TITLE 17

SEWERS

Chapters:

17.04 Construction and Installation
17.06 Urban Runoff Pollution Prevention
17.07 Regulatory Fees for Clean Storm Water Activities
17.08 Depositing Sludge and Foreign Materials

Chapter 17.04

Construction and Installation*

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17.04.010 Definitions generally. For the purpose of this Chapter the terms used herein are defined as set forth in Sections 17.04.012 through 17.04.064. (Ord. 514, Ord. 800, Sec .1(part); July 2, 1973.)

17.04.012 BOD (denoting biochemical oxygen demand)--defined. "BOD" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Centigrade, expressed in parts per million by weight. (Ord. 800, Sec. 2(part); July 2, 1973.)

17.04.014 Building lateral defined. "Building lateral" means a sewer pipe designed to convey sewage from the plumbing system of a building to a common sewer such as a sub-main or main sewer. (Ord. 514, Ord. 800, Sec. 1(part); July 2, 1973.)

17.04.016 City defined. "City" means the City of Mill Valley, State of California. (Ord. 514, Ord. 800, Sec. 1(part); July 2, 1973.)

17.04.018 Commercial owner defined. "Commercial owner" means any owner who is not a residential owner, industrial owner or institutional owner. (Ord. 800, Sec. 2(part); July 2, 1973.)

17.04.020 Commercial unit defined. "Commercial unit" means any building, or portion thereof, designed, intended or used to accommodate a separate business, commercial or industrial enterprise, or private or public school. (Ord. 514, Ord. 550, Sec. 12; March 20, 1963, and Ord. 800, Sec. 1(part); July 2, 1973.)

17.04.022 Council defined. "Council" means the City Council of the City. (Ord. 800, Sec. 2(part); July 2, 1973.)

17.04.024 Domestic sewage defined. "Domestic sewage" means the waterborne waste derived from the ordinary living processes and of such character as to permit satisfactory disposal, without special treatment, into the sewer system. (Ord. 800, Sec. 2(part); July 2, 1973.)

17.04.026 Dwelling unit defined. "Dwelling unit" means any building or buildings or portion thereof designed, intended or used as a separate dwelling accommodation and having either its own kitchen or its own bathroom facilities. A building or buildings designed or intended to be a single family residence shall constitute one dwelling unit. Each separate room, apartment or unit of a hotel, motel, apartment house, rooming house, duplex, trailer court or boarding house having either its own bathroom or its own kitchen facilities shall constitute a separate dwelling unit. (Ord. 514, Sec. 1, as amended by Ord. 620 and Ord. 800, Sec. 1(part), July 2, 1973.)

17.04.028 Engineer defined. "Engineer" means the engineer designated by the Council to perform the services or make the determinations permitted or required under this Chapter to be made by the engineer. (Ord. 800, Sec. 2(part); July 2, 1973.)

17.04.030 Family defined. "Family" means any one or more persons comprising a single family unit. (Ord. 800, Sec. 2(part); July 2, 1973.)

17.04.032 Fixture unit defined. "Fixture unit" means a unit of measurement applied to various plumbing fixtures in order to determine certain fees and charges payable to the City under the provisions of this Chapter. The fixture unit equivalent of plumbing fixtures shall be as set forth in the latest edition of the Uniform Plumbing Code adopted and published by the Western Plumbing Officials Association. (Ord. 733, Sec. 1; March 15, 1971, as amended by Ord. 800, Sec. 1(part); July 2, 1973.)

17.04.034 Garbage defined. "Garbage" means solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce. (Ord. 800, Sec. 2(part); July 2, 1973.)

17.04.036 Industrial owner defined. "Industrial owner" means any owner on whose premises any manufacturing or processing of agricultural products, animals, poultry, goods, wares or other products or materials is conducted. (Ord. 800, Sec. 2(part); July 2, 1973.)

17.04.038 Institutional owner defined. "Institutional owner" means any owner, public or private, operating a public or non-profit school, church, hospital, lodge, club, fire department, library, memorial building, or other public or non-profit activity. (Ord. 800, Sec. 2(part); July 2, 1973.)

17.04.040 Main sewer defined. "Main sewer" means a City-owned sewer pipe designed to convey sewage from a sub-main sewer disposal. (Ord. 514, Sec. 1(c); January 24, 1962, as amended by Ord. 800, Sec. 1(part); July 2, 1973.)

17.04.042 Multiple dwelling structure defined. "Multiple dwelling structure" means any two or more dwelling units in any single building or structure or group of buildings or structures, including any apartment house, retirement center or apartment court, excepting any multiple lodging structure. (Ord. 800, Sec. 2(part); July 2, 1973.)

17.04.044 Multiple lodging structure defined. "Multiple lodging structure" means any two or more lodging units in any single building or structure or group of buildings or structures, including any rooming house, hotel or motel. (Ord. 800, Sec. 2(part); July 2, 1973.)

17.04.046 Person defined. "Person" means any individual, firm, company, partnership, corporation, association, the United States of America, the State of California, municipal corporation, public district, political subdivision or other governmental agency. (Ord. 514, Sec.(e); January 24, 1962, as amended by Ord. 800, Sec. 1(part); July 2, 1973.)

17.04.048 Premises defined. "Premises" means any lot, or any piece or parcel of land comprising two or more lots of record in one ownership or any building or other structure or any part of any building or structure used or useful for human habitation or gathering or for carrying on a business or occupation or any commercial or industrial activity. (Ord. 800, Sec. 2(part); July 2, 1973.)

17.04.050 Public swimming pool defined. "Public swimming pool" means any swimming pool designed and intended for use other than as an accessory use to one single family residence. (Ord. 550, Sec. 10; March 20, 1963, as amended by Ord. 800, Sec. 1(part); July 2, 1973.)

17.04.052 Septic tank defined. "Septic tank" means a watertight receptacle which receives the discharge of a drainage system or part thereof, designed and constructed so as to retain the solids, digest the organic matter through a period of detention, and allow the liquids to discharge into the soil outside of the tank through a system of open joint piping or a seepage pit. (Ord. 800, Sec. 2(part); July 2, 1973.)

17.04.054 Sewage defined. "Sewage" means domestic sewage or industrial waste, or both. (Ord. 800, Sec. 2(part); July 2, 1973.)

17.04.056 Sewer service defined. "Sewer service" means the services and facilities for collection, treatment and disposal of sewage furnished or available to premises by the sewer system. (Ord. 800, Sec. 2(part); July 2, 1973.)

17.04.058 Sewer system defined. "Sewer system" means the municipal sanitary sewer system of the City of Mill Valley comprising all facilities for the collection, treatment and disposal of sewage heretofore or hereafter constructed and/or owned by the City. (Ord. 800, Sec. 2(part); July 2, 1973.)

17.04.060 Single family dwelling defined. "Single family dwelling" means any single family dwelling of one or more rooms having one or more plumbing fixtures suitable for residential occupancy by any number of persons living together as a single family. (Ord. 800, Sec. 2(part); July 2, 1973.)

17.04.062 Sub-main sewer defined. "Sub-main sewer" means a City or privately owned sewer pipe designed to convey sewage from two or more building laterals to a main sewer. (Ord. 514, Sec. 1(b); January 24, 1962 as amended by Ord. 800, Sec. 1(part); July 2, 1973.)

17.04.064 Suspended solids defined. "Suspended solids" means solids that either float on the surface of, or are in suspension in, water, sewage or other liquids; and which are removable by laboratory filtering. (Ord. 800, Sec. 2(part); July 2, 1973.)

17.04.070 Description of facilities and services. The territory served by the City shall be all premises within the boundaries of the City now or at any time hereafter connected to and served by, or required by this Chapter to be connected and served by, the sewer system. (Ord. 800, Sec. 2(part); July 2, 1973.)

17.04.080 Rates and charges for facilities and services furnished by sewer system.

A. For the purpose of providing funds for payment of the cost of additions to or improvements of the sewer system, and for payment of the cost of maintenance and operation of the sewer system, there are levied and assessed, beginning on July 1, 1973, upon all premises connected with the sewer system or required by this Chapter to be connected to the sewer system the connection charges and the monthly sewer service charges hereinafter referred to for the facilities and services furnished or available to such premises by the sewer system.

