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**DEPARTMENT OF
PUBLIC WORKS**

OFFICE OF THE DIRECTOR

**CITY OF SACRAMENTO
CALIFORNIA**

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SACRAMENTO, CA
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916-449-5283

ADMINISTRATION
916-449-8747

June 19, 1990

APPROVED
BY THE CITY COUNCIL

JUN 19 1990

OFFICE OF THE
CITY CLERK

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Proposed Amendments to City Code Chapters 19, 36, 47 and 61 Relating to Garbage, Sewers, Water, and Nuisance Codes

SUMMARY

This report recommends that the City Council review the attached proposed amendments to Chapters 19, 36, 47 and 61 of the City Code, and enact the attached ordinances in order to enact these amendments. This report was heard by the Law and Legislative Committee on May 17, 1990 and was passed for publication by the City Council on June 12, 1990.

BACKGROUND

In conjunction with a recent report from the Finance Department amending Chapter 64 of the City Code, this report recommends various amendments to the following chapters:

- Chapter 19 -- Garbage, Rubbish, Weeds, and Waste Matter
- Chapter 36 -- Sewers and Storm Drainage
- Chapter 47 -- Water
- Chapter 61 -- Nuisance Code

The major amendment to three of these codes (19, 36, and 47) is the deletion of language related to the collection of fees and charges, and the lien recording procedures. It is proposed that this language be added instead to Chapter 64 so it will be in only one chapter and not three chapters. The three chapters (19, 36 and 47) will all reference that the language is contained in Chapter 64. In addition, the section of the code relating the abatement of weeds and rubbish is proposed for deletion from Chapter 19 and for addition to Chapter 61. An addition to Chapter 47 would make it clear that in order to maintain the safety of the City's water supply, the City may require extra work to be performed (such as the installation of backflow prevention devices) and that the cost of that extra work can be added to the regular water bill.

The other proposed amendments to the three chapters are mostly "housekeeping" in nature in that they update titles of personnel and organizations to those currently in use and delete superfluous language.

FINANCIAL IMPACT

There are no financial implications associated with this item.

MBE/WBE

No goods or services are being purchased with this item.

POLICY CONSIDERATIONS

These proposed amendments are in accordance with the City's practice to update the code to reflect the City's current procedures and practices.

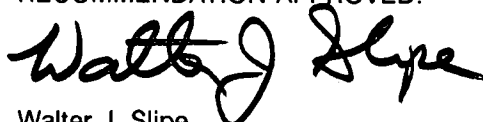
RECOMMENDATION

This report recommends that the City Council enact the attached ordinances which amend Chapters 19, 36, 47 and 61.

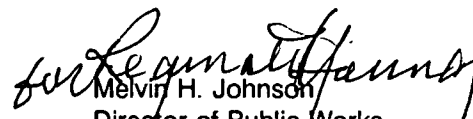
Respectfully submitted,


Susan Davidson
Senior Administrative Services Officer

RECOMMENDATION APPROVED:


Walter J. Slipe
City Manager

APPROVED:


Melvin H. Johnson
Director of Public Works

Contact Person

Susan Davidson, Senior Administrative Services Officer
449-5056

June 19, 1990
All Districts

SD4-CC7.A
Attachments

APPROVED
BY THE CITY COUNCIL

JUN 19 1990

OFFICE OF THE
CITY CLERK

ORDINANCE NO. 90-031

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**AN ORDINANCE AMENDING CHAPTER 19 OF THE SACRAMENTO CITY
CODE, RELATING TO GARBAGE, RUBBISH, WEEDS AND WASTE MATTER
AND ADDING ARTICLE XIV TO CHAPTER 61 OF THE SACRAMENTO CITY
CODE, RELATING TO ABATEMENT OF NUISANCE WEEDS AND GARBAGE**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Chapter 19 of the Sacramento City Code is hereby amended to read as follows:

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

CHAPTER 19

Article I. In General

§ 19.101 Definitions.

The following words and phrases when used in this chapter shall, for the purposes of this chapter, have the meaning respectively ascribed to them by this section:

Automatic Lift Container: "Automatic Lift Container" means a plastic refuse receptacle with a hinged lid that is designed to be lifted, dumped and returned by refuse packers that have a compatible mechanical lifting device. (Ord. No. 85-078, §1)

Bin: "Bin" is a metal receptacle for the deposit of garbage or rubbish which shall:

- (a) have a close-fitting cover;
- (b) be leak proof and fly proof;
- (c) have handles or other devices to permit movement;
- (d) be free of sharp, rough or jagged surfaces or edges likely to cause injury;
- (e) utilize casters or other means for easy movement;
- (f) be designed in a manner to be emptied mechanically by City collection vehicles.

Blanket: "Blanket" is a canvas or cloth with dimensions of 89 inches by 77 inches used for the collection of rubbish.

Cart: "Cart" is a canvas or cloth receptacle for the deposit of rubbish with dimensions of 30 inches by 28 inches by 40 inches.

Compactor Containers - Roll Off: "A "Compactor Container" is a metal receptacle for the deposit and storage of garbage.

Drop Box Container - Roll Off: "Drop Box Container is a metal receptacle for the deposit of solid waste and is designed in such a manner to be transferred and emptied by City vehicles.

Garbage: "Garbage" consists of dead animals, of not more than ten pounds weight each, and of every accumulation of animal, vegetable, and other matter that attends the preparation, consumption, decay or dealing in, or storage of meats, fish, fowl, birds, fruits and vegetables, and any matter that will putrefy. The term "garbage" does not include dishwater or waste water.

Hazardous Wastes: "Hazardous wastes" include any waste material or mixture of wastes which is toxic, corrosive, flammable, an irritant, a strong sensitizer, which generates pressure through decomposition, heat or other means, if such a waste or mixture of wastes may cause substantial personal injury, serious illness or harm to humans, domestic animals, or wildlife, during, or as an approximate result of any disposal of such wastes or mixtures of waste as defined in Article 2,

Chapter 6.5, Section 25116 of the Health and Safety Code. The terms "toxic," "corrosive," "flammable," "irritant," and "strong sensitizer" shall be given the same meaning as in the California Hazardous Substances Act (Chapter 13 commencing with Section 28740 of Division 21 of the Health and Safety Code).

Infectious Wastes: "Infectious wastes" include (a) equipment, instruments, utensils, and other fomites of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must, therefore, be isolated as required by public health agencies; (b) laboratory wastes, including pathological specimens (i.e., all tissues, specimens of blood elements, excreta and secretions obtained from patients or laboratory animals) and disposable fomites (any substance that may harbor or transmit pathogenic organisms) attendant thereto; and, (c) surgical operating room pathological specimens including recognizable anatomical parts, human tissue, anatomical human remains and disposable materials from hospitals, clinics, outpatient areas and emergency rooms, as is also defined in Section 314 (d) of the California Administrative Code, Title 17.

Mobile Trailer: "Mobile Trailer" is a towable receptacle for the deposit, storage and transport of solid waste.

Revenue Division: "Revenue division" means the division of the Department of Finance of the City of Sacramento responsible for customer records.

Revenue Manager: "Revenue Manager" means the Director of Finance.

Rubbish: "Rubbish" consists of wood, leaves, dead trees or branches thereof, chips, shoes, hats, crockery, glassware, ashes, cinders, metals, garden refuse, and all other material not included under the term "garbage" or "waste matter."

Solid Waste Manager: "Manager" means the manager of the solid waste division of the public works department.

Waste Matter: "Waste matter" consists of natural soil, earth, sand, clay, gravel, loam, manure, stones, bricks, brickbats, plaster, or portland cement. (Ord. 3354, §1; Ord. 3786, §1; Ord. 3795, §1; Ord. 3813, §1; Ord. 3875, §1)

Wet Garbage: Repealed by Ordinance No. 4363 (Ord.82-049, §1)

§ 19.102 Division of Solid Waste—Duty of Collection.

It shall be the duty of the division of solid waste of the public works department to gather, collect, recycle, reconstitute, recover and dispose of by landfilling or sale all garbage, rubbish and waste matter, except as otherwise provided in this chapter, within the City. The City Council may authorize and empower the City Manager to dispose of the same in such manner as it may deem proper for the best interest of the City and in compliance with the rules and regulations of the health department. It shall be the duty of the division of solid waste of the public works department to collect all garbage in the City at least once each week and at such other times as the necessities of the particular case require. (Ord. No. 3354, §1)

§ 19.103 Same--Collection Districts.

For the purpose of collecting, recycling, reconstituting and recovering garbage, rubbish and waste matter as provided in this chapter, the division of solid waste may divide the City into as many districts as may be deemed necessary for the convenient collection, recycling, reconstituting and recovering of such garbage, rubbish and waste matter and may fix the day on which the same will be collected in such districts. The division of solid waste shall notify the occupant of each property within such districts of the collection day for that property by written notice. (Ord. No. 3354, §1; Ord. 3786, §2; Ord. 3795, §1; Ord. 3813, §1; Ord. 3875, §2)

§ 19.104 Same--Equipment and Employees.

The City Manager is hereby authorized and directed to employ all persons necessary for the collection, recycling, reconstitution, recovery and disposal of garbage, rubbish or waste matter by the City and is hereby further authorized and empowered to purchase or lease, or to recommend the purchase or leasing of, under the provisions of the Charter, all necessary trucks, trailers or other vehicles, supplies or other equipment, land and real or personal property necessary for carrying into effect the provisions of this chapter relative to the collection, recycling, reconstitution, recovery and disposal of garbage, rubbish and waste matter by the division of solid waste of the public works department of the City. (Ord. 3354, §1)

§ 19.105 Same--Authority of Solid Waste Manager.

Under direction of the director of public works, the manager of the division of solid waste shall have authority to make and enforce, with the approval of the City Manager, rules and regulations concerning the collection, recycling, reconstitution, recovery and disposal of garbage pursuant to the provisions of this chapter. (Ord. 3354, §1)

§ 19.106 Revenue Division--Duties.

It shall be the duty of the revenue division of the department of finance to handle requests for starts and stops of sewer, water and residential solid waste services, to reconcile disputed bills, to handle public inquiries about bills, to collect delinquent accounts, to conduct field investigations for vacancies and setting of rates, and to maintain a master billing file. (Ord. No. 3354, Ord. 3786, §3; Ord. 3795, §1; Ord. 3813, §1) As to commercial solid waste services, the manager of solid waste shall handle requests for starts and stops of service, reconcile disputed bills, handle public inquiries about bills, conduct field investigations for vacancies and setting of rates, and maintain a master billing file.

(Ord. 3786 and Ord. 3795 repealed by Ord. 3813 before effective date of either ordinance.)

§ 19.107 Garbage Collection Service--Use Required.

It is hereby found and determined that the public health, safety and welfare of all the citizens of the City require that the accumulation, collection, removal and disposal of garbage from lands, buildings, apartments, hotels and all other premises within the City must be handled in a manner for the greatest good and the least possible inconvenience, cost and maintenance to the City and citizens thereof; and to that end, garbage collection service is provided by the City, and it shall be mandatory for all owners of all places and premises in the City in or from which garbage is created, accumulated or produced to subscribe to the City's garbage collection service in the manner and according to the terms and provisions of this article. Furthermore, it shall be mandatory for all occupants or persons in possession or control of said places and premises to use the City's garbage collection service in the manner and according to the terms and provisions of this article. (Ord. 3354, §1)

§ 19.108 Same—Fees Liability for Payment.

It is hereby found and determined that the periodic collection, removal, and disposal of garbage from all places and premises in the City benefits all owners of all places and premises in the City where garbage accumulates and requires removal therefrom and such owners are hereby made liable for the payment of garbage collection fees hereinafter prescribed, irrespective of the actual use of the garbage collection service provided by the City. A person who is an occupant of or is in possession, charge or control of a place or premises which he does not own and which is not used for residential purposes may pay the garbage collections fees imposed by this article provided, however, acceptance of said payment shall not relieve the owner of said place or premise from liability for future payments of said fees. The owner shall not be responsible for garbage collection fees for service in excess of the minimum garbage service required by this article unless he shall have requested in writing that said additional service be provided to the premises, shall have consented in writing to the request of another that said additional service be provided, or the Health Department shall have ordered that said additional service be provided. The solid waste manager may exempt from the requirements of this section, property as to which it would be impractical or unnecessary, to require and provide collection services. If any property is unoccupied for a period of at least one (1) month, upon request therefore, garbage collection service may be suspended and no charge for garbage collection service shall be made during the period such property is unoccupied; provided, garbage collection service shall be immediately commenced when such property is again occupied. (Ord. 3354, §1; Ord. 3786, §1; Ord. 3795, §1, Ord. 3813, §1; Ord. 3875, §3; Ord. 4262, §1; Ord. No. 4363, §2)

§ 19.108-1 Establishment of Rates, Charges and Fees by Resolution.

Notwithstanding any provision of this Chapter or any other provision of the City Code to the contrary, the rates, charges and fees established or provided for in this Article shall hereafter be established by resolution of the City Council. (Ord. 83-060, § 4)

§ 19.109 Repealed by Ord. 83-060, §5.

§ 19.110 Minimum Service.

One standard size (90-gallon or less) can per week shall be the minimum garbage service for each single-family dwelling and each dwelling unit of a duplex, triplex, or fourplex.

Service to a single-family dwelling, duplex, triplex, or fourplex shall not be more frequent than one pickup per week.

The owners of all other premises upon which garbage is produced or accumulated shall apply to the solid waste manager for garbage service as herein required and shall be given the type and frequency of service, that will in the opinion of the solid waste manager cause all garbage to be removed from the premises, so there will be no accumulation, collection and keeping of the same, on the premises for a period longer than one week. (Ord. No. 85-078, §2)

The fees imposed by this Code for garbage collection service shall constitute a civil debt and liability owing to the City of Sacramento from the persons, firms or corporations using or chargeable for such services and be collectible in the manner provided by law. (Ord. No. 3432, §2; Ord. No. 85-078, §2)

§ 19.111 Same—Collection of Fees with Charges for Other Utility Services;

The fees for garbage collection service shall be billed and collected pursuant to the provisions of Chapter 64 of the Sacramento City Code

§ 19.112 Removal of Recyclable and Salvageable Materials Placed for City-Sponsored Recycling Program Prohibited.

It shall be unlawful and an infraction for any persons, other than the City or the City's designee, to collect or remove recyclable or salvageable materials placed by any person in a bag or container labeled for use in connection with a recycling program sponsored by the City of Sacramento

§ 19.113 Unauthorized Collection and Hauling.

Except as otherwise provided in Article III of this Chapter it shall be unlawful for any person to collect garbage, rubbish or waste paper refuse within the City or transport the same through the streets, alleys and public ways in the City unless such person has been licensed to do so by contract or otherwise by the City Manager on the recommendation of the Solid Waste Manager of the Public Works Department. Nothing herein shall be construed to prohibit any person from hauling garbage, rubbish or waste paper refuse which has been produced on the premises actually occupied by the persons in his own vehicle, by himself or an employee. Nothing herein shall be construed to prohibit any person from hauling or disposing of waste matter as defined in section 19.101. (Ord. No. 3354, §1)

§ 19.114

§ 19.114-1

§ 19.115

§ 19.116

§ 19.117

§ 19.118

§ 19.119

§ 19.120

§ 19.121 Receptacles.

It shall be the duty of every owner or tenant, lessee or occupant of any private dwelling house, apartment house, flat, restaurant, eating house, boarding house, or other building where meals are furnished and having garbage as defined in Section 19.101 to provide without expense to the City and at all times to keep within the building or on the lot on which the building is situated, suitable and sufficient watertight cans or other suitable receptacles with suitable bales or handles, each such receptacle fitted with a tight fitting cover, for receiving and holding, without leakage or escape of odor, and without being filled within four (4) inches of the top of any such receptacle, all garbage which will normally accumulate on the premises within a one (1) week period. Residential dwellings designated as having automatic lift container service will be provided with a receptacle or receptacles as required without a direct charge for the container or containers. Only the City-provided receptacles may be used for residential service in full service automatic lift container service areas. Automatic lift containers will not be provided in non-automatic lift container service areas. All such receptacles shall be maintained in good order and repair so that such receptacles shall have no sharp, rough or jagged edges likely to cause injury. The City will repair or replace an automatic lift container if it is damaged, missing or stolen. Such receptacles shall be placed at ground level and shall be located such that they will not be a public nuisance or in any degree offensive. Such garbage receptacles shall be emptied by the collectors at least once a week. Receptacles for garbage from private dwelling houses, from each flat and from each apartment house shall each have a capacity ninety (90) gallons in any one receptacle. The Director of Public Works may permit receptacles of different capacity when, in his opinion, it is impossible or impracticable, because of location, construction or other physical characteristics of the premises, to comply with the foregoing capacity limitations; provided further, that in the event he/she so determines, he/she may impose such conditions as he/she may deem necessary to or convenient upon the use, location, collection and physical characteristics of any such receptacles. No receptacle for

receiving garbage, rubbish or waste matter shall be placed on or in any street, sidewalk, footpath, or any public place whatsoever, except in accordance with rules and regulations established under this chapter for the collection of same. It shall be unlawful to keep, place or deposit garbage on any private grounds or premises whatsoever, except in receptacles as designated in this section. It shall be unlawful to have, store, deposit, or keep garbage or swill where rats can have access thereto or feed thereon. (Ord. No. 3354, §1; Ord. No. 3875, §6; Ord. No. 85-078, §3)

§ 19.122 Placing Receptacles for Collection.

Any can(s) placed for collection to qualify for the rates set forth in the City's Fee and Charge Manual shall be placed in the following manner. If there is more than one can, the cans shall be placed closely together in one location and shall be placed within two feet of the curb in a manner such as to be in front of any fence or other barrier or enclosure, and readily accessible from the street or alley on which the collectors conduct their route. Automatic lift containers shall be placed at least two (2) feet from any obstruction, including an adjacent automatic lift container. The can or cans shall be placed for collection no earlier than twelve hours prior to the scheduled collection time and only for such additional period as may be incident to collection. The can or cans shall be moved back to their normal storage location not later than twelve hours after collection. No can placed for collection shall be placed on any public sidewalk or street in a manner which impedes traffic or drainage or in any manner which creates a hazard. Any can or cans placed for collection shall be placed in a manner which will provide the collector at least thirty-two inches unimpeded access thereto. (Ord. No. 3354, §1; Ord. No. 3786, §7; Ord. No. 3795, §1; Ord. No. 3813, §1; Ord. No. 3875, §7; Ord. No. 82-049 §1; Ord. No. 85-078, §4)

§ 19.123 Depositing Garbage, Rubbish, Etc., in Streets and Public Places; Reward for Information as to Violators.

It shall be unlawful for any person to throw or deposit any putrescible waste, rubbish, or waste matter, or to cause the same to be thrown or deposited upon any public place, private place, in any private receptacle not belonging to such person, within the City except: (a) in an approved receptacle; or (b) as otherwise specifically provided in this chapter.

A reward of \$100.00, lawful money of the United States, will be paid by the City to the person furnishing information to the authorities leading to the arrest and conviction of any person violating the provisions of this section. Such reward shall be paid to the person furnishing information leading to the arrest immediately upon conviction of the person arrested. (Ord. 3354, §1; Ord. 3875, §8; Ord. 4363, §5; Ord. 82-049, §1)

§ 19.124 Designated Depositories Must be Used; Use of Waste Matter to Fill Low Areas.

It shall be unlawful to bury or otherwise dispose of any garbage or rubbish within the City limits, except at a place designated by the director of public works and approved by the City Manager for the purpose of disposal. Waste matter, if not removed beyond the City limits, may be made use of upon receiving written permission from the director of public works with approval by the City Manager, for filling in of low areas within the City limits. (Ord. 3354, §1; Ord. 4363, §6)

§ 19.125 Burying or Burning Garbage Prohibited.

It shall be unlawful for any person to bury or burn garbage at any place within the City. (Ord. 3354, §1; Ord. 4363, §7)

§ 19.126 Burying or Burning Rubbish Prohibited.

It shall be unlawful for any person to bury or burn rubbish at any time within the City. (Ord. 3354, §1)

§ 19.127 Depositing Waste Matter During Construction.

Waste matter created by construction activities may be deposited in or on a private property when such deposit is made necessary by reason of building construction or alteration; provided, however, that the person so depositing shall cause its removal as soon as possible after the necessity ceases. (Ord. 3354, §1)

§ 19.128 Hazardous and Infectious Wastes.

The division of solid waste shall not collect hazardous wastes either alone or mixed with other matter which would normally be collected. The division of solid waste shall collect and remove infectious wastes in accordance with rules and regulations governing the collection and removal thereof established by the Health Department, the manager of the division of solid waste, and according to other applicable law. (Ord. 3875, §9)

§19.129 Director of Public Works to Make Rules and Regulations.

The director of public works shall have the power to determine minimum required garbage collection services based on the amount of waste generated and to establish other sanitary rules and regulations governing the collection, recycling, reconstitution, recovery and disposal of garbage, rubbish and waste matter, not inconsistent with this chapter. (Ord. 3354, §1)

§ 19.130 Appeals—Generally.

Any person adversely and directly affected by any determination made or action taken by the director of public works or solid waste manager pursuant to the provisions of this chapter may appeal said determination to the City Council. (Ord. 3354, §1) City Manager pursuant to the procedures set forth in Section 19.323.

§ 19.131 Same—Time for Filing.

The notice of appeal must be filed with the City Manager not later than 10 days following the determination by the director of public works or solid waste manager. The notice of appeal shall specify the basis of the appeal and only grounds mentioned therein shall be considered by the Manager. (Ord. No. 3354, §1)

§ 19.135 Billing Period—When New Rates Take Effect.

Garbage collection charges shall be billed periodically. All changes in garbage collection rates shall apply to that portion of the billing periods that occur on or after the effective date of the change. (Ord. No. 3432, §5)

§ 19.136 No Collection from Underground Receptacles.

The solid waste manager shall not collect any garbage or rubbish from any receptacle not placed at or above ground level for collection at the times prescribed herein for placing receptacles for collection. (Ord. 4442, §1; Ord. 4455, §1)

Article III. Refuse Collectors

§ 19.301 Purpose of Article; Definitions.

- (a) Purpose: This article is determined and declared to be a health, sanitary and safety measure necessary for the promotion, protection and preservation of the health, safety and general welfare of the people of the City of Sacramento.
- (b) Definitions: As used in this article, unless the context requires otherwise:
 - (1) The words "private refuse collector" mean any person who has a valid private refuse collector's permit issued in accordance with the provisions of this article. A commercial refuse collector may collect rubbish from residential and non-residential property anywhere within the City.
 - (2) The words "fiscal year" shall mean the period of time beginning on the first day of July of any year and ending on the thirtieth day of June of the following year.
 - (3) The word "landfill" means any place where refuse may be lawfully deposited and ultimately disposed.
 - (4) The word "refuse" includes waste paper; cardboard, wood, rubbish, trash, waste matter, and all other similar matter; but does not include any matter included in the definition of garbage, hazardous wastes, and infectious wastes in section 19.101 of this code.
 - (5) The word "vehicle" means any truck, trailer, semi-trailer or other equipment used to collect refuse or to haul or transport refuse over a public street or highway. (Ord. 3204, §1; Ord. 4041, §1)
 - (6) The words "enforcement agency" shall mean the enforcement agency duly appointed by the City pursuant to Government Code Title 7.3, Chapter 3 commencing with Section 66796. (Ord. 4041, §1)

§ 19.302 General Requirements; Exemptions from Article.

- (a) No person shall collect, transport or dispose of any refuse produced, kept or accumulated in the City except in accordance and compliance with, and as authorized by, the provisions of this article and other applicable laws.
- (b) Municipal corporations and other governmental agencies shall be exempt from the provisions of this article. (Ord. 3204, §1; Ord. 4041, §1)

§ 19.303 Permit—Required.

- (a) Except as otherwise provided in this section, it shall be unlawful for any person to engage in, operate as, or represent himself to the public as a collector, transporter or disposer of refuse within the City unless he has a valid private refuse collector's permit issued to him

pursuant to the provisions of this article. Such permits shall be issued for a period not to exceed one year, and to expire at the end of the fiscal year for which they were issued. All such permits may be renewed as provided in this article.

- (b) Any community, charitable or philanthropic organization may collect, transport and dispose of refuse without a permit, so long as no fee or gratuity is accepted for the collection of this refuse.
- (c) This section shall not be construed to prevent householders from hauling occasional loads of refuse, not containing garbage, from their own premises to a legal point of disposal.
- (d) Persons or organizations exempt under the provisions of subsections (b) and (c) above shall collect, transport and dispose of such refuse in accordance with the provisions of sections 19.316 & 19.319 of this Code. (Ord. No. 3204, §1; Ord. No. 3213, §1; Ord. 4041, §1)

§ 19.304 Same—Interest in Multiple Permits Prohibited.

No person shall have an interest in more than one private refuse collector's permit issued pursuant to the provisions of this article. For the purposes of this section, the word "interest" includes ownership or control of more than five percent of any joint venture, partnership or limited partnership or of the outstanding stock of a corporation. (Ord. No. 3204, §1; Ord. 4041, §1)

§ 19.305 Repealed.

§ 19.306 Same—Application; Applicant to be Fingerprinted, Etc., by Police Department.

- (a) Applicants for a permit or a renewal of a permit issue pursuant to the provisions of this article may file an application on the form provided by the revenue manager which shall provide the following information and declarations:
 - (1) The name, permanent home and business address of the individual applying and of the organization or persons on whose behalf the application is made.
 - (2) If the organization on whose behalf the application is made is a joint venture or a partnership or limited partnership, the names and permanent addresses of all partners, and their percentage of participation. If the organization is a corporation, the names and permanent addresses of all officers and the names and permanent addresses of all stockholders owning or controlling in excess of five percent of the outstanding stock, and their percentage of participation.
 - (3) A declaration that the applicant has arranged for the disposal of all refuse collected by him at a landfill or transfer station.
 - (4) The location of such landfill or transfer station.
 - (5) The address where all vehicles will be kept and the land use classification under the Zoning Ordinance of such locations.
 - (6) A declaration that the applicant owns or has under his control in good mechanical

condition sufficient equipment to adequately conduct the business of refuse collection if granted a permit.

- (7) A declaration that such equipment conforms to all applicable provisions of this article and the California Motor Vehicle Code.
- (8) Other identification and information as the revenue manager may require in order to discover the truth of the matters set forth in the application.
- (9) Other information as the revenue manager may require which demonstrates that the applicant is able to render efficient refuse collection service and that the public health, safety, welfare, convenience and necessity require the granting of the permit to this applicant.
- (10) Whether the applicant has ever had any application for a like permit denied, revoked, suspended, or canceled by any public entity, and the reason given therefor.

- (b) Each applicant, or its principal executive officer, shall be fingerprinted and photographed by the police department of the City of Sacramento. (Ord. No. 3204, §1; Ord. 4041, §1)

§ 19.306-1 Same—Application Fees.

Every application for a permit hereunder shall be accompanied by a non-refundable fee established by resolution of the City Council. This fee shall be in addition to any other fee or tax imposed upon the applicant. (Ord. 4095, §10; Ord. 4356, §1)

§ 19.307 Same—Issuance of Private Refuse Collector's Permit.

- (a) In the event the number of private refuse collector's permits which may be issued pursuant to section 19.309 of this Code exceeds the number of such permits which are presently held, the City revenue manager shall mail notice of this fact to all persons whose names appear on the list maintained by the City revenue manager for this purpose. Nothing contained herein shall be deemed to in any way render the City liable by reason of the failure of the City to send or the failure of any person to receive notice pursuant to the provisions of this section.
- (b) The City revenue manager shall accept an application for a private refuse collector's revenue manager's permit or renewal thereof, where the number of permits which may be issued pursuant to section 19.309 of this Code exceeds the number of permits presently held, where the applicant presently holds a valid commercial refuse collector's revenue manager's permit, or where the applicant has received approval from the City for the transfer of a permit to him.
- (c) The City revenue manager shall act on such applications only after the enforcement agency has determined that the applicant is able to render efficient collection service in accordance with the provisions of this article, and that the public health, safety, welfare, convenience and necessity require the granting of the permit to this applicant. Should the enforcement agency determine that the applicant is not able to render efficient private refuse collection service or that the public health, safety, welfare, convenience and necessity do not require the issuance of a private refuse collector's permit to the applicant this determination shall

be noted on the application and returned to the applicant at the address shown on the application. All other applications shall be marked approved and returned to the City revenue manager.

- (d) The City revenue manager shall then act on those applications approved by the enforcement agency by issuing a private refuse collector's permit to each applicant who:
 - (1) Presently holds a valid private refuse collector's permit, and has submitted his application within sixty days prior to the date of expiration of such permit, and has not transferred this permit pursuant to the provisions of section 19.310 of this Code; or
 - (2) Has submitted his application within ninety days following the mailing of notice of approval of the transfer of a permit to him, and has attached to this application a declaration by the transferee that he has not transferred his permit to any other person.
- (e) After acting on all applications in the manner provided in subsections (c) and (d) above, the City revenue manager shall issue the remaining permits, if any, to those applicants whose names were first added to the waiting list maintained for this purpose by the City revenue manager; provided, however, that should any action taken under subsections (c) or (d) of this section be appealed pursuant to the provisions of section 19.323 of this Code, the City revenue manager shall not act pursuant to this subsection until the decision on appeal becomes final as provided therein.
- (f) Notwithstanding the other provisions of this section, the City revenue manager shall not issue a private refuse permit to an applicant if the enforcement agency has directed the City revenue manager to refuse to renew the permit of that applicant, nor shall the City revenue manager issue a private refuse collector's permit to a transferee of this permit. (Ord. No. 3204, §1; Ord. 4041, §1)

§ 19.308

§ 19.309 Same—Limitation on Number of Private Refuse Collector's Permits.

Inasmuch as the amount of refuse to be collected and disposed of is in direct proportion to the population of the City, the City Council finds that in order to provide better and more efficient refuse collection service to the citizens of the City the total number of private refuse collector's permits be limited to one for each twelve thousand seven hundred and fifty inhabitants of the City as shown by the last official U.S. census.

The limitation on the number of private refuse collector's permits may be changed by the City Council following a public hearing on the proposed change. Notice of this hearing shall be published once in the official newspaper of the City at least ten days prior to the date of hearing. The City Council may, after a finding that public convenience and necessity require a change in the limitation of the number of refuse collector's permits per capita within the City, order such change by ordinance. (Ord. No. 3204, §1; Ord. No. 3281, §1; Ord. 4041, §1)

§ 19.310 Same—Transfer; Property Value.

- (a) No permit shall be transferred, assigned or disposed of in any manner, voluntarily or involuntarily, directly or indirectly to any person except upon application to, and approval

by the City. Such approval shall be given where the enforcement agency finds that the applicant is able to render efficient refuse collection service in accordance with the provisions of this article, and that the public health, safety, convenience and necessity would benefit from the granting of a permit to this applicant.

- (b) Any potential transferee may apply to the enforcement agency for a determination that a permit would be issued to him upon the transfer of a permit.
- (c) A non-refundable fee established by resolution of the City Council shall be charged for each application submitted pursuant to the provisions of this section. (Ord. 4356, §1)
- (d) The word "transfer" as used in this section includes the exchange of more than five percent interest in the holder of a permit, whether by one or more persons, and does not include the succession to an interest in a permit by an estate or by a bankruptcy court.
- (e) A private refuse collector's permit shall not have any property value to the permittee. (Ord. No. 3204, §1; Ord. 4041, §1)

§ 19.311 Subcontracting.

- (a) No private refuse collector shall subcontract for the collection of any refuse produced, kept or accumulated in the City except as provided herein. A private refuse collector may subcontract with one or more other private refuse collectors to the extent of fifty percent of his total collections in any fiscal year, as measured by his gross income for that year.
- (b) The word "subcontract" as used in this section includes any arrangement whereby the permittee does not have a supervisory role over the transportation or disposal of the refuse he collects and where the permittee does not receive the entire profits from the particular collection; provided, however, that this term does not include any arrangement whereby one permittee contracts with another permittee for the transportation and disposal of refuse from a transfer station to a landfill. (Ord. No. 3204, §1; Ord. 4041, §1)

§ 19.312 Private Refuse Collector's Inspection Fee.

Each and every person who has a private refuse collector's permit shall pay an annual inspection fee in the sum established by resolution of the City Council for each vehicle number issued pursuant to the provisions of sec. 19.314 of this code. This fee shall be due on the first day of the fiscal year, or of the date the vehicle number is issued, whichever is later. Fees collected pursuant to this section are in addition to taxes provided for in any other provisions of this code. (Ord. 3204, §1; Ord. 4041, §1; (Ord. 4356, §1)

§ 19.313 Repealed

§ 19.314 Vehicle Identification—Private Refuse Collectors.

Each private refuse collector shall have a vehicle number for each vehicle used to collect, transport or dispose of refuse pursuant to his permit. The City revenue manager shall issue a vehicle number upon payment of the fee required by section 19.312 of this Code, and upon a determination that the vehicle complies with other provisions of this article. The permittee shall have painted on the side of each vehicle in plain view, in letters two inches in height, the name of the permittee, business address, telephone number, and vehicle number of the vehicle. Any vehicle number issued herein shall be transferable without payment of additional fees to any other vehicle owned by the holder of such permit, upon five days written notice to

the City revenue manager, providing such other vehicle complies with the other provisions of this Code.

Notwithstanding the foregoing the City revenue manager may authorize a private refuse collector to use a vehicle which does not have a vehicle number to collect, transport or dispose of refuse. The City revenue manager shall authorize such use upon a determination that (1) the applicant has requested the authorization in a manner satisfactory to the City revenue manager, (2) the applicant has a vehicle with a vehicle number which will be repaired during the period the vehicle without a vehicle number will be used, and (3) the vehicle without the vehicle number complies with the provisions of section 19.319 of this Code. (Ord. No. 3204, §1; Ord. 4041, §1)

§ 19.315 Repealed

§ 19.316 Hours of Collection.

No refuse shall be collected within the City except between the hours of 4:00 A.M. and 7:00 P.M. (or 8:00 P.M. during daylight saving time) of the same day. (Ord. No. 3204, §1; Ord. 4041, § 1)

§ 19.317 Insurance.

A commercial refuse collector shall maintain, during the term of his permit, public liability insurance in an amount not less than one hundred thousand dollars for injury or death to one person and in an amount not less than three hundred thousand dollars for injury or death to more than one person arising out of any one accident and property damage insurance in an amount not less than fifty thousand dollars. The City, its officers, agents and employees shall be designated as an additional insured in such policy. A copy of the insurance policy or its certificate of insurance shall be filed with the City prior to the issuance of any permit to collect refuse. All policies shall contain a provision requiring that ten days' notice must be given to the City collector prior to cancellation, modification or reduction of the limits of the policy by the insured.

§ 19.318 Bond.

Before issuing any private refuse permit under the provisions of this article, the City shall require the applicant as a condition to the issuance of the permit to post with the City a cash bond in the required amount, or a surety bond in the same amount furnished by a corporate surety authorized to do business in the state payable to the City. A private refuse collector shall post a cash bond or surety bond in the sum of one thousand dollars. Such bond shall be conditioned upon the full and faithful performance by the permittee of his duties under the applicable provisions of this article, and shall be kept in full force and effect by the permittee throughout the life of the permit and all renewals thereof. (Ord. No. 3204, §1; Ord. No. 3281, §1; Ord. 4041, §1)

§ 19.319 Vehicle Requirements and Inspection.

Any vehicle used by a private refuse collector permittee to collect, transport or dispose of refuse shall have a bed of impervious material which can be cleaned, and such bed shall be kept clean and disinfected in accordance with the rules and regulations of the county department of environmental management. The permittee shall provide adequate means to prevent the refuse from escaping the vehicle.

All such vehicles shall be subject to inspection at all times by the City or by the County of Sacramento for the purpose of determining whether or not the vehicles comply with the sanitary requirements of the county health department, the provisions of the California Motor Vehicle Code, and the provisions of this article. Such inspection shall be made at a time and place designated by the authorized inspector. (Ord. No. 3204, §1; Ord. No. 3281, §1; Ord. 4041, §1)

§ 19.320 Revocation of Permit; Refusal to Renew Permit.

In the event that any person holding a private refuse collector's permit shall make or have made a false declaration in his application, or violate any condition of the permit, or any provisions of this Code relating to or regulating the collection, transportation or disposal of refuse, or shall collect, transport or dispose of refuse in an unlawful, improper or unsanitary manner, the enforcement agency may, in its discretion, in addition to the other penalties provided by this article, revoke such permit or direct the City revenue manager to refuse to renew the permit. (Ord. No. 3204, §1; Ord. 4041, §1)

§ 19.321 Revocation of Vehicle Number or Vehicle Sticker.

In the event that any vehicle used to collect, transport or dispose of refuse pursuant to the provisions of this article, violates the standards provided for in section 19.319, the enforcement agency may, in its discretion, in addition to the other penalties provided by this article, revoke the vehicle number or vehicle sticker issued to that vehicle. (Ord. No. 3204, §1; Ord. 4041, §1)

§ 19.322 Effective Date of Appealed Action.

Any action which may be appealed under the provisions of this article shall be effective upon the expiration of the time for appeal; provided, however, that should timely appeal be filed, such action shall be effective upon final determination of such appeal. Where an appeal is taken by a present holder of a valid permit from a decision denying his application to renew such permit, the applicant may continue to operate under his permit until a final determination is made on his appeal. (Ord. No. 3204, §1; Ord. 4041, §1)

§ 19.323 Appeals Procedure.

Any person dissatisfied with any action taken by the City revenue manager or the enforcement agency pursuant to the provisions of this article may appeal to the City Manager within ten days following the date of such action by filing with the City revenue manager a notice of appeal on the form provided for that purpose. The person appealing shall attach a statement to the notice of appeal setting forth the basis on which he believes the action should be reversed or modified.

The City revenue manager shall transmit to the City Manager the notice of appeal, all pertinent records, the attached statement in support of appeal, if any, and a statement setting forth the basis for the action taken.

Within thirty days after the filing of a timely notice of appeal, the City Manager shall render his decision. The City Manager may affirm, reverse or modify any action taken pursuant to the provisions of this article. This decision shall be mailed to the person appealing at the address shown on the notice of appeal. The City Manager shall return all pertinent records, together with a statement of the action taken by him to the City revenue manager. The City revenue manager shall act in accordance with this decision except as otherwise provided herein.

Any person dissatisfied with any action taken by the City Manager pursuant to the provisions of this article may appeal such action by filing with the City Clerk within ten days after the date of the mailing of the decision a request that the matter be set for an appeal hearing by the City Council.

The City Clerk shall notify the City revenue manager of the filing of such appeal and the City revenue manager shall transmit to the council all records pertaining to the action being appealed. Notice of the hearing by the City Council shall be given in writing by the City Clerk at least five days prior to the date of the hearing and shall state the time and place where such hearing will be held. Such notice shall be served upon the appealing party by mailing it to his address as shown on the notice of appeal.

The City Council may affirm, reverse or modify any action taken pursuant to the provisions of this article. This decision shall be final forthwith, and the City revenue manager shall act accordingly. (Ord. 3204, §1; Ord. 4041, §1)

§ 19.324 Identification of Containers.

Any container having a capacity of one (1) cubic yard or more owned by any private refuse collector shall be identified with the name and telephone number of the person who owns the container. (Ord. 3875, §10; Ord. 4041, §1)

§ 19.325 to 19.400 Reserved.

Article IV - Garden Refuse

§ 19.401 Garden Refuse - Defined.

As used in this article the term "garden refuse" means leaves, grass cuttings and garden trimmings, weeds and roots from which all dirt has been removed, shrubbery and tree trimmings of which no single piece shall exceed thirty-six (36) inches in length, four (4) inches in diameter or forty (40) pounds in weight. (Ord. 3685, §4; Ord. 3786, §10; Ord. 3795, §1; Ord. 3813, §1; Ord. 3875, §11; MEASURE A ADOPTED 09-27-77 STATES THIS SECTION CANNOT BE AMENDED OR REPEALED)

§ 19.402 Legislative Findings.

The City Council finds and determines:

- (a) That the public health, safety and welfare of all the citizens of the City requires that the accumulation and disposal of garden refuse from properties within the City be handled in a manner producing the greatest good and least public inconvenience, cost and maintenance to the City and its citizens.
- (b) That the privilege of depositing garden refuse in the streets in front of properties within the City for periodic collection and disposal by the Department of Public Works is a privilege afforded by the City which is of substantial benefit to owners of all properties within the City to which the privilege is extended.
- (c) That the costs to the City in providing for the periodic collection and disposal of garden refuse from the streets in front of properties within the City should be collectively borne by the owners of said properties through the imposition and collection of an appropriate excise tax upon the privilege afforded said owners.
- (d) That the privilege of depositing garden refuse in the streets of the City in front of properties used primarily for residential purposes for periodic collection and disposal by City forces should be limited and restricted to the owners of those residential properties and that the privilege of depositing garden refuse in the streets of the City in front of commercial, industrial and agricultural properties should be restricted to those properties the owners of which are willing to subscribe to and pay the City an excise tax for the privilege extended to their properties which is based upon actual amounts of garden refuse deposited in City streets. (Ord. 3685, §4; Ord. 3786, §11; Ord. 3795, §1; Ord. 3813, §1)

§ 19.403 Repealed by Ordinance No. 4363.

§ 19.404 Deposit of Rubbish and Waste Matter Regulated.

It shall be unlawful and an infraction for any person to deposit rubbish or waste matter in the streets of the City in a manner other than that expressly authorized by this article. (Ord. 3685, §4)

§ 19.405 Deposit of Garden Refuse Authorized.

Garden refuse produced on properties used primarily for residential purposes may be deposited in the streets of the City at the times and in the manner prescribed by this article.

It shall be unlawful and an infraction punishable by a fine not to exceed \$500.00 for any person to deposit garden refuse in the streets of the City in a manner other than that expressly authorized by this article. No garden refuse shall at any time be placed for collection in a manner which shall: (a) impede traffic or constitute a hazard to traffic; (b) impede the flow of water through any drainage channel or in any manner impede the drainage of water; or (c) be on or impede any public sidewalk or other public walkway. All garden refuse placed in the streets will be placed and maintained in as compact a pile as possible. (Ord. 3685, §4; Ord. 3786, §12; Ord. 3795, §1; Ord. 3813, §1; Ord. 3875, §12)

§ 19.406 Place of Deposit.

Garden refuse shall be placed in the street in front of and contiguous to the residential properties from which the garden refuse is removed. Where there is no curb and gutter on the streets contiguous to the residential properties from which the garden refuse is removed, it shall be placed in containers or tied in bundles of which no single piece shall exceed thirty-six (36) inches in length, four (4) inches in diameter, or exceed forty (40) pounds in weight. This material shall also be deposited contiguous to the traveled portions of the streets' right-of-ways. (Ord. 3685, §4; Ord. 3786, §13; Ord. 3795, §1; Ord. 3813, §1; Ord. 3875, §13)

§ 19.407 Repealed by Ordinance No. 3875, §14.

§ 19.408 Maximum Amount of Deposit.

The maximum amount of garden refuse that may be deposited in the streets during a calendar week is as follows:

- (a) For single and two-family residential structures 2 cubic yards
- (b) For multi-family residential structures containing three (3) dwelling units . . 7 cubic yards

(Ord. 3685, §4; Ord. 3875, §15)

§ 19.409 Time of Deposit.

Garden refuse may be deposited in the streets in front of residential properties within the City no sooner than one calendar day prior to the regular date of collection and removal of garden refuse for those properties.

§ 19.410 Garden Refuse from Non-Residential Properties.

No person shall deposit garden refuse from properties used primarily for non-residential purposes in the streets of the City without first obtaining the prior written authorization of the streets manager, but the failure of any person to obtain such authorization shall not absolve him from the liability imposed by section 19.414. The streets manager may refuse to authorize the deposit of garden refuse for collection if he determines that the collection by the City could be impractical, uneconomic or otherwise create problems involving public health or safety. (Ord. 3685, §4; Ord. 3727; Ord. 3786, §16; Ord. 3795, §1; Ord. 3813, §1; Ord. 3875, §17)

§ 19.411 Same—Conditions of Deposit.

In authorizing the deposit in City streets of garden refuse from properties used primarily for non-residential purposes the streets manager shall specify the time, manner and place of the deposit. (Ord. 3686, §4; Ord. 3786, §17; Ord. 3795, §1; Ord. 3813, §1)

§ 19.412 Excise Tax Imposed—Residential Properties.

It is hereby found and determined that the privilege of depositing garden refuse from residential properties in the streets of the City for the collection and removal by City forces is a benefit to the owners of all properties within the City used primarily for residential purposes and such owners are hereby made liable for the payment of the excise tax upon said privilege imposed by the article irrespective of their actual use of City streets for deposit of garden refuse. (Ord. 3685, §4; Ord. 3786, §18; Ord. 3795, §1; Ord. 3813, §1)

Said tax shall be imposed on any newly constructed residence to commence at the beginning of the third full month after such newly constructed residence obtains garbage and water service. (Ord. 4207, §1)

(Ord. 3786 and 3795 repealed by Ord. 3813 before effective date of either ordinance.)

§ 19.413 Rate of Tax—Residential Properties.

The excise tax imposed upon the privilege of depositing garden refuse from residential properties in City streets shall be as follows:

- (a) Single-family residences: The monthly tax for each property where there is only one dwelling unit on one parcel of property which is used primarily for single-family residential purposes shall be \$2.00.
- (b) Two-family residences: The monthly tax for each property used primarily for two-family residential purposes shall be \$3.50.

(Ord. 3875 amended by Ord. 4090: the excise tax imposed by this ordinance shall be in effect until repealed.)

- (c) Multiple-family residences: The monthly tax for each property used primarily for residential purposes and having three (3) or more dwelling units shall be according to the following rate:

<u>Number of Dwelling Units</u>	<u>Excise Tax</u>
3 to 5	\$3.50 plus \$1.00 for each dwelling unit in excess of two (2) dwelling units.
6 to 10	\$6.50 plus \$0.50 for each dwelling unit in excess of five (5) dwelling units.
11 to 25	\$9.00 plus \$0.25 for each dwelling unit in excess of ten (10) dwelling units.
26 to 50	\$12.75 plus \$0.10 for each dwelling unit in excess of 26 dwelling units.

51 and greater Multiple-family residences containing more than 51 dwelling units shall be considered as being property used primarily for non-residential purposes and shall be billed accordingly.

(Ord. 3685, §4; Ord. 3721; Ord. 3786, §19; Ord. 3795, §1; Ord. 3813, §1; Ord. 3875, §18)

§ 19.414 Rate of Tax—Other Properties.

The excise tax imposed upon the privilege of depositing garden refuse in City streets from any property used primarily for nonresidential purposes shall be based upon the approximate average monthly quantity of garden refuse so deposited from the property.

The tax shall be computed according to the following rates:

<u>Average Monthly Quantity of Deposit</u>	<u>Monthly Excise Tax</u>
Two (2) cubic yards	\$4.50
Three (3) cubic yards	\$5.50
Additional for each cubic yard in excess of three (3) cubic yards	\$0.50

The approximate average monthly quantity of garden refuse deposit shall be determined by the streets manager and may be revised from time to time to reflect actual approximate average quantities deposited in the City streets from the properties to which the privilege is provided. Any garden refuse placed for collection pursuant to this section shall be subject to the articles herein specifying the time, manner and place for placement for collection of garden refuse from residential properties. (Ord. 3685, §4; Ord. 3786, §20; Ord. 3795, §1; Ord. 3813, §1; Ord. 3875, §19)

§ 19.415 Residential Condominiums, Planned Developments, Stock Cooperatives, Mobile Home Parks.

For purposes of this article any residential condominium, residential planned development, residential stock cooperative or mobile home park shall be considered to be a use of property for non-residential purposes. (Ord. 3685, §4)

§ 19.416 Optional Tax—Multi-Family Residential Properties.

The owner of any property used primarily for residential purposes on which three (3) or more dwelling units are located may elect to have the property taxed under this article as if it were being used primarily for non-residential purposes for the sole purpose of establishing the rate to be paid for such property; provided, in no event shall any such election establish an exemption from the tax imposed by this article. Said election shall be filed with the streets manager on such form as he may prescribe and said election shall remain in effect until revoked in writing by the owner or his successors in interest. (Ord. 3685, §4; Ord. 3875, §20)

§ 19.417 Same—Collection of Tax.

The excise tax for the privilege of depositing garden refuse in City streets for collection and removal by City forces shall be billed and collected in accordance with the provisions of chapter 64 of the Sacramento City Code.

§ 19.418

§ 19.419

§ 19.419-1

§ 19.420

§ 19.421

§ 19.422
§ 19.423
§ 19.424
§ 19.425

§ 19.426 Neighborhood Cleanup Programs.

Rubbish and waste matter may be deposited in the City streets for collection and removal by the division of solid waste when such deposits are expressly authorized by the solid waste manager in connection with a neighborhood cleanup program. The time and manner of deposit, together with any limitation upon the nature and extent of materials to be deposited, shall be determined by the solid waste manager and shall be communicated by him to the neighborhood in which the program is to be conducted. (Ord. 3685, §4; Ord. 3786, §25; Ord. 3795, §1; Ord. 3813, §1)

§ 19.427 Bare Lot and Multiple Use Property Classifications; Rates; Lawn and Garden Refuse Tax Classification Board.

- (a) **Definition.** For the purpose of this section only, the term "residential property" shall mean and refer to residential property classified for the purposes of this Article IV in a classification established by section 19.413 excluding multiple family dwelling units having 51 and greater dwelling units.
- (b) **Application.** Any owner of residential property may apply for reclassification of such property according to the procedures set forth in this section. Any such application shall be filed on forms provided by the City and shall be filed with the revenue division of the City.
- (c) **Lawn and garden refuse tax classification board.** The Lawn and Garden Refuse Tax Classification Board shall be composed of two members, one of whom shall be from the Department of Finance and one of whom shall be from the Department of, Public Works Division of Streets. The membership of the board shall be appointed by, and shall serve at the pleasure of, the City Manager. The Board shall process all applications under and make the classifications of property described by this section.
- (d) **Classifications.** In addition to the classifications established by section 19.413, there shall be two additional classifications of residential property. These two classifications shall be:

Bare lot: The bare lot classification shall include only residential property which, by virtue of the fact that it has no vegetation outside the dwelling unit, will not produce any lawn and garden refuse. The term "outside the dwelling unit" shall mean outside the surface of the exterior surfaces. The term "exterior surfaces" shall mean those surfaces of the dwelling unit on the exterior perimeter through at least one of which persons customarily and reasonably enter or exit the dwelling unit.

Multiple use lot. The multiple use lot classification shall include only parcels of residential property on which different types of use occur (e.g. residential and commercial) such that two or more different rates of tax according to classification rather than rate are collected on the property. No property exceeding one-quarter acre shall be classified in this classification.

In no event shall classification in either of these classes qualify any property for any other classification or rate.

- (e) **Rates.** Any property classified on the bare lot classification shall pay the excise tax imposed by this article at the rate of \$0.00 per month. Any property classified in the multiple use lot classification shall pay the excise tax imposed by this article at one rate equal to the single highest rate which would be imposed on any one structure located on the property according to the other classifications in this article. Such rate shall be charged to the owner of the entire parcel of property.
- (f) **Processing applications and classifications.** The Board shall process all applications for classification in the bare lot and multiple use lot classifications. Each application shall initially be referred to the street division which shall inspect the property and report the results of such inspection to the Board. The Board shall evaluate each application based on the information contained in such application and the street division report and shall determine the proper classification for each such property. In the event the Board determines that the proper classification for such property is either the bare lot or the multiple use lot classification, regardless of the date such determination is made, the effective date of the classification shall be the date the application was submitted to the revenue division. In the event the excise tax collected by City after the effective date of the classification exceeds the rate prescribed by this article, such excess shall be refunded to the then owner of the property as shown on the records of the revenue division as of the date of the refund.
- (g) **Notices and hearings.** In the event a property for which application for classifications is made pursuant to this section is not reclassified, notice shall be given to the applicant which shall briefly specify the reason for the decision of the Board. Any applicant who receives such notice who desires to have his application reconsidered by the Board may apply for a hearing before the Board. Any such application must be filed with the revenue division within fifteen calendar days of the date of the notice that the property was not reclassified. The Board shall within thirty calendar days after an application for hearing schedule a hearing upon ten days written notice to the applicant. The applicant may be present at such hearing and may present any evidence relevant to the classification of the property. The Board shall reevaluate the classification and shall classify the property in the classification which it shall deem proper in light of the application, the report of the street division and the evidence submitted by the applicant at the hearing. In considering the application on rehearing the Board may obtain a supplemental inspection report from the street division. Written notice of the action of the Board shall be given to the applicant and the classification established by the Board shall be final except as herein otherwise provided.
- (h) **Reclassification upon changed circumstances.** In the event the nature of any property classified in the bare lot or multiple use lot classifications changes such that it is no longer properly classified in such classification, the Board may reclassify the property into an appropriate classification after written notice to the property owner and a reasonable opportunity to the property owner to be heard on such reclassification. (Ord. 4089, §1)

Article V. Penalty for Violation

§ 19.501 Violation an Infraction.

Any person violating any provision of this chapter is guilty of an infraction. (Ord. 83-153, § 21)

SECTION 2

Article XIV is hereby added to Chapter 61 of the Sacramento City Code, to read as follows:

Article XIV. Weed and Rubbish Abatement

§ 61.1401 Weed and Rubbish Abatement - Generally

Weed and rubbish abatement in the City of Sacramento shall be performed pursuant to title 4, division 3, part 2 of the Government Code (sections 39500 et seq.) except as modified by the following provisions.

§ 61.1402 Duties of Neighborhood Services Manager and Revenue Manager

Any duties imposed on the street superintendent of City Clerk by the Government Code Sections reference in Section 61.1401 may be performed by the Neighborhood Services Manager, the Revenue Manager, and their designees. Abatement of the nuisance may be performed pursuant to contract.

§ 61.1403 Account of Costs of Abatement; Submission of Itemized Report to Council

The Neighborhood Services Manager shall keep an account of the cost of abatement in front of or on each separate parcel where work is done, and shall submit to the City Council for confirmation an itemized written report showing such cost. The cost of abatement shall include an administrative charge to cover incidental expenses and costs of the City incurred in the preparation of notices, specifications and contracts, and inspecting the work, and the costs of printing and mailing required under this article.

§ 61.1404 Lien or Personal Obligation

The cost of abatement shall be assessed against the parcel as a lien or made a personal obligation of the owner, and may be made a special assessment, as set forth in Article X of this chapter.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

Attest:

Mayor

City Clerk

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING CHAPTER 19 OF THE SACRAMENTO CITY CODE, RELATING TO GARBAGE, RUBBISH, WEEDS AND WASTE MATTER AND ADDING ARTICLE XIV TO CHAPTER 61 OF THE SACRAMENTO CITY CODE, RELATING TO ABATEMENT OF NUISANCE WEEDS AND GARBAGE

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Chapter 19 of the Sacramento City Code is hereby amended to read as follows:

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

CHAPTER 19

Article I. In General

§ 19.101 Definitions.

The following words and phrases when used in this chapter shall, for the purposes of this chapter, have the meaning respectively ascribed to them by this section:

Automatic Lift Container: "Automatic Lift Container" means a plastic refuse receptacle with a hinged lid that is designed to be lifted, dumped and returned by refuse packers that have a compatible mechanical lifting device. (Ord. No. 85-078, §1)

Bin: "Bin" is a metal receptacle for the deposit of garbage or rubbish which shall:

- (a) have a close-fitting cover;
- (b) be leak proof and fly proof;
- (c) have handles or other devices to permit movement;
- (d) be free of sharp, rough or jagged surfaces or edges likely to cause injury;
- (e) utilize casters or other means for easy movement;
- (f) be designed in a manner to be emptied mechanically by City collection vehicles.

Blanket: "Blanket" is a canvas or cloth with dimensions of 89 inches by 77 inches used for the collection of ~~garbage or~~ rubbish.

Cart: "Cart" is a canvas or cloth receptacle for the deposit of rubbish with dimensions of 30 inches by 28 inches by 40 inches.

Compactor Containers - Roll Off: ~~"A "Compactor Container" is a metal receptacle for the deposit and storage of garbage.~~

Drop Box Container - Roll Off: ~~"Drop Box Container is a metal receptacle for the deposit of solid waste and is designed in such a manner to be transferred and emptied by City vehicles.~~

Garbage: "Garbage" consists of dead animals, of not more than ten pounds weight each, and of every accumulation of animal, vegetable, and other matter that attends the preparation, consumption, decay or dealing in, or storage of meats, fish, fowl, birds, fruits ~~or~~ and vegetables ~~and any matter that will putrefy~~. The term "garbage" does not include dishwater or waste water.

Hazardous Wastes: "Hazardous wastes" include any waste material or mixture of wastes which is toxic, corrosive, flammable, an irritant, a strong sensitizer, which generates pressure through decomposition, heat or other means, if such a waste or mixture of wastes may cause substantial personal injury, serious illness or harm to humans, domestic animals, or wildlife, during, or as an approximate result of any disposal of such wastes or mixtures of waste as defined in Article 2, Chapter 6.5, Section 25116 of the Health and Safety Code. The terms "toxic," "corrosive,"

"flammable," "irritant," and "strong sensitizer" shall be given the same meaning as in the California Hazardous Substances Act (Chapter 13 commencing with Section 28740 of Division 21 of the Health and Safety Code).

Infectious Wastes: "Infectious wastes" include (a) equipment, instruments, utensils, and other fomites of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must, therefore, be isolated as required by public health agencies; (b) laboratory wastes, including pathological specimens (i.e., all tissues, specimens of blood elements, excreta and secretions obtained from patients or laboratory animals) and disposable fomites (any substance that may harbor or transmit pathogenic organisms) attendant thereto; and, (c) surgical operating room pathological specimens including recognizable anatomical parts, human tissue, anatomical human remains and disposable materials from hospitals, clinics, outpatient areas and emergency rooms, as is also defined in Section 314 (d) of the California Administrative Code, Title 17.

Mobile Trailer: "Mobile Trailer" is a towable metal receptacle for the deposit, storage and transport of solid waste of garbage and rubbish that has six (6) cubic yards of loose waste storage capacity.

