 3, Ord. 549-C.S., eff. March 28, 1990, and § 1, Ord. 609-C.S., eff. October 13, 1993)

**Sec. 6-11.104. Inflow/infiltration charges to provide funds for eliminating an equivalent volume of inflow and infiltration as the wastewater flow contributed to the collection system.**

In addition to the charges set forth in Sections 6-11.102 and 6-11.103 of this article, the following charges are hereby established for the connection of the plumbing system of any building or structure to the sanitary system of the City for the purpose of providing funds for eliminating an equivalent volume of inflow and infiltration as the wastewater flow contributed to the collection system:

(a) Three Hundred Thirty and no/100ths (\$330.00) Dollars for each residential, multiple, and/or commercial unit, but not less than Seven Hundred and no/100ths (\$700.00) Dollars per acre of residential, multiple, and/or commercial property;

(b) One Hundred Sixty-Five and no/100ths (\$165.00) Dollars for each second residential unit;

(c) A charge based on the estimated rate of flow expressed in terms of equivalent units for commercial, manufacturing, and industrial connections; and

(d) A charge for the Commercial Recreation District (C-R), as set forth in Section 9-1.1501 of Article 15 of Chapter 4 of Title 9 of this Code, for the connection of the plumbing of any building or structure to the sanitary sewer system of the City equivalent to one-half (1/2) the fees set forth in subsections (a) and (b) of this section.

To provide for construction cost increases due to inflation, on July 1 of each year, beginning September 1, 1984, the fee shall be increased on the basis of the Construction Cost Index (CCI) in the San Francisco Bay Area, published in the issue of the Engineering News Record (ENR) by McGraw-Hill Publication Company. (§ II, Ord. 379-C.S., eff. December 14, 1983, as amended by § 2, Ord. 385-C.S., eff. February 8, 1984, as renumbered by § 2, Ord. 395-C.S., eff. March 28, 1984)

**Sec. 6-11.105. Sewer connection charges: Time of payment for proposed structures.**

The sewer connection charges set forth in this article shall be payable at or before the time a building permit is issued by the City for the construction of a proposed building or structure.

(§ 2-A, Ord. 5, as added by § 1, Ord. 77, as renumbered by § I, Ord. 379-C.S., eff. December 14, 1983, and § 2, Ord. 395-C.S., eff. March 28, 1984)

**Sec. 6-11.106. Credit for installations of larger than required lines.**

Where a developer installs main trunk, interceptor, and outfall sewer lines larger than required for his development, he shall be allowed a credit based on the difference between a line six (6") inches in diameter and the greater size of a line required by the City Engineer at unit prices established by City for the cost of the installation of such lines for subdivision bond purposes. When such credit exceeds the amount due for main trunk, interceptor, and outfall sewer line fees, the City, at its option, may either pay the developer in cash for the difference or agree to reimburse the developer from future main trunk, interceptor, and outfall sewer fees collected for attaching to the installed main trunk, interceptor, and outfall sewers as they are connected.

(§ 4, Ord. 374, as renumbered by § I, Ord. 379-C.S., eff. December 14, 1983, and § 2, Ord. 395-C.S., eff. March 28, 1984)

**Sec. 6-11.107. Benefit areas.**

When, in order to serve a development, it is necessary that a six (6") inch or eight (8") inch sewer line be placed outside the boundaries of the development, and where such six (6") inch or eight (8") inch sewer line shall serve other properties, a benefit area shall be delineated of the properties which may be served from such sewer line, and the City shall require a payment as a condition to connecting to such sewer line, which payment shall be the cost of the installation outside the development, multiplied by a fraction, the numerator of which shall be the front footage of the parcel connecting to such line, and the denominator of which shall be the total front footage of the area benefitted by such six (6") inch or eight (8") inch sewer line.

(§ 5, Ord. 374, as renumbered by § I, Ord. 379-C.S., eff. December 14, 1983, and § 2, Ord. 395-C.S., eff. March 28, 1984)

**Article 2. Sewer Service and Connection Charges\***

\* The title of Article 2, formerly entitled "Sewer Service Charges Fund", amended by Section 3, Ordinance No. 395-C.S., effective March 28, 1984.