B. Connection Charges.

1. The Council finds and determines that all premises within the City limits on March 1, 1973, upon which habitable improvements were existing on that date, have been and are subject to payment of City taxes heretofore levied and/or hereafter to be levied by the Council for the purpose of paying the principal of and interest on general obligation bonds of the City issued for acquisition, construction and completion of the portions of the sewer system heretofore constructed; and that the purpose of the connection charges hereinafter provided for in subsection B. (and by ordinances of the City heretofore in effect and hereby repealed) is to require all premises now connected to the sewer system,

hereafter connected or required to be connected to the sewer system to pay for the respective benefits to them from extensions and additions to the sewer system constructed or to be constructed to make the facilities and services of the sewer system available to them.

2. The applicable charge provided for by this subsection shall be paid at or prior to the time of issuance of the connection permit referred to in Section 17.04.110, except in any case where connection is to be made to an extension of the sewer system constructed in assessment district proceedings and in each such case the applicable charge shall be paid from the proceeds realized from the assessment district proceedings as soon as such proceeds become available for the purpose.

3. The applicable charge provided for by this subsection shall be as follows:

a. Residential use. For the connection of any premises, a connection fee for each dwelling unit shall be charged as follows: $5,000 for the first dwelling unit and $4,000 for each additional dwelling unit. Provided, however, the connection charge for any dwelling unit containing a maximum of 700 square feet of enclosed gross floor area shall be $1,250. "Enclosed gross floor area" is defined as the sum of the gross horizontal areas of all of the floors of the building measured from the exterior faces of the exterior walls. (Ord. 1083, Sec. 1; December 5, 1988).

b. Commercial, industrial and institutional use. The charge for a commercial, industrial or institutional use shall be obtained by dividing the estimated water use, as set forth in Table 1 below, by the "contributed" water usage of an Equivalent Single Family Dwelling Unit as specified in Section 17.04.090A then multiplying by both the "multiplier" set forth in the table entitled "Commercial Sewer Service Fee Table" in Section 17.04.090 F and the connection fee for a first dwelling unit as set forth in Section 17.04.080 B 3a., provided, however, the minimum sewer connection fee shall be equal to the connection fee for a first dwelling unit as specified in Section 17.04.080 B 3(a).

Table 1.
ESTIMATED WATER CONSUMPTION

Type of Establishment	
Bank Savings and Loan	100 gpd/1,000 sq.ft
Cinema	32 gpd/1,000 sq. ft.
Grocery/Supermarket	13 gpd/1,000 sq. ft.
Lodge/Motel	35 gpd/person
Office	150 gpd/1,000 sq. ft.
Service Station	85 gpd/ pump
Specialty Shops/Retail	100 gpd/1,000 sq. ft.
Warehouse	11 gpd/1,000 sq. ft
Self Service Laundry	375 gpd/machine
Institutions:	
Average Type	100 gpd/patient
Hospitals	175 gpd/patient
Restaurant:	
Average Type	7 gpd/seat
Average Type 24-hour	10 gpd/seat
Kitchen Wastes Only (take-out)	3 gpd/customer

Tavern	8 gpd/seat
Bowling Alley	200 gpd/alley
Assembly Halls	1 gpd/seat
Schools:	
Day	9 gpd/child
Day, with cafeteria or lunchroom	9 gpd/child
Day, with cafeteria and showers	12 gpd/child
Boarding	45 gpd/child

For any use not covered by this chart, water consumption shall be estimated by averaging the consumption of 4 comparable facilities.

c. An incremental connection fee will be charged for any change in an existing commercial, industrial or institutional use which increases the estimated water use as set forth in Table 1, above. Such fee shall be equal to the difference between the fee calculated under this section before such change and the fee calculated after such change.

d. If improvements which are connected to the sewer system are destroyed, condemned or otherwise rendered legally uninhabitable and within two (2) years thereafter the improvements on the premises are repaired, a credit against the connection charge shall be allowed equal to the current connection charge for the improvements previously existing. If such improvements are not repaired, reconstructed, replaced or otherwise rendered legally habitable within two (2) years, no such credit shall be allowed.

e. When the premises to be connected lie outside the City limits, all of said fees shall be increased to three (3) times the fees charged for property within the City limits; provided, however, that this provision shall not apply to outside connections when the same are served by a sanitary district or other public agency which has made arrangements with the City of Mill Valley for an alternate means of compensating the City for such connections and when such connections are made to lines which are the property of the same sanitary district or public agency.

f. The fees provided for herein shall be paid to the City even in those cases where an additional dwelling unit, commercial unit or fixture unit is connected to the City sewer system under circumstances which do not require a permit under the terms of this chapter (such as connection of an additional dwelling unit or commercial unit through plumbing alterations involving no work upon any building lateral, sub-main sewer or main sewer).

g. At any time prior to January 1, 1989, any premises presently served by a septic tank may be connected to the City's sewer system upon payment of twelve percent (12%) of the sewer connection fee otherwise provided for herein. (Ord. 1078, Sec. 1; May 2, 1988)

<u>17.04.085 Inspection and street repaving fees.</u> In addition to all other charges and fees, there shall be charged, for the inspection of any building lateral, an initial inspection fee of One Hundred Dollars ($100), plus an additional fee of Fifty Dollars ($50.00) for each additional inspection required. When the premises to be connected lie outside the City limits, such fees shall be increased to twice the amount established for inspection fees for premises inside the City limits. In the event street repaving is necessary and City forces are required to make the necessary repairs or repaving, fees shall be paid in accordance with the fees listed in the latest edition of the "City of Mill Valley Standards for Sanitary Sewers". If the owner, contractor or agent indicates a desire to make the necessary repairs or repaving, said owner, contractor or agent, shall receive approval from the City Engineer. (Ord. 1078, Sec. 2; May 2, 1988)

17.04.090 Sewer Service Fee Levied. For each premises connected or required by this chapter to be connected to the sewer system, the annual sewer service is the product of a sewer service charge per Equivalent Dwelling Unit (EDU) times the number of EDU's for the premises:

A. Equivalent Dwelling Unit (EDU). An EDU is a service unit measured in relation to the characteristics of the average daily discharge produced by a typical single dwelling unit which is the product of a water usage factor and a strength factor.

1. Single Family Residential Customer EDU. The EDU for single family residential customers is one (1) EDU. The EDU for a second dwelling unit (as that term is defined in Chapter 20.08 of this Code) shall be 0.67 EDU.

2. Other Customer EDUs. The EDU for each customer who is not a single family residential customer is the product of the customer's strength factor and the customer's annual water usage factor.

a. Strength Factor. Each premises shall be assigned a strength factor per Section 17.04.100, which represents the strength characteristics of the wastewater discharged by the premises. The strength factor for the premises shall be the user category for the premises as of the first (1st) day of March each year.

b. Water Usage Factor. The water usage factor shall be determined each year for the premises by dividing the water consumption for the premises by the residential customers' average water consumption.

i. The average residential water consumption shall be based upon the average water usage of the two, two-month "summer" and "winter" intervals for the City's preceding fiscal year and shall be determined by the City from the annual report furnished by the Marin Municipal Water District.

ii. Water consumption shall be based on the average water usage for such premises during the two, two-month "summer" and "winter" intervals for the City's preceding fiscal year and shall be determined by the City from the annual report furnished by the Marin Municipal Water District.

iii. The water usage factor for schools shall be based on winter water consumption instead of winter/summer average.

iv. The water usage factor for convalescent and retirement homes shall be based on winter water consumption instead of winter/summer average.

B. Charge per EDU. Beginning July 1, 2011, the charge per EDU shall be $600. Beginning July 1, 2012, the charge per EDU shall be $677. Beginning July 1, 2013, the charge per EDU shall be $677. Beginning July 1, 2014, the charge per EDU shall be $685. Beginning July 1, 2015, charge per EDU shall be $685.

C. Low Income Assistance. The sewer service fee for a parcel occupied by a low-income customer may receive a credit of 25%. For the purposes of this section, "low-income customer" means a residential customer of the sewer system that applies for low-income assistance and meets eligibility conditions determined by the City Manager, which shall be based on the types of low-income discount programs established by California public utility companies or public agencies.

D. Laundromats. The sewer service fee for coin-operated laundromats with dryers may be reduced up to a maximum of 15% (as determined by the City Engineer) in consideration of reduced flow to the sewer system by action of the dryers.