Utility Services Revenue Division: "Utility services Revenue division" means the division of the Department of Finance of the City of Sacramento responsible for customer records.

Utility Billing Supervisor: Revenue Manager: "Utility billing supervisor" "Revenue Manager" means the Director of Finance or his designee.

Rubbish: "Rubbish" consists of wood, leaves, dead trees or branches thereof, chips, shoes, hats, crockery, glassware, ashes, cinders, metals, garden refuse, and all other material not included under the term "garbage" or "waste matter."

Superintendent: Solid Waste Manager: "Superintendent" "Manager" means the superintendent manager of the waste removal solid waste division of the City engineer's office public works department or his duly authorized representative.

Waste Matter: "Waste matter" consists of natural soil, earth, sand, clay, gravel, loam, manure, stones, bricks, brickbats, plaster, or portland cement. (Ord. 3354, §1; Ord. 3786, §1; Ord. 3795, §1; Ord. 3813, §1; Ord. 3875, §1)

Wet Garbage: Repealed by Ordinance No. 4363 (Ord.82-049, §1)

§ 19.102 Division of ~~Waste Removal~~ Solid Waste—Duty of Collection.

It shall be the duty of the division of solid waste removal of the engineering public works department to gather, collect, recycle, reconstitute, recover and dispose of by dumping, landfilling distribution or sale all garbage, rubbish and waste matter, except as otherwise provided in this chapter, within the City. The City Council may authorize and empower the City Manager to dispose of the same in such manner as it may deem proper for the best interest of the City and in compliance with the rules and regulations of the health department. It shall be the duty of the division of solid waste removal of the engineering public works department to collect all garbage in the City at least once each week and at such other times as the necessities of the particular case require. (Ord. No. 3354, §1)

§ 19.103 Same—Collection Districts.

For the purpose of collecting, recycling, reconstituting and recovering garbage, rubbish and waste matter as provided in this chapter, the division of solid waste removal may divide the City into as many districts as may be deemed necessary for the convenient collection, recycling, reconstituting and recovering of such garbage, rubbish and waste matter and may fix the day on which the same will be collected in such districts. The division of solid waste removal shall notify the occupant of each property within such districts of the collection day for that property by leaving written notice thereof at the property. (Ord. No. 3354, §1; Ord. 3786, §2; Ord. 3795, §1; Ord. 3813, §1; Ord. 3875, §2)

§ 19.104 Same—Equipment and Employees.

The City Manager is hereby authorized and directed to employ all foremen, laborers, clerks, route men and collectors persons necessary for the collection, recycling, reconstitution, recovery and disposal of garbage, rubbish or waste matter by the City and is hereby further authorized and empowered to purchase or lease, or to recommend the purchase or leasing of, under the provisions of the Charter, of all necessary trucks, trailers or other vehicles, supplies or other equipment, land and real or personal property necessary for carrying into effect the provisions of this chapter relative to the collection, recycling, reconstitution, recovery and disposal of garbage, rubbish and waste matter by the division of solid waste removal of the engineering public works Department of the City. (Ord. 3354, §1)

§ 19.105 Same—Authority of Superintendent, Solid Waste Manager.

Under direction of the director of public works, the superintendent the manager of the division of solid waste removal shall have authority to make and enforce, with the approval of the City Manager, rules and regulations concerning the collection, recycling, reconstitution, recovery and disposal of garbage pursuant to the provisions of this chapter; and upon violation thereof, the superintendent shall have authority to discontinue service until such rules and regulations are complied with. (Ord. 3354, §1)

§ 19.106 Utilities—Services Revenue Division—Duties.

It shall be the duty of the utility services revenue division of the department of finance to handle requests for starts and stops of sewer, water and residential solid waste removal services, to reconcile disputed bills, to handle public inquiries about service and bills, to collect delinquent accounts, to conduct field investigations for vacancies and setting of rates, and to maintain a master billing file. (Ord. No. 3354, Ord. 3786, §3; Ord. 3795, §1; Ord. 3813, §1) As to commercial solid waste services, the manager of solid waste shall handle requests for starts and stops of service, reconcile disputed bills, handle public inquiries about bills, conduct field investigations for vacancies and setting of rates, and maintain a master billing file. (Ord. 3786 and Ord. 3795 repealed by Ord. 3813 before effective date of either ordinance.)

§ 19.107 Garbage Collection Service—Use Required.

It is hereby found and determined that the public health, safety and welfare of all the citizens of the City require that the accumulation, collection, removal and disposal of garbage from lands, buildings, apartments, hotels and all other premises within the City must be handled in a manner for the greatest good and the least possible inconvenience, cost and maintenance to the City and citizens thereof; and to that end,

garbage collection service is provided by the City, and it shall be mandatory for all owners of all places and premises in the City in or from which garbage is created, accumulated or produced to subscribe to the City's garbage collection service in the manner and according to the terms and provisions of this article. Furthermore, it shall be mandatory for all occupants or persons in possession or control of said places and premises to use the City's garbage collection service in the manner and according to the terms and provisions of this article. (Ord. 3354, §1)

§ 19.108 Same—Fees Liability for Payment.

It is hereby found and determined that the periodic collection, removal, and disposal of garbage from all places and premises in the City benefits all owners of all places and premises in the City where garbage accumulates and requires removal therefrom and such owners are hereby made liable for the payment of garbage collection fees hereinafter prescribed, irrespective of the actual use of the garbage collection service provided by the City. ~~Person~~ A person who is an occupant of or is in possession, charge or control of a place or premises which he does not own and which is not used for residential purposes may pay the garbage collections fees imposed by this article provided, however, acceptance of said payment shall not relieve the owner of said place or premise from liability for future payments of said fees. The owner shall not be responsible for garbage collection fees for service in excess of the minimum garbage service required by this article unless he shall have requested in writing that said additional service be provided to the premises, shall have consented in writing to the request of another that said additional service be provided, or the Health Department shall have ordered that said additional service be provided. The ~~solid waste manager~~ removal superintendent may exempt from the requirements of this section property as to which it would be impractical or unnecessary to require and provide collection services the foregoing, if any property is unoccupied for a period of at least one (1) month, upon request therefore, garbage collection service may be suspended and no charge for garbage collection service shall be made during the period such property is unoccupied; provided, garbage collection service shall be immediately commenced when such property is again occupied. (Ord. 3354, §1; Ord. 3786, §1; Ord. 3795, §1, Ord. 3813, §1; Ord. 3875, §3; Ord. 4262, §1; Ord. No. 4363, §2)

§ 19.108-1 Establishment of Rates, Charges and Fees by Resolution.

Notwithstanding any provision of this Chapter or any other provision of the City Code to the contrary, the rates, charges and fees established or provided for in this Article shall hereafter be established by resolution of the City Council. (Ord. 83-060, § 4)

§ 19.109 Repealed by Ord. 83-060, §5.

§ 19.110 Minimum Service.

One standard size (3290-gallon or less) can per week shall be the minimum garbage service for each single-family dwelling and each dwelling unit of a duplex, triplex, or fourplex. ~~unless designated for automatic lift container service. The minimum service for automatic lift container service shall be one automatic lift container as provided by the City per single family dwelling and each dwelling unit of a duplex, triplex or fourplex. (Ord. No. 85-078, §2)~~

Service to a single-family dwelling, duplex, triplex, or fourplex shall not be more frequent than one pickup per week.

The owners of all other premises upon which garbage is produced or accumulated shall apply to the solid waste ~~division~~ manager for garbage service as herein required and shall be given the type and frequency of service, ~~according to the rates herein set forth,~~ that will in the opinion of the solid waste ~~division~~ manager

cause all garbage to be removed from the premises, so there will be no accumulation, collection and keeping of the same, on the premises for a period longer than one week. (Ord. No. 85-078, §2)

The fees imposed by this Code for garbage collection service shall constitute a civil debt and liability owing to the City of Sacramento from the persons, firms or corporations using or chargeable for such services and be collectible in the manner provided by law. (Ord. No. 3432, §2; Ord. No. 85-078, §2)

**§ 19.111 Same--Collection of Fees with Charges for Other Utility Services; Discontinuance for —
—Nonpayment.**

~~The fees for garbage collection service shall be billed and collected pursuant to the provisions charged as described in Article I of Chapter 64 of the Sacramento City Code by placing such fee to be designated as "garbage collection service" on the bi-monthly municipal service bills and shall be collected together with the charges for any other utility service rendered to the property by the City as one item. The fees shall be payable at the same time and place and in the same manner and shall be subject to the same penalty for delinquency as is presently in effect for City water and sewer services. When garbage service is stopped at the request of an occupant or owner upon the vacation of the premises, the closing bill rendered shall be due and payable by the occupant or owner when billed. If all or part of the bill is not paid, the utility services supervisor shall order the discontinuance of any and all utility services for which the bill is rendered, including but not limited to the water service. Before any service is discontinued, the utility services supervisor shall follow the procedures for notice and opportunity for hearing contained in Division 5 of Article I of Chapter 64 of the Sacramento City Code. (Ord. No. 3685, §1; Ord. No. 84-031, §12)~~

§ 19.112 Repealed by Ord. 83-060, §5. Removal of Recyclable and Salvageable Materials Placed for City-Sponsored Recycling Program Prohibited.

It shall be unlawful and an infraction for any persons, other than the City or the City's designee, to collect or remove recyclable or salvageable materials placed by any person in a bag or container labeled for use in connection with a recycling program sponsored by the City of Sacramento

~~This ordinance is hereby declared to be an emergency ordinance to take effect immediately. The ground for the emergency is the need for an immediate remedy against scavengers who are interfering with the City's pilot recycling program.~~

§ 19.113 Unauthorized Collection and Hauling.

Except as otherwise provided in Article III of this Chapter it shall be unlawful for any person to collect garbage, rubbish or waste paper refuse within the City or transport the same through the streets, alleys and public ways in the City unless such person has been licensed to do so by contract or otherwise by the City Manager on the recommendation of the ~~Superintendent of the Division of waste removal~~ Solid Waste Manager of the ~~Engineering~~ Public Works Department. Nothing herein shall be construed to prohibit any person from hauling garbage, rubbish or waste paper refuse which has been produced on the premises actually occupied by the persons in his own vehicle, by himself or an employee. Nothing herein shall be construed to prohibit any person from hauling or disposing of waste matter as defined in section 19.101. (Ord. No. 3354, §1)

§ 19.114 Delinquent Fees Constitute Lien.

~~If the charges for garbage service remain unpaid for a period of 30 days following presentation, such charge shall become a lien and a tax on the real property to which the garbage service was rendered. The property~~

~~owner shall be notified by the utility services supervisor of the City that the charges are unpaid and that subsequent proceedings will be taken to make the charges a special assessment on the real property to which such garbage service was rendered. (Ord. No. 3354, §1)~~

§ 19.114-1 Lien Recorded Procedure.

- ~~(a) Notwithstanding any provision of this code to the contrary, any garbage service charge which has become delinquent shall be subject to having the lien provided for in section 19.114 recorded with the County Recorder of the County of Sacramento pursuant to the procedure provided in this section.~~
- ~~(b) Prior to the recording of a lien for delinquent charges, the utility services supervisor shall cause the notice of an opportunity for hearing on the delinquent charges to be mailed to the owner. Such notice shall be mailed postage prepaid. For purposes of this section, "owner" means the person to which the property was assessed in the last equalized assessment roll of the County of Sacramento unless the utility services supervisor has knowledge of the name of a person other than such assessee claiming record ownership of the property. If the owner desires a hearing thereon, he shall request such a hearing by notifying the utility services supervisor thereof in writing within ten (10) days after the date shown on the notice. Any such hearing shall be set no earlier than ten (10) days after receipt of the owner's request. The hearing shall be held before the director of finance or such other person, including the utility services supervisor, as he may designate. The decision of such person shall be final and conclusive.~~
- ~~(c) At the expiration of the time within which to request a hearing, or upon a decision adverse to the owner after hearing, the utility services supervisor shall cause such lien to be recorded with the Sacramento County Recorder in the form and manner prescribed by law. Thereafter, such lien shall not be released by the utility services supervisor unless and until it is fully and completely paid.~~
- ~~(d) The director of finance is hereby authorized to determine the amount of delinquency which will subject an individual lien to the recording procedures of this section, provided, however, that all liens resulting from delinquencies in excess of \$50.00 shall be subject to the procedures of this section. (Ord. No. 4262, §2)~~

§ 19.115 Same Collected as Special Assessment.

~~Not less often than once a year, the utility services supervisor may initiate proceedings to make delinquent garbage collection service fees a special assessment against the parcels of property situated within the City to which such service was rendered. (Ord. No. 3354, §1)~~

§ 19.116 Same Report Transmitted to Council.

~~A report of delinquent charges shall be transmitted to the council by the utility services supervisor. Upon receipt by the council~~

~~of the report, it shall fix a time, date and place for hearing the report and any protests or objections thereto. (Ord. No. 3354, §1)~~

§ 19.117 ~~Same Notice of Hearing.~~

~~The council shall cause notice of the hearing to be mailed to the owner of the real property to which the service was rendered not less than 10 days prior to the date of the hearing. For the purposes of this section, the owner of the property shall be conclusively deemed to be the person to which such property was assessed in the last equalized assessment roll of the County of Sacramento unless the utility services supervisor shall have knowledge of the name of a person other than such assessee claiming record ownership of such parcel of real property. The notice shall be mailed to the address of the owner as shown on the last equalized assessment roll or such other address of the owner as may be known by the utility services supervisor. (Ord. No. 3354, §1)~~

§ 19.118 ~~Same Hearing.~~

~~At the time fixed for consideration of the report, the council shall hear it with any objections of the property owners liable to be assessed for delinquent accounts. The council may make such revisions, corrections, or modifications of the report as it may deem just; and in the event the council is satisfied with the correctness of the report (as submitted or as revised, corrected or modified), it shall be confirmed or rejected by resolution. The decision of the City Council on the report and on all protests or objections thereto shall be final and conclusive. (Ord. No. 3354, §1)~~

§ 19.119 ~~Same Manner of Collection; Applicability of Other Liens, Laws, Etc.~~

~~Upon confirmation of the report by the council, the delinquent charges contained therein shall constitute a special assessment against the property at which the services were rendered. Thereafter such assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same penalties and same procedure of sale as provided for delinquent ordinary municipal taxes. The assessments shall be subordinate to all existing special assessment liens previously imposed upon the property and paramount to all other liens except those for state, county and municipal taxes with which it shall be upon parity. The lien shall continue until the assessment and all interest and penalties due and payable thereon are paid. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to such special assessments. (Ord. No. 3354, §1)~~

§ 19.120 ~~Same Report to be Transmitted to Auditor.~~

~~A certified copy of the confirmed report shall be filed with the county auditor on or before August 15. The descriptions of the parcels subject to the special assessment shall be those used for the same parcels on the county assessor's map books for the current year. (Ord. No. 3354, §1)~~

§ 19.121 Receptacles.

It shall be the duty of every owner or tenant, lessee or occupant of any private dwelling house, apartment house, flat, restaurant, eating house, boarding house, or other building where meals are furnished and having garbage as defined in Section 19.101 to provide without expense to the City and at all times to keep within the building or on the lot on which the building is situated, suitable and sufficient watertight cans or other suitable receptacles with suitable bales or handles, each such receptacle fitted with a tight fitting cover, for receiving and holding, without leakage or escape of odor, and without being filled within four (4) inches of the top of any such receptacle, all garbage which will normally accumulate on the premises within a one (1) week period. Residential dwellings designated as having automatic lift container service will be provided with a receptacle or receptacles as required without a direct charge for the container or containers. Only the City-provided receptacles may be used for residential service in full service automatic lift container service areas. Automatic lift containers will not be provided in non-automatic lift container service areas.

All such receptacles shall be maintained in good order and repair so that such receptacles shall have no sharp, rough or jagged edges likely to cause injury. The City will repair or replace an automatic lift container if it is damaged, missing or stolen. Such receptacles shall be placed at ground level and shall be located such that they will not be a public nuisance or in any degree offensive. Such garbage receptacles shall be emptied by the collectors at least once a week. Receptacles for garbage from private dwelling houses, from each flat and from each apartment house shall each have a capacity of not less than ten (10) gallons nor more than forty five (45) ninety (90) gallons in any one receptacle with the exception of automatic lift containers which will be of the capacity determined appropriate by the solid waste division manager. The solid waste division manager Director of Public Works may permit receptacles of different capacity when, in his opinion, it is impossible or impracticable, because of location, construction or other physical characteristics of the premises, to comply with the foregoing capacity limitations; provided further, that in the event he/she so determines, he/she may impose such conditions as he/she may deem necessary to or convenient upon the use, location, collection and physical characteristics of any such receptacles. No receptacle for receiving garbage, rubbish or waste matter shall be placed on or in any street, alley, sidewalk, footpath, or any public place whatsoever, except in accordance with rules and regulations established under this chapter for the collection of same. It shall be unlawful to keep, place or deposit garbage on any private grounds or premises whatsoever, except in receptacles as designated in this section. It shall be unlawful to have, store, deposit, or keep garbage or swill where rats can have access thereto or feed thereon. (Ord. No. 3354, §1; Ord. No. 3875, §6; Ord. No. 85-078, §3)

§ 19.122 Placing Receptacles for Collection.

~~Unless otherwise specifically provided herein, any person occupying property upon which garbage is produced shall place the garbage out for collection in an approved receptacle. Any can(s) placed for collection to qualify for the rates set forth in Section 19.109(a)(i) shall be placed within one hundred twenty-five (125) feet or less of the property line parallel to, contiguous to, and fronting the street or alley from which said garbage will be collected.~~

Any can(s) placed for collection to qualify for the rates set forth in the City's Fee and Charge Manual section 19.109(a)(ii) shall be placed in the following manner. If there is more than one can, the cans shall be placed closely together in one location and shall be placed within six two feet of the curb in a manner such as to be in front of any fence or other barrier or enclosure, and readily accessible from the street or alley on which the collectors conduct their route. Automatic lift containers shall be placed within two (2) feet of the curb and at least two (2) feet from any obstruction, including an adjacent automatic lift container. The can or cans shall be placed for collection no earlier than twelve hours prior to the scheduled collection time and only for such additional period as may be incident to collection. The can or cans shall be moved back to their normal storage location not later than twelve hours after collection. No can placed for collection shall be placed on any public sidewalk or street in a manner which impedes traffic or drainage or in any manner which creates a hazard. Any can or cans placed for collection shall be placed in a manner which will provide the collector at least thirty-two inches unimpeded access thereto. (Ord. No. 3354, §1; Ord. No. 3786, §7; Ord. No. 3795, §1; Ord. No. 3813, §1; Ord. No. 3875, §7; Ord. No. 82-049 §1; Ord. No. 85-078, §4)

§ 19.123 Depositing Garbage, Rubbish, Etc., in Streets and Public Places; Reward for Information as to Violators.

It shall be unlawful for any person to throw or deposit any putrescible garbage waste, rubbish, or waste matter, or to cause the same to be thrown or deposited upon any public place, private place, in any private receptacle not belonging to such person, within the City except: (a) in an approved receptacle; or (b) as otherwise specifically provided in this chapter.

A reward of ~~\$25.00~~ ~~\$100.00~~, lawful money of the United States, will be paid by the City to the person furnishing information to the authorities leading to the arrest and conviction of any person violating the provisions of this section. Such ~~reward~~ shall be paid to the person ~~making~~ ~~furnishing information~~ ~~leading to the arrest~~ immediately upon conviction of the person arrested. (Ord. 3354, §1; Ord. 3875, §8; Ord. 4363, §5; Ord. 82-049, §1)

§ 19.124 Designated Depositories Must be Used; Use of Waste Matter to Fill Low Areas.

It shall be unlawful to bury or otherwise dispose of any garbage or rubbish within the City limits ~~or within four hundred yards thereof~~, except at a place designated by the ~~health officer~~ ~~director of public works~~ and approved by the City Manager for the purpose of disposal. Waste matter, if not removed beyond the City limits, may be made use of upon receiving written permission from the ~~health officer~~ ~~director of public works~~ with approval by the City Manager, for filling in of low areas within the City limits. (Ord. 3354, §1; Ord. 4363, §6)

§ 19.125 Burying or Burning Garbage Prohibited.

It shall be unlawful for any person to ~~bury or~~ burn garbage at any place within the City. (Ord. 3354, §1; Ord. 4363, §7)

§ 19.126 ~~Burying or~~ Burning Rubbish Prohibited.

It shall be unlawful for any person to ~~bury or~~ burn rubbish at any time within the City. (Ord. 3354, §1)

§ 19.127 Depositing Waste Matter During Construction.

Waste matter created by construction activities may be deposited in or on a private property when such deposit is made necessary by reason of building construction or alteration; provided, however, that the person so depositing shall cause its removal as soon as possible after the necessity ceases. (Ord. 3354, §1)

§ 19.128 Hazardous and Infectious Wastes.

The division of ~~solid waste removal~~ shall not collect hazardous wastes either alone or mixed with other matter which would normally be collected. The division of ~~solid waste removal~~ shall collect and remove infectious wastes in accordance with rules and regulations governing the collection and removal thereof established by the Health Department, the ~~superintendent~~ ~~manager~~ of the division of ~~solid waste removal~~, and according to other applicable law. (Ord. 3875, §9)

§19.129 ~~Health Officer~~ ~~Director of Public Works~~ to Make Rules and Regulations.

The ~~health officer~~, with the approval of the City Manager, ~~director of public works~~ shall have the power to ~~determine minimum required garbage collection services based on the amount of waste generated and to establish other sanitary rules and regulations governing the collection, recycling, reconstitution, recovery and disposal of garbage, rubbish and waste matter, not inconsistent with this chapter. Such rules and regulations, when published, not less frequently than once in the official newspaper of the City, shall become and are hereby made a part of this chapter, and any person violating any of such rules shall be punished as for a violation of this chapter.~~ (Ord. 3354, §1)

§ 19.130 Appeals—Generally.

Any person adversely and directly affected by any determination made or action taken by the ~~health officer~~ ~~director of public works or solid waste manager~~ pursuant to the provisions of this chapter may appeal said determination to the City Council. ~~(Ord. 3354, §1)~~ ~~City Manager pursuant to the procedures set forth in Section 19.323.~~

§ 19.131 Same—Time for Filing.

The notice of appeal must be filed with the ~~City Clerk~~ ~~City Manager~~ not later than ~~45~~ 10 days following the determination by the ~~superintendent solid waste manager or health officer~~, or ~~15 days following the date when appellant is informed of said determination, whichever is the last to occur.~~ ~~Director of Public Works or Solid Waste Manager.~~ The notice of appeal shall specify the basis of the appeal and only grounds mentioned therein shall be considered by the ~~council manager~~. (Ord. No. 3354, §1)

~~§ 19.132 Same—Date of Hearing.~~

~~Within 10 days of receipt of the appeal, the clerk shall transmit same to the council with the request that it be set for hearing. The City Council shall thereafter set the matter for hearing within 30 days of the date upon which it receives the appeal and shall instruct the clerk to give the appellant written notice of the time, date, and place of the hearing by mailing notice thereof to address of the appellant as shown in the notice of appeal. (Ord. No. 3354, §1)~~

~~§ 19.133 Same—Hearing.~~

~~At the time of the hearing, the council shall consider all testimony and evidence presented which is relevant to the subject of the appeal and shall within 15 days thereafter affirm, modify, or reverse the determination of the superintendent solid waste manager or health officer. (Ord. No. 3354, §1)~~

~~§ 19.134 Same—Stay of Determination.~~

~~Any appeal filed pursuant to this article shall stay the determination of the health officer or superintendent; solid waste manager provided, however, the filing of the appeal shall not stay any determination made by the superintendent manager or health officer pursuant to section 19.129 of this article and said determination shall remain in full force and effect unless and until modified or reversed by the City Council. (Ord. 3354, §1)~~

§ 19.135 Billing Period—When New Rates Take Effect.

Garbage collection charges shall be billed periodically ~~at approximately sixty day intervals.~~ All garbage collection accounts shall be billed in advance for one half the billing period. All changes in garbage collection rates shall apply to that portion of the billing periods that occur on or after the effective date of the change. (Ord. No. 3432, §5)

§ 19.136 No Collection from Underground Receptacles.

- (a) ~~Except as otherwise provided in subsection (b) of this section, The superintendent solid waste manager shall not collect any garbage or rubbish from any receptacle not placed at or above ground level for collection at the times prescribed herein for placing receptacles for collection. (Ord. 4442, §1; Ord. 4455, §1)~~

~~(b) Subsection (a) of this section shall not apply to housing projects or subdivisions containing 400 or more dwelling units until April 1, 1981. (Ord. 4455, §1)~~

Article II. ~~Wood and Rubbish Abatement~~ ~~Repealed~~

~~§ 19.201 Generally.~~

~~Pursuant to section 6 of the Sacramento City Charter, wood and rubbish abatement in the City of Sacramento shall be performed pursuant to title 4, division 3, part 2, chapter 13, article 2 of the Government Code (sections 30560 et seq.) except as modified by the following provisions. (Ord. 3067, §1)~~

~~§ 19.202 Duties of Fire Marshal.~~

~~Any duties imposed upon the street superintendent or City Clerk by the above mentioned Government Code sections may in the alternative be performed by the fire marshal, his assistants, deputies, or designees. (Ord. 3067, §1)~~

~~§ 19.203 Account of Costs of Abatement; Submission of Itemized Report to City Council.~~

~~The fire marshal shall keep an account of the cost of abatement in front of or on each separate parcel where the work is done by him. He shall submit to the City Council for confirmation an itemized written report showing such cost. The cost of abatement shall include an administrative charge to reflect the incidental expenses and costs of the City incurred in the preparation of notices, specifications and contracts, and in inspecting the work, and the costs of printing and mailing required under this article. (Ord. 3067, §1; Ord. 4102, §1).~~

~~§ 19.204 Account of Costs of Abatement; Submission of Itemized Report to City Council.~~

~~Abatement of the nuisance may, in the discretion of the City Council, be performed pursuant to contract. The procedure to be followed shall be specified by resolution of the council establishing general standards for the solicitation and award of contracts of this category. In such event, the contractor and fire marshal shall keep the account of the cost (including incidental expenses) and submit an itemized written report for each separate parcel of land. (Ord. 3614, §1)~~

~~§ 19.205 to 19.300 Repealed by Ordinance No. 2742.~~

Article III. Refuse Collectors

§ 19.301 Purpose of Article; Definitions.

- (a) Purpose: This article is determined and declared to be a health, sanitary and safety measure necessary for the promotion, protection and preservation of the health, safety and general welfare of the people of the City of Sacramento.
- (b) Definitions: As used in this article, unless the context requires otherwise:
 - ~~(1) The words "business property" mean any non-residential property.~~
 - ~~(2)(1) The words "commercial-private refuse collector" mean any person who has a valid commercial-private refuse collector's permit issued in accordance with the provisions of this article. A private refuse collector may collect refuse from business and residential and non-residential property anywhere within the City.~~
 - ~~(3)(2) The words "fiscal year" shall mean the period of time beginning on the first day of July of any year and ending on the thirtieth day of June of the following year.~~
 - ~~(4)(3) The word "dump" "landfill" means any place where refuse may be lawfully dumped deposited and ultimately disposed.~~
 - ~~(5)(4) The word "refuse" includes waste paper; cardboard, wood, rubbish, trash, waste matter, and all other similar matter; but does not include any matter included in the definition of garbage, hazardous wastes, and infectious wastes in section 19.101 of this code.~~
 - ~~(6) The words "residential refuse collector" mean any person who has a valid residential refuse collector's permit issued in accordance with the provisions of this article.~~
 - ~~(6) The words "residential property" mean vacant land and the premises of one and two family dwellings.~~
 - ~~(7)(5) The word "vehicle" means any truck, trailer, semi-trailer or other equipment used to collect refuse or to haul or transport refuse over a public street or highway. (Ord. 3204, §1; Ord. 4041, §1)~~
 - ~~(8)(6) The words "enforcement agency" shall mean the enforcement agency duly appointed by the City pursuant to Government Code Title 7.3, Chapter 3 commencing with Section 66796. (Ord. 4041, §1)~~

§ 19.302 General Requirements; Exemptions from Article.

- (a) No person shall collect, transport or dispose of any refuse produced, kept or accumulated in the City except in accordance and compliance with, and as authorized by, the provisions of this article and other applicable laws.

- (b) Municipal corporations and other governmental agencies shall be exempt from the provisions of this article. (Ord. 3204, §1; Ord. 4041, §1)

§ 19.303 Permit--Required.

- (a) Except as otherwise provided in this section, it shall be unlawful for any person to engage in, operate as, or represent himself to the public as a collector, transporter or disposer of refuse within the City unless he has a valid ~~commercial-private~~ refuse collector's permit or ~~residential-refuse-collector's permit~~ issued to him pursuant to the provisions of this article. Such permits shall be issued for a period not to exceed one year, and to expire at the end of the fiscal year for which they were issued. All such permits may be renewed as provided in this article.
- (b) Any community, charitable or philanthropic organization may collect, transport and dispose of refuse without a permit, so long as no fee or gratuity is accepted for the collection of this refuse.
- (c) This section shall not be construed to prevent householders from hauling occasional loads of refuse, not containing garbage, from their own premises to a legal point of disposal.
- (d) Persons or organizations exempt under the provisions of subsections (b) and (c) above shall collect, transport and dispose of such refuse in accordance with the provisions of sections 19.316 & 19.319 of this Code. (Ord. No. 3204, §1; Ord. No. 3213, §1; Ord. 4041, §1)

§ 19.304 Same--Interest in Multiple Permits Prohibited.

No person shall have an interest in more than one ~~commercial-private~~ refuse collector's permit issued pursuant to the provisions of this article. For the purposes of this section, the word "interest" includes ownership or control of more than five percent of any joint venture, partnership or limited partnership or of the outstanding stock of a corporation. (Ord. No. 3204, §1; Ord. 4041, §1)

§ 19.305 ~~Same--Residential Refuse Collector and Commercial Refuse Collector Distinguished.~~ Repealed.

~~A commercial refuse collector may collect refuse from business and residential property anywhere within the City. Residential refuse collector may collect refuse from residential property anywhere within the City.~~

~~A residential refuse collector is prohibited from operating more than one vehicle. He is prohibited from placing refuse bins on commercial property within the City. (Ord. No. 3204, §1; Ord. No. 3281, §1; Ord. 4041, §1)~~

§ 19.306 Same--Application; Applicant to be Fingerprinted, Etc., by Police Department.

- (a) Applicants for a permit or a renewal of a permit issue pursuant to the provisions of this article may file an application on the form provided by the City collectors ~~revenue manager~~ which shall provide the following information and declarations:
- (1) The name, permanent home and business address of the individual applying and of the organization or persons on whose behalf the application is made.

- (2) If the organization on whose behalf the application is made is a joint venture or a partnership or limited partnership, the names and permanent addresses of all partners, and their percentage of participation. If the organization is a corporation, the names and permanent addresses of all officers and the names and permanent addresses of all stockholders owning or controlling in excess of five percent of the outstanding stock, ~~and~~ their percentage of participation.
- (3) A declaration that the applicant has arranged for the disposal of all refuse collected by him at a ~~dump~~ ~~landfill~~ or transfer station.
- (4) The location of such ~~dump~~ ~~landfill~~ or transfer station.
- (5) The address where all vehicles will be kept and the land use classification under the Zoning Ordinance of such locations.
- (6) A declaration that the applicant owns or has under his control in good mechanical condition sufficient equipment to adequately conduct the business of refuse collection if granted a permit.
- (7) A declaration that such equipment conforms to all applicable provisions of this article and the California Motor Vehicle Code.
- (8) Other identification and information as the ~~City collector~~ ~~revenue manager~~ may require in order to discover the truth of the matters set forth in the application.
- (9) Other information as the ~~City collector~~ ~~revenue manager~~ may require which demonstrates that the applicant is able to render efficient refuse collection service and that the public health, safety, welfare, convenience and necessity require the granting of the permit to this applicant.
- (10) Whether the applicant has ever had any application for a like permit denied, revoked, suspended, or canceled by any public entity, and the reason given ~~therefore~~ ~~therefor~~.

- (b) Each applicant, or its principal executive officer, shall be fingerprinted and photographed by the police department of the City of Sacramento. (Ord. No. 3204, §1; Ord. 4041, §1)

§ 19.306-1 Same—Application Fees.

Every application for a permit hereunder shall be accompanied by a non-refundable fee established by resolution of the City Council. This fee shall be in addition to any ~~other fee or tax imposed upon the applicant by chapter of this code.~~ (Ord. 4095, §10; Ord. 4356, §1)

§ 19.307 Same—Issuance of ~~Commercial-Private~~ Refuse Collector's Permit.

- (a) In the event the number of ~~commercial-private~~ refuse collector's permits which may be issued pursuant to section 19.309 of this Code exceeds the number of such permits which are presently held, the ~~City collector~~ ~~revenue manager~~ shall mail notice of this fact to all persons whose names appear on the list maintained by the ~~City collector~~ ~~revenue manager~~.

for this purpose. Nothing contained herein shall be deemed to in any way render the City liable by reason of the failure of the City to send or the failure of any person to receive notice pursuant to the provisions of this section.

- (b) The City ~~collector~~ revenue manager shall accept an application for a ~~commercial~~ private refuse collector's permit or renewal thereof, where the number of permits which may be issued pursuant to section 19.309 of this Code exceeds the number of permits presently held, where the applicant presently holds a valid ~~commercial~~ private refuse collector's permit, or where the applicant has received approval from the City for the transfer of a permit to him. ~~The City collector revenue manager shall act on applications by persons presently holding valid commercial refuse collector's revenue manager's permits, or persons having received approval for the transfer of a permit to him upon receipt. The City collector revenue manager shall act on all other applications for commercial refuse collector's revenue manager permits thirty days following the date notice was mailed as provided in this section.~~
- (c) The City ~~collector~~ revenue manager shall act on such applications only after the enforcement agency has determined that the applicant is able to render efficient collection service in accordance with the provisions of this article, and that the public health, safety, welfare, convenience and necessity require the granting of the permit to this applicant. Should the enforcement agency determine that the applicant is not able to render efficient ~~commercial~~ private refuse collection service or that the public health, safety, welfare, convenience and necessity do not require the issuance of a ~~commercial~~ private refuse collector's permit to the applicant this determination shall be noted on the application and returned to the applicant at the address shown on the application. All other applications shall be marked approved and returned to the City ~~collector~~ revenue manager.
- (d) The City ~~collector~~ revenue manager shall then act on those applications approved by the enforcement agency by issuing a ~~commercial~~ private refuse collector's permit to each applicant who:
- (1) Presently holds a valid ~~commercial~~ private refuse collector's permit, and has submitted his application within sixty days prior to the date of expiration of such permit, and has not transferred this permit pursuant to the provisions of section 19.310 of this Code; or
 - (2) Has submitted his application within ninety days following the mailing of notice of approval of the transfer of a permit to him, and has attached to this application a declaration by the transferee that he has not transferred his permit to any other person.
- (e) After acting on all applications in the manner provided in subsections (c) and (d) above, the City ~~collector~~ revenue manager shall issue the remaining permits, if any, to those applicants whose names were first added to the waiting list maintained for this purpose by the City ~~collector~~ revenue manager, provided, however, that should any action taken under subsections (c) or (d) of this section be appealed pursuant to the provisions of section 19.323 of this Code, the City ~~collector~~ revenue manager shall not act pursuant to this subsection until the decision on appeal becomes final as provided therein.
- (f) Notwithstanding the other provisions of this section, the City ~~collector~~ revenue manager shall not issue a ~~commercial~~ private refuse collector's permit to an applicant if the

enforcement agency has directed the City collector ~~revenue manager~~ to refuse to renew the permit of that applicant, nor shall the City collector's ~~revenue manager~~ issue a ~~commercial private~~ refuse collector's permit to a transferee of this permit. (Ord. No. 3204, §1; Ord. 4041, §1)

§ 19.308 Same—Issuance of Residential Refuse Collector's Permit.

~~Upon receipt of a complete application for a residential refuse collector's permit, the enforcement agency shall determine whether the applicant is able to render efficient residential refuse collection service in accordance with the provisions of this article. If the enforcement agency finds that the applicant is able to render such service, the City collector shall issue such permit to the applicant; if not, he shall refuse to issue such permit and return the application to the applicant. (Ord. No. 3204, §1; Ord. 4041, §1)~~

§ 19.309 Same—Limitation on Number of Commercial ~~Private~~ Refuse Collector's Permits.

Inasmuch as the amount of refuse to be collected and disposed of is in direct proportion to the population of the City, the City Council finds that in order to provide better and more efficient refuse collection service to the citizens of the City the total number of ~~commercial private~~ refuse collector's permits be limited to one for each twelve thousand seven hundred and fifty inhabitants of the City as shown by the last official U.S. census.

The limitation on the number of ~~commercial private~~ refuse collector's permits may be changed by the City Council following a public hearing on the proposed change. Notice of this hearing shall be published once in the official newspaper of the City at least ten days prior to the date of hearing. The City Council may, after a finding that public convenience and necessity require a change in the limitation of the number of refuse collector's permits per capita within the City, order such change by ordinance. (Ord. No. 3204, §1; Ord. No. 3281, §1; Ord. 4041, §1)

§ 19.310 Same—Transfer; Property Value.

- (a) No permit shall be transferred, assigned or disposed of in any manner, voluntarily or involuntarily, directly or indirectly to any person except upon application to, and approval by the City. Such approval shall be given where the enforcement agency finds that the applicant is able to render efficient refuse collection service in accordance with the provisions of this article, and that the public health, safety, convenience and necessity would benefit from the granting of a permit to this applicant.
- (b) Any potential transferee may apply to the enforcement agency for a determination that a permit would be issued to him upon the transfer of a permit.
- (c) A non-refundable fee established by resolution of the City Council shall be charged for each application submitted pursuant to the provisions of this section. (Ord. 4356, §1)
- (d) The word "transfer" as used in this section includes the exchange of more than five percent interest in the holder of a permit, whether by one or more persons, and does not include the succession to an interest in a permit by an estate or by a bankruptcy court.
- (e) A ~~commercial private~~ refuse collector's permit shall not have any property value to the permittee. (Ord. No. 3204, §1; Ord. 4041, §1)

§ 19.311 Subcontracting.

- (a) No ~~commercial-private~~ refuse collector shall subcontract for the collection of any refuse produced, kept or accumulated in the City except as provided herein. A ~~commercial-private~~ refuse collector may subcontract with one or more other ~~commercial-private~~ refuse collectors to the extent of fifty percent of his total collections in any fiscal year, as measured by his gross income for that year.
- (b) The word "subcontract" as used in this section includes any arrangement whereby the permittee does not have a supervisory role over the transportation or disposal of the refuse he collects and where the permittee does not receive the entire profits from the particular collection; provided, however, that this term does not include any arrangement whereby one permittee contracts with another permittee for the transportation and disposal of refuse from a transfer station to a ~~dump landfill~~. (Ord. No. 3204, §1; Ord. 4041, §1)

§ 19.312 ~~Commercial-Private~~ Refuse Collector's Inspection Fee.

Each and every person who has a ~~commercial-private~~ refuse collector's permit shall pay an annual inspection fee in the sum established by resolution of the City Council for each vehicle number issued pursuant to the provisions of sec. 19.314 of this code. This fee shall be due on the first day of the fiscal year, or of the date the vehicle number is issued, whichever is later. Fees collected pursuant to this section are in addition to taxes provided for in any other provisions of this code. (Ord. 3204, §1; Ord. 4041, §1; (Ord. 4356, §1)

§ 19.313 ~~Residential Refuse Collector's Investigation Fee.~~~~Repealed~~

~~Each and every person who has a residential refuse collector's permit shall pay an investigation fee in the sum established by resolution of the City Council for each vehicle sticker issued pursuant to the provisions of sec. 19.315 of this code. This fee shall be paid upon application for a vehicle sticker. The fees collected pursuant to this section are in addition to taxes provided for in any other provision of this code. (Ord. 3204, §1; Ord. 4041, §1; Ord. 4356, §1)~~

§ 19.314 Vehicle Identification—~~Commercial-Private~~ Refuse Collectors.

Each ~~commercial-private~~ refuse collector shall have a vehicle number for each vehicle used to collect, transport or dispose of refuse pursuant to his permit. The City ~~collector-revenue manager~~ shall issue a vehicle number upon payment of the fee required by section 19.312 of this Code, and upon a determination that the vehicle complies with other provisions of this article. The permittee shall have painted on the side of each vehicle in plain view, in letters two inches in height, the name of the permittee, business address, telephone number, and vehicle number of the vehicle. Any vehicle number issued herein shall be transferable without payment of additional fees to any other vehicle owned by the holder of such permit, upon five days written notice to the City ~~collector-revenue manager~~, providing such other vehicle complies with the other provisions of this Code.

Notwithstanding the foregoing the City ~~collector-revenue manager~~ may authorize a ~~commercial-private~~ refuse collector to use a vehicle which does not have a vehicle number to collect, transport or dispose of refuse. The City ~~collector-revenue manager~~ shall authorize such use upon a determination that (1) the applicant has requested the authorization in a manner satisfactory to the City ~~collector-revenue manager~~; (2) the applicant has a vehicle with a vehicle number which will be repaired during the period the vehicle without a vehicle number will be used, and (3) the vehicle without the vehicle number complies with the provisions of section 19.319 of this Code. (Ord. No. 3204, §1; Ord. 4041, §1)

§ 19.315 ~~Same-Residential Refuse Collectors.~~ ~~Repealed~~

~~Each residential refuse collector shall apply for a vehicle sticker for each vehicle used to collect, transport or dispose of refuse pursuant to his permit during all or part of any fiscal year. The City collector shall issue a printed sticker to be displayed on each vehicle showing the vehicle sticker number and the permit number upon payment of the fee required by the provisions of section 19.313 of this Code, and upon a determination that the vehicle complies with the other provisions of this Code. The permittee shall display on the side of each vehicle, in plain view, in letters two inches in height, the vehicle sticker number of each truck. A vehicle sticker shall be transferable without payment of additional fees to any other vehicle used by the holder of such permit, upon five days written notice to the City collector, provided that such other vehicle complies with the other provisions of this Code. The vehicle sticker shall expire at the end of the fiscal year for which it was issued.~~

~~Notwithstanding the foregoing the City collector may authorize a residential refuse collector to use a vehicle which does not have a vehicle sticker to collect, transport or dispose of refuse. The City collector shall authorize such use upon a determination that (1) the applicant has requested the authorization in a manner satisfactory to the City collector, (2) the applicant has a vehicle with a vehicle sticker which will be repaired during the period the vehicle without a vehicle sticker will be used, and (3) the vehicle without the vehicle sticker complies with the provisions of section 19.319 of this Code.~~

~~Ord. 4041, §1 Ord. No. 3204, §1.~~

§ 19.316 Hours of Collection.

No refuse shall be collected within the City except between the hours of 4:00 A.M. and 5:00 ~~7:00~~ P.M. (or ~~7:00 8:00~~ P.M. during daylight saving time) of the same day. (Ord. No. 3204, §1; Ord. 4041, § 1)

§ 19.317 Insurance.

A commercial refuse collector shall maintain, during the term of his permit, public liability insurance in an amount not less than one hundred thousand dollars for injury or death to one person and in an amount not less than three hundred thousand dollars for injury or death to more than one person arising out of any one accident and property damage insurance in an amount not less than fifty thousand dollars. The City, its officers, agents and employees shall be designated as an additional insured in such policy. A copy of the insurance policy or its certificate of insurance shall be filed with the City prior to the issuance of any permit to collect refuse. All policies shall contain a provision requiring that ten days' notice must be given to the City collector prior to cancellation, modification or reduction of the limits of the policy by the insured.

~~A residential refuse collector shall maintain during the term of his permit public liability and property damage insurance to satisfy the requirements of state law as established by Vehicle Code, section 16451 as it is now written or as it may hereafter be amended. (Ord. No. 3204, §1; Ord. No. 3281, §1; Ord. 4041, §1)~~

§ 19.318 Bond.

Before issuing any ~~commercial private~~ refuse permit under the provisions of this article, the City shall require the applicant as a condition to the issuance of the permit to post with the City a cash bond in the required amount, or a surety bond in the same amount furnished by a corporate surety authorized to do business in the state payable to the City. A ~~commercial private~~ refuse collector shall post a cash bond or surety bond in the sum of one thousand dollars. Such bond shall be conditioned upon the full and faithful performance by the permittee of his duties under the applicable provisions of this article, and shall be kept in full force and effect by the permittee throughout the life of the permit and all renewals thereof. (Ord. No. 3204, §1; Ord. No. 3281, §1; Ord. 4041, §1)

§ 19.319 Vehicle Requirements and Inspection.

Any vehicle used by a ~~private refuse collector~~ to collect, transport or dispose of ~~commercial refuse~~ shall have a bed of impervious material which can be cleaned, and such bed shall be kept clean and disinfected in accordance with the rules and regulations of the county ~~health department of environmental management~~. The permittee shall provide adequate means to prevent the refuse from escaping the vehicle.

All such vehicles shall be subject to inspection at all times by the City or by the County of Sacramento for the purpose of determining whether or not the vehicles comply with the sanitary requirements of the county health department, the provisions of the California Motor Vehicle Code, and the provisions of this article. Such inspection shall be made at a time and place designated by the authorized inspector. (Ord. No. 3204, §1; Ord. No. 3281, §1; Ord. 4041, §1)

§ 19.320 Revocation of Permit; Refusal to Renew Permit.

In the event that any person holding a ~~commercial private~~ refuse collector's permit ~~or a residential refuse collector's permit~~ shall make or have made a false declaration in his application, or violate any condition of ~~his the~~ permit, or any provisions of this Code relating to or regulating the collection, transportation or disposal of refuse, or shall collect, transport or dispose of refuse in an unlawful, improper or unsanitary manner, the enforcement agency may, in its discretion, in addition to the other penalties provided by this article, revoke such permit or direct the City ~~collector revenue manager~~ to refuse to renew the permit. (Ord. No. 3204, §1; Ord. 4041, §1)

§ 19.321 Revocation of Vehicle Number or Vehicle Sticker.

In the event that any vehicle used to collect, transport or dispose of refuse pursuant to the provisions of this article, violates the standards provided for in section 19.319, the enforcement agency may, in its discretion, in addition to the other penalties provided by this article, revoke the vehicle number or vehicle sticker issued to that vehicle. (Ord. No. 3204, §1; Ord. 4041, §1)

§ 19.322 Effective Date of Appealed Action.

Any action which may be appealed under the provisions of this article shall be effective upon the expiration of the time for appeal; provided, however, that should timely appeal be filed, such action shall be effective upon final determination of such appeal. Where an appeal is taken by a present holder of a valid permit from a decision denying his application to renew such permit, the applicant may continue to operate under his permit until a final determination is made on his appeal. (Ord. No. 3204, §1; Ord. 4041, §1)

§ 19.323 Appeals Procedure.

Any person dissatisfied with any action taken by the City ~~collector revenue manager~~ or the enforcement agency pursuant to the provisions of this article may appeal to the City Manager within ten days following the date of such action by filing with the City ~~collector revenue manager~~ a notice of appeal on the form provided for that purpose. The person appealing ~~may shall~~ attach a statement to the notice of appeal setting forth the basis on which he believes the action should be reversed or modified.

The City ~~collector revenue manager~~ shall transmit to the City Manager the notice of appeal, all pertinent records, the attached statement in support of appeal, if any, and a statement setting forth the basis for the action taken.

Within thirty days after the filing of a timely notice of appeal, the City Manager shall render his decision. The City Manager may affirm, reverse or modify any action taken pursuant to the provisions of this article. This decision shall be mailed to the person appealing at the address shown on the notice of appeal. The City Manager shall return all pertinent records, together with a statement of the action taken by him to the City collector ~~revenue manager~~. The City collector ~~revenue manager~~ shall act in accordance with this decision except as otherwise provided herein.

Any person dissatisfied with any action taken by the City Manager pursuant to the provisions of this article may appeal such action by filing with the City Clerk within ten days after the date of the mailing of the decision a request that the matter be set for an appeal hearing by the City Council.

The City Clerk shall notify the City collector ~~revenue manager~~ of the filing of such appeal and the City collector ~~revenue manager~~ shall transmit to the council all records pertaining to the action being appealed. Notice of the hearing by the City Council shall be given in writing by the City Clerk at least five days prior to the date of the hearing and shall state the time and place where such hearing will be held. Such notice shall be served upon the appealing party by mailing it to his address as shown on the notice of appeal.

The City Council may affirm, reverse or modify any action taken pursuant to the provisions of this article. This decision shall be final forthwith, and the City collector ~~revenue manager~~ shall act accordingly. (Ord. 3204, §1; Ord. 4041, §1)

§ 19.324 Identification of Containers.

Any container having a capacity of one (1) cubic yard or more owned by any residential ~~refuse collector or commercial private~~ refuse collector shall be identified with the name and telephone number of the person ~~serving who owns~~ the container. (Ord. 3875, §10; Ord. 4041, §1)

§ 19.325 to 19.400 Reserved.

Article IV - Garden Refuse

§ 19.401 Garden Refuse - Defined.

As used in this article the term "garden refuse" means leaves, grass cuttings and garden trimmings, weeds and roots from which all dirt has been removed, shrubbery and tree trimmings of which no single piece shall exceed thirty-six (36) inches in length, four (4) inches in diameter or forty (40) pounds in weight. (Ord. 3685, §4; Ord. 3786, §10; Ord. 3795, §1; Ord. 3813, §1; Ord. 3875, §11; MEASURE A ADOPTED 09-27-77 STATES THIS SECTION CANNOT BE AMENDED OR REPEALED)

§ 19.402 Legislative Findings.

The City Council finds and determines:

- (a) That the public health, safety and welfare of all the citizens of the City requires that the accumulation and disposal of garden refuse from properties within the City be handled in a manner producing the greatest good and least public inconvenience, cost and maintenance to the City and its citizens.
- (b) That the privilege of depositing garden refuse in the streets in front of properties within the City for periodic collection and disposal by the ~~division of the waste removal Department of Public Works~~ is a privilege afforded by the City which is of substantial benefit to owners of all properties within the City to which the privilege is extended.
- (c) That the costs to the City in providing for the periodic collection and disposal of garden refuse from the streets in front of properties within the City should be collectively borne by the owners of said properties through the imposition and collection of an appropriate excise tax upon the privilege afforded said owners.
- (d) That the privilege of depositing garden refuse in the streets of the City in front of properties used primarily for residential purposes for periodic collection and disposal by the ~~division of waste removal City forces~~ should be limited and restricted to the owners of those residential properties and that the privilege of depositing garden refuse in the streets of the City in front of commercial, industrial and agricultural properties should be restricted to those properties the owners of which are willing to ~~subscribe to and~~ pay the City an excise tax for the privilege extended to their properties which is based upon actual amounts of garden refuse deposited in City streets. (Ord. 3685, §4; Ord. 3786, §11; Ord. 3795, §1; Ord. 3813, §1)

§ 19.403 Repealed by Ordinance No. 4363.

§ 19.404 Deposit of Rubbish and Waste Matter Regulated.

It shall be unlawful and an infraction for any person to deposit rubbish or waste matter in the streets of the City in a manner other than that expressly authorized by this article. (Ord. 3685, §4)

§ 19.405 Deposit of Garden Refuse Authorized.

Garden refuse produced on properties used primarily for residential purposes may be deposited in the streets of the City at the times and in the manner prescribed by this article.

It shall be unlawful and an infraction punishable by a fine not to exceed ~~\$100.00~~ ~~\$500.00~~ for any person to deposit garden refuse in the streets of the City in a manner other than that expressly authorized by this article. No garden refuse shall at any time be placed for collection in a manner which shall: (a) impede traffic or constitute a hazard to traffic; (b) impede the flow of water through any drainage channel or in any manner impede the drainage of water; or (c) be on or impede any public sidewalk or other public walkway. All garden refuse placed in the streets will be placed and maintained in as compact a pile as possible. (Ord. 3685, §4; Ord. 3786, §12; Ord. 3795, §1; Ord. 3813, §1; Ord. 3875, §12)

§ 19.406 Place of Deposit.

Garden refuse shall be placed in the street in front of and contiguous to the residential properties from which the garden refuse is removed. Where there is no curb and gutter on the streets contiguous to the residential properties from which the garden refuse is removed, it shall be placed in containers or tied in bundles of which no single piece shall exceed thirty-six (36) inches in length, four (4) inches in diameter, or ~~exceed~~ forty (40) pounds in weight and ~~this material shall also be deposited~~ contiguous to the traveled portions of the streets' right-of-ways. (Ord. 3685, §4; Ord. 3786, §13; Ord. 3795, §1; Ord. 3813, §1; Ord. 3875, §13)

§ 19.407 Repealed by Ordinance No. 3875, §14.

§ 19.408 Maximum Amount of Deposit.

The maximum amount of garden refuse that may be deposited in the streets during a calendar week is as follows:

- (a) For single and two-family residential structures 2 cubic yards
- (b) For multi-family residential structures containing three (3) dwelling units . . 7 cubic yards

(Ord. 3685, §4; Ord. 3875, §15)

§ 19.409 Time of Deposit.

~~In the period of each calendar year commencing on the first day of January and terminating on the last day of September, Garden refuse may be deposited in the streets in front of residential properties within the City no sooner than one calendar day prior to the regular date of collection and removal of garden refuse for those properties. During the months of October, November and December garden refuse may be deposited in the streets in front of residential properties at any time in that collection by the division of waste removal will not normally be provided on a weekly basis.~~

~~The regular dates for collection and removal for all properties within the City in the months of January through September shall be fixed by the superintendent of the division of waste removal. (Ord. 3685, §4; Ord. 3786, §15; Ord. 3795, §1; Ord. 3813, §1; Ord. 3875, §16)~~

§ 19.410 Garden Refuse from Non-Residential Properties.

No person shall deposit garden refuse from properties used primarily for non-residential purposes in the streets of the City without first obtaining the prior written authorization of the ~~superintendent~~ ~~streets manager~~; but the failure of any person to obtain such authorization shall not absolve him from the liability imposed by section 19.414. The ~~superintendent~~ ~~streets manager~~ may refuse to authorize the ~~deposit of garden refuse for collection~~ if he determines that the collection by the City could be impractical, uneconomic or otherwise create problems involving public health or safety. (Ord. 3685, §4; Ord. 3727; Ord. 3786, §16; Ord. 3795, §1; Ord. 3813, §1; Ord. 3875, §17)

§ 19.411 Same—Conditions of Deposit.

In authorizing the deposit in City streets of garden refuse from properties used primarily for non-residential purposes the ~~superintendent~~ ~~streets manager~~ shall specify the time, manner and place of the deposit. (Ord. 3686, §4; Ord. 3786, §17; Ord. 3795, §1; Ord. 3813, §1)

§ 19.412 Excise Tax Imposed—Residential Properties.

It is hereby found and determined that the privilege of depositing garden refuse from residential properties in the streets of the City for the collection and removal by ~~the division of waste removal~~ ~~City forces~~ is a benefit to the owners of all properties within the City used primarily for residential purposes and such owners are hereby made liable for the payment of the excise tax upon said privilege imposed by the article irrespective of their actual use of City streets for deposit of garden refuse. (Ord. 3685, §4; Ord. 3786, §18; Ord. 3795, §1; Ord. 3813, §1)

- (a) ~~—~~ Said tax shall be imposed on any newly constructed residence to commence at the beginning of the third full month ~~that any after~~ such newly constructed residence obtains garbage and water service. (Ord. 4207, §1)

(Ord. 3786 and 3795 repealed by Ord. 3813 before effective date of either ordinance.)

§ 19.413 Rate of Tax—Residential Properties.

The excise tax imposed upon the privilege of depositing garden refuse from residential properties in City streets shall be as follows:

- (a) Single-family residences: The monthly tax for each property where there is only one dwelling unit on one parcel of property which is used primarily for single-family residential purposes shall be \$2.00.
- (b) Two-family residences: The monthly tax for each property used primarily for two-family residential purposes shall be \$3.50.

(Ord. 3875 amended by Ord. 4090: the excise tax imposed by this ordinance shall be in effect until repealed.)

- (c) Multiple-family residences: The monthly tax for each property used primarily for residential purposes and having three (3) or more dwelling units shall be according to the following rate:

<u>Number of Dwelling Units</u>	<u>Excise Tax</u>
3 to 5	\$3.50 plus \$1.00 for each dwelling unit in excess of two (2) dwelling units.
6 to 10	\$6.50 plus \$0.50 for each dwelling unit in excess of five (5) dwelling units.
11 to 25	\$9.00 plus \$0.25 for each dwelling unit in excess of ten (10) dwelling units.
26 to 50	\$12.75 plus \$0.10 for each dwelling unit in excess of 26 dwelling units.

51 and greater Multiple-family residences containing more than 51 dwelling units shall be considered as being property used primarily for non-residential purposes and shall be billed accordingly.

(Ord. 3685, §4; Ord. 3721; Ord. 3786, §19; Ord. 3795, §1; Ord. 3813, §1; Ord. 3875, §18)

§ 19.414 Rate of Tax—Other Properties.

The excise tax imposed upon the privilege of depositing garden refuse in City streets from any property used primarily for nonresidential purposes shall be based upon the approximate average monthly quantity of garden refuse so deposited from the property.

The tax shall be computed according to the following rates:

<u>Average Monthly Quantity of Deposit</u>	<u>Monthly Excise Tax</u>
Two (2) cubic yards	\$4.50
Three (3) cubic yards	\$5.50
Additional for each cubic yard in excess of three (3) cubic yards	\$0.50

The approximate average monthly quantity of garden refuse deposit shall be determined by the ~~superintendent streets manager~~ and may be revised from time to time to reflect actual approximate average quantities deposited in the City streets from the properties to which the privilege is provided. Any garden refuse placed for collection pursuant to this section shall be subject to the articles herein specifying the time, manner and place for placement for collection of garden refuse from residential properties. (Ord. 3685, §4; Ord. 3786, §20; Ord. 3795, §1; Ord. 3813, §1; Ord. 3875, §19)

§ 19.415 Residential Condominiums, Planned Developments, Stock Cooperatives, Mobile Home Parks.