**Sec 6-11.201. Expenditures.**

Revenues derived pursuant to the provisions of Chapters 6, 8, and 11 of this title shall be used only for the acquisition, construction or reconstruction, maintenance, and operation of sanitation or sewerage facilities of the City, to repay principal and interest on bonds issued for the construction of such sanitary or sewerage facilities, and to repay Federal, State, County, or other loans or advances made to the City for the construction or reconstruction of sanitary or sewerage facilities; provided, however, such revenues shall not be used for the acquisition or construction of new local street sewers or laterals, as distinguished from main trunk, interceptor, and outfall sewers; and further provided that revenues derived from Chapter 11 fees shall not be used for operation and maintenance of said facilities.

(§ 3.18, Ord. 423, as amended by § 2, Ord. 28-C.S., eff. June 28, 1971, as renumbered and amended by § 3, Ord. 395-C.S., eff. March 28, 1984, as amended by § 4, Ord. 549-C.S., eff. March 28, 1990)

**Article 3. Sewer Tapping Charges****Sec. 6-11.301. Sewer tapping charges.**

In addition to the charges set forth in other sections of this chapter, the following charge is hereby established for the sewer tap into the main City sewer for the connection of the plumbing of any building or structure to the sanitary sewer system of the City: Two Hundred Five and 50/100ths (\$205.50) Dollars.

To provide for the construction cost increases due to inflation, on July 1 of each year, beginning September 1, 1987, the fee shall be adjusted on the basis of the Construction Cost Index (CCI) in the San Francisco Bay Area, published in the issue of the Engineering News Record (ENR) by McGraw-Hill Publication Company. (§ 2, Ord. 476-86, eff. December 25, 1986)

**Sec. 6-11.302. Sewer tapping charges: Time of payment for proposed structures.**

The sewer tapping charge set forth in this article shall be payable at or before the time a building permit is issued by the City for the construction of a proposed building or structure.

(§ 3, Ord. 476-86, eff. December 25, 1986)

**Sec. 6-11.303. Exceptions.**

Properties for which sewer services have already been extended from the main sanitary sewer line to the property line and are judged to be in good operating and structural condition, or where main line and service connections are being installed by a contractor for subsequent acceptance by the City, shall be exempt from the payment of the charge set forth in this article.

(§ 4, Ord. 476-86, eff. December 25, 1986)

## CHAPTER 12. STORM WATER MANAGEMENT AND DISCHARGE CONTROL

### Article 1. Title, Purpose and General Provisions

#### Sec. 6-12.101. Title.

This chapter of the Pacifica Municipal Code shall be known as the "City of Pacific's Storm Water Management and Discharge Control Ordinance" and may be so cited. (§ 1, Ord. 617-C.S., eff. July 27, 1994)

#### Sec. 6-12.102. Purpose and intent.

The purpose of this chapter is to insure the future health, safety, and general welfare of citizens of the City of Pacifica by:

- (a) Eliminating non-storm water discharges to the municipal separate storm sewer;
- (b) Controlling the discharge to municipal separate storm sewers from spills, dumping or disposal of materials other than storm water;
- (c) Reducing pollutants in storm water discharges to the maximum extent practicable.

The intent of this chapter is to protect and enhance the water quality of our watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Clean Water Act.

(§ 1, Ord. 617-C.S., eff. July 27, 1994)

#### Sec. 6-12.103. Definitions.

(a) Any terms defined in the Federal Clean Water Act and acts amendatory thereof or supplementary thereto, and/or defined in the regulations for the storm water discharge permitting program issued by the Environmental Protection Agency on November 16, 1990 (as may from time to time be amended) as used in this chapter shall have the same meaning as in that statute or regulation. Specifically, the definitions of the following terms included in that statute or regulation are hereby incorporated by reference, as now applicable or as may hereafter be amended: "discharge," "illicit discharge," "pollutant," and "storm water." These terms presently are defined as follows:

(1) "Discharge" means any addition of any pollutant to navigable waters from any point source, or by any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft.

(2) "Illicit discharge" means any discharge to the City storm sewer system that is not composed entirely of storm water except discharges pursuant to an NPDES permit and

discharges resulting from firefighting and other emergency response activities.

(3) "Pollutant" means dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, wrecked or destroyed equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharge into water.

(4) "Pollution" means the man-made or man-induced alteration of the chemical, physiological, biological or radiological integrity of water.