E. Collection. The sewer service fee shall be collected for each fiscal year on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, the general taxes of the City, provided, however, in any year the City Council may

by resolution, provide for an alternative procedure for collection of the sewer service fee. For any fiscal year that the sewer service fee is not collected on the tax roll, the City may collect all or a portion of the sewer service fee for such year on the tax roll in the following fiscal year or years."

(Ord. 800, Ord. 1026, Sec. 1; August 6, 1984; Ord. 1250, Section 2, June 20, 2011.)

17.04.100 Table of Strength Factors for each User Category.

CATEGORY	Strength Factor
Single Family Residential	1.00
Auto Steam Cleaning	4.33
Apartments	1.00
Bakery, Wholesale	3.00
Bars without Dining Facilities	1.00
Car Wash	0.60
Department & Retail Stores	0.80
Hospital and Convalescent	0.90
Hotel with Dining Facilities	2.20
Hotel without Dining Facilities	1.30
Laundromat	0.80
Laundry - Industrial	2.58
Laundry - Commercial	1.50
Markets with Garbage Disposals	3.00
Mortuaries	3.00
Professional Office	0.70
Repair Shop & Service Stations	1.10
Restaurant	3.00
Soft Water Service	1.00

(Ord. 1250, Sec. 3, June 20, 2011).

17.04.110 Permit for construction, alteration--Application--Exceptions. No person shall commence construction of, construct, alter, use, extend or cause to be constructed, altered, used or extended any building, lateral, sub-main sewer, main sewer, septic tank, chemical toilet (except a chemical toilet for temporary use in connection with the construction of a building or other structure, during the period of such construction), or other sewage disposal system or part thereof, without first obtaining a permit from the Building/Zoning Code Inspector and paying the fees fixed by this Chapter.

Any person desiring a permit for any of the purposes enumerated in this section shall make application in writing to the Building/Zoning Code Inspector, giving such information as the Building/Zoning Code Inspector may require, and if it appears therefrom that the work to be performed is to be done according to the regulations contained in this Chapter, a permit shall be issued upon payment of the required fees.

Nothing contained in this Chapter shall be deemed to require the application for, or the issuance of a permit for the purpose of removing stoppage or repairing leaks in any building lateral except when it is necessary to excavate in any street area, or when it is necessary to replace any part or all of such building lateral with other or different materials. Nothing in this section shall apply to contractors constructing sewers and appurtenances under contracts awarded and entered into with the City or contracts awarded under special assessment statutes. (Ord. 514, Ord. 550, Ord. 800, Sec. l(part), July 2, 1973.)

17.04.130 Permit fees--Record--Paid to whom. All connection fees required to be paid hereunder shall be paid to the Building/Zoning Code Inspector of the City. The Building/Zoning Code Inspector shall keep an account thereof and deliver such funds from time to time to the Finance Director of the City and take his receipt therefor. (Ord. 514, Sec. 4, January 24, 1962, as amended by Ord. 800, Sec. 3, July 2, 1973.)

17.04.140 Permit expiration. If the work authorized by a permit is not commenced within 60 days from the date of its issuance, or if the work authorized by such permit and commenced thereunder shall be suspended or abandoned for a period of 90 days, then such permit shall thenceforth be null and void, and before such work may be recommenced, a new permit shall be taken out, and the same fees (except sewer use fees as listed under Section 17.04.100) as herein before fixed for the original permit shall be paid therefor. (Ord. 514, Sec. 5; Ord. 550, Sec. 4; Ord. 800, Sec. 1(part), July 2, 1973.)

17.04.150 Connection to City sewer. Every premises improved with a building where persons reside, congregate or are employed, which premises have an extremity within 400 feet (measured in a horizontal plane) of a City-owned sewer line, shall be connected to the sewer line by the owner of the premises. No such premises shall be served by a septic tank, cesspool, or other private sewage disposal system. The City may require such connection to be made by the property owner through the extension of a City-owned sewer line within a public easement to the point of building lateral connection as determined by the City Engineer. The cost of such sewer extension shall be borne by the property owner, provided that the City may enter into an agreement with the property owner for reimbursement of a portion of such cost from connection charges to be imposed upon other property owners who may subsequently connect to such extension. (Ord. 861, Ord. 800, Ord. 733, Ord. 550, Sec. 5; March 20, 1963.)

17.04.155 Special sewer connection permit--Permit--Premises generating sewage of seven hundred gallons or more per day.

A. Except as provided in subsection E. of this section, no premises which will generate a sewage volume of 700 gallons or more per day shall be connected to a City-owned sewer line until a special sewer connection permit has been issued pursuant to the provisions of this section. Application for the special sewer connection permit shall be made to the Planning and Building Department. The application shall disclose the nature of the use to be conducted on the premises and the sewage estimated to be generated therefrom.

B. The application shall be heard by the Planning Commission and shall be granted only if the Planning Commission makes the following findings:

1. That the proposed use is consistent with the provisions of the adopted Mill Valley General Plan;

2. That the proposed use will promote the implementation of the adopted Mill Valley General Plan in an orderly fashion by not creating an imbalance or improper distribution among various land uses authorized by the General Plan;

3. That if the proposed use is residential in character, it will promote that portion of the housing element of the adopted Mill Valley General Plan which attempts to make provision for the housing needs of all economic segments of the community;

4. That the proposed use will promote the goals of the adopted Mill Valley General Plan as a basis for the efficient expenditure of City funds relating to the subjects of the General Plan.

If the City Council, the Planning Commission or the Planning and Building Department has undertaken a review of the adopted Mill Valley General Plan with the view of amending the same, and in connection therewith the City Council has adopted a resolution setting forth goals and objectives to be achieved by such amendments, then the Planning Commission, in making the findings hereinabove set forth, shall consider such goals and objectives in addition to the provisions of the adopted Mill Valley General Plan.

C. An application for a special sewer connection permit may be heard and considered by the Planning Commission at the time the Planning Commission initially considers an application for a variance, a conditional use permit, a tentative subdivision map, a Planned Unit Development, an R-P zoning district development, or a special development permit for a Planned Development Combining District. At such time,

or thereafter, the Planning Commission may, in its discretion, defer issuance of the special sewer connection permit for the project or may issue the same on the condition that the permit shall be effective for a period fixed by the Planning Commission, not to exceed one year. The Planning Commission may extend the effective period of the special sewer connection permit for good cause. In determining whether to issue a special sewer connection permit upon initial consideration of the above matters or to defer such matter, the Planning Commission shall consider, in addition to the matters set forth in subsection B. of this section, the remaining uncommitted capacity of the City's sewage treatment plant, the comparative importance of the proposed project and other projects pending before the City in implementing the goals of the Mill Valley General Plan, and the time and investment required to bring the project to the point where construction may commence.

D. Except when issued for a longer period pursuant to the provisions of subsection C. of this section, any special sewer connection permit issued hereunder shall be effective for a period of six months. During the effective period of any special sewer connection permit, the premises shall be entitled to issuance of a permit under the provisions of Section 17.04.110.

E. Any premises for which a building permit application accompanied by building plans was on file with the building division on July 1, 1974, which building permit could be issued by the administrative staff without prior Planning Commission approval, shall have sewer connection rights reserved to it for a period of six months after the effective date of the ordinance codified in this section. Upon issuance of a building permit for such premises within said six months and performance of all other prerequisite conditions, such premises shall be entitled to issuance of a permit under the provisions of Section 17.04.110.

F. Any person aggrieved by a decision of the Planning Commission on an application for a special sewer connection permit may, within ten days thereof, appeal the decision in writing to the City Council. The City Council shall hear such appeal and act thereon within thirty days following the filing thereof.

G. Nothing contained in this section shall relieve the applicant from the obligation to pay all rates, charges and fees required by, and comply with, all other provisions of this Chapter. (Ord. 825, Sec. 2; August 5, 1974.)