For purposes of this article any residential condominium, residential planned development, residential stock ~~cooperatives cooperative~~ or mobile home ~~parks park~~ shall be considered to be a use of property for non-residential purposes. (Ord. 3685, §4)

§ 19.416 Optional Tax—Multi-Family Residential Properties.

The owner of any property used primarily for residential purposes on which three (3) or more dwelling units are located may elect to have the property taxed under this article as if it were being used primarily for non-residential purposes for the sole purpose of establishing the rate to be paid for such property; provided, in no event shall any such election establish an exemption from the tax imposed by this article. Said election shall be filed with the ~~superintendent streets manager~~ on such form as he may prescribe and said election shall remain in effect until revoked in writing by the owner or his successors in interest. (Ord. 3685, §4; Ord. 3875, §20)

§ 19.417 Same—Collection of Fees ~~Tax~~.

The excise tax for the privilege of depositing garden refuse in City streets for collection and removal by the ~~division of waste removal City forces~~ shall be ~~charged billed and collected in accordance with the provisions~~

~~of chapter 64 of the Sacramento City Code under the designation "garden refuse tax" on the bimonthly municipal service bills and shall be payable at the same time and place and in the same manner and shall be subject to the penalty for delinquency as is presently in effect for City water and sewer services. Any closing bill rendered shall be due and payable when billed. (Ord. 3685, §4; Ord. 3786, §21; Ord. 3795, §1; Ord. 3813, §1)~~

§ 19.418 Payment of Tax by Occupants of Nonresidential Property.

~~A person who is an occupant of or in possession, charge or control of property which he does not own and which is not used for residential purposes may pay the excise tax imposed by this article; provided, however, acceptance of any payment from such a person shall not relieve the owner of said property from liability or constitute any waiver of whatsoever nature for all subsequent payments of said tax. (Ord. 3685, §4; Ord. 4262, §2)~~

§ 19.419 Delinquent Fees Constitute Lien.

~~If the excise tax for the privilege of depositing garden refuse on City streets remains unpaid for a period of 30 days following presentation such delinquent payments shall become a lien and a tax on the real property to which the privilege has been extended. The property owner shall be notified by the utility services supervisor of the City that the excise tax is delinquent and unpaid and that subsequent proceedings will be taken to make the tax a special assessment on the real property to which the privilege has been extended. (Ord. 3685, §4; Ord. 3786, §22; Ord. 3795, §1; Ord. 3813, §1)~~

§ 19.419-1 Lien Recorded Procedure.

- ~~(a) Notwithstanding any provision in this code to the contrary, any excise tax imposed by this article which has become delinquent shall be subject to having the lien provided for in section 19.419 recorded with the County Recorder of the County of Sacramento pursuant to the procedure provided in this section.~~
- ~~(b) Prior to the recordation of a lien for delinquent charges, the utility services supervisor shall cause the notice of an opportunity for hearing on the delinquent charges to be mailed to the owner. Such notice shall be mailed postage prepaid. For purposes of this section, "owner" means the person to which the property was assessed in the last equalized assessment roll of the County of Sacramento unless the utility services supervisor has knowledge of the name of a person other than such assessee claiming record ownership of the property. If the owner desires a hearing thereon, he shall request such a hearing by notifying the utility services supervisor thereof in writing within ten (10) days after the date shown on the notice. Any such hearing shall be set not earlier than ten (10) days after receipt of the owner's request. The hearing shall be held before the director of finance or such other person, including the utility services supervisor, as he may designate. The decision of such person shall be final and conclusive.~~
- ~~(c) At the expiration of the time within which to request a hearing, or upon a decision adverse to the owner after hearing, the utility services supervisor shall cause such lien to be recorded with the Sacramento County Recorder in the form and manner prescribed by law. Thereafter, such lien shall not be released by the utility services supervisor unless and until it is fully and completely paid.~~
- ~~(d) The director of finance is hereby authorized to determine the amount of delinquency which will subject an individual lien to the recording procedures of this section; provided, however,~~

~~that all liens resulting from delinquencies in excess of \$50.00 shall be subject to the procedures of this section. (Ord. 4262, §4)~~

~~§ 19.420 Same Collected as Special Assessment.~~

~~Not less often than once a year, the utility services supervisor may initiate proceedings to make delinquent payments of excise taxes imposed by this article upon the privilege of depositing garden refuse in City streets a special assessment against the parcels of property to which the privilege has been extended. (Ord. 3685, §4; Ord. 3786, §23; Ord. 3795, §1; Ord. 3813, §1)~~

~~§ 19.421 Same Report Transmitted to Council.~~

~~A report of delinquent payments of excise taxes imposed under this article shall be annually transmitted to the council by the utility services supervisor. Upon receipt by the council of the report, it shall fix a time, date and place for hearing the report and any protests or objections thereto. (Ord. 3685, §4)~~

~~§ 19.422 Same Notice of Hearing.~~

~~The council shall cause notice of the hearing to be mailed to the owner of the real property to which the privilege was extended not less than ten days prior to the date of the hearing. For the purposes of this section, the owner of the property shall be conclusively deemed to be the person to which such property was in the latest equalized assessment roll of the County of unless the utility services supervisor have knowledge of the name of a person other than such assessee claiming record ownership of such parcel of real property. The notice shall be mailed to the address of the owner as shown on latest equalized assessment roll or such other address of the owner as may be known by the utility services supervisor. (Ord. 3685, §4; Ord. 3786, §24; Ord. 3795, §1; Ord. 3813, §1)~~

~~§ 19.423 Same Hearing.~~

~~At the time fixed for consideration of the report, the council shall hear it with any objections of any property owners liable to be assessed for delinquent payments of the excise tax imposed by this article. The council may make such revisions, corrections, or modifications of the report as it may deem just; and in the event the council is satisfied with the correctness of the report (as submitted or as revised, corrected or modified), it shall be confirmed or rejected by resolution. The decision of the City Council on the report and on all protests or objections thereto shall be final and conclusive. (Ord. 3685, §4)~~

~~§ 19.424 Same Manner of Collection; Applicability of Other Liens, Laws, Etc.~~

~~Upon confirmation of the report by the council, the delinquent payments of the excise tax imposed by this article contained therein shall constitute a special assessment against the property to which the privilege applies. Thereafter such assessment may be collected at the same time and in the same manner as ordinary ad valorem municipal taxes are collected and shall be subject to the same penalties and same procedure of sale as provided for delinquent ordinary ad valorem municipal taxes. The assessments shall be subordinate to all existing special assessment liens previously imposed upon the property and paramount to all other liens except those for state, county and municipal ad valorem taxes with which it shall be upon parity. The lien shall continue until the assessment and all interest and penalties due and payable thereon are paid. All laws applicable to the levy, collection and enforcement of municipal ad valorem taxes shall be applicable to such special assessments. (Ord. 3685, §4)~~

§ 19.425 ~~Same Report to be Transmitted to Auditor.~~

~~A certified copy of the confirmed report shall be filed with the county auditor on or before August 15. The descriptions of the parcels subject to the special assessment shall be those used for the same parcels on the county assessor's map books for the current year. (Ord. 3685, §4)~~

§ 19.426 Neighborhood Cleanup Programs.

Rubbish and waste matter may be deposited in the City streets for collection and removal by the division of ~~waste removal~~ **solid waste** when such deposits are expressly authorized by the ~~superintendent~~ **solid waste manager** in connection with a neighborhood cleanup program. The time and manner of deposit, together with any limitation upon the nature and extent of materials to be deposited, shall be determined by the ~~superintendent~~ **solid waste manager** and shall be communicated by him to the neighborhood in which the program is to be conducted. (Ord. 3685, §4; Ord. 3786, §25; Ord. 3795, §1; Ord. 3813, §1)

§ 19.427 Bare Lot and Multiple Use Property Classifications; Rates; Lawn and Garden Refuse Tax Classification Board.

- (a) **Definition.** For the purpose of this section only, the term "residential property" shall mean and refer to residential property classified for the purposes of this Article IV in a classification established by section 19.413 excluding multiple family dwelling units having 51 and greater dwelling units.
- (b) **Application.** Any owner of residential property may apply for reclassification of such property according to the procedures set forth in this section. Any such application shall be filed on forms provided by the City and shall be filed with the ~~utility billing~~ **revenue** division of the City.
- (c) **Lawn and garden refuse tax classification board.** The Lawn and Garden Refuse Tax Classification Board shall be composed of two members, one of whom shall be from the Department of Finance and one of whom shall be from the Department of ~~Engineering, Public Works~~ **Division of Waste Removal Streets**. The membership of the board shall be appointed by, and shall serve at the pleasure of, the City Manager. The Board shall process all applications under and make the classifications of property described by this section.
- (d) **Classifications.** In addition to the classifications established by section 19.413, there shall be two additional classifications of residential property. These two classifications shall be:

Bare lot: The bare lot classification shall include only residential property which, by virtue of the fact that it has no vegetation outside the dwelling unit, will not produce any lawn and garden refuse. The term "outside the dwelling unit" shall mean outside the surface of the exterior surfaces. The term "exterior surfaces" shall mean those surfaces of the dwelling unit on the exterior perimeter through at least one of which persons customarily and reasonably enter or exit the dwelling unit.

Multiple use lot. The multiple use lot classification shall include only parcels of residential property on which different types of use occur (e.g. residential and

commercial) such that two or more different rates of tax according to classification rather than rate are collected on the property. No property exceeding one-quarter acre shall be classified in this classification.

In no event shall classification in either of these classes qualify any property for any other classification or rate.

- (e) **Rates.** Any property classified on the bare lot classification shall pay the excise tax imposed by this article at the rate of \$0.00 per month. Any property classified in the multiple use lot classification shall pay the excise tax imposed by this article at one rate equal to the single highest rate which would be imposed on any one structure located on the property according to the other classifications in this article. Such rate shall be charged to the owner of the entire parcel of property.

Processing applications and classifications. The Board shall process all applications for classification in the bare lot and multiple use lot classifications. Each application shall initially be referred to the ~~street~~ division of ~~waste removal~~ which shall inspect the property and report the results of such inspection to the Board. The Board shall evaluate each application based on the information contained in such application and the ~~street~~ division of ~~waste removal~~ report and shall determine the proper classification for each such property. In the event the Board determines that the proper classification for such property is either the bare lot or the multiple use lot classification, regardless of the date such determination is made, the effective date of the classification shall be the date the application was submitted to the ~~utility-billing revenue~~ division. In the event the excise tax collected by City after the effective date of the classification exceeds the rate prescribed by this article, such excess shall be refunded to the then owner of the property as shown on the records of the ~~utility-billing revenue~~ division as of the date of the refund.

- (g) **Notices and hearings.** In the event a property for which application for classifications is made pursuant to this section is not reclassified, notice shall be given to the applicant which shall briefly specify the reason for the decision of the Board. Any applicant who receives such notice who desires to have his application reconsidered by the Board may apply for a hearing before the Board. Any such application must be filed with the ~~utility billing revenue~~ division within fifteen calendar days of the date of the notice that the property was not reclassified. The Board shall within thirty calendar days after an application for hearing schedule a hearing upon ten days written notice to the applicant. The applicant may be present at such hearing and may present any evidence relevant to the classification of the property. The Board shall reevaluate the classification and shall classify the property in the classification which it shall deem proper in light of the application, the report of the ~~waste removal street~~ division and the evidence submitted by the applicant at the hearing. In considering the application on rehearing the Board may obtain a supplemental inspection report from the ~~street~~ division of ~~waste removal~~. Written notice of the action of the Board shall be given to the applicant and the classification established by the Board shall be final except as herein otherwise provided.

- (h) **Reclassification upon changed circumstances.** In the event the nature of any property classified in the bare lot or multiple use lot classifications changes such that it is no longer properly classified in such classification, the Board may reclassify the property into an appropriate classification after written notice to the property owner and a reasonable opportunity to the property owner to be heard on such reclassification. (Ord. 4089, §1)

Article V. Penalty for Violation

§ 19.501 Violation an Infraction.

Any person violating any provision of this chapter is guilty of an infraction. (Ord. 83-153, § 21)

SECTION 2

Article XIV is hereby added to Chapter 61 of the Sacramento City Code, to read as follows:

Article XIV. Weed and Rubbish Abatement

§ 61.1401 Weed and Rubbish Abatement - Generally

Weed and rubbish abatement in the City of Sacramento shall be performed pursuant to title 4, division 3, part 2 of the Government Code (sections 39500 et seq.) except as modified by the following provisions:

§ 61.1402 Duties of Neighborhood Services Manager and Revenue Manager

Any duties imposed on the street superintendent or City Clerk by the Government Code Sections referenced in Section 61.1401 may be performed by the Neighborhood Services Manager, the Revenue Manager, and their designees. Abatement of the nuisance may be performed pursuant to contract.

§ 61.1403 Account of Costs of Abatement; Submission of Itemized Report to Council

The Neighborhood Services Manager shall keep an account of the cost of abatement in front of or on each separate parcel where work is done, and shall submit to the City Council for confirmation an itemized written report showing such cost. The cost of abatement shall include an administrative charge to cover incidental expenses and costs of the City incurred in the preparation of notices, specifications and contracts, and inspecting the work, and the costs of printing and mailing required under this article.

§ 61.1404 Lien or Personal Obligation

The cost of abatement shall be assessed against the parcel as a lien or made a personal obligation of the owner, and may be made a special assessment, as set forth in Article X of this chapter.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

Attest:

Mayor

City Clerk

ORDINANCE NO. 90-032

APPROVED
BY THE CITY COUNCIL

JUN 19 1990

ADOPTED BY THE SACRAMENTO CITY COUNCIL

OFFICE OF THE
CITY CLERK

ON DATE OF _____

AN ORDINANCE AMENDING CHAPTER 36 OF THE
SACRAMENTO CITY CODE, RELATING TO SEWERS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

Section 1.

Chapter 36 of the Sacramento City Code is hereby amended to read as follows.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

CHAPTER 36
SEWERS AND STORM DRAINAGE

Article I. In General

§ 36.101 Definitions.

Unless the context specifically indicates otherwise, the meanings and terms used in this chapter shall be as follows:

Air Conditioning Season: The five-month period, May through September, inclusive.

Air Conditioning System: Any combination of equipment, whether compressor or other type, by which heat is removed from or added to the air, which maintains temperatures which are not less than sixty degrees Fahrenheit, and from which accumulated heat is wholly or partially removed or added by the use of water. Evaporative coolers are included in this definition.

Applicant: The owner or the agent of the owner of the property for which service is being requested.

B.O.D. (denoting biochemical oxygen demand): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade.

Capacity in Tons: "Capacity in tons" shall be taken as follows: (a) Total maximum B.T.U. per hour of capacity of the installation divided by 12,000; or (b) the nameplate horsepower of any compressor prime mover unit for any air conditioning installation; or (c) two-thirds the nameplate horsepower of (b) above for any refrigeration installation.

C.O.D. (denoting chemical oxygen demand): The oxygen consumed or the determination of the oxidizable organic load, of wastes containing certain toxic substances, as established by standard laboratory procedure.

Council: The city council of the City of Sacramento.

City: The City of Sacramento.

City Limits: The city limits of the City of Sacramento.

C.F.M.: The rated capacity of an evaporative cooler in cubic feet per minute.

Combined Sewer: A public sewer which is designed to carry both sanitary and storm flows.

Commercial Service: Provision of sewer service to premises where the customer primarily is engaged in a business, trade, manufacturing or processing activity. The term "commercial service" includes hotels, motels, rest homes, schools, and all other service not hereinafter defined as "domestic service."

Customer: The owner or agent of the owner of the property receiving sewer service.

Date of Presentation: The date on which a bill or notice is mailed or delivered personally to the customer.

Division: The division of flood control and sewer of the City of Sacramento.

Domestic Service: Provision of sewer service for household residential purposes to single-family and multiple-family dwelling units.

Drainage: All the runoffs from storms and surface drainage which enters into the sewage system.

Flat-Rate Service: Provision of sewer service for unmeasured quantities for a fixed periodic charge.

Garbage: Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Industrial Cooling Waters or Unpolluted Process Waters: Water used for cooling or processes, into which no chemicals, organics, or waste materials have been permitted to enter.

Industrial Service: The term "Industrial service" as used in this ordinance is synonymous with the term "commercial service."

Industrial Wastes: The liquid wastes from industrial processes as distinct from sanitary sewage.

Mains: Collection pipelines located in streets, highways, public ways or private rights-of-way which are used to serve the general public.

Manager: The manager of the division of flood control and sewer.

Metered Service: Provision of sewer service for measured quantities for a periodic charge based on the quantity discharged.

Natural Outlet: Any outlet into a watercourse, ditch, pond, lake or other body of surface or ground water.

Person: Any individual, firm, company, association, society, partnership, corporation, organization, or group.

Premises: Buildings, establishments, parcels of land or lots which are improved and benefited by drainage, or the integral property or area, including improvements thereon, to which sewer service is or will be provided.

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

pH: The logarithm of the reciprocal of the hydrogen-ion concentration in grams per liter of solution.

Public Sewer: Any sewer which is controlled by the City of Sacramento, or other public agency operating a sanitary district within the city.

Refrigeration System: An installation for maintaining by heat removal, temperatures of less than sixty degrees Fahrenheit, and from which the accumulated heat is wholly or partially removed by the use of water.

Revenue Division: The division of the department of finance of the City of Sacramento responsible for the customer records.

Revenue Manager: The manager of the revenue division of the department of finance of the City of Sacramento. (Ord. No. 3533, §1)

Room: An area with a minimum of fifty square feet which is defined either by structure or by type of use.

Sanitary Sewage: Any waste discharging into the sewage system and which contains human or animal excreta, offal, or any feculent matter.

Sanitary Sewer: Any sewer which carries sanitary sewage or industrial wastes, and to which storm, surface, and ground waters are not intentionally admitted.

Service Connection: The pipe collection by means of which sewage is conducted from the premises.

Sewage: A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and stormwaters as may be present.

Sewer: A pipe or conduit for carrying sewage.

Sewage Treatment Plant: Any arrangement of devices and structures used for the treatment of sewage.

Sewage System: All facilities for collection, pumping, treating and disposing of the water-carried wastes from residences, business buildings, institutions, and industrial establishments.

Slug: Any discharge of water, sewage, or industrial waste, which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times the average twenty-four hour concentration of flows during normal operation.

Storm Drainage: Any drainage not classified as sanitary sewage. (Ord. No. 82-050, §1)

Storm Drainage System: A system of channels, ditches, conduits, pipes, pump stations, and other features and equipment the function of which is to handle and transport storm drainage from origin to point of disposal. (Ord. No. 82-050, §1)

Suspended Solids: Solids that either float on the surface of or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtration, expressed in milligrams per liter.

§ 36.102 to
§ 36.200

Reserved.

Article II. Use of Public Sewers

§ 36.201 Prohibited Discharges.

No person shall discharge or cause to be discharged to a public sewer within the city any substances, materials, waters or waste if said discharge would be violative of any sewer use ordinance enacted by the Sacramento Regional County Sanitation District. (Ord. No. 3538, §1)

§ 36.202 Regulated Waters, Wastes and Substances.

No person shall discharge or cause to be discharged to a public sewer within the city any of the following described substances, materials, waters, or wastes without first obtaining a written permit issued by the manager pursuant to this article. The substances prohibited are:

- (a) Any water or waste which contains more than 200 milligrams per liter of fat, oil or grease. The limitation of hexane soluble materials shall not apply to those waste waters from industries processing fats and oils of vegetable or animal origin for which the industry involved supplies at its own expense, satisfactory evidence that the waste waters are transportable in the sewers without causing obstructions to flow.
- (b) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (c) Any waters or wastes having a pH in excess of 9.5.
- (d) Materials which exert or cause in sewers: Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues). (Ord. No. 3538, §1)

§ 36.203 Interceptors.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the manager, they are necessary for the proper handling of liquid wastes containing grease in excessive 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 manager, and shall be located as to be readily and easily accessible for cleaning and inspection. (Ord. No. 3538, §1)

§ 36.204 Maintenance of Pretreatment Facilities.

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. (Ord. No. 3538, §1)

§ 36.205 Control Maintenance Hole.

When required by the manager, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control maintenance hole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Tests and logs of tests may be required of the industry and shall be made available to the city. Such maintenance hole when required, shall be safely located, and shall be constructed in accordance with plans

approved by the manager. The maintenance hole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe at all times. In addition, the maintenance hole shall be readily accessible during working hours by request to the owner or the owner's representatives. (Ord. No. 3538, §1)

§ 36.206 Standards for Testing.

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 maintenance hole provided, or upon suitable samples taken at said control maintenance hole. In the event that no special maintenance hole has been required, the control maintenance hole shall be considered to be the nearest downstream maintenance hole 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. (Ord. No. 3538, §1)

§ 36.207 to

§ 36.300 Reserved.

Article III. Construction and Maintenance of Sewers, Storm Drainage Lines and Sewage Works

§ 36.301 "Y" Cleanouts Required.

A "Y" type clean-out opening shall be placed in every sewer line inside the property line at the point of tap or inside the right-of-way line at the point of tap. Such clean-out opening shall extend to a grade level at an angle of forty-five degrees, shall be of metallic material at the upper twelve inches, and shall be provided with an approved plug located in an accessible position. (Ord. No. 3353, §1)

§ 36.302 Private Sanitary Sewer Lines.

Private sanitary sewer lines servicing two or more buildings or structures located on the same lot when such lines are not maintained by the city as a public utility shall be constructed to meet the standards for construction of public sewer lines, as such standards are set forth in the standard specifications of the City of Sacramento, as such specifications now read or may hereafter be amended to read. (Ord. No. 3353, §1)

§ 36.303 Private Storm Sewers.

Private storm sewers which are not maintained by the city as a public utility shall be constructed in accordance with standard specifications for public storm sewers, as such standards are set forth in the standard specifications of the City of Sacramento, as such specifications now read or may hereafter be amended to read. (Ord. No. 3353, §1)

§§ 36.304 to

36.400 Reserved.

Article IV. Powers and Authority of Inspectors

§ 36.401 Authority to Inspect Premises.

The manager and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties with the occupant's consent for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. If consent is not obtained, inspection may be accomplished as provided by law. The manager or the manager's representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. (Ord. No. 3353, § 1)

§ 36.402 Compliance with Safety Rules.

While performing the necessary work on private properties referred to in article IV, section 36.401, above, the manager or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company. (Ord. No. 3353, §1)

§ 36.403 Inspection and Work on Properties Subject to Easements.

The manager and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter 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 entry and subsequent work, if any on such easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. No. 3353, §1)

§ 36.404 to

§ 36.500 Reserved.

Article V. Sewerage Treatment Charges

Division 1. In General

§ 36.501 Application of Article to Political Subdivisions.

The provisions of this article applicable to premises outside the city limits shall not apply to other cities, sanitary districts, sanitation districts or sewer maintenance districts.

Sewerage charges for such users of city sewerage facilities shall be established by separate contracts between each such agency and the city council. (Ord. No. 3353, §1)

§ 36.502 Establishment of Rates, Charges and Fees by Resolution.

Notwithstanding any provision of this Chapter or any other provision of the City Code to the contrary, the rates, charges and fees established or provided for in this Article shall hereafter be established by resolution of the City Council. (Ord. No. 83-060, §2)

§ 36.503 to

§ 36.509 Reserved.

Division 2. User Rates

§ 36.510 Sewerage Charges - Persons Liable

The owner of each premises in the city which is served by city sewerage facilities shall be liable for the payment of sewerage charges established by the City Council.

§ 36.511 Authority of Manager to Fix Rates.

The manager shall fix rates for those accounts and special usages not readily susceptible of classification under the rates established by the City Council. In fixing such rates, the manager shall be governed by the rates provided the City Council for other accounts and usages of a similar sewerage producing capacity. Any customer aggrieved by such a determination may appeal such action to the Sewer and Storm Drainage Appeals Board pursuant to Article VIII of this chapter. (Ord. No. 3538, §3; Ord. No. 82-050, §2)

§ 36.512 Repealed by Ord. 83-060, §2.

§ 36.513 Repealed by Ord. 83-060, §2.

§ 36.514 Repealed by Ord. 83-060, §2.

§ 36.515 Special Uses—Air Conditioning and Refrigeration—General.

No adjustments shall be made in the charges for air conditioning and refrigeration usages for other than average operating conditions, such as long or short daily period, season of operation or unseasonable weather. The air conditioning rates shall be applicable during the air conditioning season. (Ord. No. 3538, §3; Ord. No. 82-050, §2)

§ 36.516 Repealed by Ord. 83-060, §2.

- § 36.517 Repealed by Ord. 83-060, §2.
- § 36.518 Repealed by Ord. 83-060, §2.
- § 36.519 Repealed by Ord. 83-060, §2.
- § 36.520 Repealed by Ord. 83-060, §2.
- § 36.521 Repealed by Ord. 83-060, §2.
- § 36.522 Repealed by Ord. 83-060, §2.
- § 36.523 Repealed by Ord. 83-060, §2.
- § 36.524 Repealed by Ord. 83-060, §2.
- § 36.525 Repealed by Ord. 83-060, §2.
- § 36.526 Regional Sewer Use Charge.

Pursuant to the terms of the Master Interagency Agreement between the City and the Sacramento Regional County Sanitation District, dated November 1, 1974, the regional user charges imposed by the Regional Sewer Rate Ordinance of said district shall be billed and collected by the city with the user charges imposed by this division. All provisions of division 4 of the article shall be applicable to said regional user charge; provided that said charge shall be identified as such on each utility billing and shall not be combined with any other rate, toll or charge appearing on the billing except for showing the total sum due to the city under said billing. (Ord. No. 3538, §3; Ord. No. 82-050, §2)

- § 36.527 Repealed by Ord. 83-060, §2.
- § 36.528 to
§ 36.549 Reserved.

Division 3. Storm Drainage Charges

§ 36.550 Storm Drainage—General.

Rates for storm drainage charges for residential and commercial properties shall be established by resolution of the City Council. (Ord. No. 82-050, §3)

§ 36.551 Storm Drainage Charges - Persons Liable

The owner of each premises in the city which is served by city storm drainage facilities shall be liable for the payment of storm drainage charges established by the City Council.

§ 36.552 Repealed by Ord. 83-060, §2.

§ 36.553 Repealed by Ord. 83-060, §2.

§ 36.555 Appeal.

Any person aggrieved by the classification of property owned by such person or the rate set for such property may file a written appeal with the Revenue Manager, which shall include a statement of the grounds for appeal. The appeal shall be reviewed in accordance with Article VIII of this chapter. (Ord. No. 82-050, §3)

§ 36.556 Hearing.

§ 36.557 to

§ 36.559 Reserved.

Division 4. Collection of Charge

§ 36.560 Bills—Method of Billing.

The billing and collection of charges for services rendered pursuant to this Chapter shall be conducted in accordance with the provisions of Chapter 64 of the Sacramento City Code.

§ 36.561 to § 36.600 Reserved.

Article VI. Sewer Connection Charges

§ 36.601 Service Connection Installation Fee.

The fee for connection to the city sewer system shall be determined by reference to a schedule of rates set by resolution of the City Council and paid in advance.

§ 36.602 Additional Connection Charge for Sacramento Regional County Sanitation District.

The Manager shall, on behalf of the Sacramento Regional County Sanitation District, collect such connection charges for connection to specified city sewers as are pre-described by said district, and shall transmit same to the district. The amount of the charge and the localities to which said charge are applicable shall be determined by the district in accordance with existing agreement between city and district. (Ord. No. 3454, §1)

§ 36.603 Prepayment of Charges.

No permit shall be issued for the connection to the city sewer system of any property subject to the sewer connection installation fee imposed by this article until the same has been paid and no person shall connect or cause the connection of any such property to the city sewer system, either directly or indirectly, without compliance with the provisions of this article. (Ord. No. 3454, §1)

§ 36.604 Reserved.

§ 36.605 Sewer System Development Fee.

- (a) General. Every lot, parcel or tract of land not connected to the City sewer system prior to July 7, 1984, shall be subject to a sewer system development fee, and no sewer service from such system shall be furnished thereto unless such charge has been made. Such charge shall not apply if the fee established by this section, or the equivalent thereof has been previously made by the owner, or a predecessor of such owner, of such property.
- (b) Amount of Fee. The fee established by this section shall be determined by reference to a schedule of rates set by resolution of the City Council. If an existing sewer service is replaced by one of a larger size at the owner's request the fee shall be equal to the difference between the fee for the original service size and that for the replacement service size

Payment of said development fee shall be in addition to payment of all other applicable fees and charges. (Ord. No. 84-051, §1)

§ 36.606 to

§ 36.700 Reserved.

Article VII. Penalties and Enforcement

§ 36.701 Penalties.

Any person violating any provisions of article II or article III of this chapter shall be deemed guilty of a misdemeanor and subject to the penalties provided in section 1.7 of this code. (Ord. No. 3353, §1)

§ 36.702 Authority of City Attorney in Case of Violation.

In addition to all of the remedies provided in this chapter, the city attorney, in the name of and on behalf of the city and the people of the State of California, may institute appropriate actions or procedures in a court of competent jurisdiction to restrain or abate any violations of the provisions of this chapter as a public nuisance.

It is hereby declared that discharge or causing to be discharged sewage in violation of the provisions of Article II of this chapter constitutes a public nuisance and may be restrained by a court of competent jurisdiction in the manner set out above. This declaration shall not preclude the abatement of other violations of the chapter as a public nuisance. (Ord. No. 3353, §1)

§ 36.703 Discontinuance of Service.

In addition to all of the remedies provided in this chapter, discharge of prohibited waters or wastes shall result in disconnection of the premises from the public sewer.

Prior to such discontinuance of service the owner of the real property to which the service was rendered shall be served with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.

When service has been disconnected as provided in this chapter, the manager may require that the person requesting that such service be reestablished furnish a bond or deposit equal to five times the City's cost to cause the disconnection, rectify problems caused by the prohibited discharge, and complete the reconnection, payable to the city and conditional upon compliance with the provisions of this chapter, before granting permission to make such connection. The person making application for such reestablishment of service shall pay all expenses incurred by the city in causing such disconnection and reconnection before such permission may be granted. (Ord. No. 3353, §1)

§ 36.704 to § 36.800 Reserved.

Article VIII. Appeals

§ 36.801 Appeals--Generally.

Any person adversely and directly affected by any determination made by the flood control and sewer manager or the revenue manager may appeal the determination to the Sewer and Storm Drainage Appeals Board. The Sewer and Storm Drainage Appeals Board shall be composed of three members, including the flood control and sewer manager, the revenue manager, and the Director of Public Works or the Director's designee.

§ 36.802 Same--Time for Filing.

The notice of appeal must be filed with the revenue manager not later than fifteen (15) days following the determination being appealed and shall include a statement of the grounds for appeal.

§ 36.803 Review of Appeal; Hearing.

The appeal shall be reviewed by the Board and notice of the decision of the Board shall be given to the appellant. In the event the appeal is not granted, a notice briefly specifying the reasons for the Board's decision shall be mailed to the appellant at the address set forth on the notice of appeal. Any appellant may apply for a reconsideration hearing before the Board by filing a request for consideration with the revenue manager not later than ten (10) days following the date of the notice of decision. The Board shall thereafter schedule a hearing with no less than ten (10) days written notice to the appellant. The appellant and any representative of the appellant may be present at the hearing and may present any evidence relevant to the appeal. The Board shall reevaluate the appeal considering evidence from the appellant and evidence from the division of flood control and sewers. Written notice of the Board's action on the appeal after hearing shall be given to the appellant. The order of the Board shall be final and conclusive.

§ 36.804 to

§ 36.899 Reserved.

Article IX. North Bannon Street Trunk Sewer District--Established

§ 36.900 Establishment of District.

Pursuant to Section 50140 of the Government Code of the State of California, there is hereby established within the City of Sacramento the North Bannon Street Sewer District, hereinafter District. (Ord. No. 3711, §1)

§ 36.901 Same--Boundaries.

The boundaries of the District shall be as follows:

All that portion of the Northwest one-quarter of Section 36, Township 9 North, Range 4 East, M. D. B. & M., described as follows:

Beginning at a point on the West right of way line of Bannon Street from which an iron pipe monument set to mark the point of intersection of the West right of way line of said Bannon Street with the Northerly right of way line of North B Street as said point is described in that certain Deed executed by James F. Deyo to Gilroy E. Cottle recorded in the office of the Recorder of Sacramento County bears the following two (2) courses and distances: (1) South 00 degrees 16' 46" East 56.65 feet and (2) South 14 degrees 44' 26" East 139.85 feet; thence from said point of beginning South 44 degrees 57' 44" East 84.52 feet to a point on the East right of way line of said Bannon Street; thence North 89 degrees 43' 45" East 149.94 feet; thence North 00 degrees 16' 15" West 300.00 feet; thence North 89 degrees 43' 45" East 150.00 feet; thence North 85 degrees 11' 41 " East 60.19 feet; thence North 89 degrees 43' 45" East 156.51 feet to a point on the Southwesterly right of way line of the Southern Pacific Railroad; thence North 47 degrees 24' 45" East 85.00 feet; thence South 42 degrees 35' 15" East 222.27 feet; thence North 18 degrees 21' 55" East 440.28 feet; thence North 71 degrees 44' 05" West 290.00 feet; thence North 20 degrees 45' 12" West 126.73 feet; thence North 71 degrees 44' 05" West 200.00 feet; thence South 18 degrees 21' 55" West 221.20 feet to a point on the Northeasterly right of way line of the Southern Pacific Railroad; thence South 77 degrees 29' 24" West 98.23 feet; thence South 60 degrees 07' 45" West 50.61 feet; thence South 00 degrees 16' 15" East 87.97 feet; thence South 70 degrees 40' 45" West 163.00 feet to a point on the Northeasterly right of way line of said Bannon Street; thence North 78 degrees 44' 39" West 63.82 feet to a point on the Southwesterly right of way line of said Bannon Street; thence South 89 degrees 43' 14" West 133.02 feet; thence South 00 degrees 16' 46" East 445.41 feet; thence North 89 degrees 43' 14" East 140.13 feet to the point of beginning.

§ 36.902 Same--Permit for Connection for Trunk Sewer Line.

Owners of property within the District may connect to the sanitary sewer lines within the District upon payment to the city engineer of the connection fee established pursuant to section 36.903. No permit authorizing the connection of a premise to a sanitary sewer line shall be issued until said connection fee has been paid. (Ord. No. 3711, §1)

§ 36.903 Same--Fees for Connection to Trunk Sewer Line.

The fee required for connection to sanitary sewer lines for each parcel within this District shown on the attached map marked Exhibit "A" shall be as follows:

<u>Parcel No.</u>	<u>Forced Main Fee</u>	<u>Lateral Fee</u>	<u>Outfall Fee</u>	<u>Area Fee</u>	<u>Total Credit</u>	<u>Fee</u>
1	\$1,398.27	-0-	\$211.67	\$1,702.32	-0-	\$3,312.26
2	243.42	-0-	36.85	538.23	-0-	818.50
3	243.42	-0-	36.85	538.23	-0-	818.50
4	243.42	-0-	36.85	538.23	-0-	818.50
5	243.42	-0-	36.85	538.23	-0-	818.50
6	243.42	-0-	36.85	538.23	-0-	818.50
7	243.42	-0-	36.85	538.23	-0-	818.50
8	243.42	-0-	36.85	538.23	-0-	818.50
9	243.42	-0-	36.85	538.23	-0-	818.50
10	975.58	-0-	147.68	2,157.10	-0-	3,280.36
11	649.13	-0-	98.27	1,435.29	-0-	2,182.69
12	324.56	-0-	49.13	717.64	-0-	1,091.33
13	324.56	-0-	49.13	717.64	-0-	1,091.33
14	162.28	-0-	24.57	358.82	-0-	545.67
15	162.28	-0-	24.57	358.82	-0-	545.67
16	518.93	-0-	78.56	1,147.40	-0-	1,744.89
17	537.80	-0-	81.41	1,189.12	-0-	1,808.33
18	590.63	-0-	89.41	1,305.94	-0-	1,985.98
19	649.13	-0-	98.27	1,435.29	-0-	2,182.69
20	520.81	-0-	78.85	1,511.57	-0-	1,751.23
21	-0-	1,638.03	363.35	-0-	229.17	1,772.21
22	-0-	3,079.04	633.00	-0-	420.77	3,331.27
23	-0-	-0-	-0-	-0-	-0-	-0-

Said fee shall increase at the rate of .583 percent per month commencing August 1, 1978 and on the first day of each succeeding calendar month. Payment of said connection fee shall be in addition to payment of any other connection fee established by ordinance or law. (Ord. No. 3711, \$1; Ord. No.4113, \$1)

§ 36.904 Same—Funds from Fees.

The funds received by the city engineer as connection fees pursuant to section 36.902 shall be paid to the Redevelopment Agency of the City of Sacramento to reimburse said Agency for cost incurred in construction of oversized trunk sewers with the District for the benefit of owners within the District. (Ord. No. 3711, \$1)

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

Mayor

Attest:

City Clerk

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING CHAPTER 36 OF THE SACRAMENTO CITY CODE, RELATING TO SEWERS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

Section 1.

Chapter 36 of the Sacramento City Code is hereby amended to read as follows.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

CHAPTER 36
SEWERS AND STORM DRAINAGE

Article I. In General

§ 36.101 Definitions.

Unless the context specifically indicates otherwise, the meanings and terms used in this chapter shall be as follows:

Air Conditioning Season: The five-month period, May through September, inclusive.

Air Conditioning System: Any combination of equipment, whether compressor or other type, by which heat is removed from or added to the air, which maintains temperatures which are not less than sixty degrees Fahrenheit, and from which accumulated heat is wholly or partially removed or added by the use of water. Evaporative coolers are included in this definition.

Applicant: The owner or the agent of the owner of the property for which service is being requested.

B.O.D. (denoting biochemical oxygen demand): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade.

Capacity in Tons: "Capacity in tons" shall be taken as follows: (a) Total maximum B.T.U. per hour of capacity of the installation divided by 12,000; or (b) the nameplate horsepower of any compressor prime mover unit for any air conditioning installation; or (c) two-thirds the nameplate horsepower of (b) above for any refrigeration installation.

C.O.D. (denoting chemical oxygen demand): The oxygen consumed or the determination of the oxidizable organic load, of wastes containing certain toxic substances, as established by standard laboratory procedure.

Council: The city council of the City of Sacramento.

City: The City of Sacramento.

City Limits: The city limits of the City of Sacramento.

C.F.M.: The rated capacity of an evaporative cooler in cubic feet per minute.

Combined Sewer: A public sewer which is designed to carry both sanitary and storm flows.

Commercial Service: Provision of sewer service to premises where the customer primarily is engaged in a business, trade, manufacturing or processing activity. The term "commercial service" includes hotels, motels, rest homes, schools, and all other service not hereinafter defined as "domestic service."

Customer: The owner or agent of the owner of the property receiving sewer service.

Date of Presentation: The date on which a bill or notice is mailed or delivered personally to the customer.

Division: The division of water ~~flood control~~ and sewers of the City of Sacramento.

Domestic Service: Provision of sewer service for household residential purposes to single-family and multiple-family dwelling units.

Drainage: All the runoffs from storms and surface drainage which enters into the sewage system.

Flat-Rate Service: Provision of sewer service for unmeasured quantities for a fixed periodic charge.

Garbage: Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Industrial Cooling Waters or Unpolluted Process Waters: Water used for cooling or processes, into which no chemicals, organics, or waste materials have been permitted to enter.

Industrial Service: The term "Industrial service" as used in this ordinance is synonymous with the term "commercial service."

Industrial Wastes: The liquid wastes from industrial processes as distinct from sanitary sewage.

Mains: Collection pipelines located in streets, highways, public ways or private rights-of-way which are used to serve the general public.

Manager: The manager of the division of flood control and sewer

Metered Service: Provision of sewer service for measured quantities for a periodic charge based on the quantity discharged.

Natural Outlet: Any outlet into a watercourse, ditch, pond, lake or other body of surface or ground water.

Person: Any individual, firm, company, association, society, partnership, corporation, organization, or group.

Premises: Buildings, establishments, parcels of land or lots which are improved and benefited by drainage, or the integral property or area, including improvements thereon, to which sewer service is or will be provided.

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

pH: The logarithm of the reciprocal of the hydrogen-ion concentration in grams per liter of solution.

Public Sewer: Any sewer which is controlled by the City of Sacramento, or other public agency operating a sanitary district within the city.

Refrigeration System: An installation for maintaining by heat removal, temperatures of less than sixty degrees Fahrenheit, and from which the accumulated heat is wholly or partially removed by the use of water.

Revenue Division: The division of the department of finance of the City of Sacramento responsible for the customer records.

Revenue Manager: The manager of the revenue division of the department of finance of the City of Sacramento. (Ord. No. 3533, §1)

Room: An area with a minimum of fifty square feet which is defined either by structure or by type of use.

Sanitary Sewage: Any waste discharging into the sewage system and which contains human or animal excreta, offal, or any feculent matter.

Sanitary Sewer: Any sewer which carries sanitary sewage or industrial wastes, and to which storm, surface, and ground waters are not intentionally admitted.

Service Connection: The pipe collection by means of which sewage is conducted from the premises.

Sewage: A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and stormwaters as may be present.

Sewer: A pipe or conduit for carrying sewage.

Sewage Treatment Plant: Any arrangement of devices and structures used for the treatment of sewage.

Sewage System: All facilities for collection, pumping, treating and disposing of the water-carried wastes from residences, business buildings, institutions, and industrial establishments.

Slug: Any discharge of water, sewage, or industrial waste, which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times the average twenty-four hour concentration of flows during normal operation.

Storm Drainage: Any drainage not classified as sanitary sewage. (Ord. No. 82-050, §1)

Storm Drainage System: A system of channels, ditches, conduits, pipes, pump stations, and other features and equipment the function of which is to handle and transport storm drainage from origin to point of disposal. (Ord. No. 82-050, §1)

Superintendent: ~~The manager of the division of water and sewer, City of Sacramento.~~

Suspended Solids: Solids that either float on the surface of or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtration, expressed in milligrams per liter.

~~Utility Services: The division of the department of finance of the City of Sacramento responsible for the customer records.~~

~~Utility Services Supervisor: The supervisor of the utility services Division of the department of finance of the City of Sacramento. (Ord. No. 3533, §1)~~

§ 36.102 to
36.200

Reserved.

Article II. Use of Public Sewers

§ 36.201 Prohibited Discharges.

No person shall discharge or cause to be discharged to a public sewer within the city any substances, materials, waters or waste if said discharge would be violative of any sewer use ordinance enacted by the Sacramento Regional County Sanitation District. (Ord. No. 3538, §1)

§ 36.202 Regulated Waters, Wastes and Substances.

No person shall discharge or cause to be discharged to a public sewer within the city any of the following described substances, materials, waters, or wastes without first obtaining a written permit issued by the ~~superintendent~~ ~~manager~~ pursuant to this article. The substances prohibited are:

- (a) Any water or waste which contains more than 200 milligrams per liter of fat, oil or grease. The limitation of hexane soluble materials shall not apply to those waste waters from industries processing fats and oils of vegetable or animal origin for which the industry involved supplies at its own expense, satisfactory evidence that the waste waters are transportable in the sewers without causing obstructions to flow.
- (b) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (c) Any waters or wastes having a pH in excess of 9.5.
- (d) Materials which exert or cause in sewers: Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues). (Ord. No. 3538, §1)

§ 36.203 Interceptors.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the ~~superintendent~~ ~~manager~~, they are necessary for the proper handling of liquid wastes containing grease in excessive 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 ~~superintendent~~ ~~manager~~, and shall be located as to be readily and easily accessible for cleaning and inspection. (Ord. No. 3538, §1)

§ 36.204 Maintenance of Pretreatment Facilities.

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. (Ord. No. 3538, §1)

§ 36.205 Control Manhole. ~~Maintenance Hole~~

When required by the ~~superintendent~~ ~~manager~~, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole-~~maintenance hole~~ together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Tests and logs of tests may be required of the industry and shall be made

available to the city. Such ~~manhole-maintenance hole~~ when required, shall be safely located, and shall be constructed in accordance with plans approved by the superintendent ~~manages~~. The ~~manhole-maintenance hole~~ shall be installed by the owner at his ~~the owner's~~ expense, and shall be maintained by him ~~the owner~~ so as to be safe at all times. In addition, the ~~manhole-maintenance hole~~ shall be readily accessible during working hours by request to the owner or his ~~the owner's~~ representatives. (Ord. No. 3538, §1)

§ 36.206 Standards for Testing.

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-maintenance hole~~ provided, or upon suitable samples taken at said control ~~manhole-maintenance hole~~. In the event that no special ~~manhole-maintenance hole~~ has been required, the control ~~manhole-maintenance hole~~ shall be considered to be the nearest downstream ~~manhole maintenance hole~~ 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. (Ord. No. 3538, §1)

§ 36.207 to

36.300 Reserved.

Article III. Construction and Maintenance of Sewers, Storm Drainage Lines and Sewage Works

§ 36.301 "Y" Cleanouts Required.

A "Y" type clean-out opening shall be placed in every sewer line inside the property line at the point of tap or inside the right-of-way line at the point of tap. Such clean-out opening shall extend to a grade level at an angle of forty-five degrees, shall be of metallic material at the upper twelve inches, and shall be provided with an approved plug located if an accessible position. (Ord. No. 3353, §1)

§ 36.302 Private Sanitary Sewer Lines.

Private sanitary sewer lines servicing two or more buildings or structures located on the same lot when such lines are not maintained by the city as a public utility shall be constructed to meet the standards for construction of public sewer lines, as such standards are set forth in the standard specifications of the City of Sacramento, as such specifications now read or may hereafter be amended to read. (Ord. No. 3353, §1)

§ 36.303 Private Storm Sewers.

Private storm sewers which are not maintained by the city as a public utility shall be constructed in accordance with standard specifications for public storm sewers, as such standards are set forth in the standard specifications of the City of Sacramento, as such specifications now read or may hereafter be amended to read. (Ord. No. 3353, §1)

§§ 36.304 to 36.400 Reserved.

Article IV. Powers and Authority of Inspectors

§ 36.401 Authority to Inspect Premises.

The ~~superintendent manager~~ and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties ~~with the occupant's consent~~ for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. ~~If consent is not obtained, inspection may be accomplished as provided by law.~~ The ~~superintendent manager~~ or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. (Ord. No. 3353, § 1)

§ 36.402 Compliance with Safety Rules.

While performing the necessary work on private properties referred to in article IV, section 36.401, above, the ~~superintendent manager~~ or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company. (Ord. No. 3353, §1)

§ 36.403 Inspection and Work on Properties Subject to Easements.

The ~~superintendent manager~~ and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter 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 entry and subsequent work, if any on such easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. No. 3353, §1)

**§§ 36.404 to
36.500 Reserved.**

Article V. Sewerage Treatment Charges

Division 1. In General

§ 36.501 Application of Article to Political Subdivisions.

The provisions of this article applicable to premises outside the city limits shall not apply to other cities, sanitary districts, sanitation districts or sewer maintenance districts.

Sewerage charges for such users of city sewerage facilities shall be established by separate contracts between each such agency and the city council. (Ord. No. 3353, §1)

§ 36.502 Establishment of Rates, Charges and Fees by Resolution.

Notwithstanding any provision of this Chapter or any other provision of the City Code to the contrary, the rates, charges and fees established or provided for in this Article shall hereafter be established by resolution of the City Council. (Ord. No. 83-060, §2)

§§ 36.503 to 36.509 Reserved.

Division 2. User Rates

§ 36.510 Sewerage Charges—General.

~~This division establishes sewerage charges for premises which are served by the city system. Sections 36.513 and 36.514 of this division prescribe basic monthly local rates for domestic and commercial customers. Sections 36.515 to 36.526 shall be added to rates in 36.513 or 36.514 to obtain a customer's total monthly local rate. The superintendent shall combine rates where the uses of the property makes such combinations necessary. Section 36.525 of this division prescribes monthly local rates for meter computed service. Section 36.526 provides for the collection by the city of the user charges imposed by the Sacramento Regional County Sanitation District. (Ord. No. 3538, §3; Ord. No. 82-060, §2)~~

§ 36.510 Sewerage Charges - Persons Liable

~~The owner of each premises in the city which is served by city sewerage facilities shall be liable for the payment of sewerage charges established by the City Council.~~

§ 36.511 Authority of Superintendent Manager to Fix Rates.

~~The superintendent manager will shall fix rates for those accounts and special usages not readily susceptible of classification under the rates established by this division. the City Council. In fixing such rates, the superintendent manager shall be governed by the rates provided by this division the City Council for other accounts and usages of a similar sewerage producing capacity. Any customer aggrieved by such a determination may appeal such action to the council. The procedure for appeal shall be that provided in Sewer and Storm Drainage Appeals Board pursuant to Article VIII of this chapter. The council shall conduct a hearing on the appeal and shall thereafter by amendment of this article fix the rate for such account or usage. (Ord. No. 3538, §3; Ord. No. 82-050, §2)~~

§ 36.512 Repealed by Ord. 83-060, §2.

§ 36.513 Repealed by Ord. 83-060, §2.

§ 36.514 Repealed by Ord. 83-060, §2.

§ 36.515 Special Uses—Air Conditioning and Refrigeration—General.

No adjustments shall be made in the charges for air conditioning and refrigeration usages for other than average operating conditions, such as long or short daily period, season of operation or unseasonable weather. The air conditioning rates shall be applicable during the air conditioning season. (Ord. No. 3538, §3; Ord. No. 82-050, §2)

§ 36.516 Repealed by Ord. 83-060, §2.

§ 36.517 Repealed by Ord. 83-060, §2.

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§ 36.524 Repealed by Ord. 83-060, §2.

§ 36.525 Repealed by Ord. 83-060, §2.

§ 36.526 Regional Sewer Use Charge.

Pursuant to the terms of the Master Interagency Agreement between the City and the Sacramento Regional County Sanitation District, dated November 1, 1974, the regional user charges imposed by the Regional Sewer Rate Ordinance of said district shall be billed and collected by the city with the user charges imposed by this division. All provisions of division 4 of the article shall be applicable to said regional user charge; provided that said charge shall be identified as such on each utility billing and shall not be combined with any other rate, toll or charge appearing on the billing except for showing the total sum due to the city under said billing. (Ord. No. 3538, §3; Ord. No. 82-050, §2)

§ 36.527 Repealed by Ord. 83-060, §2.

§ 36.528 to
36.549 Reserved.

Division 3. Storm Drainage Fees Charges

§ 36.550 Storm Drainage—General.

~~This division establishes rates~~ Rates for storm drainage fees charges for residential and commercial properties, and a procedure for hearings in certain circumstances shall be established by resolution of the City Council. (Ord. No. 82-050, §3)

~~§ 36.551 Repealed by Ord. 83-060, §2.~~

§ 36.551 Storm Drainage Charges - Persons Liable

The owner of each premises in the city which is served by city storm drainage facilities shall be liable for the payment of storm drainage charges established by the City Council.

§ 36.552 Repealed by Ord. 83-060, §2.

§ 36.553 Repealed by Ord. 83-060, §2.

~~§ 36.554 Storm Drainage Fee Rate Classification Board.~~

~~There is established a Storm Drainage Fee Rate Classification Board which is referred to in this division as the Board. The Board membership shall consist of the superintendent manager and the Director of Finance. (Ord. No. 82-050, §3)~~

§ 36.555 Appeal.

Any person aggrieved by the classification of property owned by such person or the rate set for such property may file a written appeal with the Director of Finance. The appeal shall be reviewed by the Board and notice of the determination of the Board shall be given to the property owner. In the event the appeal is granted, a refund shall be made to the date the appeal was received by the Director of Finance. Revenue Manager, which shall include a statement of the grounds for appeal. The appeal shall be reviewed in accordance with Article VIII of this chapter. (Ord. No. 82-050, §3)

§ 36.556 Hearing.

~~In the event an appeal is not granted, notice shall be given to the property owner which shall briefly specify the reason for the decision of the Board. Any property owner who receives such notice who desires to have his appeal reconsidered by the Board may apply for a hearing before the Board. Any such application must be filed with the Utility Billing Division within fifteen calendar days of the date of the notice that the appeal was denied. The Board shall within thirty calendar days after an application for hearing schedule a hearing upon ten days written notice to the property owner. The property owner may be present at such hearing and may present any evidence relevant to the appeal. The Board shall reevaluate the appeal. In considering the appeal on hearing the Board may obtain an inspection report from the division of water and sewers. Written notice of the action of the Board shall be given to the property owner, and the order of the Board shall be final. (Ord. No. 82-050, §3)~~

§ 36.557 to
36.559 Reserved.

Division 4. Collection of Charge

§ 36.560 ~~When Charges Due. Bills—Method of Billing.~~

~~The billing and collection of charges for services rendered pursuant to this Chapter shall be conducted in accordance with the provisions of Chapter 64 of the Sacramento City Code.~~

~~Flat rate accounts shall be billed periodically at approximately sixty day intervals. All flat rate accounts shall be billed in advance for one half the billing period.~~

~~Metered accounts shall be billed periodically at approximately sixty day intervals.~~

~~(a) Domestic Service. All bills for domestic service shall become due and payable on the date of presentation and shall become delinquent if unpaid by the close of the billing period for which the bill was rendered, as shown on the utility bill. In the event any bill becomes delinquent, a penalty of fifty percent (50%) shall be added thereto. (Ord. No. 84-031, §8)~~

~~(b) Commercial Service.~~

~~(1) Flat rates accounts. All bills for commercial service shall become due and payable on the date of presentation and shall become delinquent if unpaid by the close of the billing period for which the bill was rendered, as shown on the utility bill. In the event any bill becomes delinquent, a penalty of fifty percent (50%) shall be added thereto. (Ord. No. 84-031, §8)~~

~~(2) Metered accounts. All bills for commercial meter service shall become due and payable on the date of presentation, and shall become delinquent fifteen (15) days thereafter. In the event any bill becomes delinquent, a penalty of fifty percent (50%) shall be added thereto. (Ord. No. 82-060, §4; Ord. No. 84-031, §8)~~

§ 36.561 ~~Collection of Charges with Charges for Other Utility Services Generally.~~

~~The charges imposed by this article shall be collected together with the charges for any other utility services rendered to the property by the city. Such charges shall be billed upon the same bill and collected as one item with such other utility service charges. (Ord. No. 84-031, §9)~~

§ 36.562 ~~Collection of Charges with Charges for Other Utility Services—Nonpayment of Bill.~~

~~If all or part of the bill is not paid, the utility services supervisor shall order the discontinuance of any and all utility services for which the bill is rendered, including but not limited to the water service. Before any service is discontinued, the utility services supervisor shall follow the procedures for notice and opportunity for hearing contained in Division 5 of Article I of Chapter 64 of the Sacramento City Code. (Ord. No. 84-031, §9)~~

§ 36.563 ~~Charges Constitute a Lien.~~

~~The charges imposed on any parcel of real property pursuant to this article constitute a lien upon such parcel of real property. (Ord. No. 82-060, §4)~~

§ 36.563-1 ~~Lien Recorded Procedure.~~

- ~~(a) Notwithstanding any provision in this code to the contrary, any service charges imposed pursuant to this chapter which have become delinquent shall be subject to having the lien provided for in Section 36.563 recorded with the County Recorder of the County of Sacramento pursuant to the procedure provided in this section.~~
- ~~(b) Prior to the recording of a lien for delinquent charges, the utility services supervisor shall cause the notice of an opportunity for hearing on the delinquent charges to be mailed to the owner. Such notice shall be mailed postage prepaid. For purposes of this section, "owner" means the person to which the property was assessed in the last equalized assessment roll of the County of Sacramento unless the utility services supervisor has knowledge of the name of a person other than such assessee claiming record ownership of the property. If the owner desires a hearing thereon, he shall request such a hearing by notifying the utility services supervisor thereof in writing within ten (10) days after the date shown on the notice. Any such hearing shall be set not earlier than ten (10) days after receipt of the owner's request. The hearing shall be held before the director of finance or such other person, including the utility services supervisor, as he may designate. The decision of such person shall be final and conclusive.~~
- ~~(c) At the expiration of the time within which to request a hearing, or upon a decision adverse to the owner after hearing, the utility services supervisor shall cause such lien to be recorded with the Sacramento County Recorder in the form and manner prescribed by law. Thereafter, such lien shall not be released by the utility services supervisor unless and until it is fully and completely paid.~~
- ~~(d) The director of finance is hereby authorized to determine the amount of delinquency which will subject an individual lien to the recording procedures of this section; provided, however, that all liens resulting from delinquencies in excess of \$5,000 shall be subject to the procedures of this section. (Ord. No. 84 031, §10)~~

§ 36.564 ~~Delinquent Charges Collected as a Special Assessment.~~

~~Not less often than once a year, the Director of Finance may initiate proceedings to make delinquent charges a special assessment against the parcels of property situated within the City to which such service was rendered. (Ord. No. 82 050, §4)~~

§ 36.565 ~~Same Report Transmitted to Council.~~

~~A report of delinquent charges shall be transmitted to the Council by the Director of Finance. Upon receipt by the Council of the report, it shall fix a time, date and place for hearing the report and any protests or objections thereto. (Ord. No. 82 050, §4)~~

§ 36.566 ~~Same Notice of Hearing.~~

~~The Council shall cause notice of the hearing to be mailed to the owner of the real property to which the charge applies not less than ten days prior to the date of the hearing. For the purposes of this section, the owner of the property shall be conclusively deemed to be the person to whom such property was assessed in the last equalized assessment roll of the County of Sacramento unless the Director of Finance shall have knowledge of the name of a person other than such assessee claiming record ownership of such parcel of real property. The notice shall be mailed to the address of the owner as shown on the last equalized~~

assessment roll or such other address of the owner as may be known by the Director of Finance. (Ord. No. 82-050, §4)

§ 36.567 ~~Same Hearing.~~

~~At the time fixed for consideration of the report, the Council shall hear it with any objections of the property owners liable to be assessed for delinquent accounts. The Council may make such revisions, correction, or modifications of the report as it may deem just; and in the event the Council is satisfied with the correctness of the report (as submitted or as revised, corrected or modified); it shall be confirmed or rejected by resolution. The decision of the City Council on the report and on all protests or objections thereto shall be final and conclusive. (Ord. No. 82-050, §4)~~

§ 36.568 ~~Same Method of Collection; Applicability of Other Liens, Laws, Etc.~~

~~Upon confirmation of the report by the council, the delinquent charges contained therein shall constitute a special assessment against the property at which the services were rendered. Thereafter such assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same penalties and same procedure of sale as provided for delinquent ordinary municipal taxes.~~

~~The assessments shall be subordinate to all existing special assessment liens previously imposed upon the property and paramount to all other liens except those for state, county and municipal taxes with which it shall be upon parity. The lien shall continue until the assessment and all interest and penalties due and payable thereon are paid. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to such special assessments. (Ord. No. 82-050, §4)~~

§ 36.569 ~~Same Report Transmitted to Auditor.~~

~~A certified copy of the confirmed report shall be filed with the county auditor on or before August 15. The description of the parcels subject to the special assessment shall be those used for the same parcels on the county assessor's map books for the current year. (Ord. No. 82-050, §4)~~

**§ 36.570 to
36.600 Reserved.**

Article VI. Sewer Connection Charges

§ 36.601 Service Connection Installation Fee.