(5) "Storm water" means storm water runoff and surface runoff and drainage.

(b) When used in this chapter, the following words shall have the meanings ascribed to them in this section:

(1) "Authorized enforcement official." The City Manager or his/her designee is hereby authorized to enforce the provisions of this chapter.

(2) "Best management practices (BMPs)" means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to "waters of the United States." 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.

(3) "City" means the City of Pacifica.

(4) "City storm sewer system" includes but is not limited to those facilities within the City by which storm water may be conveyed to waters of the United States, including any roads with drainage system, municipal streets, catchbasins, curbs, gutters, ditches, man-made channels or storm drains, which are not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

(5) "Non-storm water discharge" means any discharge that is not entirely composed of storm water except those noted within an NPDES permit and this chapter.

(6) "Premises" means any building, lot parcel, real estate, or land or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

(7) "Watercourse" means a natural stream, creek, or man-made uncovered channel through which water flows continuously or intermittently.

(§ 1, Ord. 617-C.S., eff. July 27, 1994)

#### Sec. 6-12.104. Responsibility for administration.

This chapter shall be administered for the City by the City Manager or his/her designee. The City Manager may

delegate his/her powers or duties under this article to a designated employee of the city.  
(§ 1, Ord. 617-C.S., eff. July 27, 1994)

**Sec. 6-12.105. Construction and application.**

This chapter shall be construed to assure consistency with the requirements of the Federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and NPDES Permit No. CA0029921 and any amendment, revision or reissuance thereof.

(§ 1, Ord. 617-C.S., eff. July 27, 1994)

**Sec. 6-12.106. Waiver procedures.**

(a) It is the intent of this chapter to protect and enhance water quality while respecting the rights of private property owners to economically viable use of land. It is not the intent of this chapter to prohibit all economically viable use of any private lands, nor to result in a confiscatory impact. Accordingly, the purpose of this section is to provide for an administrative procedure for a waiver or modification of a particular provision of this chapter in the event the strict application of this chapter would result in the denial of economically viable use of real property.

(b) An applicant for a waiver of a provision of this chapter shall file a waiver application with the City Manager on a form provided by the Manager identifying the provision sought to be waived or modified. The applicant shall file a complete form and shall provide all documentation and information required by the Manager identifying the provision in question will prohibit economically viable use of the land in question or otherwise have an impermissible confiscatory result.

(c) The Manager may approve, deny or conditionally approve a Waiver Application upon making all of the following written findings:

(1) That the strict application of the provision for which a waiver or modification is sought would result in the denial of economically viable use of the real property in question;

(2) To the maximum extent feasible, conditions have been placed upon such a waiver or modification in order to achieve the goals of this chapter as closely as possible while still allowing economically viable use of the real property in question;

(3) Approval of such a waiver will not result in a public nuisance which would constitute a significant and direct threat to public health or safety.

(§ 1, Ord. 617-C.S., eff. July 27, 1994)

**Article 2. Discharge Regulations and Requirements**

**Sec. 6-12.201. Discharge of pollutants.**

The discharge of non-storm water discharges to the City storm sewer system is prohibited. All discharges of material other than storm water must be in compliance with an NPDES Permit issued for the discharge (other than NPDES Permit No. CA0029921) and this article.

(§ 1, Ord. 617-C.S., eff. July 27, 1994)

**Sec. 6-12.202. Exceptions to discharge prohibition.**

The following discharges are exempt from the prohibition set forth in this article:

(a) The prohibition on discharges shall not apply to any discharge regulated under a national pollutant discharge elimination system (NPDES) permit issued to the discharger and administered by the State of California under authority of the United States Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit and other applicable laws or regulations.

(b) Discharges from the following activities will not be considered a source of pollutants to waters of the United States when property managed: water line flushing and other discharges from potable water sources, municipal street cleaning, municipal park maintenance, landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising ground waters; infiltration to separate storm drains, uncontaminated pumped ground water, foundation and footing drains, water from crawl space pumps, air conditioning condensation, springs, individual residential car washings, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges or flows from firefighting, and accordingly are not subject to the prohibition on discharges.