17.04.160 Septic tank--Permit--Plans--Maintenance. When a public sewer is not available under the provision of Section 17.04.150, application may be made to the Building/Zoning Code Inspector for connection to a private septic tank. The application shall be accompanied by three sets of construction plans and specifications complying with septic tank standards set forth in ordinances of the County of Marin and the laws of the State of California. Such plans and specifications shall be forwarded by the Building/Zoning Code Inspector to the health officer of the County of Marin for report and recommendation. Such report shall include a recommendation concerning the length of leeching line required, and the number of fixture units for which designed. The applicant shall supply any other information (including, but not limited to, soil percolation tests) that may be required by such health officer. Upon receipt of the report and recommendation of such health officer, they shall be submitted to the City Council. No septic tank permit shall be issued until approved by the City Council. A plan inspection fee of One Hundred Dollars ($100) and an installation inspection fee of Eighty Dollars ($80) shall be paid for the issuance of a septic tank permit. In addition, any fees imposed by the Marin County Health Department shall be paid by the permittee. (Ord. 1078, Sec. 3; May 2, 1988)

Septic tanks shall be constructed in accordance with the approved plans and specifications and shall be subject to inspection by the health officer of the County of Marin and Director of Public Works of the City of Mill Valley. A septic tank shall not become the property of the City but shall remain the private property and responsibility of the owner of the property served. The owner shall maintain the same in a safe and satisfactory operating condition in accordance with the ordinances of the City, the septic tank standards of County of Marin, and the laws of the State of California.

Upon being advised by the Marin County Health Department that any septic tank within the City has become overloaded or that proposed enlargement of the building served will result in overloading the septic tank, the City may require abandonment, alteration or repair of the septic tank to correct such condition. Furthermore, when a City-owned sewer line is extended to within 400 feet of any extremity of any property upon which is situated a building served by a septic tank, the building shall be connected to such sewer line as required by Section 17.04.150 and use of the septic tank shall be abandoned within twelve months after written notice by the Director of Public Works. (Ord. 514, Ord. 550, Ord. 733, Ord. 800, Sec. 1(part), July 2, 1973.)

17.04.170 Property outside City--Connection to City system--When allowed. The sewage collection and disposal system of the City has been designed for benefit of properties within the City limits. Therefore, the City will not permit properties outside the City limits to connect to the system except as hereinafter set forth:

The City Council may, in its discretion, permit the connection, on a permanent basis, of properties outside the City limits for any of the following reasons:

A. The property cannot be legally annexed to the City, but a connection to the sewer is necessary to alleviate a public health nuisance as reported by the County Health Officer, City Engineer, and City Manager.

B. The property can be legally annexed to the City, but, in the opinion of the City Council, annexation to the City is premature at this time. In allowing the connection, the City may require the applicant to sign and record an agreement stating that the applicant will agree to annexation to the City at such time as annexation is proposed in the future.

Any property permitted to connect to the City collection and disposal system shall be disconnected from the septic system upon the last day of any fiscal year during which the City Council orders such disconnection. The owner shall be notified at least thirty (30) days prior to the end of such fiscal year. The cost of such disconnection shall be collected on the tax roll in the manner set forth in Section 17.04.180 (Ord. 514, Sec. 8, as amended by Ord. 550, Ord. 800, Ord. 1027, Section 1, October 1, 1984.)

17.04.180 Properties outside City--Service charge for City system connection. All properties outside the City of Mill Valley which are or shall be connected to the City sewer system, in addition to all other fees provided for in this Chapter, shall be charged a monthly sewer service charge in an amount prescribed by resolution to be adopted by the City Council; provided, however, that this provision shall not apply to outside connections when the same are served by a sanitary district or other public agency which has made arrangements with the City of Mill Valley for an alternate means of compensating the City for such sewer service, and when such service is provided by lines which are the property of the same sanitary district or public agency. The monthly service charge shall be paid in advance to the beginning of the next fiscal year, and thereafter collection of the service charge shall be made on the tax roll as hereinafter provided. (Ord. 514, Ord. 544; Ord. 550; Ord. 560, Ord. 733, and Ord. 800, Sec. 1(part); July 2, 1973.)

17.04.190 Waiver of fees. No facilities or services of the sewer system shall be furnished to any premises or to any owner or other person free of charge; provided, however, that the City Council may waive all or a portion of the fees and charges provided for in this Title when the City Council determines that the fees and charges are for a project which falls within the "public purpose" exception to the limitations contained in Section 6 of Article XVI of the California Constitution. (Ord.800, Ord. 1078, Sec. 6; May 2, 1988.)

17.04.210 Service to individual parcels. Separate premises under single control or management shall be furnished the facilities and services of the sewer system through separate individual service connections unless the Council elects otherwise. Separate houses or buildings on the same lot, or on adjoining lots, under a single control or management shall be furnished the facilities and services, at the option of the owner exercising such control or management, by either of the following methods:

1. Through separate service connections to each such house or building; or

2. Through a single service connection to supply all such houses and buildings, in which case one connection charge and one monthly service charge shall be applied for each house or building and the responsibility for payment of charges for all facilities and service furnished shall be assumed by the owner having such control or management. (Ord. 800, Sec. 2(part), July 2, 1973.)

17.04.220 Termination of service. When any premises become unusable as a result of a natural disaster, condemnation or for other cause, or when any premises have been disconnected from the sewer system, the applicable minimum monthly service charge shall be terminated. Any premises which are vacant but which continue to be usable and are connected to the sewer system shall continue to be subject to the applicable minimum monthly service charge. (Ord. 800, Sec. 2(part), July 2, 1973; as amended by Ord. 811, Sec. 1, March 4, 1974.)

17.04.240 Persons responsible for payment. The persons responsible for payment of all charges shall be the owner of record of such premises on the date on which such premises are required to connect to the City sewer system, the successor in interest to such person and any person requesting that such bill be charged to him. (Ord. 800, Sec. 2(part), July 2, 1973.)

17.04.250 Effective date of sewer service charges. Sewer service charges shall become effective against all premises immediately upon connection or within thirty days from the time that a connection to the City sewer system could be made as provided herein, whichever is the earliest. (Ord. 800, Sec. 2(part), July 2, 1973.)

17.04.260 Sub-main and main sewers--Construction plans--Inspection--Permit issuance. The Building/Zoning Code Inspector shall require every applicant for a permit to construct, install, extend or alter a sub-main or main sewer, to file plans and specifications therefor in such detail as the City Engineer may direct unless such plans and specifications have been previously prepared by the City Engineer. The design and construction of such sewers shall comply with the latest edition of the "City of Mill Valley Standards For Sanitary Sewers."

Upon receipt of plans and specifications the Building/Zoning Code Inspector shall forward the same to the City Engineer who shall examine them and render a written report and recommendation to the City Council. The City Council may make such changes therein and impose such additional conditions in relation to the work as it deems proper. At the time of the consideration of such plans and specifications by the City Council the applicant shall present to the City a properly executed grant of easement for such sewer covering that portion of the sewer which is to be constructed outside the rights-of-way of City accepted streets. Such grant of easement shall be subject to the approval of the City Attorney and shall be accompanied by a title report evidencing the authority of the grantor to convey the same. The City Council may require the applicant to provide, at his own expense, a policy of title insurance in such amount as the Council may direct.

Upon receiving final approval of the application from the City Council, the Building/Zoning Code Inspector shall issue a permit for the work upon receiving from the applicant a satisfactory performance bond (as estimated by the City Engineer) to secure proper construction of the work.

The work of construction on such sewers shall be subject to inspection by the City Engineer, and no work shall be covered or concealed until the City Engineer has inspected and approved the same. No sub-main or main sewer shall be connected to the City system until all the work has been installed and the installation thereof inspected, found to be in strict accordance with the approved plans and specifications and approved by the City Engineer. Upon final completion the applicant shall file an as-built plan showing the location and details of the line. The applicant shall maintain the line for one year from the date of formal acceptance by the City Council and a maintenance bond shall be posted in an amount specified by the City Engineer to secure such maintenance. The applicant for a permit under this Section shall pay to the City a fee equal to the actual cost of engineering services provided by the City, but in no event less than One

Hundred Fifty Dollars ($150). (Ord. 514, Ord. 536, Ord. 550; Ord. 576; Ord. 616; Ord. 733, and Ord. 800, Ord. 1078, Sec. 4; May 2, 1988.)

17.04.270 Building laterals regulated--Street repaving by City. All building laterals shall remain the property, liability, and responsibility of the respective owners of the property served, but shall always be subject to regulation by the City. The owner of a building lateral shall maintain the same in a safe, sanitary, operating condition and free from infiltration at all times. Design and construction of building laterals shall comply with the latest edition of the "City of Mill Valley Standards for Sanitary Sewers" prepared by and on file in the office of the City Engineer.