~~For connection to city sewer system, the fee~~ The fee for connection to the city sewer system shall be determined as follows by reference to a schedule of rates set by resolution of the City Council and made paid in advance advance.

~~The charge shall be determined by reference to a schedule of rates set by resolution of the City Council. (Ord. No. 3454, §1; Ord. No. 4178, §1; Ord. No. 86-074, §1)~~

§ 36.602 Additional Connection Charge for Sacramento Regional County Sanitation District.

Superintendent ~~The Manager~~ shall, on behalf of City and the Sacramento Regional County Sanitation District, collect such connection charges for connection to specified city sewers as are pre-described by said district, and shall transmit same to the district. The amount of the charge and the localities to which said charge are applicable shall be determined by the district in accordance with existing agreement between city and district. (Ord. No. 3454, §1)

§ 36.603 Prepayment of Charges.

No permit shall be issued for the connection to the city sewer system of any property subject to the sewer main construction charges imposed by this article until the same has been said paid and no person shall connect or cause the connection of any such property to the city sewer system, either directly or indirectly, without compliance with the provisions of this article. (Ord. No. 3454, §1)

§ 36.604 Reserved.

§ 36.605 Sewer System Development Fee.

- (a) General. Every lot, parcel or tract of land not connected to the City sewer system prior to July 7, 1984, shall be subject to a sewer system development fee, and no sewer service from such system shall be furnished thereto unless such charge has been made. Such charge shall not apply if the fee established by this section, or the equivalent thereof has been previously made by the owner, or a predecessor of such owner, of such property.
- (b) Amount of Fee. The fee established by this section is ~~shall be determined by reference to a schedule of rates set by resolution of the City Council as follows:~~

<u>Size of Connection</u>	<u>Fee</u>
4"	\$ 80
6"	180
8"	320
10"	500
2"	720

If an existing sewer service is replaced by one of a larger size at the owner's request the fee shall be equal to the difference between the fee for the original service size and that for the replacement service size in the foregoing schedule.

Payment of said development fee shall be in addition to payment of all other applicable fees and charges. (Ord. No. 84-051, §1)

§ 36.606 to

36.700

Reserved.

Article VII. Penalties and Enforcement

§ 36.701 Penalties.

Any person violating any provisions of article II or article III of this chapter shall be deemed guilty of a misdemeanor and subject to the penalties provided in section 1.7 of this code. (Ord. No. 3353, §1)

§ 36.702 Authority of City Attorney in Case of Violation.

In addition to all of the remedies provided in this chapter, the city attorney, in the name of and on behalf of the city and the people of the State of California, may institute appropriate actions or procedures in a court of competent jurisdiction to restrain or abate any violations of the provisions of ~~article II~~ of this chapter as a public nuisance.

It is hereby declared that discharge or causing to be discharged sewage in violation of the provisions of Article II of this chapter constitutes a public nuisance and may be restrained by a court of competent jurisdiction in the manner set out above. ~~This declaration shall not preclude the abatement of other violations of the chapter as a public nuisance.~~ (Ord. No. 3353, §1)

§ 36.703 Discontinuance of Service.

In addition to all of the remedies provided in this chapter, discharge of prohibited waters or wastes shall result in disconnection of the premises from the public sewer.

Prior to such discontinuance of service the owner of the real property to which the service was rendered shall be served with written notice ~~stratify stating~~ the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.

When service has been disconnected as provided in this chapter, the ~~superintendent manager~~ may require that the person requesting that such service be reestablished furnish a bond ~~in the sum of five hundred dollars (\$500.00) or deposit equal to five times the City's cost to cause the disconnection, rectify problems caused by the prohibited discharge, and complete the reconnection,~~ payable to the city and conditional upon compliance with the provisions of this chapter, before granting permission to make such connection. The person making application for such reestablishment of service shall pay all expenses incurred by the city in causing such disconnection and reconnection before such permission may be granted. (Ord. No. 3353, §1)

§ 36.704 to 36.800 Reserved.

Article VIII. Appeals

§ 36.801 Appeals—Generally.

Any person adversely and directly affected by any determination made by the superintendent or the utility services supervisor pursuant to the provisions of this chapter may appeal said determination to the city council; provided, however, that this Article shall not apply to determinations made pursuant to the hearing procedure contained in Division 5 of Article I of Chapter 64 of the Sacramento City Code. (Ord. No. 3353, §1; Ord. No. 84-031, §11)

Any person adversely and directly affected by any determination made by the flood control and sewer manager or the revenue manager may appeal the determination to the Sewer and Storm Drainage Appeals Board. The Sewer and Storm Drainage Appeals Board shall be composed of three members, including the flood control and sewer manager, the revenue manager, and the Director of Public Works or the Director's designee.

§ 36.802 Same—Time for Filing.

The notice of appeal must be filed with the city clerk not later than fifteen (15) days following the determination of the superintendent or the utility services supervisor, or fifteen (15) days following the date when appellant is informed of said determination, whichever is the last to occur. The notice of appeal shall specify the basis of the appeal and only grounds mentioned therein shall be considered by the council. (Ord. No. 3353, §1)

The notice of appeal must be filed with the revenue manager not later than fifteen (15) days following the determination being appealed and shall include a statement of the grounds for appeal.

§ 36.803 Same—Date of Hearing—Review of Appeal; Hearing.

Within ten (10) days of receipt of the appeal, the clerk shall transmit same to the council with the request that it be set for hearing. The city council shall thereafter set the matter for hearing within thirty (30) days of the date which it receives the appeal and shall instruct the clerk to give the appellant written notice of the time, date, and place of the hearing by mailing notice thereof to address of the appellant as shown in the notice of appeal. (Ord. No. 3353, §1)

The appeal shall be reviewed by the Board and notice of the decision of the Board shall be given to the appellant. In the event the appeal is not granted, a notice briefly specifying the reasons for the Board's decision shall be mailed to the appellant at the address set forth on the notice of appeal. Any appellant may apply for a reconsideration hearing before the Board by filing a request for consideration with the revenue manager not later than ten (10) days following the date of the notice of decision. The Board shall thereafter schedule a hearing with no less than ten (10) days written notice to the appellant. The appellant and any representative of the appellant may be present at the hearing and may present any evidence relevant to the appeal. The Board shall reevaluate the appeal considering evidence from the appellant and evidence from the division of flood control and sewers. Written notice of the Board's action on the appeal after hearing shall be given to the appellant. The order of the Board shall be final and conclusive.

§ 36.804 Same—Hearing.

At the time of the hearing, the council shall consider all testimony and evidence presented which is relevant to the subject of the appeal and shall within fifteen (15) days thereafter, affirm, modify, or reverse the determination of the superintendent or utility services supervisor. (Ord. No. 3353, §1)

§ 36.805 Same—Stay of Determination.

~~Any appeal filed pursuant to this article shall stay the determination of the superintendent or the utility services supervisor, provided, however, the filing of the appeal shall not stay any determination made by the superintendent or the utility services supervisor pursuant to article II of this chapter and said determination shall remain in full force and effect unless and until modified or reversed by the city council. (Ord. No. 3353, §1)~~

~~§ 36.806-36.804 to~~

36.899 Reserved.

Article IX. North Bannon Street Trunk Sewer District—Established

§ 36.900 Establishment of District.

Pursuant to Section 50140 of the Government Code of the State of California, there is hereby established within the City of Sacramento the North Bannon Street Sewer District, hereinafter District. (Ord. No. 3711, §1)

§ 36.901 Same—Boundaries.

The boundaries of the District shall be as follows:

All that portion of the Northwest one-quarter of Section 36, Township 9 North, Range 4 East, M. D. B. & M., described as follows:

Beginning at a point on the West right of way line of Bannon Street from which an iron pipe monument set to mark the point of intersection of the West right of way line of said Bannon Street with the Northerly right of way line of North B Street as said point is described in that certain Deed executed by James F. Deyo to Gilroy E. Cottle recorded in the office of the Recorder of Sacramento County bears the following two (2) courses and distances: (1) South 00 degrees 16' 46" East 56.65 feet and (2) South 14 degrees 44' 26" East 139.85 feet; thence from said point of beginning South 44 degrees 57' 44" East 84.52 feet to a point on the East right of way line of said Bannon Street; thence North 89 degrees 43' 45" East 149.94 feet; thence North 00 degrees 16' 15" West 300.00 feet; thence North 89 degrees 43' 45" East 150.00 feet; thence North 85 degrees 11' 41" East 60.19 feet; thence North 89 degrees 43' 45" East 156.51 feet to a point on the Southwesterly right of way line of the Southern Pacific Railroad; thence North 47 degrees 24' 45" East 85.00 feet; thence South 42 degrees 35' 15" East 222.27 feet; thence North 18 degrees 21' 55" East 440.28 feet; thence North 71 degrees 44' 05" West 290.00 feet; thence North 20 degrees 45' 12" West 126.73 feet; thence North 71 degrees 44' 05" West 200.00 feet; thence South 18 degrees 21' 55" West 221.20 feet to a point on the Northeasterly right of way line of the Southern Pacific Railroad; thence South 77 degrees 29' 24" West 98.23 feet; thence South 60 degrees 07' 45" West 50.61 feet; thence South 00 degrees 16' 15" East 87.97 feet; thence South 70 degrees 40' 45" West 163.00 feet to a point on the Northeasterly right of way line of said Bannon Street; thence North 78 degrees 44' 39" West 63.82 feet to a point on the Southwesterly right of way line of said Bannon Street; thence South 89 degrees 43' 14" West 133.02 feet; thence South 00 degrees 16' 46" East 445.41 feet; thence North 89 degrees 43' 14" East 140.13 feet to the point of beginning.

§ 36.902 Same—Permit for Connection for Trunk Sewer Line.

Owners of property within the District may connect to the sanitary sewer lines within the District upon payment to the city engineer of the connection fee established pursuant to section 36.903. No permit authorizing the connection of a premise to a sanitary sewer line shall be issued until said connection fee has been paid. (Ord. No. 3711, §1)

§ 36.903 Same—Fees for Connection to Trunk Sewer Line.

The fee required for connection to sanitary sewer lines for each parcel within this District shown on the attached map marked Exhibit "A" shall be as follows:

<u>Parcel No.</u>	<u>Forced Main Fee</u>	<u>Lateral Fee</u>	<u>Outfall Fee</u>	<u>Area Fee</u>	<u>Total Credit</u>	<u>Fee</u>
1	\$1,398.27	-0-	\$211.67	\$1,702.32	-0-	\$3,312.26
2	243.42	-0-	36.85	538.23	-0-	818.50
3	243.42	-0-	36.85	538.23	-0-	818.50
4	243.42	-0-	36.85	538.23	-0-	818.50
5	243.42	-0-	36.85	538.23	-0-	818.50
6	243.42	-0-	36.85	538.23	-0-	818.50
7	243.42	-0-	36.85	538.23	-0-	818.50
8	243.42	-0-	36.85	538.23	-0-	818.50
9	243.42	-0-	36.85	538.23	-0-	818.50
10	975.58	-0-	147.68	2,157.10	-0-	3,280.36
11	649.13	-0-	98.27	1,435.29	-0-	2,182.69
12	324.56	-0-	49.13	717.64	-0-	1,091.33
13	324.56	-0-	49.13	717.64	-0-	1,091.33
14	162.28	-0-	24.57	358.82	-0-	545.67
15	162.28	-0-	24.57	358.82	-0-	545.67
16	518.93	-0-	78.56	1,147.40	-0-	1,744.89
17	537.80	-0-	81.41	1,189.12	-0-	1,808.33
18	590.63	-0-	89.41	1,305.94	-0-	1,985.98
19	649.13	-0-	98.27	1,435.29	-0-	2,182.69
20	520.81	-0-	78.85	1,511.57	-0-	1,751.23
21	-0-	1,638.03	363.35	-0-	229.17	1,772.21
22	-0-	3,079.04	683.00	-0-	420.77	3,331.27
23	-0-	-0-	-0-	-0-	-0-	-0-

Said fee shall increase at the rate of .583 percent per month commencing August 1, 1978 and on the first day of each succeeding calendar month. Payment of said connection fee shall be in addition to payment of any other connection fee established by ordinance or law. (Ord. No. 3711, §1; Ord. No. 4113, §1)

§ 36.904 Same--Funds from Fees.

The funds received by the city engineer as connection fees pursuant to section 36.902 shall be paid to the Redevelopment Agency of the City of Sacramento to reimburse said Agency for cost incurred in construction of oversized trunk sewers with the District for the benefit of owners within the District. (Ord. No. 3711, §1)

NOTE: See page 36-26 for map of district.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

Mayor

Attest:

City Clerk

APPROVED
BY THE CITY COUNCIL

JUN 19 1990

OFFICE OF THE
CITY CLERK

ORDINANCE NO. 90-033

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**AN ORDINANCE AMENDING CHAPTER 47
OF THE SACRAMENTO CITY CODE, RELATING TO WATER**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Chapter 47 of the Sacramento City Code is hereby amended to read as follows:

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

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CHAPTER 47.
WATER
Article I. In General

§ 47.1 Description of Services: City Council to Make Rules and Regulations.

The Division of Water, Public Works Department, of the City of Sacramento will furnish safe and potable water meeting the standards of the California Management and Safety Code. Services installed by the division will be classified as follows:

1. Residential
2. Commercial (Industrial)
 - a. Flat rate
 - b. Metered (Ord. No. 2175, §1)

Rules and regulations for the supply and use of water shall, be fixed from time to time by the city council upon recommendation of the city manager. (Ord. No. 530, §6)

§ 47.1-1 Water Service Area.

The area in which service is or will be furnished by the division is that area lying within the city limits as such limits now prevail or may from time to time exist, and those areas outside the city limits which have been approved for such service by the city council. (Ord. No. 2175, §1)

§ 47.1-2 Definitions.

Unless the context requires otherwise, whenever the words or terms defined in this section, or pronouns used in their stead, occur in this chapter they shall have the meanings here given:

1. **Air Conditioning Season:** The five-month period, May through September, inclusive.
2. **Air Conditioning System:** Any combination of equipment, whether compressor or other type, by which heat is removed from or added to the air, which maintains temperatures which are not less than sixty degrees Fahrenheit, and from which the accumulated heat is wholly or partially removed or added by the use of water. Evaporative coolers are included in this definition.
3. **Applicant:** The owner, or the agent of the owner, of the property for which service is being requested.
4. **Capacity in Tons:** "Capacity in tons" shall be taken as follows:
 - a. Total maximum B.T.U. per hour of capacity of the installation divided by 12,000; or
 - b. The nameplate horsepower of any compressor prime mover unit for any air conditioning installation; or
 - c. Two-thirds of the nameplate horsepower of b. above for any refrigeration installation.
5. **City:** The City of Sacramento, California.
6. **City Council:** The City Council of the City of Sacramento, California.
7. **City Limits:** The city limits of the City of Sacramento, California.

8. **C.F.M.:** The rated capacity of an evaporative cooler in cubic feet per minute.
9. **Commercial Service:** Provision of water to premises where the customer primarily is engaged in a business, trade, manufacturing or processing activity. The term "commercial service" includes hotels, motels, rest homes, schools, and all other services not hereinafter defined as "domestic service."
10. **Cross-Connection:** Any connection between a pipe or other facility connected to any system other than the city water system.
11. **Customer:** The owner or agent of the owner of the property receiving water service.
12. **Date of Presentation:** The date on which a bill or notice is mailed or delivered personally to the customer.
13. **Demand Charge:** A seasonable charge for water service for excess plant capacity and distribution facilities required by air conditioning systems which do not have conservation devices, and use water during periods of peak use.
14. **Division:** The division of water of the City of Sacramento, California.
15. **Domestic Service:** Provision of water for household residential and irrigation purposes to single-family and multiple-family dwelling units.
16. **Flat-Rate Service:** Provision of water in unmeasured quantities for a fixed periodic charge.
17. **Industrial Service:** The term "industrial service" as used in this ordinance is synonymous with the term "commercial service."
18. **Irrigation Season:** For all flat rate service, this shall be taken as the six (6) month period, May through October inclusive.
19. **Mains:** Distribution pipelines located in streets, highways, public ways or private rights-of-ways which are used to serve the general public.
20. **Manager:** The manager of the division of water of the City of Sacramento, California.
21. **Metered Service:** Provision of water in measured quantities for a periodic charge based on the quantity delivered.
22. **Premises:** The integral property or area, including improvements thereon, to which water service is or will be provided.
23. **Refrigeration System:** An installation for maintaining, by heat removal, temperatures of less than sixty degrees Fahrenheit, and from which the accumulated heat is wholly or partially removed by the use of water.
24. **Revenue Division:** The division of the department of finance of the City of Sacramento responsible for customer records.
25. **Revenue Manager:** The supervisor manager of the revenue division of the department of finance of the City of Sacramento.
26. **Room:** An area with a minimum of fifty (50) square feet which is defined either by structure or by type of use.

27. **Service Connection:** The pipe, valves and other facilities by means of which water is conducted from the distribution main to the premises. Said service connection includes the tap to the distribution main and the meter in a metered service or the curb stop or shutoff valve in an unmetered service.
28. **Temporary Service:** Provision of water on an uninterrupted basis or for short periods of time.
29. **Water Conservation Device:** A cooling tower, spray pond, evaporative condenser, circulating pump or other equipment by which water is cooled and recirculated, thereby limiting the use of water to that amount lost through evaporation. (Ord. No. 3352, §2)

§ 47.1-3 Service Connections and Private Water Mains.

Private water mains three inches or larger serving two or more buildings or structures located on the same lot or not maintained by a public utility shall be constructed to meet the standards for construction of public water mains, as such standards are set forth in the standard specifications of the City of Sacramento, as such specifications now read or may hereafter be amended to read.

Each parcel shall have a separate water service and shall be valved with an approved at the main. (Ord. No. 2175, §1; Ord No. 3136, §1)

§ 47.1-4 Relocation of Service Connection.

A service connection may be relocated by the city at a customer's request provided the relocation, in the judgment of the manager, is not detrimental to the city water system. The cost of such relocation shall be borne by the customer. Such cost shall be estimated by the manager and shall include general administration and overhead. The customer shall pay such estimated cost in full prior to the performance of the work. Where a service connection is relocated for the convenience or protection of the city, such relocation will be at the expense of the city. (Ord. No. 2175, §1)

§ 47.1-5 Service Connections.

To be eligible for water service, the property to which service is to be extended must abut a dedicated public easement in which a city water main is constructed at a point immediately adjacent to the property. The manager may authorize the extension of service if the applicant for water service cannot dedicate a public easement in which an existing water main is constructed.

The manager may authorize water service for land locked parcels when approved by the Building Inspections Manager, provided recorded private easements are obtained by the owner. Private easements must abut a water main in a dedicated public easement or City right-of-way. Water service lines constructed in private easements are considered private. Maintenance and repairs of service lines installed in private easements are the owner's responsibility. The water meter and/or City point of service will be at the edge of the public right-of-way.

Except as provided herein, maximum sizes of service connections shall be determined by the manager. For single-family domestic service, the maximum size of service connections shall be one inch (1"). (Ord. No. 3749, §1)

§ 47.2 Water Discontinued for Repairs.

The supply of city water may be discontinued at any time without notice to water takers, when required by the necessities of the service of the division of water or of any other department of the city government, and the city shall in no way be liable for damage resulting from such discontinuance. (Ord. No. 555, §43)

§ 47.3 Application for Use of Water.

No person shall use any city water without first making application to the manager of the division of water to install a tap, or to turn on the water where tap is already installed. (Ord. No. 555, §30)

§ 47.4 Inspections.

It shall be unlawful for any person to interfere or seek to interfere with the inspection by the manager of the division of water, or the manager's authorized representative, of any water fixture or water using or distributing device to which city water is connected; provided, that before entering occupied dwellings or premises for the purpose of making an inspection, the consent of the occupant thereof shall be secured. If consent is not secured, the manager shall take other steps to effect an inspection as provided by law. (Ord. No. 555, §31)

§ 47.5 Leaky Fixtures.

It shall be unlawful for any person to maintain or allow on his premises leaky or faulty water fixtures or water using or distributing devices to which city water is connected, so that city water is wasted thereby; and, the failure to repair or disconnect such faulty device within five days after being notified in writing to do so by the division of water shall be sufficient cause for the disconnection of city water from such premises by the manager of the division of water until such repairs have been made, and after such disconnection, water shall be reconnected only in accordance with the provisions of section 47.7. (Ord. No. 555, §32)

§ 47.6 Fire Hydrant Use.

No person other than employees of the division of water, except members of the fire department, properly authorized, and persons authorized by the City Manager, or the manager's designee, shall open any fire hydrant or attach any hose, tubing or pipe thereto for any purpose, without first obtaining written permission from the manager of the division of water. Written permission shall be obtained on the city form titled fire hydrant use permit as on file in the administrative offices of the division of water. (Ord. 83-048, §1)

§ 47.7 Reconnection of Water.

In no case shall the water be restored to any premises when shut off as provided in this chapter, unless the pipe leading thereto is directly connected with the city mains and unconnected with any other service pipe leading to any other premises, and except on payment of all arrearages and the additional amount covering costs for shutting off and letting on the water. (Ord. No. 555, §34; Ord. No. 84-031, §2)

§ 47.8 Refusing Entry to Manager.

If any person refuses to allow the manager of the division of water to enter the premises of such person for the purpose of disconnecting the service pipe of a delinquent water taker from the service pipe of such person, the manager of the division of water shall immediately cause the water to be shut off from the premises of the person so refusing, in the manner provided for shutting off water from a delinquent water taker, and such person shall thereafter, in all respects, be deemed and be treated as a delinquent water taker. (Ord. No. 555, §35)

§ 47.9 Repealed by Ord. No. 87-063, §1.

§ 47.10 Service Pipes.

It shall be unlawful for any person whose service pipe is, at the time of the passage of this chapter, attached directly or indirectly to the water mains of the city, to allow any person to attach any service pipe to his service pipe. (Ord. No. 555, §37)

§ 47.11 Use After Shut Off.

Whenever, from any cause, the manager of the division of water shall shut off any hydrant or pipe carrying or discharging water from the works of the city, it shall be unlawful for any person to open such hydrant or pipe or to turn on or use any water from such hydrant or water pipe, without first obtaining from the manager of the division of water of the city a permit or license therefore. (Ord. No. 555, §38)

§ 47.12 Repealed.

§ 47.13 Hydrants—Obstructing From Street Side.

It shall be unlawful for any person to blockade or obstruct any fire plugs of the city in such a manner that it would be difficult or impossible to attach a fire engine hose thereto, or to place any such obstruction on the street within twenty feet of any such fireplug. (Ord. No. 256, 3rd Series, §1)

§ 47.14 Same—Violations and Penalties.

In the event any person shall violate any provision of Sections 47.6 the following shall apply..

1. For each and every separate violation, the person who committed the violation shall be guilty of an infraction.
2. Any violation may require that an assumable deposit in cash of one hundred dollars (\$100) shall be paid to the division of water as a condition of issuance for each and every fire hydrant use permit requested by the person deemed responsible for the violations for a period of five (5) years beginning on the date of the first violation. Said deposit shall be held for at least one year, after which it will be refunded without interest if no further violations have occurred.
3. If a person shall commit more than three (3) violations the city may refuse to issue any further fire hydrant use permit. (Ord. 83-048, §1)

§ 47.15 Same—Leaving Open After Use.

It shall be unlawful for any person, whether authorized to open a fireplug or not, to leave the same open after having ceased to use it, or to leave the cap off the nozzle of such fireplug. (Ord. No. 256, 3rd Series, §3)

§ 47.16 Same—Placing Obstructions Upon.

No person shall place upon or about any fire hydrant, water gate, curbcock or stopcock connected with the city's water system any building material or other obstruction so as to prevent free access to the same at all times. (Ord. No. 555, §40)

§ 47.17

Article II. Division of Water

§ 47.18 to 47.22 Repealed by Ordinance No. 3352.

Article III. Rates and Charges

§ 47.23 to 47.36 Repealed by Ordinance No. 3352.

Article IV. Construction of Water Mains

Division 1. Subdivisions Within City Limits

§ 47.37 Application for Installation.

Any person requesting the furnishing of water service from the mains of the city for subdivisions in which distribution systems have not heretofore been placed shall apply to the manager of the division of water. Application shall be made on a form prescribed by the manager and shall contain plans and specifications for the proposed distribution system, which shall conform to the requirements of the manager as to size, type and quality of materials and location of mains. (Ord. No. 1202, §1)

§ 47.38 Certification of Approval of Installation.

If the manager of the division of water certifies in writing that the plans and specifications submitted conform to the requirements of the division of water, the applicant may cause the water distribution to be installed either by private contract or by the procedure prescribed by the Streets and Highways Code for special assessment proceedings. (Ord. No. 1202, §1)

§ 47.39 Inspection of Installation.

The manager of the division of water shall have the right to inspect all work performed and all work must be approved by the manager after inspection before the distribution system shall be connected to the water system of the city. (Ord. No. 1202, §1)

§ 47.40 Distribution System to Become Property of the City.

Upon connection of the distribution system to the water system of the city, the distribution system shall become the property of the city. (Ord. No. 1202, §1)

Division 2. Subdivisions Outside the City Limits

§ 47.41 Approval of City Council.

No application for water service to any subdivision located outside the city limits shall be granted without approval by the city council. (Ord. No. 1202, §1)

§ 47.42 Application for Certification.

Applications to the manager of the division of water for water service to subdivisions and users located outside of the city limits may be granted only in areas where surplus water is available in excess of the adequate needs for abundant use by the consumers within the city limits, and where the granting of such service is not deemed detrimental to existing services or inimical to the interests and operations of the division of water. (Ord. No. 1202, §1)

§ 47.43 Special Permit—Required.

All applicants for city water service to users outside of the city limits shall secure a permit from the department. The permit shall not be issued unless it is found that the plumbing in the premises to be served and the construction of the water distribution system conforms with the provisions of this code and other ordinances of the city and the laws of the state relevant thereto. The applicant shall allow Sacramento County Environmental Management department to inspect the premises at all reasonable times and if it is found that any of the above-mentioned provisions, ordinances or laws are violated, the water service shall be disconnected. (Ord. No. 1202, §1)

§ 47.44 Same—Application.

The application for the special permit required by the preceding section shall be as follows:

**CITY OF SACRAMENTO
DIVISION OF WATER**

**Application for Special Permit for Connection to Water
Mains Extension Outside the City**

Date _____

Owner's Name _____
Property Location _____
Lot Number _____ Lot Size _____
Building Existing? _____
To be Constructed? _____
War Service Size _____
Number of Plumbing Fixtures _____

In order to protect the water system of the City of Sacramento from possible contamination from the use of defective or improper materials or appliances and to prevent backflow, it is hereby agreed by the undersigned that all plumbing for potable water distribution on the above property shall be in accordance with the requirements of this code or other ordinances of the city.

I also understand that I am purchasing surplus water only, that any agreement to purchase such surplus water does not guarantee quality (or pressure), and that neither the City Council of Sacramento nor the City of Sacramento assumes liability or obligation should surplus water not be available.

Signed _____
Owner

Address

(Ord. No. 1202, §1)

§ 47.45 Discontinuance of Service Outside City Limits.

The division of water may discontinue service to any user living outside of the city limits when it determines that the continuation of such service is no longer feasible economically or that such continuation interferes with proper service to water users within the city limits. (Ord. No. 1202, §1)

§ 47.46 Water Furnished Only for Domestic and Ordinary Commercial Use.

No water shall be furnished outside the city limits for other than domestic and ordinary commercial use. (Ord. No. 1202, §1)

§ 47.47 Size of Water Taps.

Water taps for domestic consumers outside the city limits shall be limited to one inch for single-family residential lots. (Ord. No. 1202, §1)

§ 47.48 City Not Liable for Continuity of Service, Etc.

The city and its officers and employees do not guarantee continuity of service or adequate pressure to users of water located outside the city limits. (Ord. No. 1202, §1)

§ 47.49 Maintenance of System.

The city shall maintain all distribution systems constructed pursuant to the provisions of this article. (Ord. No. 1202, §1)

Article V. Use of Water in Air Conditioning, Refrigerating Units, and Swimming Pools

Division 1. Generally

§ 47.50 Repealed.

§ 47.51 Discontinuance of Service.

Alterations, changes of equipment or piping, improper operation or lack of maintenance, which result in conditions that are hazardous to the potable water supply, either within the premises or in supply mains, or cause use of water in excess of quantities permitted under this article, shall be cause for the discontinuance of the supply of water to the premises until such conditions are abated or until such water conservation devices, as elsewhere specified in this article, are operating within the defined limits of use. (Ord. No. 2070, §5)

Division 2. Permits

§ 47.52 Air Conditioning and Refrigeration Systems--Required.

After January 1, 1959, no person shall install or replace any equipment for air conditioning or refrigeration, excepting evaporative coolers with recirculated flow, which requires a supply of water from the city water system or discharges to a public sewerage system, without first submitting a written application on the forms provided to the division of water and obtaining a water or sewer use permit therefore. This use permit is required in addition to the usual permits issued in compliance with the city Plumbing Code and Electrical Code. Plumbing permits will not be issued unless the water or sewer use permit has been obtained. (Ord. No. 2070, §2)

§ 47.53 Repealed.

§ 47.54 Same--Issuance.

Water or sewer use permits to install or replace air conditioning or refrigeration systems will be issued at the division of water and sewers to either property owners, or to persons or agencies licensed by the Contractor's State License Board to perform such work, and acting as the agent of the property owner. It will be the responsibility of the property owner to see that such permit is obtained.

Within forty-eight hours following the completion of any work authorized by the permit, notice of completion and request for inspection shall be returned in writing by the person or agency receiving the permit, to the division of water. (Ord. No. 2070, §2)

§ 47.55 Swimming Pools.

Prior to the issuance of a plumbing permit for the installation of a swimming pool, a plan showing the water supply and drainage piping of the swimming pool shall be submitted for approval by the manager. This drawing shall indicate all valves, size of piping and filter pump capacity. The plumbing inspector shall not issue a permit for the work without prior approval by the manager. (Ord. No. 2070, §2)

Division 3. Regulations for Conservation of Water

§ 47.56 Air Conditioning and Refrigeration Devices--Water Conservation Device Required.

After January 1, 1959, all new or replacement air conditioning and refrigeration systems using water from the city water system, or discharging to a public sewerage system, shall be equipped with a water conservation device. The water conservation device shall have sufficient capacity to insure against the use of more than 0.2 GPM of makeup water per ton of rated capacity under full loading at maximum summer temperatures. (Ord. No. 2070, §3)

§ 47.57 Same—Discharge into Storm Sewers.

Waste cooling water from air conditioning and refrigeration systems must be discharged to a storm sewer where separate storm and sanitary sewers are provided. The requirements of a conservation device for systems supplied by private wells may be waived by the manager where adequate storm sewer capacity exists. (Ord. No. 2070, §3)

§ 47.58 Evaporative Coolers—Recirculating Pump.

Evaporative coolers installed after January 1, 1959, shall be equipped with a recirculating pump. The makeup supply line shall be equipped with an inlet valve which shall open only when makeup water is required by the unit. (Ord. No. 2070, §3)

§ 47.59 Same—Sale of Cooler Without Recirculating Pump.

No person within the limits of the city shall sell an evaporative cooler after January 1, 1959, which will use water from the public water system within the city limits unless such cooler is, when sold and delivered, equipped with a water recirculating device. (Ord. No. 2070, §3)

§ 47.60 Roof Sprinklers Prohibited.

The use of existing roof sprinkler systems after January 1, 1959, or their installation after the effective date of this section is prohibited. (Ord. No. 2070, §3)

§ 47.612 Swimming and Wading Pools—Recirculating Devices Required.

After January 1, 1959, all swimming or wading pools above two thousand gallons in content, using water from the city water system or discharging to a public sewerage system, shall be provided with recirculating systems equipped with an approved filter. (Ord. No. 2070, §3)

§ 47.62 Same—Waste Discharge Generally.

Where separate storm and sanitary sewers are provided, discharge from swimming or wading pools must be to the storm sewer, if practicable, as determined by the manager; except, however, if the swimming pool is located adjacent to a street having concrete curb and gutter or adequate ditch drainage, property owner may have the option of installing a completely closed system by the use of a separation tank. Discharge from this closed system to the street, for the purpose of adjusting water level in the swimming pool, shall be limited to a hose connected to a three-fourths inch hose bib located on the discharge side of the separation tank. (Ord. No. 2818, §1)

§ 47.63 Same—Permission to Discharge into Sanitary Sewer.

Where permission to discharge swimming pools into a sanitary sewer has been granted by the manager, the following special conditions shall apply:

- (a) Maximum size of discharge pipe from pool to sump shall be limited to one and one-half inches, with a control valve provided for possible future regulation in the event the sanitary sewer capacity is exceeded.

- (b) Disconnection from sanitary sewer by owner shall be mandatory if the sanitary sewer capacity becomes inadequate for both sanitary flows and swimming pool discharges. (Ord. No. 2070, §3)

§ 47.64 Same—Hours of Filling and Discharge.

Swimming pool filling or discharge shall be limited to the hours between 8:00 P.M. and 9:00 A.M. (Ord. No. 2070, §3)

**§ 47.65 to
47.69 Reserved.**

Article VI. Obstruction, Destruction or Interference with Watercourses

§ 47.70 Definitions.

For the purposes of this article, the following words and phrases shall have the meaning respectively ascribed to them by this section:

Channel: An elongated open depression in which water may or does flow.

Director of Public Works: The Director of Public Works or/the Director's authorized representative.

Conduit: A general term for any channel intended for the conveyance of water, whether open or closed; any container for flowing water.

Ditch: An artificial channel usually distinguished from a canal by its smaller size.

Drainage:

- (1) The process of removing surplus ground or surface water by artificial means; or
- (2) The manner in which the waters of an area are removed; or
- (3) The area from which waters are drained; a drainage basin.

Person: Any person, firm, association, partnership or corporation. (Ord. No. 2592, §1)

§ 47.71 Permit Required to Obstruct, Etc., Watercourses.

It is unlawful for any person, without first having obtained a permit from the Director of Public Works pursuant to this article:

- (a) To interfere with, destroy or use in any manner whatsoever any levee, embankment, channel or other stream protection work constructed by the city, or by any drainage district organized under the laws of the state.
- (b) To change the drainage on a property so as to divert the drainage to the nearest public road.
- (c) To fill or obstruct or maintain any fill or obstruction in any drainage ditch, watercourse, channel or conduit carrying storm or drainage water.
- (d) To do anything to any drainage ditch, watercourse, channel or conduit carrying storm or drainage water that will in any manner obstruct or interfere with the flow of water through such ditches, watercourses, channels or conduits. (Ord. No. 2592, §1)

§ 47.72 Obstructing Flow of Water, Etc., Prohibited.

It is unlawful for any person to place or cause to be placed in any drainage ditch, watercourse, channel or conduit or upon any property over which the city or any drainage district has an easement for flood control or drainage purposes any wires, fence, building or other structure or any refuse, rubbish, tin cans or other matter that may impede, retard or change the direction of flow of water in such drainage ditch, watercourse, channel or conduit or that will catch or collect debris carried by such water or is placed where the natural flow of the storm and flood waters would carry the same downstream to the damage and detriment of either private or public property adjacent to said drainage ditch, watercourse, channel or conduit. (Ord. No. 2592, §1)

§ 47.73 Obligation of Property Owner.

No property owner, whether it be a person, lessee or tenant, through whose property a drainage ditch, watercourse, channel or conduit carrying storm or drainage water passes shall allow to be placed or maintained thereon any obstacle that will prevent or retard the flow of water through such ditch, watercourse, channel or conduit except as otherwise allowed under a permit obtained pursuant to this article. (Ord. No. 2592, §1)

§ 47.74 Application for Permit to Obstruct, Etc., Watercourses, Etc.

Any person desiring to obtain any permit required under this article shall file an application in writing therefore with the Director of Public Works. The application may be on a form supplied by the Director of Public Works and shall contain:

1. The name and address of the applicant, and if the applicant is a corporation, the names and addresses of the principal officers thereof.
2. The place where the work is to be done.
3. Description of the work to be done or the use desired of the property, together with an engineered plan drawn by a registered civil engineer hired by the applicant if so required by the Director of Public Works, and such other information as the Director of Public Works may require to carry out the purposes of this article.
4. A statement that if the permit is granted, the applicant agrees that all works specified in the application will be commenced within thirty days after the permit is granted and will be pursued to its completion with reasonable diligence. (Ord. No. 2592, §1)

§ 47.75 Issuance of Permit to Obstruct, Etc., Watercourses, Etc.

If the Director of Public Works determines after investigation that the work:

- (a) Will not interfere with the flow of natural storm waters; and
- (b) Will not injure adjoining property; and
- (c) Will not complicate normal drainage maintenance; the city engineer shall issue a permit to do the proposed work in the manner specified in the application or in such a manner as the engineer may determine is required to carry out the purposes of this article. He may impose such terms and conditions as he may deem necessary to insure the proper maintenance of the property for flood control and drainage purposes. The permittee will assume all responsibility for the consequences of any work done or use permitted under the permit. The issuance of a permit by the city engineer shall not be construed as subjecting the city to any liability whatsoever for work done or uses permitted under the permit, nor shall the issuance of a permit be construed as relieving the permittee or owner of the property from any such liability to the extent it may exist. (Ord. No. 2592, §1)

§ 47.76 Revocation of Permit to Obstruct, Etc., Watercourses, Etc.

Any permit issued under this article may be revoked by the Director of Public Works if he determines the public interest and welfare require the revocation or if there is a violation of this article or the terms and conditions of the permit. (Ord. No. 2592, §1)

§ 47.77 Special Tests.

If it is determined by the Director of Public Works that any special tests such as but not limited to soil test,

compaction tests, materials tests or other special tests are required, then the applicant shall be required to pay to the city the actual costs of such tests. (Ord. No. 2592, §1)

§ 47.78 Violations of Article—Generally.

If the work is not done in accordance with the terms of the permit or contrary to the instructions of the Director of Public Works, then the applicant or permittee has violated the terms of this article and shall be subject to the penalties prescribed in section 47.79. In addition, any work done must be reconstructed pursuant to the terms of the original permit and if it is not so done by the applicant or permittee and it is deemed essential to the health, welfare or safety of the general public, the Director of Public Works may order the work to be done, which work must be paid for by the applicant or permittee, and if not paid, the cost thereof shall be a lien against the property on which the work is done. (Ord. No. 2592, §1)

§ 47.79 Same—Misdemeanor; Penalty.

Any person violating any provision of this article shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment for a term not exceeding one hundred days or by both such fine and imprisonment. (Ord. No. 2592, §1)

**§ 47.80 to
47.89 Reserved.**

Article VII. Water Flow for Fire Protection

§ 47.90 Adoption of National Board of Fire Underwriters' Bulletin No. 266.

The recommendations, guides, and standards for fire protection facilities and adequate water flow published May 4, 1948, by the Committee on National Prevention and Engineering Standards, under the title, "National Board of Fire Underwriters' Bulletin No. 266," are adopted as and for the recommendations, guides and standards for fire protection facilities and adequate water flow within this city as to all matters therein contained except as herein otherwise provided. Three copies of the Bulletin No. 266, and amendments thereto, shall at all times be kept on file in the office of the city clerk. (Ord. No. 3137, §1)

§ 47.91 Intent and Purpose of Article.

This article is adopted for the following purposes:

- (1) To protect public health, safety and welfare from the danger of fire because of the lack of fire protection facilities and of adequate water flow for fire protection available to buildings located at a distance from public streets, alley and rights-of-way.
- (2) To establish uniform standards for the construction and placement of fire protection facilities and the delivery of adequate water flow for fire protection upon private property.
- (3) To provide for the installation, maintenance and supervision of fire protection facilities and adequate water flow for fire protection upon private property. (Ord. No. 3137, §1)

§ 47.92 Definitions.

In construction of this article the definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise:

- (1) **"Land"** means any lot, parcel, zoning plot, acreage or building site, or any other land or portion thereof, whether improved or unimproved.
- (2) **"To develop land"** means to make any improvements or do any work upon such land as would require the issuance of a building permit under chapter 9 of the Sacramento City Code.
- (3) **"Fire chief"** means the fire chief of the City of Sacramento or/the chief's designated representatives.
- (4) **"On-site fire protection facilities"** includes such facilities whether installed before or after the effective date of this article.
- (5) **"National standards"** means the recommendations, guides and standards for fire protection facilities and adequate water flow published May 4, 1948, by the Committee on National Prevention and Engineering Standards, under the title "National Board of Fire Underwriters' Bulletin No. 266."
- (6) **"Standard specifications"** means the standard specifications of the City of Sacramento, adopted by the council of the City of Sacramento by Resolution No. 653, dated March 30, 1967, or such other standard specifications as may be hereafter adopted by the city council. (Ord. No. 3137, §1)

§ 47.93

On-site Fire Protection Facilities and Adequate Water Flow for Fire Protection Required.

When any land is to be developed in such a manner that any part of a proposed building or structure to be located thereon will be in excess of three hundred feet from the nearest fire hydrant located, or to be located prior to the completion of the building or structure, in a public street, alley or place, the owner, or developer shall provide at the same time of such development of land in the public street, alley, or place, or on site, such fire protection facilities and adequate water flow for fire protection as the fire chief shall deem necessary, according to national standards. All facilities required to be installed shall be approved by and meet the specifications of the fire chief as to location, size and type of materials and manner of installation; provided, however, that all water mains, fittings and hydrants shall conform to national standards and to the standard specifications of the city. No main shall be installed which is less than six inches in diameter. Hydrant branches of six inch diameter shall be circulating if more than five hundred feet in length.

If the fire chief shall determine that the installation of a circulating six inch branch would result in practical difficulty or unnecessary hardship, he may permit the installation of a single (non-circulating) eight inch branch if such branch is connected to a water main of at least eight inches in diameter or is connected to a circulating six inch water main of not more than one thousand feet in length. All installations made in a public street, alley or place shall be subject to the inspection of, and approval by, the Director of Public Works and subject to the conditions of an encroachment permit issued therefore.

The costs and expenses of installing on-site fire protection facilities shall be the responsibility of the owner or developer of the land. The costs and expenses of installing off-site fire protection facilities, including main and branch mains, shall also be the responsibility of the owner or developer, but the city may, at its discretion, share in the expense of installation of such facilities in such proportion and according to such policies as may be determined by the council of the city. (Ord. No. 3137, §1)

§ 47.94

Plans—Review by Fire Chief—When Required.

Every application for a building permit and its accompanying plans filed with the manager of the building inspections division of the city (hereinafter referred to as "the building official") pursuant to chapter 9 of this code shall be referred to the fire chief for review and comment, if:

- (1) The proposed development will consist of one or more buildings located upon a single zoning plot, or additions thereto, the total floor area of which, including that of any existing building located upon the same zoning plot, will exceed twenty-five thousand square feet; or
- (2) The proposed development will consist of one or more buildings or additions thereto, any one of which exceeds either two stories or thirty feet in height, whichever is lesser; or
- (3) The proposed development will consist of one or more buildings or additions thereto in Occupancies A through H as defined by chapter 9 of the Sacramento City Code wherein any part of any building or structure will be in excess of three hundred feet from the nearest fire hydrant located or to be located in a public street, alley or place prior to the completion of the building or buildings. (Ord. No. 3137, §1)

§ 47.95

Same—Action by Fire Chief.

When any plans are submitted under section 47.94 hereof, the fire chief shall review the same and determine whether or not the fire protection facilities and water flow for fire protection existing or to be provided are adequate according to national standards. If the fire chief shall have determined that the facilities and water flow for fire protection existing or to be provided are adequate according to national standards, the chief

shall endorse the plans with an approval and return the same to the building official. If the fire chief shall have determined that the facilities existing or to be provided are not adequate according to national standards, the chief shall:

- (1) Disapprove the plans and indicate in writing to the building official wherein they are

deficient. In such event the building official shall require from the owner revised plans to cure the deficiency, and the revised plans shall be submitted to the fire chief; or

- (2) Conditionally approve the plans. In such event such conditions shall be made a part of such plans and the issuance of a permit by the building official shall be so conditioned. (Ord. No. 3137, §1)

§ 47.96 Access for Fire Fighting Equipment.

Whenever any fire protection facilities, hydrants, or other appurtenances for use by the fire department are required to be installed pursuant to this article, there shall be included in the development plan and delineated thereon, adequate provision for access by fire fighting personnel and equipment to and from all such fire protection facilities, including, but not limited to hydrants and appurtenances. Such access shall be approved by the fire chief and the owner may be required to dedicate to the city as a condition of approval of the development plan, an easement sufficient for access by fire fighting equipment to such fire protection facilities. All such access easements shall be maintained in such a manner as to provide clear and unobstructed ingress and egress by fire fighting personnel and equipment at all times. (Ord. No. 3137, §1)

§ 47.97 Final Inspection; Occupancy Permit.

No final inspection by the building official as to all or any portion of the development shall be deemed completed and no certificate of occupancy or temporary certificate of occupancy shall be issued unless and until the installation of the prescribed fire protection facilities and access ways have been completed and approved by the fire chief. (Ord. No. 3137, §1)

§ 47.98 Maintenance of On-Site Fire Protection Facilities.

All on-site fire protection facilities shall at all times be maintained as installed, free of leaks and in good working order by the owner of the land. The fire chief is hereby empowered at the chief's discretion, to enter upon the land at reasonable times and in a reasonable manner to conduct periodic tests and inspections of such facilities. If the fire chief determines that any on-site fire protection facilities are being maintained in such manner as not to meet national standards, the chief shall order the owner to make such repairs, alterations, or additions as shall conform the facilities to national standards. The fire chief shall designate a reasonable time within which such repairs, alterations, or additions are to be made and it shall be unlawful for any person so ordered to willfully fail or refuse to comply with such order. Without limiting the foregoing, the willful failure or refusal to comply with such an order shall constitute an occupancy violation within the meaning of the applicable provisions of Chapters 9 and 50 the Sacramento City Code. (Ord. No. 3137, §1; Ord. No. 4131, §1)

§ 47.99 Alterations or Modification of On-Site Fire Protection Facilities.

On-site fire protection facilities may be altered or repaired with the written consent of the fire chief subject to the provisions of section 47.93. (Ord. No. 3137, §1)

§ 47.100 Inspection of On-Site Fire Hydrants.

All on-site fire hydrants and off-site facilities shall be inspected, serviced and tested by the city. Officers, employees, agents and contractors of the city are hereby authorized to enter upon land upon which such hydrants are installed at reasonable times in a reasonable manner for the purpose of inspecting, servicing

and testing such hydrants. The terms "service," "serviced," and "servicing" shall mean and include only repainting external surfaces and hydrant identification numbers, to clear away weeds, shrubs and other accumulations of vegetation, to lubricate operating nuts and stems, and to replace nozzle caps, chains and gaskets. (Ord. No. 3137, §1; Ord. No. 4131, §2)

§ 47.101 Filing of Map.

A map showing the size and location of all water pipes and hydrants installed pursuant to this article and stating the material of which such pipes are made and the date of their installation and approval shall be filed in the office of the division of water prior to the issuance of any occupancy permit under the provisions of the Building Code. (Ord. No. 3137, §1)

§ 47.102 to

47.109

Reserved.

Article VIII. Water Wells

§ 47.110 **Repealed.**

§ 47.111 **All County Regulations Pertaining to Construction and Abandonment of Water Wells Shall Apply Within the City Limits.**

It shall be unlawful for any person, firm or corporation, whether as principal, servant, agent or employee, intending to dig, drill, bore, drive, reconstruct or abandon any well, whether the well is used for domestic purposes, irrigation, air conditioning, disposal, exploration or cathodic protection and/or to install or repair pumps, without first having obtained a permit to do so from the County Environmental Management Department. In case of emergency affecting life, health, crops or livestock, a licensed contractor may start work immediately but shall notify the health department within seventy-two hours by telephone or in person of the work being done. Where removal of the pump or breaking of the sanitary seal is not necessary, a permit shall not be required.

§ 47.132 **Prohibition of Water Wells within a certain portion of the City of Sacramento.**

- (a) **Purpose.** Certain chemicals have been found in the ground water at and immediately west of McClellan Air Force Base in Sacramento City and County. These chemicals may constitute a hazard to the health, safety and well being of the residents of the City of Sacramento. The United States Government, without admitting any liability, has recognized the need to take corrective measures. To date there is insufficient data to indicate the existence of a hazard to health, safety and well being from the use of wells for industrial and irrigation purposes only.

Pursuant to a comprehensive and long range plan, the United States Government has installed certain monitoring wells and certain extraction wells at appropriate places on and west of McClellan Air Force Base. This ground water monitoring and extraction/treatment program will benefit the residents of the area hereinafter described. The pumping of water from the water wells west and southwest of McClellan Air Force Base impairs the ability of the United States Government to adequately monitor and contain the spread of the aforesaid chemicals. The prohibitions and requirements set forth in this chapter provide effective control over potential points of human exposure to possibility of ground water contamination. Therefore, it is necessary to the health, safety and well being of the residents of the City of Sacramento that the City Council enact the prohibitions and requirements set forth in this chapter.

- (b) **Definitions.** "Public Agency" means any public agency of the state including, but not limited to, cities, counties, districts, agencies and authorities; "Water Purveyor" means a public agency authorized by law to provide water for domestic or irrigation purposes to the general public, "Domestic" means all residential uses of water, except industrial, irrigation and agricultural, and "Irrigation" means all uses of water for irrigating food and forage crops and ornamental vegetation and watering of farm animals.
- (c) **Prohibition Area.** This chapter shall apply to, and the term "prohibition area" as used in this Chapter shall mean, that portion of the city from McClellan Air Force Base west along Ascot Avenue, south on Dry Creek Road, southeast along Marysville Boulevard, east on Bell Avenue, then south on Raley Boulevard to Interstate 80 and east to McClellan.
- (d) **New Wells Prohibited.** From and after such time as water from the City of Sacramento is made available for domestic, industrial, and irrigation purposes within the prohibition area no permit shall be issued for and no person shall dig or drill a new water well within the prohibition area.

- (e) **Closure of Existing Water Wells.** Within ninety (90) days following such time as both (1) water for domestic, industrial, and irrigation purposes is made available by the city to a property within the prohibition area and (2) the United States Government tenders to the city on behalf of the owner of the property an amount of money equal to the total cost of connection to the water main and closure of any existing water wells, whichever is later in time, the owner of such property shall do one of the following:
- (1) Abandon all such water wells on the property in accordance with regulations established by the Sacramento County Environmental Management Department.
 - (2) If the owner of such property elects not to close the water well, such owner shall cause the well to be severed from any buildings so that the water from such well may not be used for domestic purposes and shall further cause to be installed such back flow prevention devices as may be required by the appropriate health authorities. In such cases no person shall thereafter use the water from such well for domestic purposes and no person shall thereafter allow or cause such a well to be connected to any building so that water could be drawn from such well for domestic purposes.
 - (3) In the event the owner of such property elects not to close the water well as set forth in paragraph (2), such owner shall thereafter be responsible for all costs, including, but not limited to, maintenance, repair, replacement, improvement and testing of any required back flow prevention devices and for all costs required for testing or monitoring the well, it being the expressed intent that the offer of the United States Government to pay any costs is a one time only offer and all continuing costs and costs thereafter arising are the responsibility of the property owner and not the United States Government.
- (f) **Availability of Water.** For purposes of this chapter, water for domestic and irrigation purposes shall be deemed available to a property if a water main has been installed in the public right of way nearest the property and the water main is usable.
- (g) **Cost of Connection and Closure.** The cost of connection to a water main and the cost of closure of an existing well shall include all labor, material and engineering cost necessary to accomplish the same together with all fee and permit costs. In addition, the cost of connection to a water main shall include the cost of a water line of sufficient size to provide an adequate water supply to the property for domestic, and if applicable, industrial, and irrigation purposes. It is intended that the cost of all work necessary to accomplish the connection and, if appropriate, well closure shall be borne by the United States Government and such work shall be accomplished without cost to the property owners. It is further intended that no property owner be required to have a connection which provides a lesser quantity of water, measured on a monthly basis, than an existing facility. To these ends, the City Department of Public Works shall determine all issues of necessity of cost and sufficiency of service size in accordance with city water and sewer division procedures. All work shall be accomplished by the city department of public works or its licensed contractor(s).
- (h) **Exemptions.** This chapter shall not apply to monitoring or testing wells operated by the United States Government or a public agency.
1. This is an emergency ordinance within the meaning of section 32(g) (2) of the Sacramento City Charter and shall take effect immediately. The facts constituting the emergency are that it is necessary to the program of the United States Government that no new wells be opened within the prohibition area and that all financial arrangements be concluded in the current federal fiscal year so that the funds will be available to monitor and clean the ground water and protect the public health.

(Ord. No. 86-080, §1)

Article IX. Division of Water

§ 47.201 Established.

There is hereby created a division of water in the Public Works department which shall be in charge of the construction, management, supervision, maintenance, extension, operation and control of all water supply and distribution to the city and its inhabitants. (Ord. No. 3352, §1)

§ 47.202 Manager.

There shall be a manager of this division appointed by the City Manager. (Ord. No. 3352, §1)

§ 47.203 Payment Over of Moneys; Disbursements and Expenditures.

Receipts from the division of water shall be paid into the city treasury and maintained in a separate fund. Appropriations from such fund shall be made for the following purposes, in the order named:

- (a) For the payment of all operating expenses.
- (b) For the pension charges and proportionate payments to such compensation and other insurance and accident reserve funds as the council may establish.
- (c) For repairs and maintenance.
- (d) For depreciation.
- (e) For the payment of interest and sinking funds on the bonds issued for acquisition, construction or extensions.
- (f) For extensions and improvements.
- (g) For a surplus fund.
- (h) For such other purposes as may be found necessary in connection with the furnishing of an adequate and suitable water supply for the city. (Ord. No. 3352, §1)

§ 47.204 Surplus Fund.

If any accumulation in the surplus fund of the division of water shall, in any fiscal year, exceed twenty-five percent of the total expenditure of such division for operation, repairs and maintenance for the preceding fiscal year, such excess may be transferred by the council to the general fund of the city. (Ord No 3352, §1)

Article X. Rates and Charges

§ 47.300 Establishment of Rates, Charges and Fees by Resolution.

Notwithstanding any provision of this Chapter or any other provision of the city code to the contrary, the rates, charges and fees established or provided for in this Article shall hereafter be established by resolution of the city council. (Ord. 83-060, §3).

§ 47.301 Liability for Charges.

Each customer receiving water service from the City shall be liable for the rates charges and fees for that service, as established by resolution of the City Council.

§ 47.302 Repealed by Ord. 83-060, §3.

§ 47.303 Rates Outside City Limits.

Rates for customers outside the city limits shall be one and one-half times the rates prescribed for customers inside city limits. Customers outside city limits shall deposit with the revenue manager an amount sufficient to satisfy service charges for a six-month period.

Notwithstanding the above provisions, whenever the city acquires a water system serving customers both inside and outside the city limits, the rates prescribed for customers served by that system outside the city limits shall comply with any order or condition of the public utilities commission of the state which the city may accept as a condition to acquisition of the system. (Ord. No. 3352, §2)

§ 47.304 Collection of Fees and Charges.

Except as otherwise provided herein, the fees and charges for water service shall be billed and collected in accordance with the provisions of Chapter 64 of the Sacramento City Code.

§ 47.304-1 B

§ 47.305 Additional Charges.

The manager may cause to be accomplished any extra work or service which the manager deems it reasonably necessary to provide to a property within the water service area in order to maintain the safety of the City's water supply. The manager shall cause the cost thereof to be added to the regular billing for services, and collected in the same manner as other utility service charges are collected pursuant to Chapter 64.

§ 47.306 Collection of Water Service Charges With Charges for Other Utility Services—Generally.

The water service charges imposed by this article shall be collected together with the charges for any other utility service rendered to the property by the city. Such water service charges shall be billed upon the same bill and collected as one item with such other utility service charges. (Ord. No. 3352, §2; Ord. No. 84-031, §4)

§ 47.307 Collection of Water Service Charges With Charges for Other Utility Services Nonpayment of Bill.

If all or part of the bill is not paid, the revenue manager shall order the discontinuance of any an all utility services for which the bill is rendered, including but not limited to the water service. Before any service is discontinued, the utility services supervisor shall follow the procedures for notice and opportunity for hearing contained in of Chapter 64 of the Sacramento City Code. (Ord. No. 3352, §2; Ord. No. 84-031, §5)

§ 47.316 Service Connection Installation Fee.

The fee for connection to the city water main shall be established by resolution of the City Council and shall be paid in advance.

(Ord. No. 3352, \$2; Ord. No. 3605, \$2; Ord. No. 4179, \$1; Ord. No. 86-073, \$1)

§ 47.317 Fee for Restoration of Water Service.

In the event that water service to any premises is discontinued for nonpayment, the water shall not again be turned on until the amount due is paid in full, plus a fee established by resolution of the City Council to cover the cost of making a service call to turn on the water. (Ord. No. 84-031, \$7)

In the event that any person turns on water service or allows or causes it to be turned on after it has been turned off for nonpayment of the utility services bill or other reasons, the Revenue Manager may turn off the water service, and may charge and collect a fee established by resolution of the City Council for each time this occurs, in addition to other amounts due, before water service is restored. (Ord. No. 3352, \$2; Ord. No. 4262, \$13; Ord. No. 84-031, \$7)

§ 47.318 Vacancy Credit.