(§ 1, Ord. 617-C.S., eff. July 27, 1994)

**Sec. 6-12.203. Discharge in violation of permit.**

Any discharge that would result in or contribute to a violation of NPDES Permit No. CA0029921, the terms of which are incorporated herein by reference, and which is on file in the Office of the City Clerk, and any amendment, revision or reissuance thereof, either separately considered or when combined with other discharges, is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such persons shall defend, indemnify, and hold harmless the City in any administrative or judicial enforcement action relating to such discharge.

(§ 1, Ord. 617-C.S., eff. July 27, 1994)

**Sec. 6-12.204. Illicit discharge.**

It is prohibited to commence or continue any illicit discharges to the City storm sewer system. (§ 1, Ord. 617-C.S., eff. July 27, 1994)

**Sec. 6-12.205. Reduction of pollutants in storm water.**

Any person engaged in activities which will or may result in pollutants entering the City storm sewer system shall undertake all practicable measures to reduce such pollutants. Examples of such activities include ownership and use of facilities which may be a source of pollutants such as parking lots, gasoline stations, industrial facilities, commercial facilities, stores fronting City streets, etc. The following minimal requirements shall apply:

(a) *Littering.* No person shall throw, deposit, leave, maintain, keep or permit to be thrown, deposited, placed, left or maintained, any refuse, rubbish, garbage, or other discarded or abandoned objects, articles, and accumulations, in or upon any street, alley sidewalk, storm drain, inlet, catchbasin, conduit or other drainage structures, business place, or upon any public or private lot of land in the City, so that the same might be or become a pollutant, except in containers or in lawfully established dumping grounds.

The occupant or tenant, or in the absence of occupant or tenant, the owner, lessee, or proprietor of any real property in the City of Pacifica in front of which there is a paved sidewalk shall maintain said sidewalk free of litter to the maximum extent practicable.

No person shall throw or deposit litter in any pond, lake, ocean, stream or any other body of water within the city.

(b) *Standard for parking lots and similar structures.* Persons owning or operating a parking lot, gas station pavement or similar structure shall clean those structures as frequently and thoroughly as practicable in a manner that does not result in discharge of pollutants to the City storm sewer system.

(c) *Best management practices for new developments and redevelopments.* Any construction contractor performing work in the City shall provide filter materials at the catchbasin to retain any debris and dirt flowing into the City's storm sewer system. City may establish controls on the volume and rate of storm water runoff from new developments and redevelopments as may be appropriate to minimize the discharge and transport of pollutants.

(d) *Compliance with best management practices.* Where best management practices guidelines or requirements have been adopted by the City for any activity, operation, or facility which may cause or contribute to storm water pollution or contamination, illicit discharges, and/or discharge of non-storm water to the storm system, every

person undertaking such activity or operation, or owning or operating such facility shall comply with such guidelines or requirements as may be identified by the Environmental Services Manager.

(§ 1, Ord. 617-C.S., eff. July 27, 1994)

**Sec. 6-12.206. Watercourse protection.**

Every person owning property through which a watercourse passes, or such person's lessee or tenant, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles which would pollute, contaminate, or significantly retard the flow of water through the watercourse; shall maintain existing privately owned structures within a watercourse so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse; and shall not remove healthy bank vegetation beyond that actually necessary for said maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion.

(§ 1, Ord. 617-C.S., eff. July 27, 1994)

**Article 3. Inspection and Enforcement**

**Sec. 6-12.301. Authority to inspect.**

Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever an authorized City enforcement official has reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a violation of the provisions of this chapter, the City official may enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the official by this chapter; provided that (a) if such building or premises be occupied, he or she shall first present proper credentials and request entry; and (b) if such building premises be unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry.

Any request for entry shall state that the property owner or occupant has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a duly authorized magistrate. In the event the owner and/or occupant refuses entry after such request has been made, the official is hereby prepared to seek assistance from any court of competent jurisdiction in obtaining such entry.

Routine or area inspections shall be based upon such reasonable selection processes as may be deemed necessary to carry out the objectives of this chapter, including but

not limited to random sampling and/or sampling in areas with evidence of storm water contamination, illicit discharges, discharge of non-storm water to the storm water system, or similar factors.