Should any building lateral be found by the City to be defective, a source of infiltration, unsanitary or a health hazard, and should the owner thereof fail to correct such condition after reasonable written notice form the City, the City may disconnect and/or repair the building lateral. The cost of such disconnection and/or repair may be collected on the tax roll pursuant to the provisions of Section 17.04.380.

Unless otherwise permitted by the Director of Public Works, the City shall make connection to the public sewer main, and the City shall also perform the work of repaving the street area made necessary by the making of the trench, for which work fees shall be paid by the permittee as established in the latest edition of the "City of Mill Valley Standards for Sanitary Sewers", unless special authorization is obtained from the City Engineer and City Manager. The applicant shall pay a fee to the City for engineering services rendered by the City under this Section an amount equal to the actual cost of such services, but in no event less than One Hundred Dollars. (Ord. 514, Sec. 11, as amended by Ord. 536; Ord. 733, Ord. 800, Ord. 811, Ord. 1078, Sec. 5; May 2, 1988.)

17.04.280 Work about existing sewers. Any person who undertakes to pave, resurface, regrade or do any work on any street or highway in territory within the City of Mill Valley shall not cover up or conceal any manhole, rodhole or lamphole and/or their covers. Every care must be used to protect such facilities.

Whenever it becomes necessary to raise, lower, change or reset any such casting, the party undertaking such work will be held responsible for the proper reinstallation. Such reinstallation must be done in a thorough workmanlike manner, resetting all castings in a concrete base to the satisfaction of the Director of Public Works.

Any dirt, brick or other objectionable material, that by accident or design has fallen into the sewer or manhole, must be removed at once and the sewer left clear and in working order. (Ord. 514, Ord. 800, Sec. 1(part), July 2, 1973.)

17.04.290 Solid waste disposal. No person shall permit garbage, fruit, vegetable, animal or other solid kitchen waste material to be thrown or deposited into any receptacle connected with a sanitary sewer; provided, however, that such materials from dwelling units and from restaurants, hotels, cafes, cafeterias, hospitals, rest homes, boarding houses, clubs and establishments where food or drink is prepared for consumption on the premises, may be admitted to the sanitary sewer if first passed through a mechanically operated grinder disposal that will grind the materials into particles, so that at least forty percent shall pass a number eight sieve, at least sixty-five percent shall pass a number three sieve, and one hundred percent shall pass a one-half inch U.S. Standard sieve, simultaneously with the flow of not less than two gallons of water per minute, or such additional quantity of water as may be required to cause the ground materials to flow readily through the sewer system.

No garbage grinder disposal unit shall be installed or used with any set of restaurant, commercial or industrial sinks served by a single trap. Each such garbage grinder disposal unit shall be connected to a separate trap. (Ord. 800, Sec. 2(part);
July 2, 1973.)

17.04.300 High-strength sewage. Sewage which exceeds a strength of 300 milligrams per liter in suspended solids, or 300 milligrams per liter in biochemical oxygen demand, shall be deemed high-strength sewage. (Ord. 800, Sec. 2(part), July 2, 1973.)

17.04.310 Trailer waste and septic tank waste. Liquid wastes from the holding tanks of trailers, campers or other recreational vehicles and septic tank sludge shall be discharged at a designated location within the City of Mill Valley treatment plant facilities. (Ord. 800 Sec. 2 (part); July 2, 1973).

17.04.320 Storm water, other substances not allowed to drain into sewers--Swimming pool backwash. No connection shall be made to any sub-drain or main sewer or house lateral for the purpose of conducting any storm water or any surface or underground drainage into the sewer, and it is unlawful to discharge into any sub-main or main sewer or house lateral any leader pipe from a roof, surface drain, underground drain, or any solid or liquid wastes other than the sewage composed of the ordinary liquid wastes of residences, business buildings, and institutions, discharges from baths, toilets, laundries, sinks or wash tray, floor drains and backwash from swimming pools. It is unlawful to discharge water (other than backwash) from a swimming pool into any sub-main or main sewer. Exception: Swimming pool water may be discharged into the sewer when required for maintenance purposes during dry weather if a permit is obtained from SASM (Sewerage Agency of Southern Marin) prior to the discharge. It is unlawful to discharge into such sewers any substance, such as flammable petroleum products or similar substances, which may generate inflammable gases. All public swimming pools shall be equipped with backwash units connected to the sewer system of the City when available, or to an approved septic tank if the City sewer system is not available. (Ord. 514 Sec. 12 (b); January 24, 1962 as amended by Ord. 550 Section 11; March 20, 1963; Ord. 800, Section 1(part); July 2, 1973; Ord. 1130, September 19, 1994.

17.04.330 Private disposal systems not to be connected to City. No person shall connect any house, habitation or structure requiring sewage disposal to any privately owned sewer or sewage disposal system other than to a septic tank for which a permit has been obtained under this Chapter. (Ord. 514 Sec. 12 (c); January 24, 1962 as amended by Ord. 800 Sec. 1 (Part); July 2, 1973).

17.04.340 Additional fee for new connection. In addition to any other fees prescribed by this Chapter, the City Council may require any person desiring to connect to a City sewer line, pumping station, or other facility for the collection, treatment and/or disposal of sewage, to pay his proportionate share of the cost of acquisition, construction or installation, of such line or facility, either by increased sewer use fee or other arrangement with the City if he did not contribute his proportionate cost of the acquisition, construction or installation, of such line or facility. The City Council, by resolution, may fix the amount of such fee by apportioning the total cost of acquisition, construction or installation of any sewer line or facility among the various properties to be benefited thereby. (Ord. 514 Sec. 12 (d); January 24, 1962, as amended by Ord. 757 Sec. 1 May 24, 1972, and Ord. 800 Sec. 1 (part); July 2, 1973).

17.04.350 Building and occupancy permits depend on sewer connection. The Building/Zoning Code Inspector shall issue no building permit for any structure within the City which requires sewage disposal service unless the structure is to be served by connection to a sewage disposal system under a permit issued pursuant to this Chapter. No permit for final occupancy of such a structure shall be given until such connection has been made and all of the requirements of this Chapter have been fulfilled. (Ord. 514, Sec. 12(e), January 24, 1962; as amended by Ord. 800, Sec. 1(part), July 2, 1973.)

17.04.360 Penalties for violation. Any person violating any of the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine of not more than $500.00, or by imprisonment for a period of not more than six months in the county jail, or by both such fine and imprisonment.

If payment of the monthly service charge in not made within thirty days, a one hundred percent penalty will be imposed and/or the City Manager may order the sewer line disconnected and advise the Marin County Health Department that the property will cease to have any sewer facilities on a specified date. (Ord. 514, Sec. 13, January 24, 1962; as amended by Ord. 800, Sec. 1(part), July 2, 1973.)

17.04.370 Enforcement--Disconnection authorized--Cost to user. As an alternative method of enforcing this Chapter, the City shall have the power to disconnect the individual user of the subdivision sewer system from the City's system. Upon disconnection, the City Manager shall estimate the cost of

disconnection from and reconnection to the City's system and such user shall deposit the cost, as estimated, before such user is reconnected. (Ord. 514, Sec. 14, January 24, 1962; as amended by Ord. 800, Sec. 1(part), July 2, 1973.)

17.04.380 Collection of fees--Alternative method. As an alternative method of collection, the City Council does elect to have all sewer service charges, connection fees, inspection fees, sewer tap fees, engineering fees and other fees and charges payable under the provisions of this Title collected on the tax roll, in the same manner, by the same persons, and at the same time as, together with and not separately from the general taxes of the City. This election is made pursuant to Section 5463 and Division 5, Part 3, Chapter 6, Article 4 (Sections 5470 through 5474.10) of the Health and Safety Code of the State of California.

In the event any fees or charges under this Chapter are not paid when due, a basic penalty of ten percent shall be due and payable with the fee or charge and, in addition, a penalty of one-half of one percent per month shall accrue for continued non-payment of the fee or charge and basic penalty. (Ord. 576, Sec. 2, October 7, 1963; as amended by Ord. 733, Sec. 8, March 15, 1971, and Ord. 800, Sec. 1(part), July 2, 1973.)