If any owner, user or other person in charge of any premises using water service desires to discontinue such service by reason a vacancy exists, a credit for non-use of water and sewer service may be granted upon the following conditions:

- (a) Written request to the Revenue division.
- (b) Payment of a \$25.00 service fee.
- (c) Payment of current utility bill in full, and
- (d) Water service is turned off. (Ord. No. 3352, \$2)

§ 47.319 Testing Meters.

Any metered customer may demand that the meter through which water is being furnished be examined and tested by the division for the purpose of ascertaining whether or not it is registering accurately the amount of water which is being delivered through it. Such demand shall be made in writing to the division and shall be accompanied by a deposit of an amount equal to the monthly meter minimum charge. Upon receipt of such demand, the division shall cause the meter to be examined and tested. If, on such examination and test, the meter shall be found to register over three percent more water than actually passes through it, another meter will be substituted therefore, the above-mentioned deposit shall be refunded, and the water bill for the current period adjusted in such a manner as the manager may deem fair and just. If the meter is found to register not over three percent fast, then the above-mentioned deposit shall be forfeited and the water bill paid as rendered. (Ord. No. 3352, \$2)

§ 47.320 Water Main Construction Charge.

- A. **General:** Every lot, parcel or tract of land not connected to the city water system prior to the effective date of this section shall be subject to a water main construction charge, and no water service from such system shall be furnished thereto unless such charge has been paid or secured as herein provided. Such charge shall not apply if:
 - 1. The property to be connected has been assessed in a special assessment proceeding to pay the cost of a water distribution system serving it; or
 - 2. The water distribution facilities serving such property have been provided by the subdivider or a former owner without cost to the city; or

3. The construction charge established by this section, or the equivalent thereof, has been previously paid by the owner of such property or a predecessor of such owner.

B. Computation of Construction Charge:

1. For distribution systems in which the cost is a matter of record, the water main construction charge shall be computed by the manager by prorating the costs among the properties to be serviced.
2. For distribution systems installed prior to the effective date of this section in which the costs are not a matter of record, the water main construction charge shall be computed at a rate of four dollars per front foot.
3. For properties irregularly shaped, an equitable charge shall be determined by the manager taking into account the area benefitted.
4. If the manager determines that the property is of such character that a portion of the property will never be benefitted by water service, such portion may be excluded for purposes of computing the water main construction charge.

- C. Payment of or, Security for, Construction Charge:** The water main construction charge may be paid in cash, or the manager may authorize acceptance thereof in installments upon the execution by the owner or owners of the property of a written promise to pay the same, together with interest on deferred payments at the rate of ten percent per annum, and the execution, acknowledgement and recording of a lien agreement upon the property to be connected. Such installment payments and the form of such lien agreement shall be in accordance with the policies relating thereto established by the city council. (Ord. No. 3352, §2)

§ 47.321 Water System Development Fee.

- (a) **General.** Every lot, parcel or tract of land not connected to the city water system prior to January 1, 1980, shall be subject to a water system development fee. No water service from such system shall be furnished thereto unless such charge has been paid. Such charge shall not apply if the fee established by the section, or the equivalent thereof, has been previously paid by the owner, or a predecessor of such owner, of such property, or if the property meets the qualifications for an in-fill site as established by city council resolution. Payment of said connection fee shall be in addition to payment of all other applicable fees and charges. Ord. 4268, §1)
- (b) **Amount of Water System Development Fee.** The fee established by this section shall be determined by reference to a schedule of rates set by resolution of the city council. Beginning in January of 1989, and each January thereafter, the Director of Public Works shall adjust the water development fee schedule to compensate for the change in construction costs which has occurred since the previous adjustment. The adjusted water development fee schedule will be effective for the fiscal year which begins on July 1st of the current calendar year and continues through June 30th of the following calendar year. The adjusted water development fee schedule shall be calculated by applying the following methodology:
 1. The appropriate January issue of ENGINEERING NEWS RECORD (ENR) magazine shall be referenced and the published Construction Cost indexes for "U.S.-20 Cities' Avg" and for San Francisco shall be determined therefrom. The "Current Adjustment Index" shall be calculated by averaging these two construction cost indexes.

2. The "Current Adjustment Factor is less than 1, the water system development fee will remain unchanged.

The adjusted water development fee schedule shall be developed by multiplying each of the development fee rates set forth in the "Fee and Charge Report" which became effective on July 1, 1987 by the "Current Adjustment Fee Factor" determined in Section 47.321(b)2, above. (Ord. No. 89-049. §1)

- (c) **Replacement Services.** If an existing water service or meter is replaced by one of a larger size at the owner's request, the fee shall be equal to the difference between the fee for the original service size and that for the replacement service size in the foregoing schedule.
- (d) **Fire Protection Services.** If a service can be used only for fire protection, the water development fee shall not apply.
- (e) **Credit for Major Facilities.** Nothing in this ordinance shall prohibit the city council from authorizing appropriate credit toward water development fees for property owners who were assessed or in some manner paid all or a portion of the cost of major water transmission and/or storage facilities.
- (f) **Appeal.** There is established a water development fee determination board. The board's membership shall consist of the water division manager and the manager of building inspections, or their respective designees. Any person aggrieved by the determination of the water development fee for property owned by such person, may file a written appeal with the manager of building inspections. The appeal will be reviewed by the board, and notice given of the determination of the board to the property owner. In the event the appeal is granted, an appropriate refund will be made, based on the recalculated development fee.

In the event an appeal is not granted, notice shall be given to the property owner which shall briefly specify the reason for the decision of the board. Any property owner who receives such notice and who desires to have the appeal reconsidered by the board may apply for a hearing in person. Any such application must be filed with the manager of building inspections within fifteen (15) calendar days following receipt of the notice that the written appeal was denied. The board shall, within thirty (30) calendar days after application for a hearing, schedule a hearing upon ten (10) days written notice to the property owner. The property owner or his designee may present at the hearing any evidence relevant to the appeal. The board shall reevaluate the appeal. In considering the appeal, the board may obtain an inspection report from the water division. Written notice of the board's action shall be given to the property owner and the order of the board shall be final. (Ord. 4268, §1; Ord. No. 87-016, §1; Ord. No. 87-031, §1)

§ 47.322 to
47.399

Reserved.

Article XI. Water Conservation

§ 47.400 Legislative Intent.

The City Council finds and determines:

- (a) That all municipal purveyors of water should encourage voluntary water conservation and prohibit certain domestic water uses inconsistent with water and energy conservation.
- (b) That approximately forty-six percent (46%) of raw water diverted and treated by the city water system is used for domestic irrigation purposes.
- (c) That maximum water demands are during the summer months with domestic irrigation demands exceeding all other demands.
- (d) That all water waste flows collected by the city's sanitary and combined sewerage systems require treatment and pumping prior to returning to the Sacramento River.
- (e) That with increasing costs for personnel, electrical energy, equipment and chemicals, it is desirable to reduce water waste. (Ord. 82-034, §1)

§ 47.401 Paramount Ordinance.

Notwithstanding any other provisions of the Sacramento City Code, unmodified ordinances heretofore adopted by the Council of the City of Sacramento, or rules, regulations, or resolutions of the City of Sacramento to the contrary, the provisions of this Article shall apply. (Ord. 82-034, §1)

§ 47.402 Substandard Water Fixtures Prohibited.

It shall be an infraction for any person to cause or allow any water received by such person to be wasted due to leaky or faulty water fixtures or water using or distributing devices, which are connected to the city water system, unless such person shall have first obtained the consent of the city manager to do so. (Ord. 82-034, §1)

§ 47.403 Water Runoff Prohibited.

It shall be an infraction for any person to knowingly or willingly cause or allow any water delivered by the city water system received by such person to become water waste runoff and to flow away from property owned or occupied by such person in any gutter, ditch, or other manner over the surface of the ground.

Water waste runoff shall mean water flowing away from property caused by excessive application(s) of water delivered by the city water system beyond reasonable or practical flow rates, water volumes or duration of application. (Ord. 82-034, §1)

§ 47.404 Time Limit for Sprinkling.

No person shall use, or cause to be used, any city water for the purpose of irrigation or the sprinkling of lawns through an automatic sprinkler for a period exceeding thirty minutes or through a hose for a period exceeding two and one-half hours during each calendar day. (Ord. No. 555, §41)

§ 47.405 to 47.429 Reserved.

§ 47.430 Violation and Penalties.

In the event any person shall violate any provision of Sections 47.402 or 47.403, the following shall apply:

- (1) For the first violation, the person who committed the violation shall be issued a written notice stating the type of violation.
- (2) For the second violation, the person who committed the violation shall be issued another written notice stating the type of violation, and the property owner shall be issued a written notice.
- (3) For the third violation, the person who committed the violation and the property owner shall be issued a written notice. For the Third violation, the subject property water rates shall be increased to five times (5) the normal monthly rates for the duration of the summer period from time of third violation to September 15, and then said water rates will return to their regular schedule.
- (4) For the fourth violation, the person who committed the violation shall be issued a written notice stating the type of violation, and the property owner shall be issued a written notice. For the fourth violation, the regular water rates will be permanently billed at five times (5) the normal monthly rates, as long as the same property owner is recorded on the tax rolls. In the event of a new property ownership or occupancy, the subject water rates may revert to the regular rate schedule upon review and approval by the Water Waste Appeals Board. (Ord. 82-034, §1)

§ 47.431 Water Waste Appeals Board.

- (1) Any property owner may appeal their violation to the Water Waste Appeals Board for review and final determination, if they so desire. Hearings shall be conducted according to regulations promulgated by the city manager.
- (2) The Water Waste Appeals Board shall be composed of two members, one of whom shall be from the Department of Finance and one shall be from the Department of Public Works, Division of Water. The membership of the Board shall be appointed by and shall serve at the pleasure of the city manager. The Board shall process all appeals under and make the determinations of violators described by this Section. (Ord. 82-034, §1)

**§ 47.432 to
47.449 Reserved.**

§ 47.450 Fire and Other Emergencies.

Nothing in this Article shall be construed to apply to use of water for purposes of extinguishing fire or any other similar emergency. (Ord. 82-034, §1)

§ 47.451 Consent of City Manager.

Whenever in this Article a person is authorized to obtain the consent of the city manager to do an act otherwise prohibited, the city manager shall give such consent only where the city manager determines:

- (1) There is no practical alternative manner in which the person making application may accomplish the desired result; and,
- (2) The desired result is of substantial importance when compared with the importance of conserving water resources and energy as set forth in this article. (Ord. 82-034, §1)

§ 47.452 City Exempt.

The City of Sacramento, its officers, employees, and agents, when acting in the course and scope of their employment, shall be exempt from the provisions of this Article; provided, however, the City Manager shall make such rules and regulations as may be necessary in order for the city to conserve water resources and energy to the greatest extent practicable. (Ord. 82-034, §1)

**§ 47.453 to
47.499 Reserved.**

Date Passed For Publication:

Date Enacted:

Date Effective:

Mayor

ATTEST:

City Clerk

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING CHAPTER 47
OF THE SACRAMENTO CITY CODE, RELATING TO WATER

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Chapter 47 of the Sacramento City Code is hereby amended to read as follows:

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

CHAPTER 47
WATER
Article I. In General

§ 47.1 ~~Description of Services:~~ City Council to Make Rules and Regulations.

~~The Division of Water, Public Works Department, of the City of Sacramento will furnish safe and potable water meeting the standards of the California Management and Safety Code. Services installed by the division will be classified as follows:~~

- ~~1. Residential~~
- ~~2. Commercial (Industrial)~~
 - ~~a. Flat rate~~
 - ~~b. Metered (Ord. No. 2175, §1)~~

Rules and regulations for the supply and use of water ~~and water rates~~ shall, ~~by ordinance,~~ be fixed from time to time by the ~~city~~ council upon recommendation of the city manager. (Ord. No. 530, §6)

§ 47.1-1 Water Service Area.

The area in which service is or will be furnished by the division is that area lying within the city limits as such limits now prevail or may from time to time exist, and those areas outside the city limits which have been approved for such service by the city council. (Ord. No. 2175, §1)

§ 47.1-2 ~~Description of Service.~~
~~§ 47.301 Definitions.~~

- ~~A. Supply: The division will exercise reasonable diligence and care to deliver continuous and sufficient supply of water to the customer at proper pressure with respect to ground level, and to avoid any shortage or interruption in delivery.~~
- ~~B. Quality: The division will furnish a safe and potable water meeting the standards of the State Health and Safety Code.~~
- ~~C. Classes of service: Services installed by the division will be classified as follows:~~
- ~~1. Domestic~~
 - ~~2. Commercial (Industrial)~~
 - ~~a. Flat rate~~
 - ~~b. Metered (Ord. No. 2175, §1)~~

Unless the context requires otherwise, whenever the words or terms defined in this section, or pronouns used in their stead, occur in this ~~article~~ chapter they shall have the meanings here given:

1. **Air Conditioning Season:** The five-month period, May through September, inclusive.
2. **Air Conditioning System:** Any combination of equipment, whether compressor or other type, by which heat is removed from or added to the air, which maintains temperatures which are not less than sixty degrees Fahrenheit, and from which the accumulated heat is wholly or partially removed or added by the use of water. Evaporative coolers are included in this definition.
3. **Applicant:** The owner, or the agent of the owner, of the property for which service is being requested.

4. **Capacity in Tons:** "Capacity in tons" shall be taken as follows:
 - a. Total maximum B.T.U. per hour of capacity of the installation divided by 12,000; or
 - b. The nameplate horsepower of any compressor prime mover unit for any air conditioning installation; or
 - c. Two-thirds of the nameplate horsepower of b. above for any refrigeration installation.
5. **City:** The City of Sacramento, California.
6. **City Council:** The City Council of the City of Sacramento, California.
7. **City Limits:** The city limits of the City of Sacramento, California.
8. **C.F.M.:** The rated capacity of an evaporative cooler in cubic feet per minute.
9. **Commercial Service:** Provision of water to premises where the customer primarily is engaged in a business, trade, manufacturing or processing activity. The term "commercial service" includes hotels, motels, rest homes, schools, and all other services not hereinafter defined as "domestic service."
10. **Cross-Connection:** Any connection between a pipe or other facility connected to any system other than the city water system.
11. **Customer:** The owner or agent of the owner of the property receiving water service.
12. **Date of Presentation:** The date on which a bill or notice is mailed or delivered personally to the customer.
13. **Demand Charge:** A seasonable charge for water service for excess plant capacity and distribution facilities required by air conditioning systems which do not have conservation devices, and use water during periods of peak use.
14. **Division:** The division of water ~~and sewers~~ of the City of Sacramento, California.
15. **Domestic Service:** Provision of water for household residential and irrigation purposes to single-family and multiple-family dwelling units.
16. **Flat-Rate Service:** Provision of water in unmeasured quantities for a fixed periodic charge.
17. **Industrial Service:** The term "industrial service" as used in this ordinance is synonymous with the term "commercial service."
18. **Irrigation Season:** For all flat rate service, this shall be taken as the six (6) month period, May through October inclusive.
19. **Mains:** Distribution pipelines located in streets, highways, public ways or private rights-of-ways which are used to serve the general public.
20. **Manager:** The manager of the division of water ~~and sewers~~ of the City of Sacramento, California.
21. **Metered Service:** Provision of water in measured quantities for a periodic charge based on the quantity delivered.

19. **Mains:** Distribution pipelines located in streets, highways, public ways or private rights-of-ways which are used to serve the general public.
20. **Manager:** The manager of the division of water ~~and sewers~~ of the City of Sacramento, California.
21. **Metered Service:** Provision of water in measured quantities for a periodic charge based on the quantity delivered.
22. **Premises:** The integral property or area, including improvements thereon, to which water service is or will be provided.
23. **Refrigeration System:** An installation for maintaining, by heat removal, temperatures of less than sixty degrees Fahrenheit, and from which the accumulated heat is wholly or partially removed by the use of water.
24. **Revenue Division:** The division of the department of finance of the City of Sacramento responsible for customer records.
25. **Revenue Manager:** The supervisor manager of the revenue division of the department of finance of the City of Sacramento.
26. **Room:** An area with a minimum of fifty (50) square feet which is defined either by structure or by type of use.
27. **Service Connection:** The pipe, valves and other facilities by means of which water is conducted from the distribution main to the premises. Said service connection includes the tap to the distribution main and the meter in a metered service or the curb stop or shutoff valve in an unmetered service.
28. **Temporary Service:** Provision of water on an uninterrupted basis or for short periods of time.
29. **Water Conservation Device:** A cooling tower, spray pond, evaporative condenser, circulating pump or other equipment by which water is cooled and recirculated, thereby limiting the use of water to that amount lost through evaporation. (Ord. No. 3352, §2)

§ 47.1-3 Service Connections and Private Water Mains.

Private water mains three inches or larger serving two or more buildings or structures located on the same lot or not maintained by a public utility shall be constructed to meet the standards for construction of public water mains, as such standards are set forth in the standard specifications of the City of Sacramento, as such specifications now read or may hereafter be amended to read.

Each building ~~parcel~~ shall have a separate water service and shall be valved with an approved ~~corporation~~ ~~cock~~ at the main. (Ord. No. 2175, §1; Ord No. 3136, §1)

§ 47.1-4 Relocation of Service Connection.

A service connection may be relocated by the city at a customer's request provided the relocation, in the judgment of the ~~superintendent manager~~, is not detrimental to the city water system. The cost of such relocation shall be borne by the customer. Such cost shall be estimated by the ~~superintendent manager~~ and shall include ~~ten percent for~~ general administration and overhead. The customer shall pay such estimated cost in full prior to the performance of the work. Where a service connection is relocated for the convenience or protection of the city, such relocation will be at the expense of the city. (Ord. No.

The manager may authorize water service for land locked parcels when approved by the Building Inspections Manager, provided recorded private easements are obtained by the owner. Private easements must abut a water main in a dedicated public easement or City right-of-way. Water service lines constructed in private easements are considered private. Maintenance and repairs of service lines installed in private easements are the owner's responsibility. The water meter and/or City point of service will be at the edge of the public right-of-way.

Except as provided herein, maximum sizes of service connections shall be determined by the superintendent manager. For single-family domestic service, the maximum size of service connections shall be one inch (1"). (Ord. No. 3749, §1)

§ 47.2 Water Discontinued for Repairs.

The supply of city water may be discontinued at any time without notice to water takers, when required by the necessities of the service of the division of water or of any other department of the city government, and the city shall in no way be liable for damage resulting from such discontinuance. (Ord. No. 555, §43)

§ 47.3 Application for Use of Water.

No person shall use any city water without first making application to the superintendent manager of the division of water to install a tap, or to turn on the water where tap is already installed. (Ord. No. 555, §30)

§ 47.4 Inspections.

It shall be unlawful for any person to interfere or seek to interfere with the inspection by the superintendent manager of the division of water, or his the manager's authorized representative, of any water fixture or water using or distributing device to which city water is connected; provided, that before entering occupied dwellings or premises for the purpose of making an inspection, the consent of the occupant thereof shall be secured, or twenty-four hours written notice of the intention to so enter and inspect shall be served upon such occupant by the superintendent of the division of water. If consent is not secured, the manager shall take other steps to effect an inspection as provided by law. (Ord. No. 555, §31)

§ 47.5 Leaky Fixtures.

It shall be unlawful for any person to maintain or allow on his premises leaky or faulty water fixtures or water using or distributing devices to which city water is connected, so that city water is wasted thereby; and, the failure to repair or disconnect such faulty device within five days after being notified in writing to do so by the division of water shall be sufficient cause for the disconnection of city water from such premises by the superintendent manager of the division of water until such repairs have been made, and after such disconnection, water shall be reconnected only in accordance with the provisions of section 47.7. (Ord. No. 555, §32)

§ 47.6 ~~Water Waste.~~ Fire Hydrant Use.

No person other than employees of the division of water and sewers, except members of the fire department, properly authorized, or ~~and~~ persons authorized by the City Manager, or his the manager's designee, shall open any fire hydrant or attach any hose, tubing or pipe thereto for any purpose, without first obtaining written permission from the manager of the division of water and sewers. Written permission shall be obtained on the city form titled fire hydrant use permit as on file in the principal administrative offices of the fire department and the division of water and sewers. (Ord. 83-048, §1)

§ 47.7 Reconnection of Water.

In no case shall the water be restored to any premises when shut off as provided in this chapter, unless the pipe leading thereto is directly connected with the city mains and unconnected with any other service pipe leading to any other premises, and except on payment of all arrearages and the additional amount covering costs for shutting off and letting on the water. (Ord. No. 555, §34; Ord. No. 84-031, §2)

§ 47.8 Refusing Entry to Superintendent, Manager.

If any person refuses to allow the superintendent manager of the division of water to enter the premises of such person for the purpose of disconnecting the service pipe of a delinquent water taker from the service pipe of such person, the superintendent manager of the division of water shall immediately cause the water to be shut off from the premises of the person so refusing, in the manner provided for shutting off water from a delinquent water taker, and such person shall thereafter, in all respects, be deemed and be treated as a delinquent water taker. (Ord. No. 555, §35)

§ 47.9 Repealed by Ord. No. 87-063, §1.

§ 47.10 Service Pipes.

It shall be unlawful for any person whose service pipe is, at the time of the passage of this chapter, attached directly or indirectly to the water mains of the city, to allow any person to attach any service pipe to his service pipe. (Ord. No. 555, §37)

§ 47.11 Use After Shut Off.

Whenever, from any cause, the superintendent manager of the division of water shall shut off any hydrant or pipe carrying or discharging water from the works of the city, it shall be unlawful for any person to open such hydrant or pipe or to turn on or use any water from such hydrant or water pipe, without first obtaining from the superintendent manager of the division of water of the city a permit or license therefore. (Ord. No. 555, §38)

§ 47.12 ~~Hydrant to be Closed During Fire. Repealed.~~

~~It shall be unlawful for any person to open any hydrant except for fire purposes, after an alarm of fire is made, or to use any water from any hydrant, either for street sprinkling or irrigation, during the progress of a fire; and, all hydrants that may be open for either of the above purposes when an alarm of fire is made, must be immediately closed by the person who opened them, or has them in charge, and not be again opened until the fire, if there be one, is extinguished. (Ord. No. 555, §39)~~

§ 47.13 Hydrants—Obstructing From Street Side.

It shall be unlawful for any person to blockade or obstruct any fire plugs of the city in such a manner that it would be difficult or impossible to attach a fire engine hose thereto, or to place any such obstruction on the street within twenty feet of any such fireplug. (Ord. No. 256, 3rd Series, §1)

§ 47.14 Same—Violations and Penalties.

In the event any person shall violate any provision of Sections 47.6 ~~or 47.12~~, the following shall apply.

1. For each and every separate violation, the person who committed the violation shall be ~~fined a sum not to exceed one hundred dollars (\$100).~~ ~~guilty of an infraction.~~
2. Any violation may require that an assumable deposit in cash of one hundred dollars (\$100) shall be paid to the division of water and sewers as a condition of issuance for each and every fire hydrant use permit requested by the person deemed responsible for the violations for a period of five (5) years beginning on the date of the first violation. Said deposit shall be held for at least one year, after which it will be refunded without interest if no further violations have occurred.
3. If a person shall commit more than three (3) violations the city may refuse to issue any further fire hydrant use permit. (Ord. 83-048, §1)

§ 47.15 Same—Leaving Open After Use.

It shall be unlawful for any person, whether authorized to open a fireplug or not, to leave the same open after having ceased to use it, or to leave the cap off the nozzle of such fireplug. (Ord. No. 256, 3rd Series, §3)

§ 47.16 Same—Placing Obstructions Upon.

No person shall place upon or about any fire hydrant, water gate, curbcock or stopcock connected with the city's water system any building material or other obstruction so as to prevent free access to the same at all times. (Ord. No. 555, §40)

§ 47.17 ~~Time Limit for Sprinkling.~~

~~No person shall use, or cause to be used, any city water for the purpose of irrigation or the sprinkling of lawns through an automatic sprinkler for a period exceeding thirty minutes or through a hose for a period exceeding two and one half hours during each calendar day. (Ord. No. 555, §41)~~

Article II. Division of Water

§ 47.18 to 47.22 Repealed by Ordinance No. 3352.

Article III. Rates and Charges

§ 47.23 to 47.36 Repealed by Ordinance No. 3352.

Article IV. Construction of Water Mains

Division 1. Subdivisions Within City Limits

§ 47.37 Application for Installation.

Any person requesting the furnishing of water service from the mains of the city for subdivisions in which distribution systems have not heretofore been placed shall apply to the superintendent manager of the division of water. Application shall be made on a form prescribed by the superintendent manager and shall contain plans and specifications for the proposed distribution system, which shall conform to the requirements of the superintendent manager as to size, type and quality of materials and location of mains. (Ord. No. 1202, §1)

§ 47.38 Certification of Approval of Installation.

If the superintendent manager of the division of water certifies in writing that the plans and specifications submitted conform to the requirements of the division of water, the applicant may cause the water distribution to be installed either by private contract or by the procedure prescribed by the Streets and Highways Code for special assessment proceedings. (Ord. No. 1202, §1)

§ 47.39 Inspection of Installation.

The superintendent manager of the division of water shall have the right to inspect all work performed and all work must be approved by the superintendent manager after inspection before the distribution system shall be connected to the water system of the city. (Ord. No. 1202, §1)

§ 47.40 Distribution System to Become Property of the City.

Upon connection of the distribution system to the water system of the city, the distribution system shall become the property of the city. (Ord. No. 1202, §1)

Division 2. Subdivisions Outside the City Limits

§ 47.41 Approval of City Council.

No application for water service to any subdivision located outside the city limits shall be granted without approval by the city council. (Ord. No. 1202, §1)

§ 47.42 Application for Certification.

Applications to the superintendent manager of the division of water for water service to subdivisions and users located outside of the city limits may be granted only in areas where surplus water is available in excess of the adequate needs for abundant use by the consumers within the city limits, and where the granting of such service is not deemed detrimental to existing services or inimical to the interests and operations of the division of water. (Ord. No. 1202, §1)

§ 47.43 Special Permit—Required.

All applicants for city water service to users outside of the city limits shall secure a permit from the health department. The permit shall not be issued unless it is found that the plumbing in the premises to be served and the construction of the water distribution system conforms with the provisions of this code and other ordinances of the city and the laws of the state relevant thereto. The applicant shall allow the city health Sacramento County Environmental Management department to inspect the premises at all reasonable times and if it is found that any of the above-mentioned provisions, ordinances or laws are violated, the water service shall be disconnected. (Ord. No. 1202, §1)

§ 47.44 Same—Application.

The application for the special permit required by the preceding section shall be as follows:

**CITY OF SACRAMENTO
DIVISION OF WATER**

**Application for Special Permit for Connection to Water
Mains Extension Outside the City**

Date _____

Owner's Name _____
Property Location _____
Lot Number _____ Lot Size _____
Building Existing? _____
To be Constructed? _____
War Service Size _____
Number of Plumbing Fixtures _____

In order to protect the water system of the City of Sacramento from possible contamination from the use of defective or improper materials or appliances and to prevent backflow, it is hereby agreed by the undersigned that all plumbing for potable water distribution on the above property shall be in accordance with the requirements of this code or other ordinances of the city.

I also understand that I am purchasing surplus water only, that any agreement to purchase such surplus water does not guarantee quality (or pressure), and that neither the City Council of Sacramento nor the City of Sacramento assumes liability or obligation should surplus water not be available.

Signed _____
Owner

Address

(Ord. No. 1202, §1)

§ 47.45 Discontinuance of Service Outside City Limits.

The division of water may discontinue service to any user living outside of the city limits when it determines that the continuation of such service is no longer feasible economically or that such continuation interferes with proper service to water users within the city limits. (Ord. No. 1202, §1)

§ 47.46 Water Furnished Only for Domestic and Ordinary Commercial Use.

No water shall be furnished outside the city limits for other than domestic and ordinary commercial use. (Ord. No. 1202, §1)

§ 47.47 Size of Water Taps.

Water taps for domestic consumers outside the city limits shall be limited to ~~three-fourths~~ one inch for single family residential lots. (Ord. No. 1202, §1)

§ 47.48 City Not Liable for Continuity of Service, Etc.

The city and its officers and employees do not guarantee continuity of service or adequate pressure to users of water located outside the city limits. (Ord. No. 1202, §1)

§ 47.49 Maintenance of System.

The city shall maintain all distribution systems constructed pursuant to the provisions of this article. (Ord. No. 1202, §1)

Article V. Use of Water in Air Conditioning, Refrigerating Units, and Swimming Pools

Division 1. Generally

§ 47.50 ~~Definitions. Repealed.~~

~~Editor's note: This section was repealed by section 3 of Ordinance No. 2175 (4th Series).~~

~~For definitions applicable to this article, see section 47.23.~~

§ 47.51 Discontinuance of Service.

Alterations, changes of equipment or piping, improper operation or lack of maintenance, which result in conditions that are hazardous to the potable water supply, either within the premises or in supply mains, or cause use of water in excess of quantities permitted under this article, shall be cause for the discontinuance of the supply of water to the premises until such conditions are abated or until such water conservation devices, as elsewhere specified in this article, are operating within the defined limits of use. (Ord. No. 2070, §5)

Division 2. Permits

§ 47.52 Air Conditioning and Refrigeration Systems—Required.

After January 1, 1959, no person shall install or replace any equipment for air conditioning or refrigeration, excepting evaporative coolers with recirculated flow, which requires a supply of water from the city water system or discharges to a public sewerage system, without first submitting a written application on the forms provided to the division of water and sewers and obtaining a water or sewer use permit therefore. This use permit is required in addition to the usual permits issued in compliance with the city Plumbing Code and Electrical Code. Plumbing permits will not be issued unless the water or sewer use permit has been obtained. (Ord. No. 2070, §2)

§ 47.53 ~~Same—Fee. Repealed.~~

~~A fee shall be paid at the time of application for the water or sewer use permit, which fee shall provide one inspection of the installation. The fee shall be five dollars. For each additional inspection required because of disapproval of work, or by premature request for inspection, an additional charge of two dollars and fifty cents shall be made. (Ord. No. 2070, §2)~~

§ 47.54 Same—Issuance.

Water or sewer use permits to install or replace air conditioning or refrigeration systems will be issued at the division of water and sewers to either property owners, or to persons or agencies licensed by the Contractor's State License Board to perform such work, and acting as the agent of the property owner. It will be the responsibility of the property owner to see that such permit is obtained.

Within forty-eight hours following the completion of any work authorized by the permit, notice of completion and request for inspection shall be returned in writing by the person or agency receiving the permit, to the division of water and sewers. (Ord. No. 2070, §2)

§ 47.55 Swimming Pools.

Prior to the issuance of a plumbing permit for the installation of a swimming pool, a plan showing the water supply and drainage piping of the swimming pool shall be submitted for approval by the superintendent manager. This drawing shall indicate all valves, size of piping and filter pump capacity. The plumbing inspector shall not issue a permit for the work without prior approval by the superintendent manager. (Ord. No. 2070, §2)

Division 3. Regulations for Conservation of Water

§ 47.56 Air Conditioning and Refrigeration Devices—Water Conservation Device Required.

After January 1, 1959, all new or replacement air conditioning and refrigeration systems using water from the city water system, or discharging to a public sewerage system, shall be equipped with a water conservation device. The water conservation device shall have sufficient capacity to insure against the use of more than 0.2 GPM of makeup water per ton of rated capacity under full loading at maximum summer temperatures. (Ord. No. 2070, §3)

§ 47.57 Same—Discharge into Storm Sewers.

Waste cooling water from air conditioning and refrigeration systems must be discharged to a storm sewer where separate storm and sanitary sewers are provided. The requirements of a conservation device for systems supplied by private wells may be waived by the superintendent manager where adequate storm sewer capacity exists. (Ord. No. 2070, §3)

§ 47.58 Evaporative Coolers—Recirculating Pump.

Evaporative coolers installed after January 1, 1959, shall be equipped with a recirculating pump. The makeup supply line shall be equipped with an inlet valve which shall open only when makeup water is required by the unit. (Ord. No. 2070, §3)

§ 47.59 Same—Sale of Cooler Without Recirculating Pump.

No person within the limits of the city shall sell an evaporative cooler after January 1, 1959, which will use water from the public water system within the city limits unless such cooler is, when sold and delivered, equipped with a water recirculating device. (Ord. No. 2070, §3)

§ 47.60 Roof Sprinklers Prohibited.

The use of existing roof sprinkler systems after January 1, 1959, or their installation after the effective date of this section is prohibited. (Ord. No. 2070, §3)

§ 47.612 Swimming and Wading Pools—Recirculating Devices Required.

After January 1, 1959, all swimming or wading pools above two thousand gallons in content, using water from the city water system or discharging to a public sewerage system, shall be provided with recirculating systems equipped with an approved filter. (Ord. No. 2070, §3)

§ 47.62 Same—Waste Discharge Generally.

Where separate storm and sanitary sewers are provided, discharge from swimming or wading pools must be to the storm sewer, if practicable, as determined by the superintendent manager, except, however, if the swimming pool is located adjacent to a street having concrete curb and gutter or adequate ditch drainage, property owner may have the option of installing a completely closed system by the use of a separation tank. Discharge from this closed system to the street, for the purpose of adjusting water level in the swimming pool, shall be limited to a hose connected to a three-fourths inch hose bib located on the discharge side of the separation tank. (Ord. No. 2818, §1)

§ 47.63 Same—Permission to Discharge into Sanitary Sewer.

Where permission to discharge swimming pools into a sanitary sewer has been granted by the superintendent ~~manager~~, the following special conditions shall apply:

- (a) Maximum size of discharge pipe from pool to sump shall be limited to one and one-half inches, with a control valve provided for possible future regulation in the event the sanitary sewer capacity is exceeded.
- (b) Disconnection from sanitary sewer by owner shall be mandatory if the sanitary sewer capacity becomes inadequate for both sanitary flows and swimming pool discharges. (Ord. No. 2070, §3)

§ 47.64 Same—Hours of Filling and Discharge.

Swimming pool filling or discharge shall be limited to the hours between 8:00 P.M. and 9:00 A.M. (Ord. No. 2070, §3)

**§ 47.65 to
47.69 Reserved.**

Article VI. Obstruction, Destruction or Interference with Watercourses

~~§ 47.65 to~~

~~47.69~~ ~~Reserved.~~

§ 47.70 Definitions.

For the purposes of this article, the following words and phrases shall have the meaning respectively ascribed to them by this section:

Channel: An elongated open depression in which water may or does flow.

~~City engineer~~ ~~Director of Public Works~~: The ~~city engineer~~ ~~Director of Public Works~~ or his ~~the Director's~~ authorized representative.

Conduit: A general term for any channel intended for the conveyance of water, whether open or closed; any container for flowing water.

Ditch: An artificial channel usually distinguished from a canal by its smaller size.

Drainage:

- (1) The process of removing surplus ground or surface water by artificial means; or
- (2) The manner in which the waters of an area are removed; or
- (3) The area from which waters are drained; a drainage basin.

Person: Any person, firm, association, partnership or corporation. (Ord. No. 2592, §1)

§ 47.71 Permit Required to Obstruct, Etc., Watercourses.

It is unlawful for any person, without first having obtained a permit from the ~~city engineer~~ ~~Director of Public Works~~ pursuant to this article:

- (a) To interfere with, destroy or use in any manner whatsoever any levee, embankment, channel or other stream protection work constructed by the city, or by any drainage district organized under the laws of the state.
- (b) To change the drainage on his ~~his~~ property so as to divert the drainage to the nearest public road.
- (c) To fill or obstruct or maintain any fill or obstruction in any drainage ditch, watercourse, channel or conduit carrying storm or drainage water.
- (d) To do anything to any drainage ditch, watercourse, channel or conduit carrying storm or drainage water that will in any manner obstruct or interfere with the flow of water through such ditches, watercourses, channels or conduits. (Ord. No. 2592, §1)

§ 47.72 Obstructing Flow of Water, Etc., Prohibited.

It is unlawful for any person to place or cause to be placed in any drainage ditch, watercourse, channel or conduit or upon any property over which the city or any drainage district has an easement for flood control or drainage purposes any wires, fence, building or other structure or any refuse, rubbish, tin cans or other matter that may impede, retard or change the direction of flow of water in such drainage ditch, watercourse,

channel or conduit or that will catch or collect debris carried by such water or is placed where the natural flow of the storm and flood waters would carry the same downstream to the damage and detriment of either private or public property adjacent to said drainage ditch, watercourse, channel or conduit. (Ord. No. 2592, §1)

§ 47.73 Obligation of Property Owner.

No property owner, whether it be a person, lessee or tenant, through whose property a drainage ditch, watercourse, channel or conduit carrying storm or drainage water passes shall allow to be placed or maintained thereon any obstacle that will prevent or retard the flow of water through such ditch, watercourse, channel or conduit except as otherwise allowed under a permit obtained pursuant to this article. (Ord. No. 2592, §1)

§ 47.74 Application for Permit to Obstruct, Etc., Watercourses, Etc.

Any person desiring to obtain any permit required under this article shall file an application in writing therefore with the ~~city engineer~~ Director of Public Works. The application may be on a form supplied by the ~~city engineer~~ Director of Public Works and shall contain:

1. The name and address of the applicant, and if the applicant is a corporation, the names and addresses of the principal officers thereof.
2. The place where the work is to be done.
3. Description of the work to be done or the use desired of the property, together with an engineered plan drawn by a registered civil engineer hired by the applicant if so required by the ~~city engineer~~ Director of Public Works, and such other information as the ~~city engineer~~ Director of Public Works may require to carry out the purposes of this article.
4. A statement that if the permit is granted, the applicant agrees that all works specified in the application will be commenced within thirty days after the permit is granted and will be pursued to its completion with reasonable diligence. (Ord. No. 2592, §1)

§ 47.75 Issuance of Permit to Obstruct, Etc., Watercourses, Etc.

If the ~~city engineer~~ Director of Public Works determines after investigation that the work:

- (a) Will not interfere with the flow of natural storm waters; and
- (b) Will not injure adjoining property; and
- (c) Will not complicate normal drainage maintenance; the city engineer shall issue a permit to do the proposed work in the manner specified in the application or in such a manner as the engineer may determine is required to carry out the purposes of this article. He may impose such terms and conditions as he may deem necessary to insure the proper maintenance of the property for flood control and drainage purposes. The permittee will assume all responsibility for the consequences of any work done or use permitted under the permit. The issuance of a permit by the city engineer shall not be construed as subjecting the city to any liability whatsoever for work done or uses permitted under the permit, nor shall the issuance of a permit be construed as relieving the permittee or owner of the property from any such liability to the extent it may exist. (Ord. No. 2592, §1)

§ 47.76 Revocation of Permit to Obstruct, Etc., Watercourses, Etc.

Any permit issued under this article may be revoked by the ~~city engineer~~ Director of Public Works if he determines the public interest and welfare require the revocation or if there is a violation of this article or the terms and conditions of the permit. (Ord. No. 2592, §1)

§ 47.77 Special Tests.

If it is determined by the ~~city engineer~~ Director of Public Works that any special tests such as but not limited to soil test, compaction tests, materials tests or other special tests are required, then the applicant shall be required to pay to the city the actual costs of such tests. (Ord. No. 2592, §1)

§ 47.78 Violations of Article—Generally.

If the work is not done in accordance with the terms of the permit or contrary to the instructions of the ~~city engineer~~ Director of Public Works, then the applicant or permittee has violated the terms of this article and shall be subject to the penalties prescribed in section 47.79. In addition, any work done must be reconstructed pursuant to the terms of the original permit and if it is not so done by the applicant or permittee and it is deemed essential to the health, welfare or safety of the general public, the ~~city engineer~~ Director of Public Works may order the work to be done, which work must be paid for by the applicant or permittee, and if not paid, the cost thereof shall be a lien against his the property on which the work is done. (Ord. No. 2592, §1)

§ 47.79 Same—Misdemeanor; Penalty.

Any person violating any provision of this article shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment for a term not exceeding one hundred days or by both such fine and imprisonment. (Ord. No. 2592, §1)

**§ 47.80 to
47.89 Reserved.**

Article VII. Water Flow for Fire Protection

§ 47.90 Adoption of National Board of Fire Underwriters' Bulletin No. 266.

The recommendations, guides, and standards for fire protection facilities and adequate water flow published May 4, 1948, by the Committee on National Prevention and Engineering Standards, under the title, "National Board of Fire Underwriters' Bulletin No. 266," are adopted as and for the recommendations, guides and standards for fire protection facilities and adequate water flow within this city as to all matters therein contained except as herein otherwise provided. Three copies of the Bulletin No. 266, and amendments thereto, shall at all times be kept on file in the office of the city clerk. (Ord. No. 3137, §1)

§ 47.91 Intent and Purpose of Article.

This article is adopted for the following purposes:

- (1) To protect public health, safety and welfare from the danger of fire because of the lack of fire protection facilities and of adequate water flow for fire protection available to buildings located at a distance from public streets, alley and rights-of-way.
- (2) To establish uniform standards for the construction and placement of fire protection facilities and the delivery of adequate water flow for fire protection upon private property.
- (3) To provide for the installation, maintenance and supervision of fire protection facilities and adequate water flow for fire protection upon private property. (Ord. No. 3137, §1)

§ 47.92 Definitions.

In construction of this article the definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise:

- (1) "Land" means any lot, parcel, zoning plot, acreage or building site, or any other land or portion thereof, whether improved or unimproved.
- (2) "To develop land" means to make any improvements or do any work upon such land as would require the issuance of a building permit under chapter 9 of the Sacramento City Code.
- (3) "Fire chief" means the fire chief of the City of Sacramento or his ~~the chief's~~ designated representatives.
- (4) "On-site fire protection facilities" includes such facilities whether installed before or after the effective date of this article.
- (5) "National standards" means the recommendations, guides and standards for fire protection facilities and adequate water flow published May 4, 1948, by the Committee on National Prevention and Engineering Standards, under the title "National Board of Fire Underwriters' Bulletin No. 266."
- (6) "Standard specifications" means the standard specifications of the City of Sacramento, adopted by the council of the City of Sacramento by Resolution No. 653, dated March 30, 1967, or such other standard specifications as may be hereafter adopted by the city council. (Ord. No. 3137, §1)

§ 47.93 On-site Fire Protection Facilities and Adequate Water Flow for Fire Protection Required.

When any land is to be developed in such a manner that any part of a proposed building or structure to be located thereon will be in excess of three hundred feet from the nearest fire hydrant located, or to be located prior to the completion of the building or structure, in a public street, alley or place, the owner, or developer shall provide at the same time of such development of land in the public street, alley, or place, or on site, such fire protection facilities and adequate water flow for fire protection as the fire chief shall deem necessary, according to national standards. All facilities required to be installed shall be approved by and meet the specifications of the fire chief as to location, size and type of materials and manner of installation; provided, however, that all water mains, fittings and hydrants shall conform to national standards and to the standard specifications of the city. No main shall be installed which is less than six inches in diameter. Hydrant branches of six inch diameter shall be circulating if more than five hundred feet in length.

If the fire chief shall determine that the installation of a circulating six inch branch would result in practical difficulty or unnecessary hardship, he may permit the installation of a single (non-circulating) eight inch branch if such branch is connected to a water main of at least eight inches in diameter or is connected to a circulating six inch water main of not more than one thousand feet in length. All installations made in a public street, alley or place shall be subject to the inspection of, and approval by, the ~~city engineer~~ Director of Public Works and subject to the conditions of an encroachment permit issued therefore.

The costs and expenses of installing on-site fire protection facilities shall be the responsibility of the owner or developer of the land. The costs and expenses of installing off-site fire protection facilities, including main and branch mains, shall also be the responsibility of the owner or developer, but the city may, at its discretion, share in the expense of installation of such facilities in such proportion and according to such policies as may be determined by the council of the city. (Ord. No. 3137, §1)

§ 47.94 Plans—Review by Fire Chief—When Required.

Every application for a building permit and its accompanying plans filed with the ~~director~~ manager of the building inspections division of the city (hereinafter referred to as "the building official") pursuant to chapter 9 of this code shall be referred to the fire chief for review and comment, if:

- (1) The proposed development will consist of one or more buildings located upon a single zoning plot, or additions thereto, the total floor area of which, including that of any existing building located upon the same zoning plot, will exceed twenty-five thousand square feet; or
- (2) The proposed development will consist of one or more buildings or additions thereto, any one of which exceeds either two stories or thirty feet in height, whichever is lesser; or
- (3) The proposed development will consist of one or more buildings or additions thereto in Occupancies A through H as defined by chapter 9 of the Sacramento City Code wherein any part of any building or structure will be in excess of three hundred feet from the nearest fire hydrant located or to be located in a public street, alley or place prior to the completion of the building or buildings. (Ord. No. 3137, §1)

§ 47.95 Same—Action by Fire Chief.

When any plans are submitted under section 47.94 hereof, the fire chief shall review the same and determine whether or not the fire protection facilities and water flow for fire protection existing or to be provided are adequate according to national standards. If the fire chief shall have determined that the facilities and water flow for fire protection existing or to be provided are adequate according to national standards, he ~~the chief~~ shall endorse the plans with his ~~an~~ approval and return the same to the building official. If the fire chief shall have determined that the facilities existing or to be provided are not adequate according to national standards, he ~~the chief~~ shall:

- (1) Disapprove the plans and indicate in writing to the building official wherein they are deficient. In such event the building official shall require from the owner revised plans to cure the deficiency, and the revised plans shall be submitted to the fire chief; or
- (2) Conditionally approve the plans. In such event such conditions shall be made a part of such plans and the issuance of a permit by the building official shall be so conditioned. ~~If the fire chief shall fail for a period of fifteen days (excluding Saturdays, Sundays and holidays) from the date of submission to him by the building official, to take any action with respect to any plans, the plans shall be deemed approved and the building official may issue a permit.~~ (Ord. No. 3137, §1)

§ 47.96 Access for Fire Fighting Equipment.

Whenever any fire protection facilities, hydrants, or other appurtenances for use by the fire department are required to be installed pursuant to this article, there shall be included in the development plan and delineated thereon, adequate provision for access by fire fighting personnel and equipment to and from all such fire protection facilities, including, but not limited to hydrants and appurtenances. Such access shall be approved by the fire chief and the owner may be required to dedicate to the city as a condition of approval of the development plan, an easement sufficient for access by fire fighting equipment to such fire protection facilities. All such access easements shall be maintained in such a manner as to provide clear and unobstructed ingress and egress by fire fighting personnel and equipment at all times. (Ord. No. 3137, §1)

§ 47.97 Final Inspection; Occupancy Permit.

No final inspection by the building official as to all or any portion of the development shall be deemed completed and no certificate of occupancy or temporary certificate of occupancy shall be issued unless and until the installation of the prescribed fire protection facilities and access ways have been completed and approved by the fire chief. (Ord. No. 3137, §1)

§ 47.98 Maintenance of On-Site Fire Protection Facilities.

All on-site fire protection facilities shall at all times be maintained as installed, free of leaks and in good working order by the owner of the land. The fire chief is hereby empowered at his ~~the chief's~~ discretion, to enter upon the land at reasonable times and in a reasonable manner to conduct periodic tests and inspections of such facilities. If the fire chief determines that any on-site fire protection facilities are being maintained in such manner as not to meet national standards, ~~he the chief~~ shall order the owner to make such repairs, alterations, or additions as shall conform the facilities to national standards. The fire chief shall designate a reasonable time within which such repairs, alterations, or additions are to be made and it shall be unlawful for any person so ordered to willfully fail or refuse to comply with such order. Without limiting the foregoing, the willful failure or refusal to comply with such an order shall constitute an occupancy violation within the meaning of the applicable provisions of Chapters 9 and 50 the Sacramento City Code. (Ord. No. 3137, §1; Ord. No. 4131, §1)

§ 47.99 Alterations or Modification of On-Site Fire Protection Facilities.

On-site fire protection facilities may be altered or repaired with the written consent of the fire chief subject to the provisions of section 47.93. (Ord. No. 3137, §1)

§ 47.100 Inspection of On-Site Fire Hydrants.

All on-site fire hydrants and off-site facilities shall be inspected, serviced and tested by the city. Officers, employees, agents and contractors of the city are hereby authorized to enter upon land upon which such hydrants are installed at reasonable times in a reasonable manner for the purpose of inspecting, servicing and testing such hydrants. The terms "service," "serviced," and "servicing" shall mean and include only repainting external surfaces and hydrant identification numbers, to clear away weeds, shrubs and other accumulations of vegetation, to lubricate operating nuts and stems, and to replace nozzle caps, chains and

gaskets. (Ord. No. 3137, §1; Ord. No. 4131, §2)

§ 47.101 Filing of Map.

A map showing the size and location of all water pipes and hydrants installed pursuant to this article and stating the material of which such pipes are made and the date of their installation and approval shall be filed in the office of the division of water and sewers prior to the issuance of any occupancy permit under the provisions of the Building Code. (Ord. No. 3137, §1)

**§ 47.102 to
47.109 Reserved.**

Article VIII. Water Wells

§ 47.110 Definitions. ~~Repeated.~~

The following terms as used in this article have the following meanings:

- (a) ~~Sewer:~~ A pipe carrying waste matter from any structure or being a part of any community sewerage system.
- (b) ~~Sewage disposal system:~~ a system of septic tank and drainage field and/or a seepage pit, handling the waste from any structure not served by a community sewerage system.
- (c) ~~Contamination:~~ An impairment of the quality of the waters of the city by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of waste, whether or not waters of the city are affected.
- (d) ~~Pollution:~~ An alteration of the quality of the waters of the city by waste to a degree which unreasonably affects:
 - 1. ~~Such waters for beneficial uses, or~~
 - 2. ~~Facilities which serve such beneficial uses.~~~~Pollution may include contamination.~~
- (e) ~~Sanitary hazards:~~ Inadequacies actual, or potential, which may permit the entrance of pollutants, contaminants or pathogenic organisms into the water thereby impairing the water quality or rendering it injurious to public health.
- (f) ~~Source:~~ All components of the facilities, utilized in the production, treatment, storage and delivery of water to the distribution system.
- (g) ~~Property line:~~ The line separating one parcel of property from another or separating public right of way from private properties.
- (h) ~~Annular space:~~ The space between two objects, one of which is surrounded by the other, including the space between a bore hole and the casing or between two casings.
- (i) ~~Well or water well:~~ Any artificial excavation constructed by any method for the purpose of extracting water from, or injecting water into, the underground. This definition shall not include: (a) Oil and gas wells, or geothermal wells constructed under the jurisdiction of the department of conservation, except those wells converted to use as water wells; or (b) wells used for the purpose of (1) dewatering excavation during construction, or (2) stabilizing hillsides or earth embankments.
- (j) ~~Cathodic protection well:~~ Any artificial excavation in excess of fifty feet constructed by any method for the purpose of installing equipment or facilities for the protection electrically of metallic equipment in contact with the ground, commonly referred to as cathodic protection.
- (k) ~~Exploratory well:~~ A hole drilled, bored or driven to learn the character of the formations beneath the earth's surface.
- (l) ~~Disposal well:~~ hole dug, bored or drilled which extends below all known aquifers in which matters or substances, which by reason of temperature or content, may be deleterious to ground water.
- (m) ~~Health officer:~~ The county director of public health or his authorized representative.

~~(n) Department: The Sacramento County Health Department.~~

~~(e) Parcel of property: A parcel of property as shown of the latest equalized assessment roll of the County of Sacramento. (Ord. No. 3268, §1)~~

§ 47.111 Permit Requirements. All County Regulations Pertaining to Construction and Abandonment of Water Wells Shall Apply Within the City Limits.

It shall be unlawful for any person, firm or corporation, whether as principal, servant, agent or employee, intending to dig, drill, bore, drive, reconstruct or abandon any well, whether the well is used for domestic purposes, irrigation, air conditioning, disposal, exploration or cathodic protection and/or to install or repair pumps, without first having obtained a permit to do so from the ~~director of public health, County of Sacramento County Environmental Management Department~~. In case of emergency affecting life, health, crops or livestock, a licensed contractor may start work immediately but shall notify the health department within seventy-two hours by telephone or in person of the work being done. Where removal of the pump or breaking of the sanitary seal is not necessary, a permit shall not be required.

~~Application for a permit shall be made on forms furnished by the department and shall contain such information as the department may require, including, but not limited to:~~

- ~~(a) Plot plan sufficiently exact to permit location and identification of the well;~~
- ~~(b) Proposed date of construction of well;~~
- ~~(c) The use for which well is intended;~~
- ~~(d) The work to be made and a description of type of construction; and in event of late filing, the reason therefore.~~

~~Rejection or approval of the proposed well site shall be in writing from the director of public health. §11 distances shall be as provided for in the rules and regulations.~~

~~Upon approval of the county director of public health, a permit shall be issued to the applicant, and shall be visibly posted at the construction site.~~

~~Any person who violates any of the provisions of this section is guilty of a misdemeanor, punishable by imprisonment for not more than sixty days, or by a fine of not more than five hundred dollars or both. (Ord. No. 3268, §1)~~

§ 47.112 Wells to be Constructed, Etc., by Licensed Persons; Exception.

~~Wells shall be constructed, reconstructed, or destroyed by persons licensed in accordance with the provisions of the Contractors License Law (Chapter 9, Division 3, of the Business and Professions Code) unless such persons are exempted from licensing by that act. (Ord. No. 3268, §1)~~

§ 47.113 Inspections.

~~Inspections may be made by the health officer during the process of well construction. A final inspection shall be made when the well construction is completed. (Ord. No. 3268, §1)~~

§ 47.114 Protection; Drainage; Location.