(§ 1, Ord. 617-C.S., eff. July 27, 1994)

**Sec. 6-12.302. Authority to sample and establish sampling devices.**

(a) The City shall have the right to establish on any property such devices as are necessary to conduct sampling or metering operations. During all inspections as provided herein, the official may take any samples deemed necessary to aid in the pursuit of the inquiry or in the recordation of the activities on site.

(b) The unauthorized tampering, destruction or otherwise interference with sampling or other monitoring shall constitute a misdemeanor.

(§ 1, Ord. 617-C.S., eff. July 27, 1994)

**Sec. 6-12.303. Notification of spills.**

As soon as any person has knowledge of any confirmed or unconfirmed release of materials, pollutants, or waste which may result in pollutants or non-storm water discharges entering the City storm sewer system, such person shall take all necessary steps to insure the discovery and containment and cleanup of such release and shall immediately notify the City of the occurrence by telephoning (415) 738-7347 and confirming the notification by correspondence within five (5) days to the City of Pacifica, Environmental Services Manager, 170 Santa Monica Avenue, Pacifica, CA 94044.

(§ 1, Ord. 617-C.S., eff. July 27, 1994)

**Sec. 6-12.304. Requirement to test or monitor.**

Any authorized City enforcement official may request that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution or contamination, illicit discharges, and/or discharge of non-storm water to the storm water system, undertake such monitoring activities and/or analyses and furnish such reports as the official may specify. The burden, including costs, of these activities, analyses and reports shall bear a reasonable relationship to the need for monitoring, analyses and reports and the benefits to be obtained. The recipient of such request shall undertake and provide the monitoring, analyses and/or reports requested.

(§ 1, Ord. 617-C.S., eff. July 27, 1994)

**Sec. 6-12.305. Violations constituting misdemeanors.**

Unless otherwise specified by this chapter, the violation of any provision of this chapter, or failure to comply with

any of the mandatory requirements of this chapter shall constitute a misdemeanor; except that notwithstanding any other provisions of this chapter, any such violation constituting a misdemeanor under this chapter may, at the discretion of the enforcing authority, be charged and prosecuted as an infraction.

(§ 1, Ord. 617-C.S., eff. July 27, 1994)

**Sec. 6-12.306. Continuing violations.**

Unless otherwise provided, a person, firm, corporation or organization, shall be deemed guilty of a separate offense for each and every day during any portion of which a violation of this chapter is committed, continued or permitted by the person, firm, corporation or organization and shall be punishable accordingly as herein provided.

(§ 1, Ord. 617-C.S., eff. July 27, 1994)

**Sec. 6-12.307. Concealment.**

Causing, permitting, aiding, abetting or concealing a violation of any provision of this chapter shall constitute a violation of such provision.

(§ 1, Ord. 617-C.S., eff. July 27, 1994)

**Sec. 6-12.308. Civil actions.**

In addition to any other remedies provided in this article, any violation of this chapter may be enforced by civil action brought by the City. In any such action, the City may seek, and the court shall grant, as appropriate, any or all of the following remedies:

(a) A temporary and/or permanent injunction;

(b) Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection;

(c) Costs incurred in removing, correcting, or terminating the adverse effects resulting from the violation, including reasonable attorney's fees and court costs;

(d) Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life. Assessments under this subsection shall be paid to the City to be used exclusively for costs associated with monitoring and establishing storm water discharge pollution control systems and/or implementing or enforcing the provisions of this chapter;

(e) Civil penalties as provided for by the Pacifica Municipal Code.

(§ 1, Ord. 617-C.S., eff. July 27, 1994)

**Sec. 6-12.309. Administrative enforcement powers.**

In addition to the other enforcement powers and remedies established by this chapter, any authorized enforcement official has the authority to utilize administrative remedies.  
(§ 1, Ord. 617-C.S., eff. July 27, 1994)

**Sec. 6-12.310. Remedies not exclusive.**

Remedies under the article are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

(§ 1, Ord. 617-C.S., eff. July 27, 1994)

**Article 4. Coordination With Other Programs****Sec. 6-12.401. Coordination with hazardous materials inventory and response program.**

The first revision of the business plan for any facility subject to the City's hazardous materials inventory and response program shall include a program for compliance with this chapter, including the prohibitions on non-storm water discharges and illicit discharges, and the requirement to reduce storm water pollutants to the maximum extent practicable.

(§ 1, Ord. 617-C.S., eff. July 27, 1994)