17.04.390 Right to examine premises and books. Any authorized agent of the City shall have the right to go upon the premises of any persons discharging sewage into the City's sewerage system for the purpose of checking the fixtures, establishing the charges and fees provided by this Chapter, protecting the rights of the City, obtaining information deemed necessary to protect such rights, and to examine the books of the user as required for the enforcement of the provisions of this Chapter. (Ord. 733, Sec. 9, March 15, 1973; as amended by Ord. 800, Sec. 1(part), July 2, 1973.)

17.04.400 Administrative rules and regulations. The City Manager shall make and enforce rules and regulations for the proper use, care, control, management, restriction and protection of the City's sewerage system. The City Manager may amend, revise or modify such rules and regulations. Such rules and regulations shall be printed or typewritten and maintained subject to inspection in the offices of the City Engineer, the City Clerk, the Director of Finance and such other places as the City Manager may designate. All rules, regulations and amendments shall be filed with the City Council at its next regular meeting following publication by the City Manager. It is unlawful for any person to violate the provisions of any rule or regulation adopted pursuant to the provisions of this section. (Ord. 733, Sec. 10, March 15, 1971; as amended by Ord. 800, Sec. 1(part), July 2, 1973.)

Chapter 17.06

Urban Runoff Pollution Prevention

Sections:

17.06.010	Title.
17.06.020	Purpose and intent.
17.06.030	Definitions --Federal Clean Water Act.
17.06.040	Definitions--City ordinance.
17.06.050	Responsibility for administration.
17.06.060	Construction and application.
17.06.070	Discharge of pollutants.
17.06.080	Discharge in violation of permits.
17.06.090	Illicit discharge and illicit connections.
17.06.100	Reduction of pollutants in urban runoff.
17.06.110	Watercourse protection.
17.06.120	Inspections and sampling: authority and procedure.
17.06.130	Violations constitute a public nuisance--Abatement procedures.
17.06.140	Violations punishable as misdemeanors or infractions.

17.06.150 Violations--Civil action for enforcement.
17.06.160 Violations--Administrative enforcement action.
17.06.170 Remedies not exclusive.
17.06.180 Authority to arrest and issue citations.
17.06.190 Coordination with other programs.

17.06.010 Title. This chapter shall be known as the "City of Mill Valley Urban Runoff Pollution Prevention Ordinance" and may be so cited. (Ord. 1131, Feb. 6, 1995)

17.06.020 Purpose and Intent. The purpose of this Chapter is to ensure the future health, safety, and general welfare of City of Mill Valley citizens by:

(a) minimizing discharges other than storm runoff to storm drains or watercourses.

(b) controlling the discharge to storm drains or watercourses from spills, dumping or disposal of materials other than rain water; and

(c) reducing pollutants in storm water discharges to the maximum extent practicable.

The intent of this Chapter is to protect and enhance the water quality of the State's and the Nation's watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Clean Water Act. (33 U.S.C. Sec. 1251 et seq.)

17.06.030 Definitions - Federal Clean Water Act. Any terms defined in the Federal Clean Water Act (33 U.S.C. Sec. 1251 et seq.) and acts amendatory thereof or supplementary thereto, and/or defined in the regulations for the storm water discharge permitting program issued by the Environmental Protection Agency on November 16, 1990 (as may from time to time be amended) as used in this ordinance shall have the same meaning as in said Act or regulations. Such terms include, but are not limited to, the following:

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

B. Illicit discharge. "Illicit discharge" means any discharge to the City storm sewer system that is not composed entirely of storm water except discharges pursuant to a National Pollutant Discharge Elimination System (NPDES) permit and discharges resulting from fire fighting activities.

C. Illicit connection. "Illicit connection" means any device or method which conveys non-storm water discharge.

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

E. Storm water or storm runoff. "Storm water or storm runoff" means storm water runoff, snow melt runoff, and surface runoff and drainage.

17.06.040 Definitions --City ordinance. When used in this Chapter, the following words shall have the meanings ascribed to them in this Section:

A. Authorized Enforcement Official. "Authorized Enforcement Official" means the Director of Public Works or his/her designee.

B. Best management practices ("BMPS"). "BMPS" means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste recycling or disposal, or drainage from raw material storage.

C. City "City" means the City of Mill Valley.

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

E. Non storm water discharge. "Non storm water discharge" means any discharge that is not entirely composed of storm water.

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

17.06.050 Responsibility for administration. This Chapter shall be administered for the City by the Director of Public Works.

17.06.060 Construction and application. This Chapter shall be construed to assure consistency with the requirements of the Federal Clean Water Act (33 U.S.C. Sec. 1251 et seq.) and acts amendatory thereof or supplementary thereto, and applicable implementing regulations, including the Basin Plan and any amendments, revisions or reissuance thereof.

17.06.070 Discharge of pollutants. The discharge of non-storm water discharges to storm drains within the City is prohibited. All discharges of material other than storm water must be in compliance with a National Pollutant Discharge Elimination System (NPDES) permit issued for the discharge.

A. Exceptions to discharge prohibition. The following discharges are exempt from the prohibition set forth above.

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

2. Discharges from the following activities will not be considered a source of pollutants to waters of the United States when properly managed: water line flushing and other discharges from potable water sources, landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising ground waters, infiltration to storm drains, uncontaminated pumped ground water, foundation and footing drains, water from crawl space pumps, air conditioning condensation, springs, individual residential car washing, flows from riparian habitats and wetlands, or flows from fire fighting, or permitted uses of reclaimed water.

17.06.080 Discharge in violation of permits. In the future, the California Regional Water Control Board, San Francisco Bay Region (herein Regional Board) may issue an NPDES permit for storm water discharges to the City of Mill Valley, individually or in association with other Marin County municipalities. Any discharge that would result in or contribute to a violation of that permit and any amendment, revision or reissuance thereof, either separately considered or when combined with other discharges, is prohibited. Liability for any such discharge shall be the responsibility of the person(s) so causing or

responsible for the discharge, and such persons shall defend, indemnify and hold harmless the City in any administrative or judicial enforcement action relating to such discharge.

17.06.090 Illicit discharge and illicit connections. The establishment, use, maintenance, or continuance of illicit drainage connections to the City storm drains, and/or the commencement or continuance of illicit discharges to storm drains is prohibited. This prohibition is expressly retroactive and applies to connections made in the past, regardless of whether made under a permit or other authorization or whether permissible under the law or practices applicable or prevailing at the time of the connection.

17.06.100 Reduction of pollutants in urban runoff. Any person engaged in activities which will or may result in pollutants entering storm drains shall undertake all practicable measures to reduce such activities, and/or eliminate or reduce such pollutants. Such activities shall include, but not be limited to, ownership and use of parking lots, gasoline stations, industrial facilities, restaurants and other commercial facilities, and businesses fronting city streets.

A. Littering.

Except for pollutants lawfully disposed of by way of containers or at a licensed disposal site, no person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, left, kept or maintained, any solid waste, refuse, rubbish, garbage, or other discarded or abandoned objects, articles, and accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private lot of land in the City, so that the same might be or become a pollutant discharged to water.

The occupant or tenant, or in the absence of occupant or tenant, the owner, lessee, or proprietor of any real property of any premises in the City in front of which there is a paved sidewalk shall maintain said sidewalk free of dirt or litter to the maximum extent practicable. Sweepings from said sidewalk shall not be swept or otherwise made or allowed to go into the gutter or roadway, but shall be disposed of in receptacles maintained on said real property as required for the recycling or disposal of solid waste.

B. Standard for parking lots and similar structures.

Persons owning or operating a parking lot, gas station area of pavement or similar structure shall clean those structures as frequently and thoroughly as practicable in a manner that does not result in discharge of pollutants to the City storm drain system.

C. Best management practices for construction activities.

Any construction contractor performing work in the City shall implement appropriate BMPs to prevent the discharge of construction wastes or contaminations from construction materials, tools and equipment from entering the storm drain system.

All construction plans and applications for building permits shall consider the potential for erosion and sedimentation at the construction site, and shall include appropriate erosion and sedimentation controls. Appropriate controls shall be determined in accordance with the guidance provided in the "Standards for Erosion and Sedimentation Control" and the "Erosion and Sedimentation Control Handbook" published by the Association of Bay Area Governments (ABAG) and may include site planning considerations, construction staging and timing, and installation of temporary detention ponds or other treatment facilities.