~~In cases where the area adjacent to the well is susceptible to contamination, the well shall be properly protected. Drainage shall be away from the well. No well shall be located any closer than the distances specified in the rules and regulations. (Ord. No. 3268, §1)~~

~~§ 47.115 — Grouting.~~

~~The following standards and procedures shall be followed in the grouting of all types of wells:~~

- ~~(a) — The annular space between two casings and/or between the drilled hole and a casing is to be filled with a cement grout having a minimum thickness of two inches.~~
- ~~(b) — The grout shall anchor in a satisfactory impervious stratum no less than fifty feet below ground surface.~~
- ~~(c) — A conductor or control casing need not extend the full depth of the area to be grouted. Annular space between conductor and drilled hole shall be grouted.~~
- ~~(d) — The grouting material shall be applied under pressure, in one continuous operation from the bottom of the interval to be sealed to the top. (Ord. No. 3268, §1)~~

~~§ 47.116 — Casings.~~

~~The following standards and procedures shall be followed in reference to well casings:~~

- ~~(a) — All casing used in well construction shall be in accordance with health department rules and regulations.~~
- ~~(b) — Watertight construction of the cased portions of the well shall be carried into an impervious subsurface formation which caps the aquifer. The casing may penetrate more than one aquifer.~~
- ~~(c) — Each section of casing shall be continuously welded to the preceding section and be watertight. Screw joint type casing may be used at the discretion of the health officer.~~
- ~~(d) — The uppermost perforations of the well casing shall be located below an impervious stratum and not closer than fifty feet from the ground surface.~~
- ~~(e) — The casing shall extend a minimum distance of twelve inches above grade except on written approval of director of public health.~~
- ~~(f) — If a well casing is perforated at such levels that contaminated or polluted water may enter, adequate repairs shall be made compliant to health department rules and regulations.~~
- ~~(g) — A drive shoe shall be used on all driven casings over four inches in diameter including control or conductor pipe. (Ord. No. 3268, §1)~~

~~§ 47.117 — Diversion of Surface Water; Waste Discharge.~~

~~All surface water shall be properly diverted away from a well site during construction or repairs. Disposal of this water shall be made in such a manner so as not to flood adjacent property or constitute a public nuisance. No waste discharge from well drilling operations shall be allowed to enter a sanitary sewer. (Ord. No. 3268, §1)~~

~~§ 47.118 — Responsibilities Upon Completion.~~

~~Upon completion of the drilling of the bore hole, the permittee shall be responsible for the placement of the casing, the grouting of the annular space and either (1) the installation of the pump and tank or (2) the securing of a watertight cap or plug on the casing so as to protect the underground aquifers from contamination or pollution. The permittee shall submit a detailed water well driller's report to the health officer within ten days of the completion of his work. (Ord. No. 3268, §1)~~

~~§ 47.119 — Well Pits.~~

~~Installation where the well casing terminates below the ground surface, the well pit floor shall be constructed of reinforced concrete, watertight in all respects, with walls extending at least eighteen inches above the ground surface at all points except on written permission of the director of public health. The superstructure shall be constructed so as to provide complete protection from rain, wind and flood. The pit shall be provided with a drainage sump and an automatic sump pump which shall be installed in accordance with the Plumbing Code of the City of Sacramento.~~

~~The casing shall extend at least eighteen inches above the pit floor.~~

~~The well pit shall be so constructed and protected that flood, rain or seepage waters cannot enter.~~

~~Pits shall have easy access for proper operation, maintenance and inspection of the equipment. Doorways or hatches shall be effective in keeping water out of the pit under all circumstances.~~

~~The well shall meet all other requirements of this article. (Ord. No. 3268, §1)~~

~~§ 47.120 — Pumps Generally Installation.~~

~~All pumps shall be constructed and installed so as to provide protection against contamination and pollution of the underground aquifers. Pumps shall be installed by persons licensed in accordance with the provisions of the Contractors License Law (Chapter 9, Division 3, Business and Professions Code) unless such persons are exempted from licensing by that act. (Ord. No. 3268, §1)~~

~~§ 47.121 — Same Externally Mounted Pumps.~~

~~For all externally mounted pumps:~~

- ~~(a) — The pump shall be mounted on a concrete pedestal which slopes away from the pump head.~~
- ~~(b) — The pump base shall be sealed to the pedestal.~~
- ~~(c) — An air relief vent, when needed, shall be constructed of metal tubing or pipe. The vent shall extend at least six inches above the pump base. The end of the vent shall open downward and be protected by sixteen or greater mesh screen.~~
- ~~(d) — A chlorination tube shall be installed into the casing with a continuous welded bead. This tube shall not protrude into the casing and shall have a screw cap at the exposed end.~~
- ~~(e) — A sampling tap shall be installed on the discharge line within three feet of the pump and between the check valve and well so that water representative of the water in the well may be drawn for laboratory analysis. sample tap need not be installed of a single family residence installation.~~
- ~~(f) — A minimum four feet by four feet sloping concrete slab shall be poured contiguous to the well casing.~~
- ~~(g) — Any blow off or drain lines from the pump discharge shall be so located that there is no hazard to the safety of the underground aquifers by reason of flooding or back siphonage. (Ord. No. 3268, §1)~~

~~§ 47.122 — Same Internally Located Pumps.~~

- ~~(a) — The top of the casing shall be covered by a steel plate or other fixture which may be secured to the casing with a watertight seal. The openings in this plate or fixture through which the water conductor pipe and electrical wires may enter the well, shall also have a watertight seal.~~
- ~~(b) — A chlorination port with screw plug shall be located in the plate or fixture or a chlorination tube with a screw cap, shall be installed in the casing.~~
- ~~(c) — A sampling tap shall be installed on the discharge line within three feet of the pump and between the check valve and well so that water representative of the water in the well may be drawn for laboratory analysis. A sample tap need not be installed on a single family residence installation.~~
- ~~(d) — A minimum four feet by four feet sloping concrete slab shall be poured contiguous with the well casing.~~
- ~~(e) — Any blow off or drain lines from the pump discharge shall be so located that there is no hazard to the safety of the underground aquifers by reason of flooding or back siphonage. (Ord. No. 3268, §1)~~

~~§ 47.123 — Abandonment of Wells and Test Holes.~~

~~Upon determination that a well is polluted or contaminated and reasonable efforts to clear the pollution or contamination have been unsuccessful, the county health officer shall have the authority to enforce the permanent abandonment of such wells. Wells must be abandoned according to health department rules and regulations.~~

~~Abandoned wells or test holes shall be filled with selected material to protect the water bearing formation against possible contamination or pollution and to eliminate a potential hazard to public health and safety. (Ord. No. 3268, §1)~~

~~§ 47.124 — Water Standards.~~

~~The following water standards shall apply:~~

- ~~(a) — Water from all new or reconstructed public wells shall be tested, both bacteriologically and chemically, and shall comply with the United States Public Health Service Drinking Water Standards as well as any other standards established by the health officer, before being used. In private water supplies the chemical analysis will be at the discretion of the health officer.~~
- ~~(b) — Newly constructed or repaired wells, distribution systems, pumps, and source shall be chlorinated with sufficient chlorine solution of at least 50 p.p.m. available chlorine and held for at least eight hours. (Ord. No. 3268, §1)~~

~~§ 47.125 — Dug Wells.~~

~~The following standards shall apply to dug wells:~~

- ~~(a) — In areas where dug wells are the only means of water, it shall be necessary to have a watertight casing extending into but not penetrating the first impervious stratum above the water bearing stratum from which the water is to be withdrawn and not less than twenty feet below the surface of the ground.~~

- ~~(b) The casing may be reinforced concrete at least six inches thick or well casing conforming to rules and regulations of the director of public health.~~
- ~~(e) A watertight and structurally sound concrete cover, surface sloped and grouted to the casing shall be installed.~~
- ~~(d) The openings, whether through the top or side, for the suction or vent pipes, shall be watertight. (Ord. No. 3268, §1)~~

~~§ 47.126 Gravel Packed Wells.~~

~~In a well constructed without a conductor casing, the gravel pack shall terminate at the base of the grout seal. Gravel fill pipes may be installed in the grout seal. In a well constructed with a conductor casing, the gravel pack may extend to the top of the well. The annular space between the conductor casing and the wall of the drilled hole shall be grout sealed. (Ord. No. 3268, §1)~~

~~§ 47.127 Disposal Wells.~~

~~The following standards shall apply to disposal wells:~~

- ~~(a) The disposal fluid shall not cause the temperatures of the adjacent ground water to increase more than 8 degrees Fahrenheit.~~
- ~~(b) The disposal fluid shall not alter ground water quality in stratum presently being utilized or having the potential for utilization in domestic or agricultural water supplies.~~
- ~~(e) The discharge shall not cause a public nuisance.~~
- ~~(d) A sampling tap shall be installed at the disposal well in such manner that fluid representative of the fluid entering the well, may be withdrawn for laboratory analysis. (Ord. No. 3268, §1)~~

~~§ 47.128 Rules and Regulations.~~

~~The health officer is hereby authorized to make such rules and regulations for the protection of the underground water against pollution and/or contamination, and for the protection of the public health as he deems necessary to carry out the purpose and intent of this article. Copies of such rules and regulations shall be maintained for public inspection in the principal office of the department. Rules and regulations promulgated by the health officer shall not be effective until approved by the city council, unless the promulgation of such rules is specifically required by the State of California, its departments or subordinate agencies. (Ord. No. 3268, §1)~~

~~§ 47.129 Violation of Article Declared Public Nuisance.~~

~~Any installation made in violation of the terms of this article and standards established as provided for herein, is hereby declared and determined to constitute a public nuisance, and its maintenance and operation may be abated through appropriate legal action instituted on behalf of the City of Sacramento by the city attorney. (Ord. No. 3268, §1)~~

~~§ 47.130 Appeals.~~

~~Any person adversely affected by any act, determination or ruling of the health officer made pursuant to the provisions of this article, may appeal the same to the city council. The appeal shall be in writing, shall specify in particularity the grounds of appeal and shall be filed with the city clerk not later than thirty days following the act, determination, or ruling of the health officer which is the subject of the appeal.~~

~~Upon receipt of the appeal, the city clerk shall transmit it to the council as soon as practicable. The council shall set a public hearing on the appeal, such hearing to be held not later than thirty days following the date~~

~~upon which the appeal was transmitted to the council by the city clerk. Notice of time and place of such hearing shall be transmitted by the city clerk to the appellant and the health officer.~~

~~The hearing may be continued from time to time by the council. At the conclusion of the hearing, the council may, to the extent permitted by law, affirm, modify or overrule the act, determination or ruling of the health officer which is the subject of the appeal. Notice of the ruling of the city council on the appeal shall be transmitted by the city clerk to the appellant and the health officer. (Ord. No. 3268, §1)~~

~~§ 47.131 Construction and Severability.~~

~~This article is enacted for the protection of public health, safety and welfare, and its provisions are to be liberally construed to obtain the beneficial purposes thereof. The invalidity of any section, paragraph, sentence or clause of this article shall not invalidate any other section, paragraph, sentence or clause thereof, irrespective of the fact that any one or more of the other sections, paragraphs, sentences or clauses thereof be declared invalid. (Ord. No. 3268, §1)~~

§ 47.132 Prohibition of Water Wells within a certain portion of the City of Sacramento.

- (a) **Purpose.** Certain chemicals have been found in the ground water at and immediately west of McClellan Air Force Base in Sacramento City and County. These chemicals may constitute a hazard to the health, safety and well being of the residents of the City of Sacramento. The United States Government, without admitting any liability, has recognized the need to take corrective measures. To date there is insufficient data to indicate the existence of a hazard to health, safety and well being from the use of wells for industrial and irrigation purposes only.

Pursuant to a comprehensive and long range plan, the United States Government has installed certain monitoring wells and certain extraction wells at appropriate places on and west of McClellan Air Force Base. This ground water monitoring and extraction/treatment program will benefit the residents of the area hereinafter described. The pumping of water from the water wells west and southwest of McClellan Air Force Base impairs the ability of the United States Government to adequately monitor and contain the spread of the aforesaid chemicals. The prohibitions and requirements set forth in this chapter provide effective control over potential points of human exposure to possibility of ground water contamination. Therefore, it is necessary to the health, safety and well being of the residents of the City of Sacramento that the City Council enact the prohibitions and requirements set forth in this chapter.

- (b) **Definitions.** ~~The definitions set forth in chapter 47.110 shall be applicable to this chapter.~~ In addition: "Public Agency" means any public agency of the state including, but not limited to, cities, counties, districts, agencies and authorities; "Water Purveyor" means a public agency authorized by law to provide water for domestic or irrigation purposes to the general public, "Domestic" means all residential uses of water, except industrial, irrigation and agricultural, and "Irrigation" means all uses of water for irrigating food and forage crops and ornamental vegetation and watering of farm animals.
- (c) **Prohibition Area.** This chapter shall apply to, and the term "prohibition area" as used in this Chapter shall mean, that portion of the city from McClellan Air Force Base west along Ascot Avenue, south on Dry Creek Road, southeast along Marysville Boulevard, east on Bell Avenue, then south on Raley Boulevard to Interstate 80 and east to McClellan.
- (d) **New Wells Prohibited.** From and after such time as water from the City of Sacramento is made available for domestic, industrial, and irrigation purposes within the prohibition area no permit shall be issued for and no person shall dig or drill a new water well within the prohibition area.

- (e) **Closure of Existing Water Wells.** Within ninety (90) days following such time as both (1) water for domestic, industrial, and irrigation purposes is made available by the city to a property within the prohibition area and (2) the United States Government tenders to the city on behalf of the owner of the property an amount of money equal to the total cost of connection to the water main and closure of any existing water wells, whichever is later in time, the owner of such property shall do one of the following:
- (1) Abandon all such water wells on the property in accordance with ~~the provisions of Section 47.123 and any appropriate regulations of the county health officer or, established by the Sacramento County Environmental Management Department.~~
 - (2) If the owner of such property elects not to close the water well, such owner shall cause the well to be severed from any buildings so that the water from such well may not be used for domestic purposes and shall further cause to be installed such back flow prevention devices as may be required by the appropriate health authorities. In such cases no person shall thereafter use the water from such well for domestic purposes and no person shall thereafter allow or cause such a well to be connected to any building so that water could be drawn from such well for domestic purposes. ~~In the event the owner of such property elects not to close the water well as set forth in this paragraph,~~
 - (3) ~~In the event the owner of such property elects not to close the water well as set forth in paragraph (2),~~ Such owner shall thereafter be responsible for all costs, including, but not limited to, maintenance, repair, replacement, improvement and testing of any required back flow prevention devices and for all costs required for testing or monitoring the well, it being the expressed intent that the offer of the United States Government to pay any costs is a one time only offer and all continuing costs and costs thereafter arising are the responsibility of the property owner and not the United States Government.
- (f) **Availability of Water.** For purposes of this chapter, water for domestic and irrigation purposes shall be deemed available to a property if a water main has been installed in the public right of way nearest the property and the water main is usable.
- (g) **Cost of Connection and Closure.** The cost of connection to a water main and the cost of closure of an existing well shall include all labor, material and engineering cost necessary to accomplish the same together with all fee and permit costs. In addition, the cost of connection to a water main shall include the cost of a water line of sufficient size to provide an adequate water supply to the property for domestic, and if applicable, industrial, and irrigation purposes. It is intended that the cost of all work necessary to accomplish the connection and, if appropriate, well closure shall be borne by the United States Government and such work shall be accomplished without cost to the property owners. It is further intended that no property owner be required to have a connection which provides a lesser quantity of water, measured on a monthly basis, than an existing facility. To these ends, the City Department of Public Works shall determine all issues of necessity of cost and sufficiency of service size in accordance with city water and sewer division procedures. All work shall be accomplished by the city department of public works or its licensed contractor(s).
- (h) **Exemptions.** This chapter shall not apply to monitoring or testing wells operated by the United States Government or a public agency.
1. This is an emergency ordinance within the meaning of section 32(g) (2) of the Sacramento City Charter and shall take effect immediately. The facts constituting the emergency are that it is necessary to the program of the United States Government that no new wells be opened within the prohibition area and that all

financial arrangements be concluded in the current federal fiscal year so that the funds will be available to monitor and clean the ground water and protect the public health.

(Ord. No. 86-080, §1)

Article IX. Division of Water

§ 47.201 Established.

There is hereby created a division of water in the ~~engineering~~ ~~Public Works~~ department which shall be in charge of the construction, management, supervision, maintenance, extension, operation and control of all water supply and distribution to the city and its inhabitants. (Ord. No. 3352, §1)

§ 47.202 ~~Superintendent~~ ~~Manager~~.

There shall be a ~~superintendent~~ ~~manager~~ of this division appointed by the City Manager. (Ord. No. 3352, §1)

§ 47.203 Payment Over of Moneys; Disbursements and Expenditures.

Receipts from the division of water shall be paid into the city treasury and maintained in a separate fund. Appropriations from such fund shall be made for the following purposes, in the order named:

- (a) For the payment of all operating expenses.
- (b) For the pension charges and proportionate payments to such compensation and other insurance and accident reserve funds as the council may establish.
- (c) For repairs and maintenance.
- (d) For depreciation.
- (e) For the payment of interest and sinking funds on the bonds issued for acquisition, construction or extensions.
- (f) For extensions and improvements.
- (g) For a surplus fund.
- (h) For such other purposes as may be found necessary in connection with the furnishing of an adequate and suitable water supply for the city. (Ord. No. 3352, §1)

§ 47.204 Surplus Fund.

If any accumulation in the surplus fund of the division of water shall, in any fiscal year, exceed twenty-five percent of the total expenditure of such division for operation, repairs and maintenance for the preceding fiscal year, such excess may be transferred by the council to the general fund of the city. (Ord No 3352, §1)

Article X. Rates and Charges

§ 47.300 Establishment of Rates, Charges and Fees by Resolution.

Notwithstanding any provision of this Chapter or any other provision of the city code to the contrary, the rates, charges and fees established or provided for in this Article shall hereafter be established by resolution of the city council. (Ord. 83-060, §3).

§ 47.301 Definitions. ~~Liability for Charges.~~

~~Each customer receiving water service from the City shall be liable for the rates, charges and fees for that service as established by resolution of the City Council.~~

~~Whenever the words or terms defined in this section, or pronouns used in their stead, occur in this article chapter they shall have the meanings here given:~~

- ~~1. Air Conditioning Season: The five month period, May through September, inclusive.~~
- ~~2. Air Conditioning System: Any combination of equipment, whether compressor or other type, by which heat is removed from or added to the air, which maintains temperatures which are not less than sixty degrees Fahrenheit, and from which the accumulated heat is wholly or partially removed or added by the use of water. Evaporative coolers are included in this definition.~~
- ~~3. Applicant: The owner, or the agent of the owner, of the property for which service is being requested.~~
- ~~4. Capacity in Tons: "Capacity in tons" shall be taken as follows:
 - ~~a. Total maximum B.T.U. per hour of capacity of the installation divided by 12,000; or~~
 - ~~b. The nameplate horsepower of any compressor prime mover unit for any air conditioning installation; or~~
 - ~~c. Two thirds of the nameplate horsepower of b. above for any refrigeration installation.~~~~
- ~~5. City: The City of Sacramento, California.~~
- ~~6. City Council: The City Council of the City of Sacramento, California.~~
- ~~7. City Limits: The city limits of the City of Sacramento, California.~~
- ~~8. C.F.M.: The rated capacity of an evaporative cooler in cubic feet per minute.~~
- ~~9. Commercial Service: Provision of water to premises where the customer primarily is engaged in a business, trade, manufacturing or processing activity. The term "commercial service" includes hotels, motels, rest homes, schools, and all other services not hereinafter defined as "domestic service."~~
- ~~10. Cross Connection: Any connection between a pipe or other facility connected to any system other than the city water system.~~
- ~~11. Customer: The owner or agent of the owner of the property receiving water service.~~

12. ~~Date of Presentation: The date on which a bill or notice is mailed or delivered personally to the customer.~~

13. ~~Demand Charge: A reasonable charge for water service for excess plant capacity and distribution facilities required by air conditioning systems which do not have conservation devices, and use water during periods of peak use.~~

14. ~~Division: The division of water and sewers of the City of Sacramento, California.~~

15. ~~Domestic Service: Provision of water for household residential and irrigation purposes to single family and multiple family dwelling units.~~

16. ~~Flat Rate Service: Provision of water in unmeasured quantities for a fixed periodic charge.~~

17. ~~Industrial Service: The term "industrial service" as used in this ordinance is synonymous with the term "commercial service."~~

18. ~~Irrigation Season: For all flat rate service, this shall be taken as the six (6) month period, May through October inclusive.~~

19. ~~Main: Distribution pipelines located in streets, highways, public ways or private rights of ways which are used to serve the general public.~~

20. ~~Metered Service: Provision of water in measured quantities for a periodic charge based on the quantity delivered.~~

21. ~~Premises: The integral property or area, including improvements thereon, to which water service is or will be provided.~~

22. ~~Refrigeration System: An installation for maintaining, by heat removal, temperatures of less than sixty degrees Fahrenheit, and from which the accumulated heat is wholly or partially removed by the use of water.~~

23. ~~Room: An area with a minimum of fifty (50) square feet which is defined either by structure or by type of use.~~

24. ~~Service Connection: The pipe, valves and other facilities by means of which water is conducted from the distribution main to the premises. Said service connection includes the tap to the distribution main and the meter in a metered service or the curb stop or shutoff valve in an unmetered service.~~

25. ~~Superintendent: Manager. The manager of the division of water and sewers of the City of Sacramento, California.~~

26. ~~Temporary Service: Provision of water on an uninterrupted basis or for short periods of time.~~

27. ~~Utility Service Revenue Division: The division of the department of finance of the City of Sacramento responsible for customer records.~~

28. ~~Utility Services Supervisor Revenue Manager: The supervisor manager of the utility services revenue division of the department of finance of the City of Sacramento.~~

29. ~~Water Conservation Device: A cooling tower, spray pond, evaporative condenser, circulating pump or other equipment by which water is cooled and recirculated, thereby limiting the use of water to that amount lost through evaporation. (Ord. No. 3252, 52)~~

§ 47.302 ~~Repealed by Ord. 83-060, §3.~~

§ 47.303 **Rates Outside City Limits.**

Rates for customers outside the city limits shall be one and one-half times the rates prescribed for customers inside city limits. Customers outside city limits shall deposit with the ~~utility services supervisor~~ revenue manager an amount sufficient to satisfy service charges for a six-month period.

Notwithstanding the above provisions, whenever the city acquires a water system serving customers both inside and outside the city limits, the rates prescribed for customers served by that system outside the city limits shall comply with any order or condition of the public utilities commission of the state which the city may accept as a condition to acquisition of the system. (Ord. No. 3352, §2)

§ 47.304 ~~Bills—Method of Billing.~~ Collection of Fees and Charges.

~~Flat rate accounts shall be billed periodically at approximately sixty day intervals. All flat rate accounts shall be billed in advance for one half the billing period.~~

~~Metered accounts shall be billed periodically at approximately sixty day intervals. Meters will be read as nearly as possible at regular intervals. Such regular meter readings will normally be at sixty day intervals, but may be at other intervals as established at the discretion of the division. Meters will be read as required for closing bills.~~

~~For the purpose of computing charges, each meter to the customer's premises will be considered separately, and readings of two or more meters will not be combined as equivalent to measurement through one meter except:~~

- ~~(a) — In those instances in which by reason of special operating conditions, the division, at its discretion, installs two or more meters, or~~
- ~~(b) — When a written application by a customer has been granted by the division for the accumulation of the consumption of all meters through which service is provided to one customer on an integrated premise. (Ord. No. 3352, §2; Ord. No. 4295, §1)~~

Except as otherwise provided herein, the fees and charges for water service shall be billed and collected in accordance with the provisions of Chapter 64 of the Sacramento City Code.

§ 47.304-1 ~~Bills—To Whom Rendered for Domestic Service—Responsibility for Payment.~~

~~Water service charges on a flat rate basis for domestic service imposed by this article shall be rendered to the owner of the real property to which the water services were provided, who shall be responsible for the payment thereof. As used in this section, owner means the person to which the property was assessed in the last equalized assessment roll of the County of Sacramento unless the utility services supervisor has knowledge of the name of a person other than such assessee claiming record ownership of the property. The bill shall be mailed to the address of the owner as shown on the last equalized assessment roll or such other address of the owner as may be known by the utility services supervisor. (Ord. No. 4262, §10)~~

§ 47.305 ~~Same—When Due.~~ Additional Charges.

- ~~(a) — Domestic Service. All bills for domestic service shall become due and payable on the date of presentation and shall become delinquent if unpaid by fifteen (15) days after the close of the billing period for which the bill was rendered, as shown on the utility bill. In the event any bill becomes delinquent, a penalty of twenty percent (20%) shall be added thereto. (Ord. No. 84-031, §3)~~

~~(b) Commercial Service.~~

- ~~(1) Flat Rate Accounts. All bills for flat rate commercial service shall become due and payable on the date of presentation and shall become delinquent if unpaid by fifteen (15) days after the close of the billing period for which the bill was rendered, as shown on the utility bill. In the event any bill becomes delinquent, a penalty of twenty percent (20%) shall be added thereto. (Ord. No. 84-031, §3)~~
- ~~(2) Metered Accounts. All bills for commercial meter service shall become due and payable on the date of presentation and shall become delinquent if unpaid by fifteen (15) days after the close of the billing period for which the bill was rendered, as shown on the utility bill. In the event any bill becomes delinquent, a penalty of twenty percent (20%) shall be added thereto. (Ord. No. 3370, Ord. No. 4262, §11; Ord. 82-000, §1; Ord. No. 84-031, §3)~~

~~The manager may cause to be accomplished any extra work or service which the manager deems it reasonably necessary to provide to a property within the water service area in order to maintain the safety of the City's water supply. The manager shall cause the cost thereof to be added to the regular billing for services, and collected in the same manner as other utility service charges are collected pursuant to Chapter 64.~~

§ 47.306 Collection of Water Service Charges With Charges for Other Utility Services—Generally.

The water service charges imposed by this article shall be collected together with the charges for any other utility service rendered to the property by the city. Such water service charges shall be billed upon the same bill and collected as one item with such other utility service charges. (Ord. No. 3352, §2; Ord. No. 84-031, §4)

§ 47.307 Collection of Water Service Charges With Charges for Other Utility Services Nonpayment of Bill.

If all or part of the bill is not paid, the ~~utility services supervisor~~ **revenue manager** shall order the discontinuance of any and all utility services for which the bill is rendered, including but not limited to the water service. Before any service is discontinued, the ~~utility services supervisor~~ **revenue manager** shall follow the procedures for notice and opportunity for hearing contained in ~~Division 6 of Article 4~~ of Chapter 64 of the Sacramento City Code. (Ord. No. 3352, §2; Ord. No. 84-031, §5)

§ 47.308 Charges Constitute a Lien.

~~The water service charges imposed pursuant to this article which are applicable to property situated within the city constitute a lien upon the parcel of real property to which such water service was rendered. (Ord. No. 3352, §2)~~

§ 47.308.1 Lien Recorded Procedure.

- ~~(a) Notwithstanding any provision in this code to the contrary, any water service charges which have become delinquent shall be subject to having the lien provided for in Section 47.308 recorded with the County Recorder of the County of Sacramento pursuant to the procedure provided in this section.~~
- ~~(b) Prior to the recordation of a lien for delinquent charges, the utility services supervisor shall cause the notice of an opportunity for hearing on the delinquent charges to be mailed to the owner. Such notice shall be mailed postage prepaid. For purposes of this section, the term owner shall have the meaning given it in Section 47.304.1. If the owner desires a hearing thereon, he shall request such a hearing by notifying the utility services supervisor thereof in writing within ten (10) days after the date shown on the notice. Any such hearing~~

~~shall be set not earlier than ten (10) days after receipt of the owner's request. The hearing shall be held before the director of finance or such other person, including the utility services supervisor, as he may designate. The decision of such person shall be final and conclusive.~~

~~(e) At the expiration of the time within which to request a hearing, or upon a decision adverse to the owner after hearing the utility services supervisor shall cause such lien to be recorded with the Sacramento County Recorder in the form and manner prescribed by law. Thereafter, such lien shall not be released by the utility services supervisor unless and until it is fully and completely paid.~~

~~(d) The director of finance is hereby authorized to determine the amount of delinquency which will subject an individual lien to the recording procedures of this section, provided, however, that all liens resulting from delinquencies in excess of \$50.00 shall be subject to the procedures of this section. (Ord. No. 4262, §12)~~

~~§ 47.309 Delinquent Charges Collected as a Special Assessment.~~

~~Not less often than once a year, the utility services supervisor may initiate proceedings to make delinquent water service charges a special assessment against the parcels of property situated within the city to which such water service was rendered. (Ord. No. 3352, §2)~~

~~§ 47.310 Same Report Transmitted to Council.~~

~~A report of delinquent charges shall be transmitted to the council by the utility services supervisor. Upon receipt by the council of the report, it shall fix a time, date and place for hearing the report and any protests or objections thereto. (Ord. No. 3352, §2)~~

~~§ 47.311 Same Notice of Hearing.~~

~~The council shall cause notice of the hearing to be mailed to the owner of the real property to which the service was rendered not less than ten (10) days prior to the date of the hearing. For the purposes of this section, the owner of the property shall be conclusively deemed to be the person to which the property was assessed in the last equalized assessment roll of the County of Sacramento unless the utility services supervisor shall have knowledge of the name of a person other than such assessee claiming record ownership of such parcel of real property. The notice shall be mailed to the address of the owner as shown on the last equalized assessment roll or such other address of the owner as may be known by the utility services supervisor. (Ord. No. 3352, §2)~~

~~§ 47.312 Same Hearing.~~

~~At the time fixed for consideration of the report, the council shall hear it with any objections of the property owners liable to be assessed for delinquent accounts. The council may make such revisions, corrections, or modifications of the report as it may deem just; and in the event the council is satisfied with the correctness of the report (as submitted or as revised, corrected or modified), it shall be confirmed or rejected by resolution. The decision of the city council on the report and on all protests or objections thereto shall be final and conclusive. (Ord. No. 3352, §2)~~

~~§ 47.313 Same Method of Collection; Applicability of Other Liens, Laws, Etc.~~

~~Upon confirmation of the report by the council, the delinquent charges contained therein shall constitute a special assessment against the property at which the services were rendered.~~

~~Thereafter such assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same penalties and same procedure of sale as provided for delinquent ordinary municipal taxes.~~

~~The assessments shall be subordinate to all existing special assessment liens previously imposed upon the property and paramount to all other liens except those for state, county and municipal taxes with which it shall be upon parity. The lien shall continue until the assessment and all interest and penalties due and payable thereon are paid. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to said special assessments. (Ord. No. 3352, §2)~~

~~§ 47.314 Same Report Transmitted to Auditor.~~

~~A certified copy of the confirmed report shall be filed with the county auditor on or before August 15. The descriptions of the parcels subject to the special assessment shall be those used for the same parcels on the county assessor's map books for the current year. (Ord. No. 3352, §2)~~

~~§ 47.315 Adjustment of Bills.~~

~~The utility services supervisor may adjust and grant rebates from the rates provided herein in the event of any dispute as to a charge to a customer. The decision of the utility services supervisor in respect thereto shall be final and conclusive on all parties. (Ord. No. 3352, §2; Ord. No. 84-031, §6)~~

§ 47.316 Service Connection Installation Fee.

~~For connection to city water main, the~~ **The fee for connection to the city water main shall be determined established by resolution of the City Council as follows and shall be paid in advance.**

~~The charge shall be determined by reference to a schedule of rates set by resolution of the City Council. (Ord. No. 3352, §2; Ord. No. 3605, §2; Ord. No. 4179, §1; Ord. No. 86-073, §1)~~

§ 47.317 Fee for Restoration of Water Service.

~~In the event that water service to any premises is discontinued pursuant to Section 47.307 for nonpayment, the water shall not again be turned on until the amount due is paid in full, plus a fee established by resolution of the City Council to cover the cost of making a service call to turn on the water. (Ord. No. 84-031, §7)~~

~~In the event that any person turns on water service or allows or causes it to be turned on after it has been turned off for nonpayment of the utility services bill or other reasons, the utility services supervisor~~ **Revenue Manager** ~~may turn off the water service, and may charge and collect a fee established by resolution of the City Council for each time this occurs, in addition to other amounts due, before water service is restored. (Ord. No. 3352, §2; Ord. No. 4262, §13; Ord. No. 84-031, §7)~~

§ 47.318 Vacancy Credit.

If any owner, user or other person in charge of any premises using water service desires to discontinue such service by reason a vacancy exists, a credit for non-use of water and sewer service may be granted upon the following conditions:

- (a) Written request to the ~~utility services~~ **Revenue** division.
- (b) Payment of a \$25.00 service fee.
- (c) Payment of current utility bill in full, and
- (d) Water service is turned off. (Ord. No. 3352, §2) ~~§ 47.319 Testing Meters.~~

§ 47.319 Testing Meters.

Any metered customer may demand that the meter through which water is being furnished be examined and tested by the division for the purpose of ascertaining whether or not it is registering accurately the amount

of water which is being delivered through it. Such demand shall be made in writing to the division and shall be accompanied by a deposit of an amount equal to the monthly meter minimum charge. Upon receipt of such demand, the division shall cause the meter to be examined and tested. If, on such examination and test, the meter shall be found to register over three percent more water than actually passes through it, another meter will be substituted therefore, the above-mentioned deposit shall be refunded, and the water bill for the current period adjusted in such a manner as the superintendent manager may deem fair and just. If the meter is found to register not over three percent fast, then the above-mentioned deposit shall be forfeited and the water bill paid as rendered. (Ord. No. 3352, §2)

§ 47.320 Water Main Construction Charge.

- A. **General:** Every lot, parcel or tract of land not connected to the city water system prior to the effective date of this section shall be subject to a water main construction charge, and no water service from such system shall be furnished thereto unless such charge has been paid or secured as herein provided. Such charge shall not apply if:
1. The property to be connected has been assessed in a special assessment proceeding to pay the cost of a water distribution system serving it; or
 2. The water distribution facilities serving such property have been provided by the subdivider or a former owner without cost to the city; or
 3. The construction charge established by this section, or the equivalent thereof, has been previously paid by the owner of such property or a predecessor of such owner.
- B. **Computation of Construction Charge:**
1. For distribution systems in which the cost is a matter of record, the water main construction charge shall be computed by the superintendent manager by prorating the costs among the properties to be serviced.
 2. For distribution systems installed prior to the effective date of this section in which the costs are not a matter of record, the water main construction charge shall be computed at a rate of four dollars per front foot.
 3. For properties irregularly shaped, an equitable charge shall be determined by the superintendent manager taking into account the area benefitted.
 4. If the superintendent manager determines that the property is of such character that a portion of the property will never be benefitted by water service, such portion may be excluded for purposes of computing the water main construction charge.
- C. **Payment of or Security of for Construction Charge:** The water main construction charge may be paid in cash, or the superintendent manager may authorize acceptance thereof in installments upon the execution by the owner or owners of the property of a written promise to pay the same, together with interest on deferred payments at the rate of seven ~~ten~~ percent per annum, and the execution, acknowledgement and recording of a lien agreement upon the property to be connected. Such installment payments and the form of such lien agreement shall be in accordance with the policies relating thereto established by the city council. (Ord. No. 3352, §2)

§ 47.321 Water System Development Fee.

- (a) **General.** Every lot, parcel or tract of land not connected to the city water system prior to January 1, 1980, shall be subject to a water system development fee. No water service

shall adjust the water development fee schedule to compensate for the change in construction costs which has occurred since the previous adjustment. The adjusted water development fee schedule will be effective for the fiscal year which begins on July 1st of the current calendar year and continues through June 30th of the following calendar year. The adjusted water development fee schedule shall be calculated by applying the following methodology:

1. The appropriate January issue of ENGINEERING NEWS RECORD (ENR) magazine shall be referenced and the published Construction Cost indexes for "U.S.-20 Cities' Avg" and for San Francisco shall be determined therefrom. The "Current Adjustment Index" shall be calculated by averaging these two construction cost indexes.
2. The "Current Adjustment Factor is less than 1, the water system development fee will remain unchanged.

The adjusted water development fee schedule shall be developed by multiplying each of the development fee rates set forth in the "Fee and Charge Report" which became effective on July 1, 1987 by the "Current Adjustment Fee Factor" determined in Section 47.321(b)2, above. (Ord. No. 89-049. \$1)

- (c) **Replacement Services.** If an existing water service or meter is replaced by one of a larger size at the owner's request, the fee shall be equal to the difference between the fee for the original service size and that for the replacement service size in the foregoing schedule.
- (d) **Fire Protection Services.** If a service can be used only for fire protection, the water development fee shall not apply.
- (e) **Credit for Major Facilities.** Nothing in this ordinance shall prohibit the city council from authorizing appropriate credit toward water development fees for property owners who were assessed or in some manner paid all or a portion of the cost of major water transmission and/or storage facilities.
- (f) **Appeal.** There is established a water development fee determination board. The board's membership shall consist of the water division manager and the ~~superintendent~~ manager of building inspections, or their respective designees. Any person aggrieved by the determination of the water development fee for property owned by such person, may file a written appeal with the ~~superintendent~~ ~~manager~~ of building inspections. The appeal will be reviewed by the board, and notice given of the determination of the board to the property owner. In the event the appeal is granted, an appropriate refund will be made, based on the recalculated development fee.

In the event an appeal is not granted, notice shall be given to the property owner which shall briefly specify the reason for the decision of the board. Any property owner who receives such notice and who desires to have ~~his~~ ~~the~~ appeal reconsidered by the board may apply for a hearing in person. Any such application must be filed with the ~~superintendent~~ ~~manager~~ of building inspections within fifteen (15) calendar days following receipt of the notice that ~~his~~ ~~the~~ written appeal was denied. The board shall, within thirty (30) calendar days after application for a hearing, schedule a hearing upon ten (10) days written notice to the property owner. The property owner or his designee may present at the hearing any evidence relevant to the appeal. The board shall reevaluate the appeal. In considering the appeal, the board may obtain an inspection report from the water division. Written notice of the board's action shall be given to the property owner and the order of the board shall be final. (Ord. 4268, §1; Ord. No. 87-016, §1; Ord. No. 87-031, §1)

§ 47.322 to
47.399

Reserved.

superintendent ~~manager~~ of building inspections within fifteen (15) calendar days following receipt of the notice that his ~~the~~ written appeal was denied. The board shall, within thirty (30) calendar days after application for a hearing, schedule a hearing upon ten (10) days written notice to the property owner. The property owner or his designee may present at the hearing any evidence relevant to the appeal. The board shall reevaluate the appeal. In considering the appeal, the board may obtain an inspection report from the water division. Written notice of the board's action shall be given to the property owner and the order of the board shall be final. (Ord. 4268, §1; Ord. No. 87-016, §1; Ord. No. 87-031, §1)

§ 47.322 to
47.399

Reserved.

Article XI. Water Conservation

§ 47.400 Legislative Intent.

The City Council finds and determines:

- (a) That all municipal purveyors of water should encourage voluntary water conservation and prohibit certain domestic water uses inconsistent with water and energy conservation.
- (b) That approximately forty-six percent (46%) of raw water diverted and treated by the city water system is used for domestic irrigation purposes.
- (c) That maximum water demands are during the summer months with domestic irrigation demands exceeding all other demands.
- (d) That all water waste flows collected by the city's sanitary and combined sewerage systems require treatment and pumping prior to returning to the Sacramento River.
- (e) That with increasing costs for personnel, electrical energy, equipment and chemicals, it is desirable to reduce water waste. (Ord. 82-034, §1)

§ 47.401 Paramount Ordinance.

Notwithstanding any ~~other~~ provisions of the Sacramento City Code, unmodified ordinances heretofore adopted by the Council of the City of Sacramento, or rules, regulations, or resolutions of the City of Sacramento to the contrary, the provisions of this Article shall apply. (Ord. 82-034, §1)

§ 47.402 Substandard Water Fixtures Prohibited.

It shall be an infraction for any person to cause or allow any water received by such person~~(s)~~ to be wasted due to leaky or faulty water fixtures or water using or ~~disturbing~~ ~~distributing~~ devices, which are connected to the city water system, unless such person shall have first obtained the consent of the city manager to do so. (Ord. 82-034, §1)

§ 47.403 Water Runoff Prohibited.

It shall be an infraction for any person to knowingly or willingly cause or allow any water delivered by the city water system received by such person to become water waste runoff and to flow away from property owned or occupied by such person in any gutter, ditch, or other manner over the surface of the ground.

Water waste runoff shall mean water flowing away from property caused by excessive application(s) of water delivered by the city water system beyond reasonable or practical flow rates, water volumes or duration of application. (Ord. 82-034, §1)

§ 47.404 Outdoor Conservation of Water

The following regulations shall apply to all water delivered by the city water system. In the event any person violates the provisions of this section, the penalties specified in Section 47.430 shall apply:

- (a) No person shall use, or cause to be used, any water for the purpose of washing down sidewalks, driveways or parking areas except to alleviate immediate fire or sanitation hazards, unless prior written consent of the City Manager or his designee has been obtained pursuant to Section 47.451.
- (b) Landscape irrigation shall be prohibited between the hours of 12:00 p.m. and 6:00 p.m.

(c) Unless prior written consent of the City Manager or his designee has been obtained pursuant to Sec. 47.451, residential and commercial locations bearing a street address ending in an odd number shall be permitted to irrigate only on Tuesday, Thursday, and Saturday and locations bearing a street address ending in an even number shall be permitted to irrigate only on Wednesday, Friday and Sunday.

~~§ 47.404~~ § 47.405 Time Limit for Sprinkling.

No person shall use, or cause to be used, any city water for the purpose of irrigation or the sprinkling of lawns through an automatic sprinkler for a period exceeding thirty minutes or through a hose for a period exceeding two and one-half hours during each calendar day. (Ord. No. 555, §41)

**~~§ 47.405~~ ~~§ 47.406~~ to
47.429** Reserved.

§ 47.430 Violation and Penalties.

In the event any person shall violate any provision of Sections 47.402 or 47.403, the following shall apply:

- (1) For the first violation, the person who committed the violation shall be issued a written notice stating the type of violation.
- (2) For the second violation, the person who committed the violation shall be issued another written notice stating the type of violation, and the property owner shall be issued a written notice.
- (3) For the third violation, the person who committed the violation and the property owner shall be issued a written notice. For the Third violation, the subject property water rates shall be increased to five times (5) the normal monthly rates for the duration of the summer period from time of third violation to September 15, and then said water rates ~~would~~ will return to their regular schedule.
- (4) For the fourth violation, the person who committed the violation shall be issued a written notice stating the type of violation, and the property owner shall be issued a written notice. For the fourth violation, the regular water rates will be permanently billed at five times (5) the normal monthly rates, as long as the same property owner is recorded on the tax rolls. In the event of a new property ownership or occupancy, the subject water rates may revert to the regular rate schedule upon review and approval by the Water Waste Appeals Board. (Ord. 82-034, §1)

§ 47.431 Water Waste Appeals Board.

- (1) Any property owner may appeal their violation to the Water Waste Appeals Board for review and final determination, if they so desire. Hearings shall be conducted according to regulations promulgated by the city manager.
- (2) The Water Waste Appeals Board shall be composed of two members, one of whom shall be from the Department of Finance and one shall be from the Department of Engineering Public Works, Division of Water and Sewers. The membership of the Board shall be appointed by and shall serve at the pleasure of the city manager. The Board shall process all appeals under and make the determinations of violators described by this Section. (Ord. 82-034, §1)

**§ 47.432 to
47.449** Reserved.

§ 47.450 Fire and Other Emergencies.

Nothing in this Article shall be construed to apply to use of water for purposes of extinguishing fire or any other similar emergency. (Ord. 82-034, §1)

§ 47.451 Consent of City Manager.

Whenever in this Article a person is authorized to obtain the consent of the city manager to do an act otherwise prohibited, the city manager shall give such consent only where the city manager determines:

- (1) There is no practical alternative manner in which the person making application may accomplish the desired result; and,
- (2) The desired result is of substantial importance when compared with the importance of conserving water resources and energy as set forth in this article. (Ord. 82-034, §1)

§ 47.452 City Exempt.

The City of Sacramento, its officers, employees, and agents, when acting in the course and scope of their employment, shall be exempt from the provisions of this Article; provided, however, the City Manager shall make such rules and regulations as may be necessary in order for the city to conserve water resources and energy to the greatest extent practicable. (Ord. 82-034, §1)

**§ 47.453 to
47.499 Reserved.**

Date Passed For Publication:

Date Enacted:

Date Effective:

Mayor

ATTEST:

City Clerk



RECEIVED
CITY CLERKS OFFICE
CITY OF SACRAMENTO

JUN 7 9 41 AM '90

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**DEPARTMENT OF
PUBLIC WORKS**

OFFICE OF THE DIRECTOR

**CITY OF SACRAMENTO
CALIFORNIA**

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June 12, 1990

PASSED FOR
PUBLICATION
& CONTINUED
TO 6-19-90

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Proposed Amendments to City Code Chapters 19, 36, 47 and 61 Relating to Garbage, Sewers, Water, and Nuisance Codes

SUMMARY

This report recommends that the City Council review the attached proposed amendments to Chapters 19, 36, 47 and 61 of the City Code, pass them for publication of title, and continue this item until June 19, 1990 for adoption.

BACKGROUND

In conjunction with a recent report from the Finance Department amending Chapter 64 of the City Code, this report recommends various amendments to the following chapters:

- Chapter 19 -- Garbage, Rubbish, Weeds, and Waste Matter
- Chapter 36 -- Sewers and Storm Drainage
- Chapter 47 -- Water
- Chapter 61 -- Nuisance Code

The major amendment to three of these codes (19, 36, and 47) is the deletion of language related to the collection of fees and charges, and the lien recording procedures. It is proposed that this language be added instead to Chapter 64 so it will be in only one chapter and not three chapters. The three chapters (19, 36 and 47) will all reference that the language is contained in Chapter 64. In addition, the section of the code relating the abatement of weeds and rubbish is proposed for deletion from Chapter 19 and for addition to Chapter 61. An addition to Chapter 47 would make it clear that in order to maintain the safety of the City's water supply, the City may require extra work to be performed (such as the installation of backflow prevention devices) and that the cost of that extra work can be added to the regular water bill.

The other proposed amendments to the three chapters are mostly "housekeeping" in nature in that they update titles of personnel and organizations to those currently in use and delete superfluous language.

SECRET
DO NOT WRITE IN RED
OTHERWISE IT WILL
BE' HA TO E T ML

FINANCIAL IMPACT

There are no financial implications associated with this item.

MBE/WBE

No goods or services are being purchased with this item.


POLICY CONSIDERATIONS

These proposed amendments are in accordance with the City's practice to update the code to reflect the City's current procedures and practices.

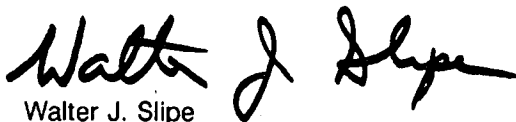
RECOMMENDATION

This report recommends that the City Council pass for publication of title the attached proposed amendments to Chapters 19, 36, 47 and 61 and continue this item until June 19, 1990 for adoption.

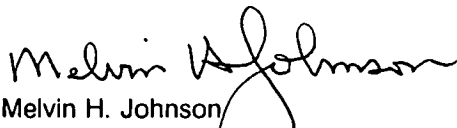
Respectfully submitted,


Susan Davidson
Senior Administrative Services Officer

RECOMMENDATION APPROVED:


Walter J. Slipe
City Manager

APPROVED:


Melvin H. Johnson
Director of Public Works

Contact Person

Susan Davidson, Senior Administrative Services Officer
449-5056

June 12, 1990
All Districts

SD4-CC7.A
Attachments

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING CHAPTER 19 OF THE SACRAMENTO CITY
CODE, RELATING TO GARBAGE, RUBBISH, WEEDS AND WASTE MATTER
AND ADDING ARTICLE XIV TO CHAPTER 61 OF THE SACRAMENTO CITY
CODE, RELATING TO ABATEMENT OF NUISANCE WEEDS AND GARBAGE

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Chapter 19 of the Sacramento City Code is hereby amended to read as follows:

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

CHAPTER 19

Article I. In General

§ 19.101 Definitions.

The following words and phrases when used in this chapter shall, for the purposes of this chapter, have the meaning respectively ascribed to them by this section:

Automatic Lift Container: "Automatic Lift Container" means a plastic refuse receptacle with a hinged lift that is designed to be lifted, dumped and returned by refuse packers that have a compatible mechanical lifting device. (Ord. No. 85-078, §1)

Bin: "Bin" is a metal receptacle for the deposit of garbage or rubbish which shall:

- (a) have a close-fitting cover;
- (b) be leak proof and fly proof;
- (c) have handles or other devices to permit movement;
- (d) be free of sharp, rough or jagged surfaces or edges likely to cause injury;
- (e) utilize casters or other means for easy movement;
- (f) be designed in a manner to be emptied mechanically by City collection vehicles.

Blanket: "Blanket" is a canvas or cloth with dimensions of 89 inches by 77 inches used for the collection of rubbish.

Cart: "Cart" is a canvas or cloth receptacle for the deposit of rubbish with dimensions of 30 inches by 28 inches by 40 inches.

Compactor Containers - Roll Off: "A "Compactor Container" is a metal receptacle for the deposit and storage of garbage.

Drop Box Container - Roll Off: "Drop Box Container is a metal receptacle for the deposit of solid waste and is designed in such a manner to be transferred and emptied by City vehicles.

Garbage: "Garbage" consists of dead animals, of not more than ten pounds weight each, and of every accumulation of animal, vegetable, and other matter that attends the preparation, consumption, decay or dealing in, or storage of meats, fish, fowl, birds, fruits and vegetables, and any matter that will putrefy. The term "garbage" does not include dishwater or waste water.

Hazardous Wastes: "Hazardous wastes" include any waste material or mixture of wastes which is toxic, corrosive, flammable, an irritant, a strong sensitizer, which generates pressure through decomposition, heat or other means, if such a waste or mixture of wastes may cause substantial personal injury, serious illness or harm to humans, domestic animals, or wildlife, during, or as an approximate result of any disposal of such wastes or mixtures of waste as defined in Article 2, Chapter 6.5, Section 25116 of the Health and

Safety Code. The terms "toxic," "corrosive," "flammable," "irritant," and "strong sensitizer" shall be given the same meaning as in the California Hazardous Substances Act (Chapter 13 commencing with Section 28740 of Division 21 of the Health and Safety Code).

Infectious Wastes: "Infectious wastes" include (a) equipment, instruments, utensils, and other fomites of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must, therefore, be isolated as required by public health agencies; (b) laboratory wastes, including pathological specimens (i.e., all tissues, specimens of blood elements, excreta and secretions obtained from patients or laboratory animals) and disposable fomites (any substance that may harbor or transmit pathogenic organisms) attendant thereto; and, (c) surgical operating room pathological specimens including recognizable anatomical parts, human tissue, anatomical human remains and disposable materials from hospitals, clinics, outpatient areas and emergency rooms, as is also defined in Section 314 (d) of the California Administrative Code, Title 17.

Mobile Trailer: "Mobile Trailer" is a towable receptacle for the deposit, storage and transport of solid waste.

Revenue Division: "Revenue division" means the division of the Department of Finance of the City of Sacramento responsible for customer records.

Revenue Manager: "Revenue Manager" means the Director of Finance.

Rubbish: "Rubbish" consists of wood, leaves, dead trees or branches thereof, chips, shoes, hats, crockery, glassware, ashes, cinders, metals, garden refuse, and all other material not included under the term "garbage" or "waste matter."

Solid Waste Manager: "Manager" means the manager of the solid waste division of the public works department.

Waste Matter: "Waste matter" consists of natural soil, earth, sand, clay, gravel, loam, manure, stones, bricks, brickbats, plaster, or portland cement. (Ord. 3354, §1; Ord. 3786, §1; Ord. 3795, §1; Ord. 3813, §1; Ord. 3875, §1)

Wet Garbage: Repealed by Ordinance No. 4363 (Ord.82-049, §1)

§ 19.102 Division of Solid Waste--Duty of Collection.

It shall be the duty of the division of solid waste of the public works department to gather, collect, recycle, reconstitute, recover and dispose of by landfilling or sale all garbage, rubbish and waste matter, except as otherwise provided in this chapter, within the City. The City Council may authorize and empower the City Manager to dispose of the same in such manner as it may deem proper for the best interest of the City and in compliance with the rules and regulations of the health department. It shall be the duty of the division of solid waste of the public works department to collect all garbage in the City at least once each week and at such other times as the necessities of the particular case require. (Ord. No. 3354, §1)

§ 19.103 Same--Collection Districts.

For the purpose of collecting, recycling, reconstituting and recovering garbage, rubbish and waste matter as provided in this chapter, the division of solid waste may divide the City into as many districts as may be deemed necessary for the convenient collection, recycling, reconstituting and recovering of such garbage, rubbish and waste matter and may fix the day on which the same will be collected in such districts. The division of solid waste shall notify the occupant of each property within such districts of the collection day for that property by written notice . (Ord. No. 3354, §1; Ord. 3786, §2; Ord. 3795, §1; Ord. 3813, §1; Ord. 3875, §2)

§ 19.104 Same--Equipment and Employees.

The City Manager is hereby authorized and directed to employ all persons necessary for the collection, recycling, reconstitution, recovery and disposal of garbage, rubbish or waste matter by the City and is hereby further authorized and empowered to purchase or lease, or to recommend the purchase or leasing of, under the provisions the Charter, of all necessary trucks, trailers or other vehicles, supplies or other equipment, land and real or personal property necessary for carrying into effect the provisions of this chapter relative to the collection, recycling, reconstitution, recovery and disposal of garbage, rubbish and waste matter by the division of solid waste of the Public Works Department of the City. (Ord. 3354, §1)

§ 19.105 Same--Authority of Solid Waste Manager.

Under direction of the Director of Public Works, the manager of the division of solid waste shall have authority to make and enforce, with the approval of the City Manager, rules and regulations concerning the collection, recycling, reconstitution, recovery and disposal of garbage pursuant to the provisions of this chapter. (Ord. 3354, §1)

§ 19.106 Revenue Division--Duties.

It shall be the duty of the revenue division of the department of finance to handle requests for starts and stops of sewer, water and residential solid waste services, to reconcile disputed bills, to handle public inquiries about bills, to collect delinquent accounts, to conduct field investigations for vacancies and setting of rates, and to maintain a master billing file. (Ord. No. 3354, Ord. 3786, §3; Ord. 3795, §1; Ord. 3813, §1) As to commercial solid waste services, the manager of solid waste shall handle requests for starts and stops of service, reconcile disputed bills, handle public inquiries about bills, conduct field investigations for vacancies and setting of rates, and maintain a master billing file.

(Ord. 3786 and Ord. 3795 repealed by Ord. 3813 before effective date of either ordinance.)

§ 19.107 Garbage Collection Service--Use Required.

It is hereby found and determined that the public health, safety and welfare of all the citizens of the City require that the accumulation, collection, removal and disposal of garbage from lands, buildings, apartments, hotels and all other premises within the City must be handled in a manner for the greatest good and the least possible inconvenience, cost and maintenance to the City and citizens thereof; and to that end, garbage collection service is provided by the City, and it shall be mandatory for all owners of all places and premises in the City in or from which garbage is created, accumulated or produced to subscribe to the City's garbage collection service in the manner and according to the terms and provisions of this article. Furthermore, it shall be mandatory for all occupants or persons in possession or control of said places and premises to use the City's garbage collection service in the manner and according to the terms and provisions of this article. (Ord. 3354, §1)

§ 19.108 Same-Fees Liability for Payment.

It is hereby found and determined that the periodic collection, removal, and disposal of garbage from all places and premises in the City benefits all owners of all places and premises in the City where garbage accumulates and requires removal therefrom and such owners are hereby made liable for the payment of garbage collection fees hereinafter prescribed, irrespective of the actual use of the garbage collection service provided by the City. A person who is an occupant of or is in possession, charge or control of a place or premises which he does not own and which is not used for residential purposes may pay the garbage collections fees imposed by this article provided, however, acceptance of said payment shall not relieve the owner of said place or premise from liability for future payments of said fees. The owner shall not be responsible for garbage collection fees for service in excess of the minimum garbage service required by this article unless he shall have requested in writing that said additional service be provided to the premises, shall have consented in writing to the request of another that said additional service be provided, or the Health Department shall have ordered that said additional service be provided. The solid waste manager may exempt from the requirements of this section, property as to which it would be impractical or unnecessary, to require and provide collection services. If any property is unoccupied for a period of at least one (1) month, upon request therefore, garbage collection service may be suspended and no charge for garbage collection service shall be made during the period such property is unoccupied; provided, garbage collection service shall be immediately commenced when such property is again occupied. (Ord. 3354, §1; Ord. 3786, §1; Ord. 3795, §1, Ord. 3813, §1; Ord. 3875, §3; Ord. 4262, §1; Ord. No. 4363, §2)

§ 19.108-1 Establishment of Rates, Charges and Fees by Resolution.

Notwithstanding any provision of this Chapter or any other provision of the City Code to the contrary, the rates, charges and fees established or provided for in this Article shall hereafter be established by resolution of the City Council. (Ord. 83-060, § 4)

§ 19.109 Repealed by Ord. 83-060, §5.

§ 19.110 Minimum Service.

One standard size (90-gallon or less) can per week shall be the minimum garbage service for each single-family dwelling and each dwelling unit of a duplex, triplex, or fourplex.

Service to a single-family dwelling, duplex, triplex, or fourplex shall not be more frequent than one pickup per week.

The owners of all other premises upon which garbage is produced or accumulated shall apply to the solid waste manager for garbage service as herein required and shall be given the type and frequency of service, that will in the opinion of the solid waste manager cause all garbage to be removed from the premises, so there will be no accumulation, collection and keeping of the same, on the premises for a period longer than one week. (Ord. No. 85-078, §2)

The fees imposed by this Code for garbage collection service shall constitute a civil debt and liability owing to the City of Sacramento from the persons, firms or corporations using or chargeable for such services and be collectible in the manner provided by law. (Ord. No. 3432, §2; Ord. No. 85-078, §2)

§ 19.111 Same-Collection of Fees with Charges for Other Utility Services;

The fees for garbage collection service shall be billed and collected pursuant to the provisions of Chapter 64 of the Sacramento City Code.

§ 19.112 Removal of Recyclable and Salvageable Materials Placed for City-Sponsored Recycling Program Prohibited.

It shall be unlawful and an infraction for any persons, other than the City or the City's designee, to collect or remove recyclable or salvageable materials placed by any person in a bag or container labeled for use in connection with a recycling program sponsored by the City of Sacramento

§ 19.113 Unauthorized Collection and Hauling.

Except as otherwise provided in Article III of this Chapter it shall be unlawful for any person to collect garbage, rubbish or waste paper refuse within the City or transport the same through the streets, alleys and public ways in the City unless such person has been licensed to do so by contract or otherwise by the City Manager on the recommendation of the Solid Waste Manager of the Public Works Department. Nothing herein shall be construed to prohibit any person from hauling garbage, rubbish or waste paper refuse which has been produced on the premises actually occupied by the persons in his own vehicle, by himself or an employee. Nothing herein shall be construed to prohibit any person from hauling or disposing of waste matter as defined in section 19.101. (Ord. No. 3354, §1)

§ 19.114 to

§ 19.120 Reserved.

§ 19.121 Receptacles.

It shall be the duty of every owner or tenant, lessee or occupant of any private dwelling house, apartment house, flat, restaurant, eating house, boarding house, or other building where meals are furnished and having garbage as defined in Section 19.101 to provide without expense to the City and at all times to keep within the building or on the lot on which the building is situated, suitable and sufficient watertight cans or other suitable receptacles with suitable bales or handles, each such receptacle fitted with a tight fitting cover, for receiving and holding, without leakage or escape of odor, and without being filled within four (4) inches of the top of any such receptacle, all garbage which will normally accumulate on the premises within a one (1) week period. Residential dwellings designated as having automatic lift container service will be provided with a receptacle or receptacles as required without a direct charge for the container or containers. Only the City-provided receptacles may be used for residential service in full service automatic lift container service areas. Automatic lift containers will not be provided in non-automatic lift container service areas. All such receptacles shall be maintained in good order and repair so that such receptacles shall have no sharp, rough or jagged edges likely to cause injury. The City will repair or replace an automatic lift container if it is damaged, missing or stolen. Such receptacles shall be placed at ground level and shall be located such that they will not be a public nuisance or in any degree offensive. Such garbage receptacles shall be emptied by the collectors at least once a week. Receptacles for garbage from private dwelling houses, from each flat and from each apartment house shall each have a capacity ninety (90) gallons in any one receptacle. The Director of Public Works may permit receptacles of different capacity when, in his opinion, it is impossible or impracticable, because of location, construction or other physical characteristics of the premises, to comply with the foregoing capacity limitations; provided further, that in the event he/she so determines, he/she may impose such conditions as he/she may deem necessary to or convenient upon the use, location, collection and physical characteristics of any such receptacles. No receptacle for receiving garbage, rubbish or waste matter shall be placed on or in any street, sidewalk, footpath, or any public place whatsoever, except in accordance with rules and regulations established under this chapter for the collection of same. It shall be unlawful to keep, place or deposit garbage on any private grounds or premises whatsoever, except in receptacles as designated in this section. It shall be unlawful to have, store, deposit, or keep garbage or swill where rats can have access thereto or feed thereon. (Ord. No. 3354, §1; Ord. No. 3875, §6; Ord. No. 85-078, §3)

§ 19.122 Placing Receptacles for Collection.

Any can(s) placed for collection to qualify for the rates set forth in the City's Fee and Charge Manual shall be placed in the following manner. If there is more than one can, the cans shall be placed closely together in one location and shall be placed within two feet of the curb in a manner such as to be in front of any fence or other barrier or enclosure, and readily accessible from the street or alley on which the collectors conduct their route. Automatic lift containers shall be placed at least two (2) feet from any obstruction, including an adjacent automatic lift container. The can or cans shall be placed for collection no earlier than twelve hours prior to the scheduled collection time and only for such additional period as may be incident to collection. The can or cans shall be moved back to their normal storage location not later than twelve hours after collection. No can placed for collection shall be placed on any public sidewalk or street in a manner which impedes traffic or drainage or in any manner which creates a hazard. Any can or cans placed for collection shall be placed in a manner which will provide the collector at least thirty-two inches unimpeded access thereto. (Ord. No. 3354, §1; Ord. No. 3786, §7; Ord. No. 3795, §1; Ord. No. 3813, §1; Ord. No. 3875, §7; Ord. No. 82-049 §1; Ord. No. 85-078, §4)

§ 19.123 Depositing Garbage, Rubbish, Etc., in Streets and Public Places; Reward for Information as to Violators.