Prior to and/or during construction, the Director of Public Works may establish controls on the volume and rate of storm water runoff from new developments and redevelopment as may be appropriate to minimize peak flows or total runoff volume. These controls may include limits on impervious area or provisions for detention and retention of runoff on-site.

The Director of Public Works may require, as a condition of project approval, permanent structural controls designed for the removal of sediment and other pollutants. The selection and design of such controls shall be in accordance with criteria established or recommended by state and federal agencies.

D. Notification of intent and compliance with general permits. Each industrial discharger, discharger associated with construction activity, or other discharger, described in any general storm water permit addressing such discharges, as may be adopted by the United States Environmental Protection Agency, the State Water Resources Control Board, or the Regional Board, shall provide notice of intent, comply with, and undertake all other activities required by any general storm water permit applicable to such discharges.

Each discharger identified in an individual NPDES permit relating to storm water discharges shall comply with and undertake all activities required by such permit.

E. Compliance with Best Management Practices. Where best management practices guidelines or requirements have been adopted by any Federal, State of California, regional, and/or local agency, for any activity, operation or facility which may cause or contribute to storm water pollution or contamination, illicit discharges, and/or discharge of non-storm water to the storm drain system, every person undertaking such activity or operation, or owning or operating such facility shall comply with such guidelines or requirements as may be identified by the Director of Public Works.

17.06.110 Watercourse protection. Every person owning, occupying, leasing, renting, or in control of premises through which a watercourse passes, shall:

1. Keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles which would and/or could pollute, contaminate, or significantly retard the flow of water through the watercourse;

2. Maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse; and

3. Not remove healthy bank vegetation beyond that actually necessary for said maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion.

No person shall commit or cause to be committed any of the following acts, unless a written permit has first been obtained from the Director of Public Works:

a. Discharge into or connect any pipe or channel to a watercourse;

b. Modify the natural flow of water in a watercourse;

c. Deposit in, plant in, or remove any material from a watercourse including its banks, except as required for necessary maintenance;

d. Construct, alter, enlarge, connect to, change, or remove any structure in a watercourse; or

e. Place any loose or unconsolidated material adjacent to or within a watercourse so as to cause a diversion of the flow, or to cause a probability of such material being carried away by storm waters passing through such watercourse.

17.06.120 Inspections and sampling: authority and procedure.

A. The authorized enforcement official has the authority to inspect any and all locations for any violation of the provisions of this Chapter. The authorized enforcement official may, within the

limitations of law, enter such building or premises at reasonable times to inspect the same for violations of this Chapter or to perform any duty imposed upon the official by this Chapter, provided that the official presents proper credentials to, and obtains consent from the owner or occupant to enter. In the event the owner and/or occupant refuses entry, the official may request assistance of the City Attorney to obtain an administrative or judicial warrant for the premises, pursuant to the provisions of State law.

B. The authorized enforcement official has the right to, and shall conduct routine sampling and monitoring on or adjacent to the premises under review. The cost of such routine sampling and/or monitoring activities, including test reports and results, shall be borne by the local agency. The authorized enforcement official may, within the limitations of law, enter such premises at reasonable times to conduct sampling and monitoring operations, provided that the official presents proper credentials to, and obtains consent from the owner or occupant to enter. In the event the owner and/or occupant refuses entry, the official shall request assistance of the City Attorney to obtain an administrative or judicial warrant for the premises, pursuant to the provisions of State law.

C. Whenever the authorized enforcement official has reasonable cause to believe that the owner and/or occupant of a premises is engaged in an activity and/or operating a facility that is causing or contributing to storm water pollution or contamination, illicit discharges, and/or the discharge of non-storm water or other unlawful material, to the storm drain system, the official may require the owner and/or occupant to conduct sampling and/or monitoring activities on the premises, and to furnish such test results and reports as the official may determine. The burden and cost of undertaking such sampling and monitoring activities, including test results and reports, shall be borne by the owner of the premises under review. The type and method of sampling and monitoring shall bear a reasonable relationship to the need for testing and monitoring and to the benefits to be obtained, as determined by the enforcement official.

D. Exigent circumstances. Whenever a condition is found to exist in violation of this Chapter that presents an immediate and present danger to the public health, safety or general welfare requiring immediate remedial action to prevent injury to persons or property, the authorized enforcement official may take whatever reasonable and appropriate action is necessary to neutralize the danger, including but not limited to, entry upon private premises for inspection, sampling and monitoring and summary abatement.

<u>17.06.130 Violations Constitute a Public Nuisance; Abatement Procedures.</u> Any condition caused or allowed to exist in violation of any of the provisions of this Chapter, constitutes a threat to the public health, safety and welfare, and is deemed and declared to be a public nuisance. This public nuisance may be abated and/or the property restored to its original condition, and/or enjoined or otherwise be compelled to cease and desist, by the authorized enforcement official, or by actions taken by the City Attorney.

The abatement of any public nuisance under this chapter shall follow the procedures set forth in Chapter 8.33 of the Mill Valley Municipal Code. The cost of such abatement and/or restoration of the property to its original condition, shall be the responsibility of the owner of the property. Said costs shall be a lien upon and against the property and shall continue in existence until it is paid. Said lien shall be imposed and collected in accordance with the applicable provisions of State law and this Code.

<u>17.06.140 Violations punishable as misdemeanors or infractions.</u> The violation of any provision of this Chapter, or failure to comply with any of the mandatory requirements of this Chapter, shall constitute a misdemeanor, except that, notwithstanding any other provision of this Chapter, any such violation of this Chapter may, in the discretion of the Authorized Enforcement Official or the City Attorney, constitute an infraction. If convicted of a misdemeanor, a person shall be subject to payment of a fine, imprisonment, or both, not to exceed the limits set forth in Government Code Section 36901. If convicted of an infraction, a person shall be subject to payment of a fine, not to exceed the limits set forth in Government Code Section 36900. A person, firm, corporation, or organization shall be deemed guilty of a separate offense for each and every day during any portion of which a violation of this Chapter is

committed, continued or allowed by the person, firm, corporation or organization, and shall be punishable accordingly.

17.06.150 Violations: civil action for enforcement. The violation of any provision of this Chapter, or the failure to comply with any of the requirements of this Chapter, may be enforced by a civil action brought by the City Attorney in any court having appropriate jurisdiction. In any such action, the City may seek any or all of the following remedies:

A. A temporary or permanent injunction.

B. Costs of investigation, inspection, sampling or monitoring activities concerning the violation and costs of suit, including attorney's fees..

C. Costs of restoration of the premises from its condition resulting from the violations back to its original condition.

D. Compensatory damages including but not limited to loss and/or destruction of water quality, wildlife, fish, aquatic habitat, and other adverse environmental effects. Damages recovered under this subsection shall be paid to the City and shall be used exclusively for costs associated with sampling and monitoring establishing storm water discharge pollution control systems, and implementing and/or enforcing the provisions of this chapter.

17.06.160 Violations: Administrative enforcement action. In addition to any other enforcement powers and/or remedies provided in this chapter, an authorized enforcement official may issue an order to a person to cease and desist from the discharge, practice, operation or other activity causing or likely to cause a violation of this chapter. Such order shall be directed to those persons in violation of the Chapter stating clearly and concisely the nature of the violation, the requirements for compliance, a timetable for compliance, and such other remedial and/or preventive action as may be necessary. Upon the violator's failure to comply with such order, the City shall take further enforcement action as specified in this Chapter, or in accordance with any other appropriate provision of local, state, or Federal law.

17.06.170 Remedies not exclusive. The enumerated remedies provided in this Chapter are in addition to and do not supersede or limit all other remedies, both civil and criminal. The remedies provided for herein shall be cumulative to, and not exclusive of, each other.

17.06.180 Authority to arrest and issue citations. The authorized enforcement official shall have the authority to arrest or cite any person who violates any provision of this Chapter in the manner provided by the California Penal Code for the arrest or release on citation of misdemeanors or for citation of infractions and notice to appear, as prescribed by Chapter 5, 5c, and 5d of Title 3, Part 2 of the California Penal Code, including Section 853.6, or as the same may be hereinafter amended.