It shall be unlawful for any person to throw or deposit any putrescible waste, rubbish, or waste matter, or to cause the same to be thrown or deposited upon any public place, private place, in any private receptacle not belonging to such person, within the City except: (a) in an approved receptacle; or (b) as otherwise specifically provided in this chapter.

A reward of \$100.00, lawful money of the United States, will be paid by the City to the person furnishing information to the authorities leading to the arrest and conviction of any person violating the provisions of this section. Such reward shall be paid to the person furnishing information leading to the arrest immediately upon conviction of the person arrested. (Ord. 3354, §1; Ord. 3875, §8; Ord. 4363, §5; Ord. 82-049, §1)

§ 19.124 Designated Depositories Must be Used; Use of Waste Matter to Fill Low Areas.

It shall be unlawful to bury or otherwise dispose of any garbage or rubbish within the City limits, except at a place designated by the director of public works and approved by the City Manager for the purpose of disposal. Waste matter, if not removed beyond the City limits, may be made use of upon receiving written permission from the director of public works with approval by the City Manager, for filling in of low areas within the City limits. (Ord. 3354, §1; Ord. 4363, §6)

§ 19.125 Burying or Burning Garbage Prohibited.

It shall be unlawful for any person to bury or burn garbage at any place within the City. (Ord. 3354, §1; Ord. 4363, §7)

§ 19.126 Burying or Burning Rubbish Prohibited.

It shall be unlawful for any person to bury or burn rubbish at any time within the City. (Ord. 3354, §1)

§ 19.127 Depositing Waste Matter During Construction.

Waste matter created by construction activities may be deposited in or on a private property when such deposit is made necessary by reason of building construction or alteration; provided, however, that the person so depositing shall cause its removal as soon as possible after the necessity ceases. (Ord. 3354, §1)

§ 19.128 Hazardous and Infectious Wastes.

The division of solid waste shall not collect hazardous wastes either alone or mixed with other matter which would normally be collected. The division of solid waste shall collect and remove infectious wastes in accordance with rules and regulations governing the collection and removal thereof established by the Health Department, the manager of the division of solid waste, and according to other applicable law. (Ord. 3875, §9)

§19.129 Health Officer to Make Rules and Regulations.

The Director of Public Works shall have the power to determine minimum required garbage collection services based on the amount of waste generated and to establish other sanitary rules and regulations governing the collection, recycling, reconstitution, recovery and disposal of garbage, rubbish and waste matter, not inconsistent with this chapter. (Ord. 3354, §1)

§ 19.130 Appeals--Generally.

Any person adversely and directly affected by any determination made or action taken by the Director of Public Works or Manager of Solid Waste pursuant to the provisions of this chapter may appeal said determination to the City Manager pursuant to the procedures set forth in Section 19.323.

§ 19.131 Same--Time for Filing.

The notice of appeal must be filed with the City Manager not later than 10 days following the determination by the Director of Public Works or Solid Waste Manager. The notice of appeal shall specify the basis of the appeal and only grounds mentioned therein shall be considered by the Manager. (Ord. No. 3354, §1)

§ 19.135 Billing Period--When New Rates Take Effect.

Garbage collection charges shall be billed periodically. All changes in garbage collection rates shall apply to that portion of the billing periods that occur on or after the effective date of the change. (Ord. No. 3432, §5)

§ 19.136 No Collection from Underground Receptacles.

The solid waste manager shall not collect any garbage or rubbish from any receptacle not placed at or above ground level for collection at the times prescribed herein for placing receptacles for collection. (Ord. 4442, §1; Ord. 4455, §1)

Article II. Repealed

Article III. Refuse Collectors

§ 19.301 Purpose of Article; Definitions.

- (a) Purpose: This article is determined and declared to be a health, sanitary and safety measure necessary for the promotion, protection and preservation of the health, safety and general welfare of the people of the City of Sacramento.
- (b) Definitions: As used in this article, unless the context requires otherwise:
 - (1) The words "private refuse collector" mean any person who has a valid private refuse collector's permit issued in accordance with the provisions of this article. A private refuse collector may collect refuse from residential and non-residential property anywhere within the City.
 - (2) The words "fiscal year" shall mean the period of time beginning on the first day of July of any year and ending on the thirtieth day of June of the following year.
 - (3) The word "landfill" means any place where refuse may be lawfully deposited and ultimately disposed.
 - (4) The word "refuse" includes waste paper; cardboard, wood, rubbish, trash, waste matter, and all other similar matter; but does not include any matter included in the definition of garbage, hazardous wastes, and infectious wastes in section 19.101 of this code.
 - (5) The word "vehicle" means any truck, trailer, semi-trailer or other equipment used to collect refuse or to haul or transport refuse over a public street or highway. (Ord. 3204, §1; Ord. 4041, §1)
 - (6) The words "enforcement agency" shall mean the enforcement agency duly appointed by the City pursuant to Government Code Title 7.3, Chapter 3 commencing with Section 66796. (Ord. 4041, §1)

§ 19.302 General Requirements; Exemptions from Article.

- (a) No person shall collect, transport or dispose of any refuse produced, kept or accumulated in the City except in accordance and compliance with, and as authorized by, the provisions of this article and other applicable laws.
- (b) Municipal corporations and other governmental agencies shall be exempt from the provisions of this article. (Ord. 3204, §1; Ord. 4041, §1)

§ 19.303 Permit-Required.

- (a) Except as otherwise provided in this section, it shall be unlawful for any person to engage in, operate as, or represent himself to the public as a collector, transporter or disposer of refuse within the City unless he has a valid private refuse collector's permit issued to him pursuant to

the provisions of this article. Such permits shall be issued for a period not to exceed one year, and to expire at the end of the fiscal year for which they were issued. All such permits may be renewed as provided in this article.

- (b) Any community, charitable or philanthropic organization may collect, transport and dispose of refuse without a permit, so long as no fee or gratuity is accepted for the collection of this refuse.
- (c) This section shall not be construed to prevent householders from hauling occasional loads of refuse, not containing garbage, from their own premises to a legal point of disposal.
- (d) Persons or organizations exempt under the provisions of subsections (b) and (c) above shall collect, transport and dispose of such refuse in accordance with the provisions of sections 19.316 & 19.319 of this Code. (Ord. No. 3204, §1; Ord. No. 3213, §1; Ord. 4041, §1)

§ 19.304 Same--Interest in Multiple Permits Prohibited.

No person shall have an interest in more than one private refuse collector's permit issued pursuant to the provisions of this article. For the purposes of this section, the word "interest" includes ownership or control of more than five percent of any joint venture, partnership or limited partnership or of the outstanding stock of a corporation. (Ord. No. 3204, §1; Ord. 4041, §1)

§ 19.305 Repealed.

§ 19.306 Same--Application; Applicant to be Fingerprinted, Etc., by Police Department.

- (a) Applicants for a permit or a renewal of a permit issue pursuant to the provisions of this article may file an application on the form provided by the revenue manager which shall provide the following information and declarations:
 - (1) The name, permanent home and business address of the individual applying and of the organization or persons on whose behalf the application is made.
 - (2) If the organization on whose behalf the application is made is a joint venture or a partnership or limited partnership, the names and permanent addresses of all partners, and their percentage of participation. If the organization is a corporation, the names and permanent addresses of all officers and the names and permanent addresses of all stockholders owning or controlling in excess of five percent of the outstanding stock, and their percentage of participation.
 - (3) A declaration that the applicant has arranged for the disposal of all refuse collected by him at a landfill or transfer station.
 - (4) The location of such landfill or transfer station.
 - (5) The address where all vehicles will be kept and the land use classification under the Zoning Ordinance of such locations.
 - (6) A declaration that the applicant owns or has under his control in good mechanical condition sufficient equipment to adequately conduct the business of refuse collection if granted a permit.

- (7) A declaration that such equipment conforms to all applicable provisions of this article and the California Motor Vehicle Code.
 - (8) Other identification and information as the revenue manager may require in order to discover the truth of the matters set forth in the application.
 - (9) Other information as the revenue manager may require which demonstrates that the applicant is able to render efficient refuse collection service and that the public health, safety, welfare, convenience and necessity require the granting of the permit to this applicant.
 - (10) Whether the applicant has ever had any application for a like permit denied, revoked, suspended, or canceled by any public entity, and the reason given therefor.
- (b) Each applicant, or its principal executive officer, shall be fingerprinted and photographed by the police department of the City of Sacramento. (Ord. No. 3204, §1; Ord. 4041, §1)

§ 19.306-1 Same--Application Fees.

Every application for a permit hereunder shall be accompanied by a non-refundable fee established by resolution of the City Council. This fee shall be in addition to any other fee or tax imposed upon the applicant. (Ord. 4095, §10; Ord. 4356, §1)

§ 19.307 Same--Issuance of Private Refuse Collector's Permit.

- (a) In the event the number of private refuse collector's permits which may be issued pursuant to section 19.309 of this Code exceeds the number of such permits which are presently held, the City revenue manager shall mail notice of this fact to all persons whose names appear on the list maintained by the City revenue manager for this purpose. Nothing contained herein shall be deemed to in any way render the City liable by reason of the failure of the City to send or the failure of any person to receive notice pursuant to the provisions of this section.
- (b) The City revenue manager shall accept an application for a private refuse collector's permit or renewal thereof, where the number of permits which may be issued pursuant to section 19.309 of this Code exceeds the number of permits presently held, where the applicant presently holds a valid private refuse collector's permit, or where the applicant has received approval from the City for the transfer of a permit to him.
- (c) The City revenue manager shall act on such applications only after the enforcement agency has determined that the applicant is able to render efficient collection service in accordance with the provisions of this article, and that the public health, safety, welfare, convenience and necessity require the granting of the permit to this applicant. Should the enforcement agency determine that the applicant is not able to render efficient private refuse collection service or that the public health, safety, welfare, convenience and necessity do not require the issuance of a private refuse collector's permit to the applicant this determination shall be noted on the application and returned to the applicant at the address shown on the application. All other applications shall be marked approved and returned to the City revenue manager.
- (d) The City revenue manager shall then act on those applications approved by the enforcement agency by issuing a private refuse collector's permit to each applicant who:

- (1) Presently holds a valid private refuse collector's permit, and has submitted his application within sixty days prior to the date of expiration of such permit, and has not transferred this permit pursuant to the provisions of section 19.310 of this Code; or
 - (2) Has submitted his application within ninety days following the mailing of notice of approval of the transfer of a permit to him, and has attached to this application a declaration by the transferee that he has not transferred his permit to any other person.
- (e) After acting on all applications in the manner provided in subsections (c) and (d) above, the City revenue manager shall issue the remaining permits, if any, to those applicants whose names were first added to the waiting list maintained for this purpose by the City revenue manager; provided, however, that should any action taken under subsections (c) or (d) of this section be appealed pursuant to the provisions of section 19.323 of this Code, the City revenue manager shall not act pursuant to this subsection until the decision on appeal becomes final as provided therein.
- (f) Notwithstanding the other provisions of this section, the City revenue manager shall not issue a private refuse permit to an applicant if the enforcement agency has directed the City revenue manager to refuse to renew the permit of that applicant, nor shall the City revenue manager's issue a private refuse collector's permit to a transferee of this permit. (Ord. No. 3204, §1; Ord. 4041, §1)

§ 19.308 Reserved.

§ 19.309 Same—Limitation on Number of Private Refuse Collector's Permits.

Inasmuch as the amount of refuse to be collected and disposed of is in direct proportion to the population of the City, the City Council finds that in order to provide better and more efficient refuse collection service to the citizens of the City the total number of private refuse collector's permits be limited to one for each twelve thousand seven hundred and fifty inhabitants of the City as shown by the last official U.S. census.

The limitation on the number of private refuse collector's permits may be changed by the City Council following a public hearing on the proposed change. Notice of this hearing shall be published once in the official newspaper of the City at least ten days prior to the date of hearing. The City Council may, after a finding that public convenience and necessity require a change in the limitation of the number of refuse collector's permits per capita within the City, order such change by ordinance. (Ord. No. 3204, §1; Ord. No. 3281, §1; Ord. 4041, §1)

§ 19.310 Same—Transfer; Property Value.

- (a) No permit shall be transferred, assigned or disposed of in any manner, voluntarily or involuntarily, directly or indirectly to any person except upon application to, and approval by the City. Such approval shall be given where the enforcement agency finds that the applicant is able to render efficient refuse collection service in accordance with the provisions of this article, and that the public health, safety, convenience and necessity would benefit from the granting of a permit to this applicant.
- (b) Any potential transferee may apply to the enforcement agency for a determination that a permit would be issued to him upon the transfer of a permit.
- (c) A non-refundable fee established by resolution of the City Council shall be charged for each application submitted pursuant to the provisions of this section. (Ord. 4356, §1)

- (d) The word "transfer" as used in this section includes the exchange of more than five percent interest in the holder of a permit, whether by one or more persons, and does not include the succession to an interest in a permit by an estate or by a bankruptcy court.
- (e) A private refuse collector's permit shall not have any property value to the permittee. (Ord. No. 3204, §1; Ord. 4041, §1)

§ 19.311 Subcontracting.

- (a) No private refuse collector shall subcontract for the collection of any refuse produced, kept or accumulated in the City except as provided herein. A private refuse collector may subcontract with one or more other private refuse collectors to the extent of fifty percent of his total collections in any fiscal year, as measured by his gross income for that year.
- (b) The word "subcontract" as used in this section includes any arrangement whereby the permittee does not have a supervisory role over the transportation or disposal of the refuse he collects and where the permittee does not receive the entire profits from the particular collection; provided, however, that this term does not include any arrangement whereby one permittee contracts with another permittee for the transportation and disposal of refuse from a transfer station to a landfill. (Ord. No. 3204, §1; Ord. 4041, §1)

§ 19.312 Private Refuse Collector's Inspection Fee.

Each and every person who has a private refuse collector's permit shall pay an annual inspection fee in the sum established by resolution of the City Council for each vehicle number issued pursuant to the provisions of sec. 19.314 of this code. This fee shall be due on the first day of the fiscal year, or of the date the vehicle number is issued, whichever is later. Fees collected pursuant to this section are in addition to taxes provided for in any other provisions of this code. (Ord. 3204, §1; Ord. 4041, §1; (Ord. 4356, §1)

§ 19.313 Reserved.

§ 19.314 Vehicle Identification--Private Refuse Collectors.

Each private refuse collector shall have a vehicle number for each vehicle used to collect, transport or dispose of refuse pursuant to his permit. The City revenue manager shall issue a vehicle number upon payment of the fee required by section 19.312 of this Code, and upon a determination that the vehicle complies with other provisions of this article. The permittee shall have painted on the side of each vehicle in plain view, in letters two inches in height, the name of the permittee, business address, telephone number, and vehicle number of the vehicle. Any vehicle number issued herein shall be transferable without payment of additional fees to any other vehicle owned by the holder of such permit, upon five days written notice to the City revenue manager, providing such other vehicle complies with the other provisions of this Code.

Notwithstanding the foregoing the City revenue manager may authorize a private refuse collector to use a vehicle which does not have a vehicle number to collect, transport or dispose of refuse. The City revenue manager shall authorize such use upon a determination that (1) the applicant has requested the authorization in a manner satisfactory to the City revenue manager, (2) the applicant has a vehicle with a vehicle number which will be repaired during the period the vehicle without a vehicle number will be used, and (3) the vehicle without the vehicle number complies with the provisions of section 19.319 of this Code. (Ord. No. 3204, §1; Ord. 4041, §1)

§ 19.315 Same--Residential Refuse Collectors.

§ 19.316 Hours of Collection.

No refuse shall be collected within the City except between the hours of 4:00 A.M. and 7:00 P.M. (or 8:00 P.M. during daylight saving time) of the same day. (Ord. No. 3204, §1; Ord. 4041, § 1)

§ 19.317 Insurance.

A commercial refuse collector shall maintain, during the term of his permit, public liability insurance in an amount not less than one hundred thousand dollars for injury or death to one person and in an amount not less than three hundred thousand dollars for injury or death to more than one person arising out of any one accident and property damage insurance in an amount not less than fifty thousand dollars. The City, its officers, agents and employees shall be designated as an additional insured in such policy. A copy of the insurance policy or its certificate of insurance shall be filed with the City prior to the issuance of any permit to collect refuse. All policies shall contain a provision requiring that ten days' notice must be given to the City collector prior to cancellation, modification or reduction of the limits of the policy by the insured.

§ 19.318 Bond.

Before issuing any private refuse permit under the provisions of this article, the City shall require the applicant as a condition to the issuance of the permit to post with the City a cash bond in the required amount, or a surety bond in the same amount furnished by a corporate surety authorized to do business in the state payable to the City. A private refuse collector shall post a cash bond or surety bond in the sum of one thousand dollars. Such bond shall be conditioned upon the full and faithful performance by the permittee of his duties under the applicable provisions of this article, and shall be kept in full force and effect by the permittee throughout the life of the permit and all renewals thereof. (Ord. No. 3204, §1; Ord. No. 3281, §1; Ord. 4041, §1)

§ 19.319 Vehicle Requirements and Inspection.

Any vehicle used by a private refuse collector to collect, transport or dispose of refuse shall have a bed of impervious material which can be cleaned, and such bed shall be kept clean and disinfected in accordance with the rules and regulations of the county department of environmental management. The permittee shall provide adequate means to prevent the refuse from escaping the vehicle.

All such vehicles shall be subject to inspection at all times by the City or by the County of Sacramento for the purpose of determining whether or not the vehicles comply with the sanitary requirements of the county health department, the provisions of the California Motor Vehicle Code, and the provisions of this article. Such inspection shall be made at a time and place designated by the authorized inspector. (Ord. No. 3204, §1; Ord. No. 3281, §1; Ord. 4041, §1)

§ 19.320 Revocation of Permit; Refusal to Renew Permit.

In the event that any person holding a private refuse collector's permit shall make or have made a false declaration in his application, or violate any condition of the permit, or any provisions of this Code relating to or regulating the collection, transportation or disposal of refuse, or shall collect, transport or dispose of refuse in an unlawful, improper or unsanitary manner, the enforcement agency may, in its discretion, in addition to the other penalties provided by this article, revoke such permit or direct the City revenue manager to refuse to renew the permit. (Ord. No. 3204, §1; Ord. 4041, §1)

§ 19.321 Revocation of Vehicle Number or Vehicle Sticker.

In the event that any vehicle used to collect, transport or dispose of refuse pursuant to the provisions of this article,

violates the standards provided for in section 19.319, the enforcement agency may, in its discretion, in addition to the other penalties provided by this article, revoke the vehicle number or vehicle sticker issued to that vehicle. (Ord. No. 3204, §1; Ord. 4041, §1)

§ 19.322 Effective Date of Appealed Action.

Any action which may be appealed under the provisions of this article shall be effective upon the expiration of the time for appeal; provided, however, that should timely appeal be filed, such action shall be effective upon final determination of such appeal. Where an appeal is taken by a present holder of a valid permit from a decision denying his application to renew such permit, the applicant may continue to operate under his permit until a final determination is made on his appeal. (Ord. No. 3204, §1; Ord. 4041, §1)

§ 19.323 Appeals Procedure.

Any person dissatisfied with any action taken by the City revenue manager or the enforcement agency pursuant to the provisions of this article may appeal to the City Manager within ten days following the date of such action by filing with the City revenue manager a notice of appeal on the form provided for that purpose. The person appealing shall attach a statement to the notice of appeal setting forth the basis on which he believes the action should be reversed or modified.

The City revenue manager shall transmit to the City Manager the notice of appeal, all pertinent records, the attached statement in support of appeal, if any, and a statement setting forth the basis for the action taken.

Within thirty days after the filing of a timely notice of appeal, the City Manager shall render his decision. The City Manager may affirm, reverse or modify any action taken pursuant to the provisions of this article. This decision shall be mailed to the person appealing at the address shown on the notice of appeal. The City Manager shall return all pertinent records, together with a statement of the action taken by him to the City revenue manager. The City revenue manager shall act in accordance with this decision except as otherwise provided herein.

Any person dissatisfied with any action taken by the City Manager pursuant to the provisions of this article may appeal such action by filing with the City Clerk within ten days after the date of the mailing of the decision a request that the matter be set for an appeal hearing by the City Council.

The City Clerk shall notify the City revenue manager of the filing of such appeal and the City revenue manager shall transmit to the council all records pertaining to the action being appealed. Notice of the hearing by the City Council shall be given in writing by the City Clerk at least five days prior to the date of the hearing and shall state the time and place where such hearing will be held. Such notice shall be served upon the appealing party by mailing it to his address as shown on the notice of appeal.

The City Council may affirm, reverse or modify any action taken pursuant to the provisions of this article. This decision shall be final forthwith, and the City Revenue Manager shall act accordingly. (Ord. 3204, §1; Ord. 4041, §1)

§ 19.324 Identification of Containers.

Any container having a capacity of one (1) cubic yard or more owned by any private refuse collector shall be identified with the name and telephone number of the person who owns the container. (Ord. 3875, §10; Ord. 4041, §1)

§ 19.325 to 19.400 Reserved.

Article IV - Garden Refuse

§ 19.401 Garden Refuse - Defined.

As used in this article the term "garden refuse" means leaves, grass cuttings and garden trimmings, weeds and roots from which all dirt has been removed, shrubbery and tree trimmings of which no single piece shall exceed thirty-six (36) inches in length, four (4) inches in diameter or forty (40) pounds in weight. (Ord. 3685, §4; Ord. 3786, §10; Ord. 3795, §1; Ord. 3813, §1; Ord. 3875, §11; MEASURE A ADOPTED 09-27-77 STATES THIS SECTION CANNOT BE AMENDED OR REPEALED)

§ 19.402 Legislative Findings.

The City Council finds and determines:

- (a) That the public health, safety and welfare of all the citizens of the City requires that the accumulation and disposal of garden refuse from properties within the City be handled in a manner producing the greatest good and least public inconvenience, cost and maintenance to the City and its citizens.
- (b) That the privilege of depositing garden refuse in the streets in front of properties within the City for periodic collection and disposal by the Department of Public Works is a privilege afforded by the City which is of substantial benefit to owners of all properties within the City to which the privilege is extended.
- (c) That the costs to the City in providing for the periodic collection and disposal of garden refuse from the streets in front of properties within the City should be collectively borne by the owners of said properties through the imposition and collection of an appropriate excise tax upon the privilege afforded said owners.
- (d) That the privilege of depositing garden refuse in the streets of the City in front of properties used primarily for residential purposes for periodic collection and disposal by City forces should be limited and restricted to the owners of those residential properties and that the privilege of depositing garden refuse in the streets of the City in front of commercial, industrial and agricultural properties should be restricted to those properties the owners of which are willing to subscribe to and pay the City an excise tax for the privilege extended to their properties which is based upon actual amounts of garden refuse deposited in City streets. (Ord. 3685, §4; Ord. 3786, §11; Ord. 3795, §1; Ord. 3813, §1)

§ 19.403 Repealed by Ordinance No. 4363.

§ 19.404 Deposit of Rubbish and Waste Matter Regulated.

It shall be unlawful and an infraction for any person to deposit rubbish or waste matter in the streets of the City in a manner other than that expressly authorized by this article. (Ord. 3685, §4)

§ 19.405 Deposit of Garden Refuse Authorized.

Garden refuse produced on properties used primarily for residential purposes may be deposited in the streets of the City at the times and in the manner prescribed by this article.

It shall be unlawful and an infraction punishable by a fine not to exceed \$500.00 for any person to deposit garden refuse in the streets of the City in a manner other than that expressly authorized by this article. No garden refuse shall at any time be placed for collection in a manner which shall: (a) impede traffic or constitute a hazard to traffic; (b) impede the flow of water through any drainage channel or in any manner impede the drainage of water; or (c) be on or impede any public sidewalk or other public walkway. All garden refuse placed in the streets will be placed and maintained in as compact a pile as possible. (Ord. 3685, §4; Ord. 3786, §12; Ord. 3795, §1; Ord. 3813, §1; Ord. 3875, §12)

§ 19.406 Place of Deposit.

Garden refuse shall be placed in the street in front of and contiguous to the residential properties from which the garden refuse is removed. Where there is no curb and gutter on the streets contiguous to the residential properties from which the garden refuse is removed, it shall be placed in containers or tied in bundles of which no single piece shall exceed thirty-six (36) inches in length, four (4) inches in diameter, or exceed forty (40) pounds in weight. This material shall also be deposited contiguous to the traveled portions of the streets' right-of-ways. (Ord. 3685, §4; Ord. 3786, §13; Ord. 3795, §1; Ord. 3813, §1; Ord. 3875, §13)

§ 19.407 Repealed by Ordinance No. 3875, §14.

§ 19.408 Maximum Amount of Deposit.

The maximum amount of garden refuse that may be deposited in the streets during a calendar week is as follows:

- (a) For single and two-family residential structures 2 cubic yards
- (b) For multi-family residential structures containing at least three (3) dwelling units and no more than fifty (50) dwelling units 1 cubic yard per dwelling unit

(Ord. 3685, §4; Ord. 3875, §15)

§ 19.409 Time of Deposit.

Garden refuse may be deposited in the streets in front of residential properties within the City no sooner than one calendar day prior to the regular date of collection and removal of garden refuse for those properties.

§ 19.410 Garden Refuse from Non-Residential Properties.

No person shall deposit garden refuse from properties used primarily for non-residential purposes in the streets of the City without first obtaining the prior written authorization of the streets manager, but the failure of any person to obtain such authorization shall not absolve him from the liability imposed by section 19.414. The streets manager may refuse to authorize the deposit of garden refuse for collection if he determines that the collection by the City could be impractical, uneconomic or otherwise create problems involving public health or safety. (Ord. 3685, §4; Ord. 3727; Ord. 3786, §16; Ord. 3795, §1; Ord. 3813, §1; Ord. 3875, §17)

§ 19.411 Same--Conditions of Deposit.

In authorizing the deposit in City streets of garden refuse from properties used primarily for non-residential purposes the streets manager shall specify the time, manner and place of the deposit. (Ord. 3686, §4; Ord. 3786, §17; Ord. 3795, §1; Ord. 3813, §1)

§ 19.412 Excise Tax Imposed--Residential Properties.

It is hereby found and determined that the privilege of depositing garden refuse from residential properties in the streets of the City for the collection and removal by City forces is a benefit to the owners of all properties within the City used primarily for residential purposes and such owners are hereby made liable for the payment of the excise tax upon said privilege imposed by the article irrespective of their actual use of City streets for deposit of garden refuse. (Ord. 3685, §4; Ord. 3786, §18; Ord. 3795, §1; Ord. 3813, §1)

Said tax shall be imposed on any newly constructed residence to commence at the beginning of the third full month after such newly constructed residence obtains garbage and water service. (Ord. 4207, §1)

(Ord. 3786 and 3795 repealed by Ord. 3813 before effective date of either ordinance.)

§ 19.413 Rate of Tax--Residential Properties.

The excise tax imposed upon the privilege of depositing garden refuse from residential properties in City streets shall be as follows:

- (a) Single-family residences: The monthly tax for each property where there is only one dwelling unit on one parcel of property which is used primarily for single-family residential purposes shall be \$2.00.
- (b) Two-family residences: The monthly tax for each property used primarily for two-family residential purposes shall be \$3.50.

(Ord. 3875 amended by Ord. 4090: the excise tax imposed by this ordinance shall be in effect until repealed.)

- (c) Multiple-family residences: The monthly tax for each property used primarily for residential purposes and having three (3) or more dwelling units shall be according to the following rate:

<u>Number of Dwelling Units</u>	<u>Excise Tax</u>
3 to 5	\$3.50 plus \$1.00 for each dwelling unit in excess of two (2) dwelling units.
6 to 10	\$6.50 plus \$0.50 for each dwelling unit in excess of five (5) dwelling units.
11 to 25	\$9.00 plus \$0.25 for each dwelling unit in excess of ten (10) dwelling units.
26 to 50	\$12.75 plus \$0.10 for each dwelling unit in excess of 26 dwelling units.

51 and greater Multiple-family residences containing more than 51 dwelling units shall be considered as being property used primarily for non-residential purposes and shall be billed accordingly.

(Ord. 3685, §4; Ord. 3721; Ord. 3786, §19; Ord. 3795, §1; Ord. 3813, §1; Ord. 3875, §18)

§ 19.414 Rate of Tax--Other Properties.

The excise tax imposed upon the privilege of depositing garden refuse in City streets from any property used primarily for nonresidential purposes shall be based upon the approximate average monthly quantity of garden refuse so deposited from the property.

The tax shall be computed according to the following rates:

<u>Average Monthly Quantity of Deposit</u>	<u>Monthly Excise Tax</u>
Two (2) cubic yards	\$4.50
Three (3) cubic yards	\$5.50
Additional for each cubic yard in excess of three (3) cubic yards	\$0.50

The approximate average monthly quantity of garden refuse deposit shall be determined by the streets manager and may be revised from time to time to reflect actual approximate average quantities deposited in the City streets from the properties to which the privilege is provided. Any garden refuse placed for collection pursuant to this section shall be subject to the articles herein specifying the time, manner and place for placement for collection of garden refuse from residential properties. (Ord. 3685, §4; Ord. 3786, §20; Ord. 3795, §1; Ord. 3813, §1; Ord. 3875, §19)

§ 19.415 Residential Condominiums, Planned Developments, Stock Cooperatives, Mobile Home Parks.

For purposes of this article any residential condominium, residential planned development, residential stock cooperative or mobile home park shall be considered to be a use of property for non-residential purposes. (Ord. 3685, §4)

§ 19.416 Optional Tax--Multi-Family Residential Properties.

The owner of any property used primarily for residential purposes on which three (3) or more dwelling units are located may elect to have the property taxed under this article as if it were being used primarily for non-residential purposes for the sole purpose of establishing the rate to be paid for such property; provided, in no event shall any such election establish an exemption from the tax imposed by this article. Said election shall be filed with the streets manager on such form as he may prescribe and said election shall remain in effect until revoked in writing by the owner or his successors in interest. (Ord. 3685, §4; Ord. 3875, §20)

§ 19.417 Same--Collection of Tax.

The excise tax for the privilege of depositing garden refuse in City streets for collection and removal by City forces shall be billed and collected in accordance with the provisions of chapter 64 of the Sacramento City Code.

**§ 19.418 to
§ 19.425 Reserved.**

§ 19.426 Neighborhood Cleanup Programs.

Rubbish and waste matter may be deposited in the City streets for collection and removal by the division of solid waste when such deposits are expressly authorized by the solid waste manager in connection with a neighborhood cleanup program. The time and manner of deposit, together with any limitation upon the nature and extent of materials to be deposited, shall be determined by the solid waste manager and shall be communicated by him to the neighborhood in which the program is to be conducted. (Ord. 3685, §4; Ord. 3786, §25; Ord. 3795, §1; Ord. 3813, §1)

§ 19.427 Bare Lot and Multiple Use Property Classifications; Rates; Lawn and Garden Refuse Tax Classification Board.

- (a) **Definition.** For the purpose of this section only, the term "residential property" shall mean and refer to residential property classified for the purposes of this Article IV in a classification established by section 19.413 excluding multiple family dwelling units having 51 and greater dwelling units.
- (b) **Application.** Any owner of residential property may apply for reclassification of such property according to the procedures set forth in this section. Any such application shall be filed on forms provided by the City and shall be filed with the revenue division of the City.
- (c) **Lawn and garden refuse tax classification board.** The Lawn and Garden Refuse Tax Classification Board shall be composed of two members, one of whom shall be from the Department of Finance and one of whom shall be from the Department of, Public Works Division of Streets. The membership of the board shall be appointed by, and shall serve at the pleasure of, the City Manager. The Board shall process all applications under and make the classifications of property described by this section.
- (d) **Classifications.** In addition to the classifications established by section 19.413, there shall be two additional classifications of residential property. These two classifications shall be:

Bare lot: The bare lot classification shall include only residential property which, by virtue of the fact that it has no vegetation outside the dwelling unit, will not produce any lawn and garden refuse. The term "outside the dwelling unit" shall mean outside the surface of the exterior surfaces. The term "exterior surfaces" shall mean those surfaces of the dwelling unit on the exterior perimeter through at least one of which persons customarily and reasonably enter or exit the dwelling unit.

Multiple use lot. The multiple use lot classification shall include only parcels of residential property on which different types of use occur (e.g. residential and commercial) such that two or more different rates of tax according to classification rather than rate are collected on the property. No property exceeding one-quarter acre shall be classified in this classification.

In no event shall classification in either of these classes qualify any property for any other classification or rate.

- (e) **Rates.** Any property classified on the bare lot classification shall pay the excise tax imposed by this article at the rate of \$0.00 per month. Any property classified in the multiple use lot

classification shall pay the excise tax imposed by this article at one rate equal to the single highest rate which would be imposed on any one structure located on the property according to the other classifications in this article. Such rate shall be charged to the owner of the entire parcel of property.

- (f) **Processing applications and classifications.** The Board shall process all applications for classification in the bare lot and multiple use lot classifications. Each application shall initially be referred to the street division which shall inspect the property and report the results of such inspection to the Board. The Board shall evaluate each application based on the information contained in such application and the street division report and shall determine the proper classification for each such property. In the event the Board determines that the proper classification for such property is either the bare lot or the multiple use lot classification, regardless of the date such determination is made, the effective date of the classification shall be the date the application was submitted to the revenue division. In the event the excise tax collected by City after the effective date of the classification exceeds the rate prescribed by this article, such excess shall be refunded to the then owner of the property as shown on the records of the revenue division as of the date of the refund.
- (g) **Notices and hearings.** In the event a property for which application for classifications is made pursuant to this section is not reclassified, notice shall be given to the applicant which shall briefly specify the reason for the decision of the Board. Any applicant who receives such notice who desires to have his application reconsidered by the Board may apply for a hearing before the Board. Any such application must be filed with the revenue division within fifteen calendar days of the date of the notice that the property was not reclassified. The Board shall within thirty calendar days after an application for hearing schedule a hearing upon ten days written notice to the applicant. The applicant may be present at such hearing and may present any evidence relevant to the classification of the property. The Board shall reevaluate the classification and shall classify the property in the classification which it shall deem proper in light of the application, the report of the street division and the evidence submitted by the applicant at the hearing. In considering the application on rehearing the Board may obtain a supplemental inspection report from the street division. Written notice of the action of the Board shall be given to the applicant and the classification established by the Board shall be final except as herein otherwise provided.
- (h) **Reclassification upon changed circumstances.** In the event the nature of any property classified in the bare lot or multiple use lot classifications changes such that it is no longer properly classified in such classification, the Board may reclassify the property into an appropriate classification after written notice to the property owner and a reasonable opportunity to the property owner to be heard on such reclassification. (Ord. 4089, §1)

Article V. Penalty for Violation

§ 19.501 Violation an Infraction.

Any person violating any provision of this chapter is guilty of an infraction. (Ord. 83-153, § 21)

SECTION 2.

Article XIV is hereby added to Chapter 61 of the Sacramento City Code, to read as follows:

Article XIV. Weed and Rubbish Abatement

§ 61.1401 Weed and Rubbish Abatement - Generally

Weed and rubbish abatement in the City of Sacramento shall be performed pursuant to title 4, division 3, part 2 of the Government Code (sections 39500 et seq.) except as modified by the following provisions.

§ 61.1402 Duties of Neighborhood Services Manager and Revenue Manager

Any duties imposed on the street superintendent of City Clerk by the Government Code Sections referenced in Section 61.1401 may be performed by the Neighborhood Services Manager, the Revenue Manager, and their designees. Abatement of the nuisance may be performed pursuant to contract.

§ 61.1403 Account of Costs of Abatement; Submission of Itemized Report to Council

The Neighborhood Services Manager shall keep an account of the cost of abatement in front of or on each separate parcel where work is done, and shall submit to the City Council for confirmation an itemized written report showing such cost. The cost of abatement shall include an administrative charge to cover incidental expenses and costs of the City incurred in the preparation of notices, specifications and contracts, and inspecting the work, and the costs of printing and mailing required under this article.

§ 61.1404 Lien or Personal Obligation

The cost of abatement shall be assessed against the parcel as a lien or made a personal obligation of the owner, and may be made a special assessment, as set forth in Article X of this chapter.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

Attest:

Mayor

City Clerk

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING CHAPTER 36 OF THE SACRAMENTO CITY CODE, RELATING TO SEWERS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

Section 1.

Chapter 36 of the Sacramento City Code is hereby amended to read as follows.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

**CHAPTER 36
SEWERS AND STORM DRAINAGE**

Article I. In General

§ 36.101 Definitions.

Unless the context specifically indicates otherwise, the meanings and terms used in this chapter shall be as follows:

Air Conditioning Season: The five-month period, May through September, inclusive.

Air Conditioning System: Any combination of equipment, whether compressor or other type, by which heat is removed from or added to the air, which maintains temperatures which are not less than sixty degrees Fahrenheit, and from which accumulated heat is wholly or partially removed or added by the use of water. Evaporative coolers are included in this definition.

Applicant: The owner or the agent of the owner of the property for which service is being requested.

B.O.D. (denoting biochemical oxygen demand): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade.

Capacity in Tons: "Capacity in tons" shall be taken as follows: (a) Total maximum B.T.U. per hour of capacity of the installation divided by 12,000; or (b) the nameplate horsepower of any compressor prime mover unit for any air conditioning installation; or (c) two-thirds the nameplate horsepower of (b) above for any refrigeration installation.

C.O.D. (denoting chemical oxygen demand): The oxygen consumed or the determination of the oxidizable organic load, of wastes containing certain toxic substances, as established by standard laboratory procedure.

Council: The city council of the City of Sacramento.

City: The City of Sacramento.

City Limits: The city limits of the City of Sacramento.

C.F.M.: The rated capacity of an evaporative cooler in cubic feet per minute.

Combined Sewer: A public sewer which is designed to carry both sanitary and storm flows.

Commercial Service: Provision of sewer service to premises where the customer primarily is engaged in a business, trade, manufacturing or processing activity. The term "commercial service" includes hotels, motels, rest homes, schools, and all other service not hereinafter defined as "domestic service."

Customer: The owner or agent of the owner of the property receiving sewer service.

Date of Presentation: The date on which a bill or notice is mailed or delivered personally to the customer.

Division: The division of flood control and sewer of the City of Sacramento.

Domestic Service: Provision of sewer service for household residential purposes to single-family and multiple-family dwelling units.

Drainage: All the runoffs from storms and surface drainage which enters into the sewage system.

Flat-Rate Service: Provision of sewer service for unmeasured quantities for a fixed periodic charge.

Garbage: Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Industrial Cooling Waters or Unpolluted Process Waters: Water used for cooling or processes, into which no chemicals, organics, or waste materials have been permitted to enter.

Industrial Service: The term "industrial service" as used in this ordinance is synonymous with the term "commercial service."

Industrial Wastes: The liquid wastes from industrial processes as distinct from sanitary sewage.

Mains: Collection pipelines located in streets, highways, public ways or private rights-of-way which are used to serve the general public.

Manager: The manager of the division of flood control and sewer.

Metered Service: Provision of sewer service for measured quantities for a periodic charge based on the quantity discharged.

Natural Outlet: Any outlet into a watercourse, ditch, pond, lake or other body of surface or ground water.

Person: Any individual, firm, company, association, society, partnership, corporation, organization, or group.

Premises: Buildings, establishments, parcels of land or lots which are improved and benefited by drainage, or the integral property or area, including improvements thereon, to which sewer service is or will be provided.

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

pH: The logarithm of the reciprocal of the hydrogen-ion concentration in grams per liter of solution.

Public Sewer: Any sewer which is controlled by the City of Sacramento, or other public agency operating a sanitary district within the city.

Refrigeration System: An installation for maintaining by heat removal, temperatures of less than sixty degrees Fahrenheit, and from which the accumulated heat is wholly or partially removed by the use of water.

Revenue Division: The division of the department of finance of the City of Sacramento responsible for the customer records.

Revenue Manager: The manager of the revenue division of the department of finance of the City of Sacramento. (Ord. No. 3533, §1)

Room: An area with a minimum of fifty square feet which is defined either by structure or by type of use.

Sanitary Sewage: Any waste discharging into the sewage system and which contains human or animal excreta, offal, or any feculent matter.

Sanitary Sewer: Any sewer which carries sanitary sewage or industrial wastes, and to which storm, surface, and ground waters are not intentionally admitted.

Service Connection: The pipe collection by means of which sewage is conducted from the premises.

Sewage: A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and stormwaters as may be present.

Sewer: A pipe or conduit for carrying sewage.

Sewage Treatment Plant: Any arrangement of devices and structures used for the treatment of sewage.

Sewage System: All facilities for collection, pumping, treating and disposing of the water-carried wastes from residences, business buildings, institutions, and industrial establishments.

Slug: Any discharge of water, sewage, or industrial waste, which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times the average twenty-four hour concentration of flows during normal operation.

Storm Drainage: Any drainage not classified as sanitary sewage. (Ord. No. 82-050, §1)

Storm Drainage System: A system of channels, ditches, conduits, pipes, pump stations, and other features and equipment the function of which is to handle and transport storm drainage from origin to point of disposal. (Ord. No. 82-050, §1)

Suspended Solids: Solids that either float on the surface of or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtration, expressed in milligrams per liter.

§ 36.102 to
§ 36.200 Reserved.

Article II. Use of Public Sewers

§ 36.201 Prohibited Discharges.

No person shall discharge or cause to be discharged to a public sewer within the city any substances, materials, waters or waste if said discharge would be violative of any sewer use ordinance enacted by the Sacramento Regional County Sanitation District. (Ord. No. 3538, §1)

§ 36.202 Regulated Waters, Wastes and Substances.

No person shall discharge or cause to be discharged to a public sewer within the city any of the following described substances, materials, waters, or wastes without first obtaining a written permit issued by the manager pursuant to this article. The substances prohibited are:

- (a) Any water or waste which contains more than 200 milligrams per liter of fat, oil or grease. The limitation of hexane soluble materials shall not apply to those waste waters from industries processing fats and oils of vegetable or animal origin for which the industry involved supplies at its own expense, satisfactory evidence that the waste waters are transportable in the sewers without causing obstructions to flow.
- (b) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (c) Any waters or wastes having a pH in excess of 9.5.
- (d) Materials which exert or cause in sewers: Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues). (Ord. No. 3538, §1)

§ 36.203 Interceptors.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the manager, they are necessary for the proper handling of liquid wastes containing grease in excessive 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 manager, and shall be located as to be readily and easily accessible for cleaning and inspection. (Ord. No. 3538, §1)

§ 36.204 Maintenance of Pretreatment Facilities.

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. (Ord. No. 3538, §1)

§ 36.205 Control Maintenance Hole.

When required by the manager, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control maintenance hole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Tests and logs of tests may be required of the industry and shall be made available to the city. Such maintenance hole when required, shall be safely located, and shall be constructed in accordance with plans

approved by the manager. The maintenance hole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe at all times. In addition, the maintenance hole shall be readily accessible during working hours by request to the owner or the owner's representatives. (Ord. No. 3538, §1)

§ 36.206 Standards for Testing.

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 maintenance hole provided, or upon suitable samples taken at said control maintenance hole. In the event that no special maintenance hole has been required, the control maintenance hole shall be considered to be the nearest downstream maintenance hole 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. (Ord. No. 3538, §1)

§ 36.207 to

§ 36.300 Reserved.

Article III. Construction and Maintenance of Sewers, Storm Drainage Lines and Sewage Works

§ 36.301 "Y" Cleanouts Required.

A "Y" type clean-out opening shall be placed in every sewer line inside the property line at the point of tap or inside the right-of-way line at the point of tap. Such clean-out opening shall extend to a grade level at an angle of forty-five degrees, shall be of metallic material at the upper twelve inches, and shall be provided with an approved plug located if an accessible position. (Ord. No. 3353, §1)

§ 36.302 Private Sanitary Sewer Lines.

Private sanitary sewer lines servicing two or more buildings or structures located on the same lot when such lines are not maintained by the city as a public utility shall be constructed to meet the standards for construction of public sewer lines, as such standards are set forth in the standard specifications of the City of Sacramento, as such specifications now read or may hereafter be amended to read. (Ord. No. 3353, §1)

§ 36.303 Private Storm Sewers.

Private storm sewers which are not maintained by the city as a public utility shall be constructed in accordance with standard specifications for public storm sewers, as such standards are set forth in the standard specifications of the City of Sacramento, as such specifications now read or may hereafter be amended to read. (Ord. No. 3353, §1)

**§§ 36.304 to
36.400 Reserved.**

Article IV. Powers and Authority of Inspectors

§ 36.401 Authority to Inspect Premises.

The manager and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties with the occupant's consent for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. If consent is not obtained, inspection may be accomplished as provided by law. The manager or the manager's representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. (Ord. No. 3353, § 1)

§ 36.402 Compliance with Safety Rules.

While performing the necessary work on private properties referred to in article IV, section 36.401, above, the manager or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company. (Ord. No. 3353, §1)

§ 36.403 Inspection and Work on Properties Subject to Easements.

The manager and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter 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 entry and subsequent work, if any on such easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. No. 3353, §1)

§ 36.404 to

§ 36.500 Reserved.

Article V. Sewerage Treatment Charges

Division 1. In General

§ 36.501 Application of Article to Political Subdivisions.

The provisions of this article applicable to premises outside the city limits shall not apply to other cities, sanitary districts, sanitation districts or sewer maintenance districts.

Sewerage charges for such users of city sewerage facilities shall be established by separate contracts between each such agency and the city council. (Ord. No. 3353, §1)

§ 36.502 Establishment of Rates, Charges and Fees by Resolution.

Notwithstanding any provision of this Chapter or any other provision of the City Code to the contrary, the rates, charges and fees established or provided for in this Article shall hereafter be established by resolution of the City Council. (Ord. No. 83-060, §2)

§ 36.503 to

§ 36.509 Reserved.

Division 2. User Rates

§ 36.510 Sewerage Charges - Persons Liable

The owner of each premises in the city which is served by city sewerage facilities shall be liable for the payment of sewerage charges established by the City Council.

§ 36.511 Authority of Manager to Fix Rates.

The manager shall fix rates for those accounts and special usages not readily susceptible of classification under the rates established by the City Council. In fixing such rates, the manager shall be governed by the rates provided the City Council for other accounts and usages of a similar sewerage producing capacity. Any customer aggrieved by such a determination may appeal such action to the Sewer and Storm Drainage Appeals Board pursuant to Article VIII of this chapter. (Ord. No. 3538, §3; Ord. No. 82-050, §2)

§ 36.512 Repealed by Ord. 83-060, §2.

§ 36.513 Repealed by Ord. 83-060, §2.

§ 36.514 Repealed by Ord. 83-060, §2.

§ 36.515 Special Uses—Air Conditioning and Refrigeration—General.

No adjustments shall be made in the charges for air conditioning and refrigeration usages for other than average operating conditions, such as long or short daily period, season of operation or unseasonable weather. The air conditioning rates shall be applicable during the air conditioning season. (Ord. No. 3538, §3; Ord. No. 82-050, §2)

§ 36.516 Repealed by Ord. 83-060, §2.

- § 36.517 Repealed by Ord. 83-060, §2.
- § 36.518 Repealed by Ord. 83-060, §2.
- § 36.519 Repealed by Ord. 83-060, §2.
- § 36.520 Repealed by Ord. 83-060, §2.
- § 36.521 Repealed by Ord. 83-060, §2.
- § 36.522 Repealed by Ord. 83-060, §2.
- § 36.523 Repealed by Ord. 83-060, §2.
- § 36.524 Repealed by Ord. 83-060, §2.
- § 36.525 Repealed by Ord. 83-060, §2.
- § 36.526 Regional Sewer Use Charge.

Pursuant to the terms of the Master Interagency Agreement between the City and the Sacramento Regional County Sanitation District, dated November 1, 1974, the regional user charges imposed by the Regional Sewer Rate Ordinance of said district shall be billed and collected by the city with the user charges imposed by this division. All provisions of division 4 of the article shall be applicable to said regional user charge; provided that said charge shall be identified as such on each utility billing and shall not be combined with any other rate, toll or charge appearing on the billing except for showing the total sum due to the city under said billing. (Ord. No. 3538, §3; Ord. No. 82-050, §2)

§ 36.527 Repealed by Ord. 83-060, §2.

§ 36.528 to

§ 36.549 Reserved.

Division 3. Storm Drainage Charges

§ 36.550 Storm Drainage—General.

Rates for storm drainage charges for residential and commercial properties shall be established by resolution of the City Council. (Ord. No. 82-050, §3)

§ 36.551 Storm Drainage Charges - Persons Liable

The owner of each premises in the city which is served by city storm drainage facilities shall be liable for the payment of storm drainage charges established by the City Council.

§ 36.552 Repealed by Ord. 83-060, §2.

§ 36.553 Repealed by Ord. 83-060, §2.

§ 36.555 Appeal.

Any person aggrieved by the classification of property owned by such person or the rate set for such property may file a written appeal with the Revenue Manager, which shall include a statement of the grounds for appeal. The appeal shall be reviewed in accordance with Article VIII of this chapter. (Ord. No. 82-050, §3)

§ 36.556 Hearing.

§ 36.557 to § 36.559 Reserved.

Division 4. Collection of Charge

§ 36.560 Bills—Method of Billing.

The billing and collection of charges for services rendered pursuant to this Chapter shall be conducted in accordance with the provisions of Chapter 64 of the Sacramento City Code.

§ 36.561 to § 36.600 Reserved.

Article VI. Sewer Connection Charges

§ 36.601 Service Connection Installation Fee.

The fee for connection to the city sewer system shall be determined by reference to a schedule of rates set by resolution of the City Council and paid in advance.

§ 36.602 Additional Connection Charge for Sacramento Regional County Sanitation District.

The Manager shall, on behalf of the Sacramento Regional County Sanitation District, collect such connection charges for connection to specified city sewers as are pre-described by said district, and shall transmit same to the district. The amount of the charge and the localities to which said charge are applicable shall be determined by the district in accordance with existing agreement between city and district. (Ord. No. 3454, §1)

§ 36.603 Prepayment of Charges.

No permit shall be issued for the connection to the city sewer system of any property subject to the sewer connection installation fee imposed by this article until the same has been paid and no person shall connect or cause the connection of any such property to the city sewer system, either directly or indirectly, without compliance with the provisions of this article. (Ord. No. 3454, §1)

§ 36.604 Reserved.

§ 36.605 Sewer System Development Fee.

- (a) General. Every lot, parcel or tract of land not connected to the City sewer system prior to July 7, 1984, shall be subject to a sewer system development fee, and no sewer service from such system shall be furnished thereto unless such charge has been made. Such charge shall not apply if the fee established by this section, or the equivalent thereof has been previously made by the owner, or a predecessor of such owner, of such property.
- (b) Amount of Fee. The fee established by this section shall be determined by reference to a schedule of rates set by resolution of the City Council. If an existing sewer service is replaced by one of a larger size at the owner's request the fee shall be equal to the difference between the fee for the original service size and that for the replacement service size

Payment of said development fee shall be in addition to payment of all other applicable fees and charges. (Ord. No. 84-051, §1)

§ 36.606 to

§ 36.700 Reserved.

Article VII. Penalties and Enforcement

§ 36.701 Penalties.

Any person violating any provisions of article II or article III of this chapter shall be deemed guilty of a misdemeanor and subject to the penalties provided in section 1.7 of this code. (Ord. No. 3353, §1)

§ 36.702 Authority of City Attorney in Case of Violation.

In addition to all of the remedies provided in this chapter, the city attorney, in the name of and on behalf of the city and the people of the State of California, may institute appropriate actions or procedures in a court of competent jurisdiction to restrain or abate any violations of the provisions of this chapter as a public nuisance.

It is hereby declared that discharge or causing to be discharged sewage in violation of the provisions of Article II of this chapter constitutes a public nuisance and may be restrained by a court of competent jurisdiction in the manner set out above. This declaration shall not preclude the abatement of other violations of the chapter as a public nuisance. (Ord. No. 3353, §1)

§ 36.703 Discontinuance of Service.

In addition to all of the remedies provided in this chapter, discharge of prohibited waters or wastes shall result in disconnection of the premises from the public sewer.

Prior to such discontinuance of service the owner of the real property to which the service was rendered shall be served with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.

When service has been disconnected as provided in this chapter, the manager may require that the person requesting that such service be reestablished furnish a bond or deposit equal to five times the City's cost to cause the disconnection, rectify problems caused by the prohibited discharge, and complete the reconnection, payable to the city and conditional upon compliance with the provisions of this chapter, before granting permission to make such connection. The person making application for such reestablishment of service shall pay all expenses incurred by the city in causing such disconnection and reconnection before such permission may be granted. (Ord. No. 3353, §1)

§ 36.704 to § 36.800 Reserved.

Article VIII. Appeals

§ 36.801 Appeals—Generally.

Any person adversely and directly affected by any determination made by the flood control and sewer manager or the revenue manager may appeal the determination to the Sewer and Storm Drainage Appeals Board. The Sewer and Storm Drainage Appeals Board shall be composed of three members, including the flood control and sewer manager, the revenue manager, and the Director of Public Works or the Director's designee.

§ 36.802 Same—Time for Filing.

The notice of appeal must be filed with the revenue manager not later than fifteen (15) days following the determination being appealed and shall include a statement of the grounds for appeal.

§ 36.803 Review of Appeal; Hearing.

The appeal shall be reviewed by the Board and notice of the decision of the Board shall be given to the appellant. In the event the appeal is not granted, a notice briefly specifying the reasons for the Board's decision shall be mailed to the appellant at the address set forth on the notice of appeal. Any appellant may apply for a reconsideration hearing before the Board by filing a request for consideration with the revenue manager not later than ten (10) days following the date of the notice of decision. The Board shall thereafter schedule a hearing with no less than ten (10) days written notice to the appellant. The appellant and any representative of the appellant may be present at the hearing and may present any evidence relevant to the appeal. The Board shall reevaluate the appeal considering evidence from the appellant and evidence from the division of flood control and sewers. Written notice of the Board's action on the appeal after hearing shall be given to the appellant. The order of the Board shall be final and conclusive.

§ 36.804 to

§ 36.899 Reserved.

Article IX. North Bannon Street Trunk Sewer District—Established

§ 36.900 Establishment of District.

Pursuant to Section 50140 of the Government Code of the State of California, there is hereby established within the City of Sacramento the North Bannon Street Sewer District, hereinafter District. (Ord. No. 3711, §1)

§ 36.901 Same—Boundaries.

The boundaries of the District shall be as follows:

All that portion of the Northwest one-quarter of Section 36, Township 9 North, Range 4 East, M. D. B. & M., described as follows:

Beginning at a point on the West right of way line of Bannon Street from which an iron pipe monument set to mark the point of intersection of the West right of way line of said Bannon Street with the Northerly right of way line of North B Street as said point is described in that certain Deed executed by James F. Deyo to Gilroy E. Cottle recorded in the office of the Recorder of Sacramento County bears the following two (2) courses and distances: (1) South 00 degrees 16' 46" East 56.65 feet and (2) South 14 degrees 44' 26" East 139.85 feet; thence from said point of beginning South 44 degrees 57' 44" East 84.52 feet to a point on the East right of way line of said Bannon Street; thence North 89 degrees 43' 45" East 149.94 feet; thence North 00 degrees 16' 15" West 300.00 feet; thence North 89 degrees 43' 45" East 150.00 feet; thence North 85 degrees 11' 41 " East 60.19 feet; thence North 89 degrees 43' 45" East 156.51 feet to a point on the Southwesterly right of way line of the Southern Pacific Railroad; thence North 47 degrees 24' 45" East 85.00 feet; thence South 42 degrees 35' 15" East 222.27 feet; thence North 18 degrees 21' 55" East 440.28 feet; thence North 71 degrees 44' 05" West 290.00 feet; thence North 20 degrees 45' 12" West 126.73 feet; thence North 71 degrees 44' 05" West 200.00 feet; thence South 18 degrees 21' 55" West 221.20 feet to a point on the Northeasterly right of way line of the Southern Pacific Railroad; thence South 77 degrees 29' 24" West 98.23 feet; thence South 60 degrees 07' 45" West 50.61 feet; thence South 00 degrees 16' 15" East 87.97 feet; thence South 70 degrees 40' 45" West 163.00 feet to a point on the Northeasterly right of way line of said Bannon Street; thence North 78 degrees 44' 39" West 63.82 feet to a point on the Southwesterly right of way line of said Bannon Street; thence South 89 degrees 43' 14" West 133.02 feet; thence South 00 degrees 16' 46" East 445.41 feet; thence North 89 degrees 43' 14" East 140.13 feet to the point of beginning.

§ 36.902 Same—Permit for Connection for Trunk Sewer Line.

Owners of property within the District may connect to the sanitary sewer lines within the District upon payment to the city engineer of the connection fee established pursuant to section 36.903. No permit authorizing the connection of a premise to a sanitary sewer line shall be issued until said connection fee has been paid. (Ord. No. 3711, §1)

§ 36.903 Same—Fees for Connection to Trunk Sewer Line.