It is the intent of the City Council that the immunities provided in Penal Code Section 836.5 be applicable to public officers or employees acting within the course and scope of their employment pursuant to this Chapter.

17.06.190 Coordination with other programs. The first revision of the business plan for any facility subject to the applicable hazardous materials inventory and response program shall include a program for compliance with this Chapter, including the prohibitions on non-storm water discharges and illicit discharges, and the requirement to reduce storm water pollutants to the maximum extent practicable. (Ord. 1131, Sec. 1; February 6, 1995.)

Chapter 17.07

Regulatory Fees for Clean Water Activities

Sections:

17.07.010	Title
17.07.020	Purpose and Intent
17.07.030	Definitions
17.07.040	Establishment of Fees for Clean Storm Water Activities
17.07.050	Calculation of Fees
17.07.060	Clean Storm Water Fund Established
17.07.070	Collection of Fees, Interest and Penalties
17.07.080	Delinquent Fees
17.07.090	Remedies

17.07.010 - Title. This Chapter shall be known as the "City of Mill Valley Clean Storm Water Activity Fee" and may be so cited. (Ord. 1137, July 17, 1995).

17.07.020 - Purpose and Intent. The purpose of this Chapter is to ensure the future health, safety, and general welfare of the citizens of the City of Mill Valley by establishing a funding source to provide enforcement of the City's Urban Runoff Pollution Prevention Ordinance, to provide maintenance and repair of the City's storm water drainage facilities, to provide capital improvements to the City's storm drainage system, to cover administrative costs for review of Watercourse Modification Permit applications, and to provide other clean storm water activities.

The intent of this Chapter is to protect and enhance the water quality of the State's, and the Nation's watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Clean Water Act (33 U.S.C. §1251 et seq.).

17.07.030 - Definitions.

1. Storm Drainage System. Includes but is not limited to those storm water drainage conveyance facilities within the City by which storm water may be conveyed to waters of the United States, including any roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains, which are not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2. Storm drainage system also includes "storm drains" as defined in section 17.06.040 D.

2. Clean Storm Water Activities. Includes but is not limited to, all programs required by the Marin County Storm Water Pollution Prevention Program and the BURCP Basin Plan Permit, the operation and maintenance of the City’s storm water drainage system, any capital improvements to repair, rehabilitate, replace, or improve components of the storm water drainage system, the enforcement of the Urban Runoff Pollution Prevention Ordinance (Chapter 17.06) and related regulations, the administration of this ordinance and of Chapter 17.06, and any other activities related to the foregoing.

3. Land Use Category. That category of land use assigned to a parcel of real property as shown on the most current official assessment roll of the Marin County Assessor.

4. Parcel. A unit of real property in one ownership as shown on the most current assessment roll of the Marin County Assessor.

5. Parcel Size. The area of a unit of real property in one ownership as determined from records maintained by Marin County or the City of Mill Valley.

6. Runoff Factor. The indicator of storm water generation of a parcel; it is based upon the average ratio of impervious area to total parcel area for a particular land use category.

7. Standard Runoff Unit ("RU"). The average estimated amount of impervious area of parcels in the single-family residential land use category; it is the product of the average single family residential parcel size multiplied by the runoff factor for single-family residential parcels:

7,500 sq.ft. x .4 = 3,000 sq.ft.

17.07.040 - Establishment of Fees for Clean Storm Water Activities. Every person, corporation or entity which owns real property within the City of Mill Valley shall pay an annual fee to the City of Mill Valley for clean storm water activities. A fee will also be established for Public Works Department review of Watercourse Modification Permit applications.

17.07.050 - Calculation of Fees.

1. Single Family Residential The annual clean storm water activity fee for owners of parcels in the single-family residential land use category shall be the rate per one Standard Runoff Unit (RU).

2. All Other Land Use Categories The annual clean storm water activity fee for owners of parcels in all other land use categories shall be calculated using the following formula:

[(parcel size x-runoff factor) / (RU)] x [rate per RU]

3. Runoff Factors The runoff factors for various land use categories shall be those set forth in the following table:

LAND USE CATEGORY	RUNOFF FACTOR
Single-Family Residential	.4
Multi-Residential	.6
Commercial	.8
Industrial	.8
Vacant Land	.1

4. Rate Per Runoff Unit. The rate per runoff unit shall be set by the City Council of the City of Mill Valley, by Resolution; said rate may be adjusted from time to time, in accordance with the City's procedures for adopting rates, fees and charges.

5. Watercourse Modification Permit Fee The permit (required for activities defined in Chapter 17.06.110 of the Municipal Code) will require Public Works Department review and administration comparable to that currently required for encroachment permit review. Accordingly, the permit application fee shall be set forth by the City Council of the City of Mill Valley, by Resolution; said fee may be adjusted from time to time, in accordance with the City's procedures for adopting rates fees and charges.

17.07.060 - Clean Storm Water Fund Established. A Clean Storm Water Fund is hereby established in the City Treasury. All income and revenue collected from real property owners pursuant to this ordinance shall be paid into the Clean Storm Water Fund. Said income and revenue shall be expended only for clean storm water activities, and shall not be expended for any other purpose.

17.07.070 - Collection of Fee; Interest and Penalties. The City Manager is authorized to have the fees imposed by this ordinance collected by the County of Marin in conjunction with the County of Marin's collection of property tax revenues for the City of Mill Valley. Watercourse Modification Permit application fees shall be collected directly by the City of Mill Valley. In the event that the County of Marin collects the fees imposed by this ordinance, the imposition of additional penalties, fees, charges and interest upon property owners who fail to pay the fee imposed by this ordinance, or who fail to pay any delinquent amount under this ordinance, shall be subject to and governed by the rules, regulations and procedures

utilized by the County of Marin in its collection of property taxes, charges and fees for the City of Mill Valley, and its collection of this additional fee for the City of Mill Valley. Every penalty imposed and such interest as accrues under the provisions of this ordinance shall become a part of the fee required by this ordinance.

17.07.080 - Delinquent Fees Delinquent fees are hereby made a lien upon the real property served by the storm water drainage system. The amount of any fee, penalty, charge or interest imposed under the provisions of this ordinance shall be deemed a debt owed to the City of Mill Valley.

17.07.090 -Remedies. The City may seek legal, injunctive, or other equitable relief to enforce this ordinance. In any such action the City shall be entitled to reasonable attorneys fees and costs. The remedies established in this ordinance are cumulative and in addition to any other remedies available to the City for the collection of the fees imposed by this ordinance. (Ord. 1137, July 17, 1995)

Chapter 17.08

Depositing Sludge and Foreign Materials

Sections:

17.08.010 Removal of manhole cover--Supervision.
17.08.020 Placing foreign matter in sewerage system--Unlawful.
17.08.030 Depositing sludge into sewerage system--When permitted.
17.08.040 Penalties for violations.

17.08.010 Removal of manhole cover--Supervision. It shall be unlawful for any person, firm or corporation to remove any manhole cover connected with the sewerage system of the City of Mill Valley without the permission of the City Manager or some officer designated by him to supervise such removal and replacement. (Ord. 399, Sec. 1, June 4, 1952.)

17.08.020 Placing foreign matter in sewerage system--Unlawful. It shall be unlawful for any person, firm or corporation to throw or place any foreign matter or material into the sewerage system of the City by placing the same therein into any manhole of said sewerage system, except as hereinafter provided. (Ord. 399, Sec. 2, June 4, 1952.)

17.08.030 Depositing sludge into sewerage system--When permitted. The City Council of the City may, by resolution, provide for the depositing of sludge material taken from septic tanks located within or without the City, into said sewerage system, which said material shall be deposited under the direction and control of the City Manager or his designated officer at the manhole located nearest to the sewerage pumping plant. Such resolution shall provide for a scale of fees to be charged for the privilege of dumping said sludge material and it shall further provide that said privilege may be modified or revoked at any time and without notice by resolution of the City Council. (Ord. 399, Sec. 3, June 5, 1952.)

17.08.040 Penalties for violations. Every person, firm or corporation violating any provision of this Chapter is guilty of a misdemeanor and shall be punishable by a fine not exceeding $500.00, or by imprisonment in the County jail not exceeding six months, or by both such fine and imprisonment. (Ord. 399, Sec. 4, June 4, 1952.)