The fee required for connection to sanitary sewer lines for each parcel within this District shown on the attached map marked Exhibit "A" shall be as follows:

<u>Parcel No.</u>	<u>Forced Main Fee</u>	<u>Lateral Fee</u>	<u>Outfall Fee</u>	<u>Area Fee</u>	<u>Total Credit</u>	<u>Fee</u>
1	\$1,398.27	-0-	\$211.67	\$1,702.32	-0-	\$3,312.26
2	243.42	-0-	36.85	538.23	-0-	818.50
3	243.42	-0-	36.85	538.23	-0-	818.50
4	243.42	-0-	36.85	538.23	-0-	818.50
5	243.42	-0-	36.85	538.23	-0-	818.50
6	243.42	-0-	36.85	538.23	-0-	818.50
7	243.42	-0-	36.85	538.23	-0-	818.50
8	243.42	-0-	36.85	538.23	-0-	818.50
9	243.42	-0-	36.85	538.23	-0-	818.50
10	975.58	-0-	147.68	2,157.10	-0-	3,280.36
11	649.13	-0-	98.27	1,435.29	-0-	2,182.69
12	324.56	-0-	49.13	717.64	-0-	1,091.33
13	324.56	-0-	49.13	717.64	-0-	1,091.33
14	162.28	-0-	24.57	358.82	-0-	545.67
15	162.28	-0-	24.57	358.82	-0-	545.67
16	518.93	-0-	78.56	1,147.40	-0-	1,744.89
17	537.80	-0-	81.41	1,189.12	-0-	1,808.33
18	590.63	-0-	89.41	1,305.94	-0-	1,985.98
19	649.13	-0-	98.27	1,435.29	-0-	2,182.69
20	520.81	-0-	78.85	1,511.57	-0-	1,751.23
21	-0-	1,638.03	363.35	-0-	229.17	1,772.21
22	-0-	3,079.04	683.00	-0-	420.77	3,331.27
23	-0-	-0-	-0-	-0-	-0-	-0-

Said fee shall increase at the rate of .583 percent per month commencing August 1, 1978 and on the first day of each succeeding calendar month. Payment of said connection fee shall be in addition to payment of any other connection fee established by ordinance or law. (Ord. No. 3711, §1; Ord. No.4113, §1)

§ 36.904 Same—Funds from Fees.

The funds received by the city engineer as connection fees pursuant to section 36.902 shall be paid to the Redevelopment Agency of the City of Sacramento to reimburse said Agency for cost incurred in construction of oversized trunk sewers with the District for the benefit of owners within the District. (Ord. No. 3711, §1)

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

Mayor

Attest:

City Clerk

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING CHAPTER 47
OF THE SACRAMENTO CITY CODE, RELATING TO WATER

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Chapter 47 of the Sacramento City Code is hereby amended to read as follows:

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

CHAPTER 47
WATER
Article I. In General

§ 47.1 Description of Services: City Council to Make Rules and Regulations.

The Division of Water, Public Works Department, of the City of Sacramento will furnish safe and potable water meeting the standards of the California Management and Safety Code. Services installed by the division will be classified as follows:

1. Residential
2. Commercial (industrial)
 - a. Flat rate
 - b. Metered (Ord. No. 2175, §1)

Rules and regulations for the supply and use of water shall, be fixed from time to time by the city council upon recommendation of the city manager. (Ord. No. 530, §6)

§ 47.1-1 Water Service Area.

The area in which service is or will be furnished by the division is that area lying within the city limits as such limits now prevail or may from time to time exist, and those areas outside the city limits which have been approved for such service by the city council. (Ord. No. 2175, §1)

§ 47.1-2 Definitions.

Unless the context requires otherwise, whenever the words or terms defined in this section, or pronouns used in their stead, occur in this chapter they shall have the meanings here given:

1. **Air Conditioning Season:** The five-month period, May through September, inclusive.
2. **Air Conditioning System:** Any combination of equipment, whether compressor or other type, by which heat is removed from or added to the air, which maintains temperatures which are not less than sixty degrees Fahrenheit, and from which the accumulated heat is wholly or partially removed or added by the use of water. Evaporative coolers are included in this definition.
3. **Applicant:** The owner, or the agent of the owner, of the property for which service is being requested.
4. **Capacity in Tons:** "Capacity in tons" shall be taken as follows:
 - a. Total maximum B.T.U. per hour of capacity of the installation divided by 12,000;
 or
 - b. The nameplate horsepower of any compressor prime mover unit for any air conditioning installation; or
 - c. Two-thirds of the nameplate horsepower of b. above for any refrigeration installation.

5. **City:** The City of Sacramento, California.
6. **City Council:** The City Council of the City of Sacramento, California.
7. **City Limits:** The city limits of the City of Sacramento, California.
8. **C.F.M.:** The rated capacity of an evaporative cooler in cubic feet per minute.
9. **Commercial Service:** Provision of water to premises where the customer primarily is engaged in a business, trade, manufacturing or processing activity. The term "commercial service" includes hotels, motels, rest homes, schools, and all other services not hereinafter defined as "domestic service."
10. **Cross-Connection:** Any connection between a pipe or other facility connected to any system other than the city water system.
11. **Customer:** The owner or agent of the owner of the property receiving water service.
12. **Date of Presentation:** The date on which a bill or notice is mailed or delivered personally to the customer.
13. **Demand Charge:** A seasonable charge for water service for excess plant capacity and distribution facilities required by air conditioning systems which do not have conservation devices, and use water during periods of peak use.
14. **Division:** The division of water of the City of Sacramento, California.
15. **Domestic Service:** Provision of water for household residential and irrigation purposes to single-family and multiple-family dwelling units.
16. **Flat-Rate Service:** Provision of water in unmeasured quantities for a fixed periodic charge.
17. **Industrial Service:** The term "industrial service" as used in this ordinance is synonymous with the term "commercial service."
18. **Irrigation Season:** For all flat rate service, this shall be taken as the six (6) month period, May through October inclusive.
19. **Mains:** Distribution pipelines located in streets, highways, public ways or private rights-of-ways which are used to serve the general public.
20. **Manager:** The manager of the division of water of the City of Sacramento, California.
21. **Metered Service:** Provision of water in measured quantities for a periodic charge based on the quantity delivered.
22. **Premises:** The integral property or area, including improvements thereon, to which water service is or will be provided.
23. **Refrigeration System:** An installation for maintaining, by heat removal, temperatures of less than sixty degrees Fahrenheit, and from which the accumulated heat is wholly or partially removed by the use of water.
24. **Revenue Division:** The division of the department of finance of the City of Sacramento responsible for customer records.

25. **Revenue Manager:** The supervisor manager of the revenue division of the department of finance of the City of Sacramento.
26. **Room:** An area with a minimum of fifty (50) square feet which is defined either by structure or by type of use.
27. **Service Connection:** The pipe, valves and other facilities by means of which water is conducted from the distribution main to the premises. Said service connection includes the tap to the distribution main and the meter in a metered service or the curb stop or shutoff valve in an unmetered service.
28. **Temporary Service:** Provision of water on an uninterrupted basis or for short periods of time.
29. **Water Conservation Device:** A cooling tower, spray pond, evaporative condenser, circulating pump or other equipment by which water is cooled and recirculated, thereby limiting the use of water to that amount lost through evaporation. (Ord. No. 3352, §2)

§ 47.1-3 Service Connections and Private Water Mains.

Private water mains three inches or larger serving two or more buildings or structures located on the same lot or not maintained by a public utility shall be constructed to meet the standards for construction of public water mains, as such standards are set forth in the standard specifications of the City of Sacramento, as such specifications now read or may hereafter be amended to read.

Each parcel shall have a separate water service and shall be valved with an approved at the main. (Ord. No. 2175, §1; Ord No. 3136, §1)

§ 47.1-4 Relocation of Service Connection.

A service connection may be relocated by the city at a customer's request provided the relocation, in the judgment of the manager, is not detrimental to the city water system. The cost of such relocation shall be borne by the customer. Such cost shall be estimated by the manager and shall include for general administration and overhead. The customer shall pay such estimated cost in full prior to the performance of the work. Where a service connection is relocated for the convenience or protection of the city, such relocation will be at the expense of the city. (Ord. No. 2175, §1)

§ 47.1-5 Service Connections.

To be eligible for water service, the property to which service is to be extended must abut a dedicated public easement in which a city water main is constructed at a point immediately adjacent to the property. The manager may authorize the extension of service if the applicant for water service cannot dedicate a public easement in which an existing water main is constructed.

The manager may authorize water service for land locked parcels when approved by the Building Inspections Manager, provided recorded private easements are obtained by the owner. Private easements must abut a water main in a dedicated public easement or City right-of-way. Water service lines constructed in private easements are considered private. Maintenance and repairs of service lines installed in private easements are the owner's responsibility. The water meter and/or City point of service will be at the edge of the public right-of-way.

Except as provided herein, maximum sizes of service connections shall be determined by the manager. For single-family domestic service, the maximum size of service connections shall be one inch (1"). (Ord.

§ 47.2 Water Discontinued for Repairs.

The supply of city water may be discontinued at any time without notice to water takers, when required by the necessities of the service of the division of water or of any other department of the city government, and the city shall in no way be liable for damage resulting from such discontinuance. (Ord. No. 555, §43)

§ 47.3 Application for Use of Water.

No person shall use any city water without first making application to the manager of the division of water to install a tap, or to turn on the water where tap is already installed. (Ord. No. 555, §30)

§ 47.4 Inspections.

It shall be unlawful for any person to interfere or seek to interfere with the inspection by the manager of the division of water, or the manager authorized representative, of any water fixture or water using or distributing device to which city water is connected; provided, that before entering occupied dwellings or premises for the purpose of making an inspection, the consent of the occupant thereof shall be secured. If consent is not secured, the manager shall take other steps to effect an inspection as provided by law. (Ord. No. 555, §31)

§ 47.5 Leaky Fixtures.

It shall be unlawful for any person to maintain or allow on his premises leaky or faulty water fixtures or water using or distributing devices to which city water is connected, so that city water is wasted thereby; and, the failure to repair or disconnect such faulty device within five days after being notified in writing to do so by the division of water shall be sufficient cause for the disconnection of city water from such premises by the manager of the division of water until such repairs have been made, and after such disconnection, water shall be reconnected only in accordance with the provisions of section 47.7. (Ord. No. 555, §32)

§ 47.6 Fire Hydrant Use.

No person other than employees of the division of water, except members of the fire department, properly authorized, and persons authorized by the City Manager, or the manager's designee, shall open any fire hydrant or attach any hose, tubing or pipe thereto for any purpose, without first obtaining written permission from the manager of the division of water. Written permission shall be obtained on the city form titled fire hydrant use permit as on file in the administrative offices of the division of water. (Ord. 83-048, §1)

§ 47.7 Reconnection of Water.

In no case shall the water be restored to any premises when shut off as provided in this chapter, unless the pipe leading thereto is directly connected with the city mains and unconnected with any other service pipe leading to any other premises, and except on payment of all arrearages and the additional amount covering costs for shutting off and letting on the water. (Ord. No. 555, §34; Ord. No. 84-031, §2)

§ 47.8 Refusing Entry to Manager.

If any person refuses to allow the manager of the division of water to enter the premises of such person for the purpose of disconnecting the service pipe of a delinquent water taker from the service pipe of such person, the manager of the division of water shall immediately cause the water to be shut off from the premises of the person so refusing, in the manner provided for shutting off water from a delinquent water taker, and such person shall thereafter, in all respects, be deemed and be treated as a delinquent water taker. (Ord. No. 555, §35)

§ 47.9 Repealed by Ord. No. 87-063, §1.

§ 47.10 Service Pipes.

It shall be unlawful for any person whose service pipe is, at the time of the passage of this chapter, attached directly or indirectly to the water mains of the city, to allow any person to attach any service pipe to his service pipe. (Ord. No. 555, §37)

§ 47.11 Use After Shut Off.

Whenever, from any cause, the manager of the division of water shall shut off any hydrant or pipe carrying or discharging water from the works of the city, it shall be unlawful for any person to open such hydrant or pipe or to turn on or use any water from such hydrant or water pipe, without first obtaining from the manager of the division of water of the city a permit or license therefore. (Ord. No. 555, §38)

§ 47.12 Repealed.

§ 47.13 Hydrants—Obstructing From Street Side.

It shall be unlawful for any person to blockade or obstruct any fire plugs of the city in such a manner that it would be difficult or impossible to attach a fire engine hose thereto, or to place any such obstruction on the street within twenty feet of any such fireplug. (Ord. No. 256, 3rd Series, §1)

§ 47.14 Same—Violations and Penalties.

In the event any person shall violate any provision of Sections 47.6 the following shall apply.

1. For each and every separate violation, the person who committed the violation shall be guilty of an infraction.
2. Any violation may require that an assumable deposit in cash of one hundred dollars (\$100) shall be paid to the division of water as a condition of issuance for each and every fire hydrant use permit requested by the person deemed responsible for the violations for a period of five (5) years beginning on the date of the first violation. Said deposit shall be held for at least one year, after which it will be refunded without interest if no further violations have occurred.
3. If a person shall commit more than three (3) violations the city may refuse to issue any further fire hydrant use permit. (Ord. 83-048, §1)

§ 47.15 Same—Leaving Open After Use.

It shall be unlawful for any person, whether authorized to open a fireplug or not, to leave the same open after having ceased to use it, or to leave the cap off the nozzle of such fireplug. (Ord. No. 256, 3rd Series, §3)

§ 47.16 Same—Placing Obstructions Upon.

No person shall place upon or about any fire hydrant, water gate, curbcock or stopcock connected with the city's water system any building material or other obstruction so as to prevent free access to the same at all times. (Ord. No. 555, §40)

§ 47.17

Article II. Division of Water

§ 47.18 to 47.22 Repealed by Ordinance No. 3352.

Article III. Rates and Charges

§ 47.23 to 47.36 Repealed by Ordinance No. 3352.

Article IV. Construction of Water Mains

Division 1. Subdivisions Within City Limits

§ 47.37 Application for Installation.

Any person requesting the furnishing of water service from the mains of the city for subdivisions in which distribution systems have not heretofore been placed shall apply to the manager of the division of water. Application shall be made on a form prescribed by the manager and shall contain plans and specifications for the proposed distribution system, which shall conform to the requirements of the manager as to size, type and quality of materials and location of mains. (Ord. No. 1202, §1)

§ 47.38 Certification of Approval of Installation.

If the manager of the division of water certifies in writing that the plans and specifications submitted conform to the requirements of the division of water, the applicant may cause the water distribution to be installed either by private contract or by the procedure prescribed by the Streets and Highways Code for special assessment proceedings. (Ord. No. 1202, §1)

§ 47.39 Inspection of Installation.

The manager of the division of water shall have the right to inspect all work performed and all work must be approved by the manager after inspection before the distribution system shall be connected to the water system of the city. (Ord. No. 1202, §1)

§ 47.40 Distribution System to Become Property of the City.

Upon connection of the distribution system to the water system of the city, the distribution system shall become the property of the city. (Ord. No. 1202, §1)

Division 2. Subdivisions Outside the City Limits

§ 47.41 Approval of City Council.

No application for water service to any subdivision located outside the city limits shall be granted without approval by the city council. (Ord. No. 1202, §1)

§ 47.42 Application for Certification.

Applications to the manager of the division of water for water service to subdivisions and users located outside of the city limits may be granted only in areas where surplus water is available in excess of the adequate needs for abundant use by the consumers within the city limits, and where the granting of such service is not deemed detrimental to existing services or inimical to the interests and operations of the division of water. (Ord. No. 1202, §1)

§ 47.43 Special Permit—Required.

All applicants for city water service to users outside of the city limits shall secure a permit from the department. The permit shall not be issued unless it is found that the plumbing in the premises to be served and the construction of the water distribution system conforms with the provisions of this code and other ordinances of the city and the laws of the state relevant thereto. The applicant shall allow Sacramento County Environmental Management department to inspect the premises at all reasonable times and if it is found that any of the above-mentioned provisions, ordinances or laws are violated, the water service shall be disconnected. (Ord. No. 1202, §1)

§ 47.44 Same—Application.

The application for the special permit required by the preceding section shall be as follows:

CITY OF SACRAMENTO
DIVISION OF WATER

Application for Special Permit for Connection to Water
Mains Extension Outside the City

Date _____

Owner's Name _____
Property Location _____
Lot Number _____ Lot Size _____
Building Existing? _____
To be Constructed? _____
War Service Size _____
Number of Plumbing Fixtures _____

In order to protect the water system of the City of Sacramento from possible contamination from the use of defective or improper materials or appliances and to prevent backflow, it is hereby agreed by the undersigned that all plumbing for potable water distribution on the above property shall be in accordance with the requirements of this code or other ordinances of the city.

I also understand that I am purchasing surplus water only, that any agreement to purchase such surplus water does not guarantee quality (or pressure), and that neither the City Council of Sacramento nor the City of Sacramento assumes liability or obligation should surplus water not be available.

Signed _____
Owner

Address

(Ord. No. 1202, §1)

§ 47.45 Discontinuance of Service Outside City Limits.

The division of water may discontinue service to any user living outside of the city limits when it determines that the continuation of such service is no longer feasible economically or that such continuation interferes with proper service to water users within the city limits. (Ord. No. 1202, §1)

§ 47.46 Water Furnished Only for Domestic and Ordinary Commercial Use.

No water shall be furnished outside the city limits for other than domestic and ordinary commercial use. (Ord. No. 1202, §1)

§ 47.47 Size of Water Taps.

Water taps for domestic consumers outside the city limits shall be limited to one inch for single-family residential lots. (Ord. No. 1202, §1)

§ 47.48 City Not Liable for Continuity of Service, Etc.

The city and its officers and employees do not guarantee continuity of service or adequate pressure to users of water located outside the city limits. (Ord. No. 1202, §1)

§ 47.49 Maintenance of System.

The city shall maintain all distribution systems constructed pursuant to the provisions of this article. (Ord. No. 1202, §1)

Article V. Use of Water in Air Conditioning and Refrigerating Units and Swimming Pools

Division 1. Generally

§ 47.50 Repealed.

§ 47.51 Discontinuance of Service.

Alterations, changes of equipment or piping, improper operation or lack of maintenance, which result in conditions that are hazardous to the potable water supply, either within the premises or in supply mains, or cause use of water in excess of quantities permitted under this article, shall be cause for the discontinuance of the supply of water to the premises until such conditions are abated or until such water conservation devices, as elsewhere specified in this article, are operating within the defined limits of use. (Ord. No. 2070, §5)

Division 2. Permits

§ 47.52 Air Conditioning and Refrigeration Systems—Required.

After January 1, 1959, no person shall install or replace any equipment for air conditioning or refrigeration, excepting evaporative coolers with recirculated flow, which requires a supply of water from the city water system or discharges to a public sewerage system, without first submitting a written application on the forms provided to the division of water and obtaining a water or sewer use permit therefore. This use permit is required in addition to the usual permits issued in compliance with the city Plumbing Code and Electrical Code. Plumbing permits will not be issued unless the water or sewer use permit has been obtained. (Ord. No. 2070, §2)

§ 47.53 Repealed.

§ 47.54 Same—Issuance.

Water or sewer use permits to install or replace air conditioning or refrigeration systems will be issued at the division of water and sewers to either property owners, or to persons or agencies licensed by the Contractor's State License Board to perform such work, and acting as the agent of the property owner. It will be the responsibility of the property owner to see that such permit is obtained.

Within forty-eight hours following the completion of any work authorized by the permit, notice of completion and request for inspection shall be returned in writing by the person or agency receiving the permit, to the division of water. (Ord. No. 2070, §2)

§ 47.55 Swimming Pools.

Prior to the issuance of a plumbing permit for the installation of a swimming pool, a plan showing the water supply and drainage piping of the swimming pool shall be submitted for approval by the manager. This drawing shall indicate all valves, size of piping and filter pump capacity. The plumbing inspector shall not issue a permit for the work without prior approval by the manager. (Ord. No. 2070, §2)

Division 3. Regulations for Conservation of Water

§ 47.55-1 Time Limit for Sprinkling.

No person shall use, or cause to be used, any city water for the purpose of irrigation or the sprinkling of lawns through an automatic sprinkler for a period exceeding thirty minutes or through a hose for a period exceeding two and one-half hours during each calendar day. (Ord. No. 555, §41)

§ 47.56 Air Conditioning and Refrigeration Devices—Water Conservation Device Required.

After January 1, 1959, all new or replacement air conditioning and refrigeration systems using water from the city water system, or discharging to a public sewerage system, shall be equipped with a water conservation device. The water conservation device shall have sufficient capacity to insure against the use of more than 0.2 GPM of makeup water per ton of rated capacity under full loading at maximum summer temperatures. (Ord. No. 2070, §3)

§ 47.57 Same—Discharge into Storm Sewers.

Waste cooling water from air conditioning and refrigeration systems must be discharged to a storm sewer where separate storm and sanitary sewers are provided. The requirements of a conservation device for systems supplied by private wells may be waived by the manager where adequate storm sewer capacity exists. (Ord. No. 2070, §3)

§ 47.58 Evaporative Coolers—Recirculating Pump.

Evaporative coolers installed after January 1, 1959, shall be equipped with a recirculating pump. The makeup supply line shall be equipped with an inlet valve which shall open only when makeup water is required by the unit. (Ord. No. 2070, §3)

§ 47.59 Same—Sale of Cooler Without Recirculating Pump.

No person within the limits of the city shall sell an evaporative cooler after January 1, 1959, which will use water from the public water system within the city limits unless such cooler is, when sold and delivered, equipped with a water recirculating device. (Ord. No. 2070, §3)

§ 47.60 Roof Sprinklers Prohibited.

The use of existing roof sprinkler systems after January 1, 1959, or their installation after the effective date of this section is prohibited. (Ord. No. 2070, §3)

§ 47.612 Swimming and Wading Pools—Recirculating Devices Required.

After January 1, 1959, all swimming or wading pools above two thousand gallons in content, using water from the city water system or discharging to a public sewerage system, shall be provided with recirculating systems equipped with an approved filter. (Ord. No. 2070, §3)

§ 47.62 Same—Waste Discharge Generally.

Where separate storm and sanitary sewers are provided, discharge from swimming or wading pools must be to the storm sewer, if practicable, as determined by the manager; except, however, if the swimming pool is located adjacent to a street having concrete curb and gutter or adequate ditch drainage, property owner may have the option of installing a completely closed system by the use of a separation tank. Discharge from this closed system to the street, for the purpose of adjusting water level in the swimming pool, shall be limited to a hose connected to a three-fourths inch hose bib located on the discharge side of the separation tank. (Ord. No. 2818, §1)

§ 47.63 Same—Permission to Discharge into Sanitary Sewer.

Where permission to discharge swimming pools into a sanitary sewer has been granted by the manager, the following special conditions shall apply:

- (a) Maximum size of discharge pipe from pool to sump shall be limited to one and one-half inches, with a control valve provided for possible future regulation in the event the sanitary sewer capacity is exceeded.

- (b) Disconnection from sanitary sewer by owner shall be mandatory if the sanitary sewer capacity becomes inadequate for both sanitary flows and swimming pool discharges. (Ord. No. 2070, §3)

§ 47.64 Same—Hours of Filling and Discharge.

Swimming pool filling or discharge shall be limited to the hours between 8:00 P.M. and 9:00 A.M. (Ord. No. 2070, §3)

**§ 47.65 to
47.69 Reserved.**

Article VI. Obstruction, Destruction or Interference with Watercourses

§ 47.70 Definitions.

For the purposes of this article, the following words and phrases shall have the meaning respectively ascribed to them by this section:

Channel: An elongated open depression in which water may or does flow.

Director of Public Works: The Director of Public Works or the Director's authorized representative.

Conduit: A general term for any channel intended for the conveyance of water, whether open or closed; any container for flowing water.

Ditch: An artificial channel usually distinguished from a canal by its smaller size.

Drainage:

- (1) The process of removing surplus ground or surface water by artificial means; or
- (2) The manner in which the waters of an area are removed; or
- (3) The area from which waters are drained; a drainage basin.

Person: Any person, firm, association, partnership or corporation. (Ord. No. 2592, §1)

§ 47.71 Permit Required to Obstruct, Etc., Watercourses.

It is unlawful for any person, without first having obtained a permit from the city engineer pursuant to this article:

- (a) To interfere with, destroy or use in any manner whatsoever any levee, embankment, channel or other stream protection work constructed by the city, or by any drainage district organized under the laws of the state.
- (b) To change the drainage on a property so as to divert the drainage to the nearest public road.
- (c) To fill or obstruct or maintain any fill or obstruction in any drainage ditch, watercourse, channel or conduit carrying storm or drainage water.
- (d) To do anything to any drainage ditch, watercourse, channel or conduit carrying storm or drainage water that will in any manner obstruct or interfere with the flow of water through such ditches, watercourses, channels or conduits. (Ord. No. 2592, §1)

§ 47.72 Obstructing Flow of Water, Etc., Prohibited.

It is unlawful for any person to place or cause to be placed in any drainage ditch, watercourse, channel or conduit or upon any property over which the city or any drainage district has an easement for flood control or drainage purposes any wires, fence, building or other structure or any refuse, rubbish, tin cans or other matter that may impede, retard or change the direction of flow of water in such drainage ditch, watercourse, channel or conduit or that will catch or collect debris carried by such water or is placed where the natural flow of the storm and flood waters would carry the same downstream to the damage and detriment of either

private or public property adjacent to said drainage ditch, watercourse, channel or conduit. (Ord. No. 2592, §1)

§ 47.73 Obligation of Property Owner.

No property owner, whether it be a person, lessee or tenant, through whose property a drainage ditch, watercourse, channel or conduit carrying storm or drainage water passes shall allow to be placed or maintained thereon any obstacle that will prevent or retard the flow of water through such ditch, watercourse, channel or conduit except as otherwise allowed under a permit obtained pursuant to this article. (Ord. No. 2592, §1)

§ 47.74 Application for Permit to Obstruct, Etc., Watercourses, Etc.

Any person desiring to obtain any permit required under this article shall file an application in writing therefore with the Director of Public Works. The application may be on a form supplied by the Director of Public Works and shall contain:

1. The name and address of the applicant, and if the applicant is a corporation, the names and addresses of the principal officers thereof.
2. The place where the work is to be done.
3. Description of the work to be done or the use desired of the property, together with an engineered plan drawn by a registered civil engineer hired by the applicant if so required by the Director of Public Works, and such other information as the Director of Public Works may require to carry out the purposes of this article.
4. A statement that if the permit is granted, the applicant agrees that all works specified in the application will be commenced within thirty days after the permit is granted and will be pursued to its completion with reasonable diligence. (Ord. No. 2592, §1)

§ 47.75 Issuance of Permit to Obstruct, Etc., Watercourses, Etc.

If the Director of Public Works determines after investigation that the work:

- (a) Will not interfere with the flow of natural storm waters; and
- (b) Will not injure adjoining property; and
- (c) Will not complicate normal drainage maintenance; the city engineer shall issue a permit to do the proposed work in the manner specified in the application or in such a manner as the engineer may determine is required to carry out the purposes of this article. He may impose such terms and conditions as he may deem necessary to insure the proper maintenance of the property for flood control and drainage purposes. The permittee will assume all responsibility for the consequences of any work done or use permitted under the permit. The issuance of a permit by the city engineer shall not be construed as subjecting the city to any liability whatsoever for work done or uses permitted under the permit, nor shall the issuance of a permit be construed as relieving the permittee or owner of the property from any such liability to the extent it may exist. (Ord. No. 2592, §1)

§ 47.76 Revocation of Permit to Obstruct, Etc., Watercourses, Etc.

Any permit issued under this article may be revoked by the Director of Public Works if he determines the public interest and welfare require the revocation or if there is a violation of this article or the terms and conditions of the permit. (Ord. No. 2592, §1)

§ 47.77 Special Tests.

If it is determined by the Director of Public Works that any special tests such as but not limited to soil test, compaction tests, materials tests or other special tests are required, then the applicant shall be required to pay to the city the actual costs of such tests. (Ord. No. 2592, §1)

§ 47.78 Violations of Article—Generally.

If the work is not done in accordance with the terms of the permit or contrary to the instructions of the Director of Public Works, then the applicant or permittee has violated the terms of this article and shall be subject to the penalties prescribed in section 47.79. In addition, any work done must be reconstructed pursuant to the terms of the original permit and if it is not so done by the applicant or permittee and it is deemed essential to the health, welfare or safety of the general public, the Director of Public Works may order the work to be done, which work must be paid for by the applicant or permittee, and if not paid, the cost thereof shall be a lien against the property on which the work is done. (Ord. No. 2592, §1)

§ 47.79 Same—Misdemeanor; Penalty.

Any person violating any provision of this article shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment for a term not exceeding one hundred days or by both such fine and imprisonment. (Ord. No. 2592, §1)

**§ 47.80 to
47.89 Reserved.**

Article VII. Water Flow for Fire Protection

§ 47.90 Adoption of National Board of Fire Underwriters' Bulletin No. 266.

The recommendations, guides, and standards for fire protection facilities and adequate water flow published May 4, 1948, by the Committee on National Prevention and Engineering Standards, under the title, "National Board of Fire Underwriters' Bulletin No. 266," are adopted as and for the recommendations, guides and standards for fire protection facilities and adequate water flow within this city as to all matters therein contained except as herein otherwise provided. Three copies of the Bulletin No. 266, and amendments thereto, shall at all times be kept on file in the office of the city clerk. (Ord. No. 3137, §1)

§ 47.91 Intent and Purpose of Article.

This article is adopted for the following purposes:

- (1) To protect public health, safety and welfare from the danger of fire because of the lack of fire protection facilities and of adequate water flow for fire protection available to buildings located at a distance from public streets, alley and rights-of-way.
- (2) To establish uniform standards for the construction and placement of fire protection facilities and the delivery of adequate water flow for fire protection upon private property.
- (3) To provide for the installation, maintenance and supervision of fire protection facilities and adequate water flow for fire protection upon private property. (Ord. No. 3137, §1)

§ 47.92 Definitions.

In construction of this article the definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise:

- (1) "**Land**" means any lot, parcel, zoning plot, acreage or building site, or any other land or portion thereof, whether improved or unimproved.
- (2) "**To develop land**" means to make any improvements or do any work upon such land as would require the issuance of a building permit under chapter 9 of the Sacramento City Code.
- (3) "**Fire chief**" means the fire chief of the City of Sacramento or/the chief's designated representatives.
- (4) "**On-site fire protection facilities**" includes such facilities whether installed before or after the effective date of this article.
- (5) "**National standards**" means the recommendations, guides and standards for fire protection facilities and adequate water flow published May 4, 1948, by the Committee on National Prevention and Engineering Standards, under the title "National Board of Fire Underwriters' Bulletin No. 266."
- (6) "**Standard specifications**" means the standard specifications of the City of Sacramento, adopted by the council of the City of Sacramento by Resolution No. 653, dated March 30, 1967, or such other standard specifications as may be hereafter adopted by the city council. (Ord. No. 3137, §1)

§ 47.93 On-site Fire Protection Facilities and Adequate Water Flow for Fire Protection Required.

When any land is to be developed in such a manner that any part of a proposed building or structure to be located thereon will be in excess of three hundred feet from the nearest fire hydrant located, or to be located prior to the completion of the building or structure, in a public street, alley or place, the owner, or developer shall provide at the same time of such development of land in the public street, alley, or place, or on site, such fire protection facilities and adequate water flow for fire protection as the fire chief shall deem necessary, according to national standards. All facilities required to be installed shall be approved by and meet the specifications of the fire chief as to location, size and type of materials and manner of installation; provided, however, that all water mains, fittings and hydrants shall conform to national standards and to the standard specifications of the city. No main shall be installed which is less than six inches in diameter. Hydrant branches of six inch diameter shall be circulating if more than five hundred feet in length.

If the fire chief shall determine that the installation of a circulating six inch branch would result in practical difficulty or unnecessary hardship, he may permit the installation of a single (non-circulating) eight inch branch if such branch is connected to a water main of at least eight inches in diameter or is connected to a circulating six inch water main of not more than one thousand feet in length. All installations made in a public street, alley or place shall be subject to the inspection of, and approval by, the Director of Public Works and subject to the conditions of an encroachment permit issued therefore.

The costs and expenses of installing on-site fire protection facilities shall be the responsibility of the owner or developer of the land. The costs and expenses of installing off-site fire protection facilities, including main and branch mains, shall also be the responsibility of the owner or developer, but the city may, at its discretion, share in the expense of installation of such facilities in such proportion and according to such policies as may be determined by the council of the city. (Ord. No. 3137, §1)

§ 47.94 Plans—Review by Fire Chief—When Required.

Every application for a building permit and its accompanying plans filed with the manager of the building inspections division of the city (hereinafter referred to as "the building official") pursuant to chapter 9 of this code shall be referred to the fire chief for review and comment, if:

- (1) The proposed development will consist of one or more buildings located upon a single zoning plot, or additions thereto, the total floor area of which, including that of any existing building located upon the same zoning plot, will exceed twenty-five thousand square feet; or
- (2) The proposed development will consist of one or more buildings or additions thereto, any one of which exceeds either two stories or thirty feet in height, whichever is lesser; or
- (3) The proposed development will consist of one or more buildings or additions thereto in Occupancies A through H as defined by chapter 9 of the Sacramento City Code wherein any part of any building or structure will be in excess of three hundred feet from the nearest fire hydrant located or to be located in a public street, alley or place prior to the completion of the building or buildings. (Ord. No. 3137, §1)

§ 47.95 Same—Action by Fire Chief.

When any plans are submitted under section 47.94 hereof, the fire chief shall review the same and determine whether or not the fire protection facilities and water flow for fire protection existing or to be provided are adequate according to national standards. If the fire chief shall have determined that the facilities and water flow for fire protection existing or to be provided are adequate according to national standards, the chief shall endorse the plans with an approval and return the same to the building official. If the fire chief shall have determined that the facilities existing or to be provided are not adequate according to national standards, the chief shall:

- (1) Disapprove the plans and indicate in writing to the building official wherein they are deficient. In such event the building official shall require from the owner revised plans to cure the deficiency, and the revised plans shall be submitted to the fire chief; or
- (2) Conditionally approve the plans. In such event such conditions shall be made a part of such plans and the issuance of a permit by the building official shall be so conditioned. (Ord. No. 3137, §1)

§ 47.96 Access for Fire Fighting Equipment.

Whenever any fire protection facilities, hydrants, or other appurtenances for use by the fire department are required to be installed pursuant to this article, there shall be included in the development plan and delineated thereon, adequate provision for access by fire fighting personnel and equipment to and from all such fire protection facilities, including, but not limited to hydrants and appurtenances. Such access shall be approved by the fire chief and the owner may be required to dedicate to the city as a condition of approval of the development plan, an easement sufficient for access by fire fighting equipment to such fire protection facilities. All such access easements shall be maintained in such a manner as to provide clear and unobstructed ingress and egress by fire fighting personnel and equipment at all times. (Ord. No. 3137, §1)

§ 47.97 Final Inspection; Occupancy Permit.

No final inspection by the building official as to all or any portion of the development shall be deemed completed and no certificate of occupancy or temporary certificate of occupancy shall be issued unless and until the installation of the prescribed fire protection facilities and access ways have been completed and approved by the fire chief. (Ord. No. 3137, §1)

§ 47.98 Maintenance of On-Site Fire Protection Facilities.

All on-site fire protection facilities shall at all times be maintained as installed, free of leaks and in good working order by the owner of the land. The fire chief is hereby empowered at the chief's discretion, to enter upon the land at reasonable times and in a reasonable manner to conduct periodic tests and inspections of such facilities. If the fire chief determines that any on-site fire protection facilities are being maintained in such manner as not to meet national standards, the chief shall order the owner to make such repairs, alterations, or additions as shall conform the facilities to national standards. The fire chief shall designate a reasonable time within which such repairs, alterations, or additions are to be made and it shall be unlawful for any person so ordered to willfully fail or refuse to comply with such order. Without limiting the foregoing, the willful failure or refusal to comply with such an order shall constitute an occupancy violation within the meaning of the applicable provisions of Chapters 9 and 50 the Sacramento City Code. (Ord. No. 3137, §1; Ord. No. 4131, §1)

§ 47.99 Alterations or Modification of On-Site Fire Protection Facilities.

On-site fire protection facilities may be altered or repaired with the written consent of the fire chief subject to the provisions of section 47.93. (Ord. No. 3137, §1)

§ 47.100 Inspection of On-Site Fire Hydrants.

All on-site fire hydrants and off-site facilities shall be inspected, serviced and tested by the city. Officers, employees, agents and contractors of the city are hereby authorized to enter upon land upon which such hydrants are installed at reasonable times in a reasonable manner for the purpose of inspecting, servicing and testing such hydrants. The terms "service," "serviced," and "servicing" shall mean and include only repainting external surfaces and hydrant identification numbers, to clear away weeds, shrubs and other accumulations of vegetation, to lubricate operating nuts and stems, and to replace nozzle caps, chains and gaskets. (Ord. No. 3137, §1; Ord. No. 4131, §2)

§ 47.101 Filing of Map.

A map showing the size and location of all water pipes and hydrants installed pursuant to this article and stating the material of which such pipes are made and the date of their installation and approval shall be filed in the office of the division of water prior to the issuance of any occupancy permit under the provisions of the Building Code. (Ord. No. 3137, §1)

§ 47.102 to

47.109

Reserved.

Article VIII. Water Wells

§ 47.110 **Repealed.**

§ 47.111 **All County Regulations Pertaining to Construction and Abandonment of Water Wells Shall Apply Within the City Limits.**

It shall be unlawful for any person, firm or corporation, whether as principal, servant, agent or employee, intending to dig, drill, bore, drive, reconstruct or abandon any well, whether the well is used for domestic purposes, irrigation, air conditioning, disposal, exploration or cathodic protection and/or to install or repair pumps, without first having obtained a permit to do so from the County Environmental Management Department. In case of emergency affecting life, health, crops or livestock, a licensed contractor may start work immediately but shall notify the health department within seventy-two hours by telephone or in person of the work being done. Where removal of the pump or breaking of the sanitary seal is not necessary, a permit shall not be required.

§ 47.132 **Prohibition of Water Wells within a certain portion of the City of Sacramento.**

- (a) **Purpose.** Certain chemicals have been found in the ground water at and immediately west of McClellan Air Force Base in Sacramento City and County. These chemicals may constitute a hazard to the health, safety and well being of the residents of the City of Sacramento. The United States Government, without admitting any liability, has recognized the need to take corrective measures. To date there is insufficient data to indicate the existence of a hazard to health, safety and well being from the use of wells for industrial and irrigation purposes only.

Pursuant to a comprehensive and long range plan, the United States Government has installed certain monitoring wells and certain extraction wells at appropriate places on and west of McClellan Air Force Base. This ground water monitoring and extraction/treatment program will benefit the residents of the area hereinafter described. The pumping of water from the water wells west and southwest of McClellan Air Force Base impairs the ability of the United States Government to adequately monitor and contain the spread of the aforesaid chemicals. The prohibitions and requirements set forth in this chapter provide effective control over potential points of human exposure to possibility of ground water contamination. Therefore, it is necessary to the health, safety and well being of the residents of the City of Sacramento that the City Council enact the prohibitions and requirements set forth in this chapter.

- (b) **Definitions.** "Public Agency" means any public agency of the state including, but not limited to, cities, counties, districts, agencies and authorities; "Water Purveyor" means a public agency authorized by law to provide water for domestic or irrigation purposes to the general public, "Domestic" means all residential uses of water, except industrial, irrigation and agricultural, and "Irrigation" means all uses of water for irrigating food and forage crops and ornamental vegetation and watering of farm animals.
- (c) **Prohibition Area.** This chapter shall apply to, and the term "prohibition area" as used in this Chapter shall mean, that portion of the city from McClellan Air Force Base west along Ascot Avenue, south on Dry Creek Road, southeast along Marysville Boulevard, east on Bell Avenue, then south on Raley Boulevard to Interstate 80 and east to McClellan.
- (d) **New Wells Prohibited.** From and after such time as water from the City of Sacramento is made available for domestic, industrial, and irrigation purposes within the prohibition area

no permit shall be issued for and no person shall dig or drill a new water well within the prohibition area.

- (e) **Closure of Existing Water Wells.** Within ninety (90) days following such time as both (1) water for domestic, industrial, and irrigation purposes is made available by the city to a property within the prohibition area and (2) the United States Government tenders to the city on behalf of the owner of the property an amount of money equal to the total cost of connection to the water main and closure of any existing water wells, whichever is later in time, the owner of such property shall do one of the following:
- (1) Abandon all such water wells on the property in accordance with regulations established by the Sacramento County Environmental Management Department.
 - (2) If the owner of such property elects not to close the water well, such owner shall cause the well to be severed from any buildings so that the water from such well may not be used for domestic purposes and shall further cause to be installed such back flow prevention devices as may be required by the appropriate health authorities. In such cases no person shall thereafter use the water from such well for domestic purposes and no person shall thereafter allow or cause such a well to be connected to any building so that water could be drawn from such well for domestic purposes.
 - (3) In the event the owner of such property elects not to close the water well as set forth in paragraph (2), such owner shall thereafter be responsible for all costs, including, but not limited to, maintenance, repair, replacement, improvement and testing of any required back flow prevention devices and for all costs required for testing or monitoring the well, it being the expressed intent that the offer of the United States Government to pay any costs is a one time only offer and all continuing costs and costs thereafter arising are the responsibility of the property owner and not the United States Government.
- (f) **Availability of Water.** For purposes of this chapter, water for domestic and irrigation purposes shall be deemed available to a property if a water main has been installed in the public right of way nearest the property and the water main is usable.
- (g) **Cost of Connection and Closure.** The cost of connection to a water main and the cost of closure of an existing well shall include all labor, material and engineering cost necessary to accomplish the same together with all fee and permit costs. In addition, the cost of connection to a water main shall include the cost of a water line of sufficient size to provide an adequate water supply to the property for domestic, and if applicable, industrial, and irrigation purposes. It is intended that the cost of all work necessary to accomplish the connection and, if appropriate, well closure shall be borne by the United States Government and such work shall be accomplished without cost to the property owners. It is further intended that no property owner be required to have a connection which provides a lesser quantity of water, measured on a monthly basis, than an existing facility. To these ends, the City Department of Public Works shall determine all issues of necessity of cost and sufficiency of service size in accordance with city water and sewer division procedures. All work shall be accomplished by the city department of public works or its licensed contractor(s).
- (h) **Exemptions.** This chapter shall not apply to monitoring or testing wells operated by the United States Government or a public agency.
1. This is an emergency ordinance within the meaning of section 32(g) (2) of the Sacramento City Charter and shall take effect immediately. The facts constituting

the emergency are that it is necessary to the program of the United States Government that no new wells be opened within the prohibition area and that all financial arrangements be concluded in the current federal fiscal year so that the funds will be available to monitor and clean the ground water and protect the public health.

(Ord. No. 86-080, §1)

Article IX. Division of Water

§ 47.201 **Established.**

There is hereby created a division of water in the Public Works department which shall be in charge of the construction, management, supervision, maintenance, extension, operation and control of all water supply and distribution to the city and its inhabitants. (Ord. No. 3352, §1)

§ 47.202 **Manager.**

There shall be a manager of this division appointed by the City Manager. (Ord. No. 3352, §1)

§ 47.203 **Payment Over of Moneys; Disbursements and Expenditures.**

Receipts from the division of water shall be paid into the city treasury and maintained in a separate fund. Appropriations from such fund shall be made for the following purposes, in the order named:

- (a) For the payment of all operating expenses.
- (b) For the pension charges and proportionate payments to such compensation and other insurance and accident reserve funds as the council may establish.
- (c) For repairs and maintenance.
- (d) For depreciation.
- (e) For the payment of interest and sinking funds on the bonds issued for acquisition, construction or extensions.
- (f) For extensions and improvements.
- (g) For a surplus fund.
- (h) For such other purposes as may be found necessary in connection with the furnishing of an adequate and suitable water supply for the city. (Ord. No. 3352, §1)

§ 47.204 **Surplus Fund.**

If any accumulation in the surplus fund of the division of water shall, in any fiscal year, exceed twenty-five percent of the total expenditure of such division for operation, repairs and maintenance for the preceding fiscal year, such excess may be transferred by the council to the general fund of the city. (Ord No 3352, §1)

Article X. Rates and Charges

§ 47.300 Establishment of Rates, Charges and Fees by Resolution.

Notwithstanding any provision of this Chapter or any other provision of the city code to the contrary, the rates, charges and fees established or provided for in this Article shall hereafter be established by resolution of the city council. (Ord. 83-060, §3).

§ 47.301 Liability for Charges.

Each customer receiving water service from the City shall be liable for the rates, charges and fees for that service, as established by resolution of the City Council.

§ 47.302 Repealed by Ord. 83-060, §3.

§ 47.303 Rates Outside City Limits.

Rates for customers outside the city limits shall be one and one-half times the rates prescribed for customers inside city limits. Customers outside city limits shall deposit with the revenue manager an amount sufficient to satisfy service charges for a six-month period.

Notwithstanding the above provisions, whenever the city acquires a water system serving customers both inside and outside the city limits, the rates prescribed for customers served by that system outside the city limits shall comply with any order or condition of the public utilities commission of the state which the city may accept as a condition to acquisition of the system. (Ord. No. 3352, §2)

§ 47.304 Collection of Fees and Charges.

Except as otherwise provided herein, the fees and charges for water service shall be billed and collected in accordance with the provisions of Chapter 64 of the Sacramento City Code.

§ 47.305 Additional Charges.

The manager may cause to be accomplished any extra work or service which the manager deems it reasonably necessary to provide to a property within the water service area in order to maintain the safety of the City's water supply. The manager shall cause the lot thereof to be added to the regular billing for services, and collected in the same manner as other utility service charges are collected pursuant to Chapter 64.

§ 47.306 Collection of Water Service Charges With Charges for Other Utility Services—Generally.

The water service charges imposed by this article shall be collected together with the charges for any other utility service rendered to the property by the city. Such water service charges shall be billed upon the same bill and collected as one item with such other utility service charges. (Ord. No. 3352, §2; Ord. No. 84-031, §4)

§ 47.307 Collection of Water Service Charges With Charges for Other Utility Services Nonpayment of Bill.

If all or part of the bill is not paid, the utility services supervisor shall order the discontinuance of any an all utility services for which the bill is rendered, including but not limited to the water service. Before any service is discontinued, the revenue manager shall follow the procedures for notice and opportunity for hearing contained in Chapter 64 of the Sacramento City Code. (Ord. No. 3352, §2; Ord. No. 84-031, §5)

§ 47.316 Service Connection Installation Fee.

The fee for connection to the city water main shall be established by resolution of the City Council and shall be paid in advance:

(Ord. No. 3352, §2; Ord. No. 3605, §2; Ord. No. 4179; §1; Ord. No. 86-073, §1)

§ 47.317 Fee for Restoration of Water Service.

In the event that water service to any premises is discontinued for nonpayment, the water shall not again be turned on until the amount due is paid in full, plus a fee established by resolution of the City Council to cover the cost of making a service call to turn on the water. (Ord. No. 84-031, §7)

In the event that any person turns on water service or allows or causes it to be turned on after it has been turned off for nonpayment of the utility services bill or other reasons, the Revenue Manager may turn off the water service, and may charge and collect a fee established by resolution of the City Council for each time this occurs, in addition to other amounts due, before water service is restored. (Ord. No. 3352, §2; Ord. No. 4262, §13; Ord. No. 84-031, §7)

§ 47.318 Vacancy Credit.

If any owner, user or other person in charge of any premises using water service desires to discontinue such service by reason a vacancy exists, a credit for non-use of water and sewer service may be granted upon the following conditions:

- (a) Written request to the Revenue division.
- (b) Payment of a \$25.00 service fee.
- (c) Payment of current utility bill in full, and
- (d) Water service is turned off. (Ord. No. 3352, §2) .

§ 47.319 Testing Meters.

Any metered customer may demand that the meter through which water is being furnished be examined and tested by the division for the purpose of ascertaining whether or not it is registering accurately the amount of water which is being delivered through it. Such demand shall be made in writing to the division and shall be accompanied by a deposit of an amount equal to the monthly meter minimum charge. Upon receipt of such demand, the division shall cause the meter to be examined and tested. If, on such examination and test, the meter shall be found to register over three percent more water than actually passes through it, another meter will be substituted therefore, the above-mentioned deposit shall be refunded, and the water bill for the current period adjusted in such a manner as the manager may deem fair and just. If the meter is found to register not over three percent fast, then the above-mentioned deposit shall be forfeited and the water bill paid as rendered. (Ord. No. 3352, §2)

§ 47.320 Water Main Construction Charge.

- A. **General:** Every lot, parcel or tract of land not connected to the city water system prior to the effective date of this section shall be subject to a water main construction charge, and no water service from such system shall be furnished thereto unless such charge has been paid or secured as herein provided. Such charge shall not apply if:
 - 1. The property to be connected has been assessed in a special assessment proceeding to pay the cost of a water distribution system serving it; or

2. The water distribution facilities serving such property have been provided by the subdivider or a former owner without cost to the city; or
3. The construction charge established by this section, or the equivalent thereof, has been previously paid by the owner of such property or a predecessor of such owner.

B. Computation of Construction Charge:

1. For distribution systems in which the cost is a matter of record, the water main construction charge shall be computed by the manager by prorating the costs among the properties to be serviced.
2. For distribution systems installed prior to the effective date of this section in which the costs are not a matter of record, the water main construction charge shall be computed at a rate of four dollars per front foot.
3. For properties irregularly shaped, an equitable charge shall be determined by the manager taking into account the area benefitted.
4. If the manager determines that the property is of such character that a portion of the property will never be benefitted by water service, such portion may be excluded for purposes of computing the water main construction charge.

- C. Payment of, Security for, Construction Charge:** The water main construction may be paid in cash, or the manager may authorize acceptance thereof in installments upon the execution by the owner or owners of the property of a written promise to pay the same, together with interest on deferred payments at the rate set for interest on judgement, and the execution, acknowledgement and recording of a lien agreement upon the property to be connected. Such installment payments and the form of such lien agreement shall be in accordance with the policies relating thereto established by the city council. (Ord. No. 3352, §2)

§ 47.321 Water System Development Fee.

- (a) **General.** Every lot, parcel or tract of land not connected to the city water system prior to January 1, 1980, shall be subject to a water system development fee. No water service from such system shall be furnished thereto unless such charge has been paid. Such charge shall not apply if the fee established by the section, or the equivalent thereof, has been previously paid by the owner, or a predecessor of such owner, of such property, or if the property meets the qualifications for an in-fill site as established by city council resolution. Payment of said connection fee shall be in addition to payment of all other applicable fees and charges. Ord. 4268, §1)
- (b) **Amount of Water System Development Fee.** The fee established by this section shall be determined by reference to a schedule of rates set by resolution of the city council. Beginning in January of 1989, and each January thereafter, the Director of Public Works shall adjust the water development fee schedule to compensate for the change in construction costs which has occurred since the previous adjustment. The adjusted water development fee schedule will be effective for the fiscal year which begins on July 1st of the current calendar year and continues through June 30th of the following calendar year. The adjusted water development fee schedule shall be calculated by applying the following methodology:
 1. The appropriate January issue of Engineering NEWS RECORD (ENR) magazine shall be referenced and the published Construction Cost indexes for "U.S.-2 Cities"

Avg" and for San Francisco shall be determined therefrom. The "Current Adjustment Index" shall be calculated by averaging these two construction cost indexes.

2. The "Current Adjustment Factor is less than 1, the water system development fee will remain unchanged.

The adjusted water development fee schedule shall be developed by multiplying each of the development fee rates set forth in the "Fee and Charge Report" which became effective on July 1, 1987 by the "Current Adjustment Fee Factor" determined in Section 47.321(b)2, above. (Ord. No. 89-049. §1)

- (c) **Replacement Services.** If an existing water service or meter is replaced by one of a larger size at the owner's request, the fee shall be equal to the difference between the fee for the original service size and that for the replacement service size in the foregoing schedule.
- (d) **Fire Protection Services.** If a service can be used only for fire protection, the water development fee shall not apply.
- (e) **Credit for Major Facilities.** Nothing in this ordinance shall prohibit the city council from authorizing appropriate credit toward water development fees for property owners who were assessed or in some manner paid all or a portion of the cost of major water transmission and/or storage facilities.
- (f) **Appeal.** There is established a water development fee determination board. The board's membership shall consist of the water division manager and the manager of building inspections, or their respective designees. Any person aggrieved by the determination of the water development fee for property owned by such person, may file a written appeal with the manager of building inspections. The appeal will be reviewed by the board, and notice given of the determination of the board to the property owner. In the event the appeal is granted, an appropriate refund will be made, based on the recalculated development fee.

In the event an appeal is not granted, notice shall be given to the property owner which shall briefly specify the reason for the decision of the board. Any property owner who receives such notice and who desires to have the appeal reconsidered by the board may apply for a hearing in person. Any such application must be filed with the manager of building inspections within fifteen (15) calendar days following receipt of the notice that the written appeal was denied. The board shall, within thirty (30) calendar days after application for a hearing, schedule a hearing upon ten (10) days written notice to the property owner. The property owner or his designee may present at the hearing any evidence relevant to the appeal. The board shall reevaluate the appeal. In considering the appeal, the board may obtain an inspection report from the water division. Written notice of the board's action shall be given to the property owner and the order of the board shall be final. (Ord. 4268, §1; Ord. No. 87-016, §1; Ord. No. 87-031, §1)

§ 47.322 to
47.399

Reserved.

Article XI. Water Conservation

§ 47.400 Legislative Intent.

The City Council finds and determines:

- (a) That all municipal purveyors of water should encourage voluntary water conservation and prohibit certain domestic water uses inconsistent with water and energy conservation.
- (b) That approximately forty-six percent (46%) of raw water diverted and treated by the city water system is used for domestic irrigation purposes.
- (c) That maximum water demands are during the summer months with domestic irrigation demands exceeding all other demands.
- (d) That all water waste flows collected by the city's sanitary and combined sewerage systems require treatment and pumping prior to returning to the Sacramento River.
- (e) That with increasing costs for personnel, electrical energy, equipment and chemicals, it is desirable to reduce water waste. (Ord. 82-034, §1)

§ 47.401 Paramount Ordinance.

Notwithstanding any other provisions of the Sacramento City Code, unmodified ordinances heretofore adopted by the Council of the City of Sacramento, or rules, regulations, or resolutions of the City of Sacramento to the contrary, the provisions of this Article shall apply. (Ord. 82-034, §1)

§ 47.402 Substandard Water Fixtures Prohibited.

It shall be an infraction for any person to cause or allow any water received by such person to be wasted due to leaky or faulty water fixtures or water using or distributing devices, which are connected to the city water system, unless such person shall have first obtained the consent of the city manager to do so. (Ord. 82-034, §1)

§ 47.403 Water Runoff Prohibited.

It shall be an infraction for any person to knowingly or willingly cause or allow any water delivered by the city water system received by such person to become water waste runoff and to flow away from property owned or occupied by such person in any gutter, ditch, or other manner over the surface of the ground.

Water waste runoff shall mean water flowing away from property caused by excessive application(s) of water delivered by the city water system beyond reasonable or practical flow rates, water volumes or duration of application. (Ord. 82-034, §1)

§ 47.404 Outdoor Conservation of Water

The following regulations shall apply to all water delivered by the city water system. In the event any person violates the provisions of this section, the penalties specified in Section 47.430 shall apply.

- (a) No person shall use, or cause to be used, any water for the purpose of washing down sidewalks, driveways or parking areas except to alleviate immediate fire or sanitation hazards, unless prior written consent of the City Manager or his designee has been obtained pursuant to Section 47.451.
- (b) Landscape irrigation shall be prohibited between the hours of 12:00 p.m. and 6:00 p.m.

- (c) Unless prior written consent of the City Manager or his designee has been obtained pursuant to Sec. 47.451, residential and commercial locations bearing a street address ending in an odd number shall be permitted to irrigate only on Tuesday, Thursday, and Saturday and locations bearing a street address ending in an even number shall be permitted to irrigate only on Wednesday, Friday and Sunday.

§ 47.405 Time Limit for Sprinkling.

No person shall use, or cause to be used, any city water for the purpose of irrigation or the sprinkling of lawns through an automatic sprinkler for a period exceeding thirty minutes or through a hose for a period exceeding two and one-half hours during each calendar day. (Ord. No. 555, §41)

**§ 47.406 to
47.429 Reserved.**

§ 47.430 Violation and Penalties.

In the event any person shall violate any provision of Sections 47.402 or 47.403, the following shall apply:

- (1) For the first violation, the person who committed the violation shall be issued a written notice stating the type of violation.
- (2) For the second violation, the person who committed the violation shall be issued another written notice stating the type of violation, and the property owner shall be issued a written notice.
- (3) For the third violation, the person who committed the violation and the property owner shall be issued a written notice. For the Third violation, the subject property water rates shall be increased to five times (5) the normal monthly rates for the duration of the summer period from time of third violation to September 15, and then said water rates will return to their regular schedule.
- (4) For the fourth violation, the person who committed the violation shall be issued a written notice stating the type of violation, and the property owner shall be issued a written notice. For the fourth violation, the regular water rates will be permanently billed at five times (5) the normal monthly rates, as long as the same property owner is recorded on the tax rolls. In the event of a new property ownership or occupancy, the subject water rates may revert to the regular rate schedule upon review and approval by the Water Waste Appeals Board. (Ord. 82-034, §1)

§ 47.431 Water Waste Appeals Board.

- (1) Any property owner may appeal their violation to the Water Waste Appeals Board for review and final determination, if they so desire. Hearings shall be conducted according to regulations promulgated by the city manager.
- (2) The Water Waste Appeals Board shall be composed of two members, one of whom shall be from the Department of Finance and one shall be from the Department of Public Works, Division of Water. The membership of the Board shall be appointed by and shall serve at the pleasure of the city manager. The Board shall process all appeals under and make the determinations of violators described by this Section. (Ord. 82-034, §1)

**§ 47.432 to
47.449 Reserved.**

§ 47.450 Fire and Other Emergencies.

Nothing in this Article shall be construed to apply to use of water for purposes of extinguishing fire or any other similar emergency. (Ord. 82-034, §1)

§ 47.451 Consent of City Manager.

Whenever in this Article a person is authorized to obtain the consent of the city manager to do an act otherwise prohibited, the city manager shall give such consent only where the city manager determines:

- (1) There is no practical alternative manner in which the person making application may accomplish the desired result; and,
- (2) The desired result is of substantial importance when compared with the importance of conserving water resources and energy as set forth in this article. (Ord. 82-034, §1)

§ 47.452 City Exempt.

The City of Sacramento, its officers, employees, and agents, when acting in the course and scope of their employment, shall be exempt from the provisions of this Article; provided, however, the City Manager shall make such rules and regulations as may be necessary in order for the city to conserve water resources and energy to the greatest extent practicable. (Ord. 82-034, §1)

**§ 47.453 to
47.499 Reserved.**

Date Passed For Publication:

Date Enacted:

Mayor

ATTEST:

City Clerk