



# TOWN OF APPLE VALLEY

## TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council Date: November 10, 2015

From: Dennis Cron, Assistant Town Manager Item No: 11

Subject: INTRODUCE ORDINANCE NO. 478, AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY ADDING TITLE 10 ENTITLED "PUBLIC UTILITIES" AND ADDING A NEW CHAPTER 10.01 ENTITLED "WASTEWATER SERVICES", TO THE TOWN OF APPLE VALLEY MUNICIPAL CODE

T.M. Approval:

Budgeted Item:  Yes  No  N/A

### RECOMMENDED ACTION:

1. Move to waive the reading of Ordinance No. 478 in its entirety and read by title only.
2. Move to introduce Ordinance No. 478, adding Title 10 entitled "Public Utilities" and adding a new Chapter 10.01 entitled "Wastewater Services", to the Town of Apple Valley Municipal Code.

### SUMMARY:

The adoption of this Ordinance will establish the standards and requirements for Wastewater Services in the Town of Apple Valley (Town) within the Town's Municipal Code (Code). Approval will add the existing definitions, terms of service, rules and regulations for sewer service to the Town's existing Code. It will ensure that all of the Town's codes are located within one Code document. Additionally, it will ensure that the Town has the continuing legal authority to enforce violation of the provisions of the Wastewater Code sections. The Ordinance will add a new Title 10, (Public Utilities) and Chapter 10.01 (Wastewater Services) to the Code. The referenced Code sections are attached as part of this staff report along with the Sewer Connection Policy approved and adopted by the Town Council on January 10, 2006.

## **BACKGROUND:**

The Town became the Successor Agency of the former Apple Valley Water District (District) on June 30, 1993, when the former District was dissolved by the Local Agency Formation Commission (LAFCO). At that time, it was the opinion of Legal Council that the Town did not need to separately adopt a new wastewater section into the Code as the Successor Agency, because the Town assumed those sections and its regulatory authority without the need to adopt new Code sections into the existing Code.

Since dissolution of the former District, the Town has adhered to the provisions of District Sewer Ordinance Number 2. Ordinance Number 2 was originally adopted by the District on October 6, 1981. The text of District Sewer Ordinance Number 2 is essentially unchanged. Only minor typographical corrections and clarifying revisions have been made to the original text. These changes reflect the regulations that are in place today.

Modifications include: The addition of Development Impact Fees, Buy-In or Capacity Fees, clarifying maintenance responsibility for sewer laterals, sewage facility fees, a change in state law clarifying the distance for mandatory sewer connection from 250 feet to within 200 feet of a public sewer, clarifying that the owner of a property and/or business where additional plumbing fixtures are added without a permit shall be responsible for obtaining a permit and paying the current fees due at the time the violation was discovered and included as an exhibit, the Town's Sewer Connection Policy approved by Council in 2006.

## **FISCAL IMPACT:**

None.

## **ATTACHMENTS:**

1. Ordinance No. 478
2. Exhibit A – Sewer Connection Policy

**ORDINANCE NO. 478**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, ADDING TITLE 10, ENTITLED “PUBLIC UTILITIES” AND ADDING NEW CHAPTER 10.01 ENTITLED “WASTEWATER SERVICES”, TO THE TOWN OF APPLE VALLEY MUNICIPAL CODE**

**WHEREAS**, the Local Agency Formation Commission dissolved the Apple Valley Water District on June 30, 1993, and the Town of Apple Valley (“Town”) became the Successor Agency; and

**WHEREAS**, the Town has adhered to Sewer Ordinance Number 2 adopted by the Apple Valley Water District on October 6, 1981; and

**WHEREAS**, the Code of Ordinances for the Town of Apple Valley does not currently contain regulations pertaining to Wastewater Services; and

**WHEREAS**, it is in the best interest of the Town to add a new title to the Town’s municipal code to establish an ordinance for Wastewater Services since the previous ordinance was adopted under the name of the Apple Valley Water District.

**NOW THEREFORE**, the Town Council of the Town of Apple Valley does ordain as follows:

Section 1. New Title 10 Is Established

A new Title 10 entitled “Public Utilities” is hereby added to the Town of Apple Valley Municipal Code.

Section 2. New Chapter 10.01 Entitled “Wastewater Services” Is Established

A new Chapter 10.01 is hereby added to Title 10 of the Town of Apple Valley Municipal Code to read as follows:

## Chapter 10.01

### WASTEWATER SERVICES

#### Sections:

10.01.010	Definitions
10.01.020	Purpose
10.01.030	Standards for Quality and Testing
10.01.040	Connection to Public Sewer Required
10.01.050	Maintenance of Sewer Laterals
10.01.060	Private Wastewater Disposal System (Septic Tank)
10.01.070	Wastewater Discharge Regulations
10.01.080	Industrial Wastewater Discharge
10.01.090	Construction of Sewers
10.01.100	Sewer Connection
10.01.110	Construction of Lateral Sewers
10.01.120	Reimbursement to Developers
10.01.130	Liability Clause
10.01.140	Rates, Fees and Charges
10.01.150	Restrictions and Other Requirements
10.01.160	Inspections and Monitoring
10.01.170	Enforcement
10.01.180	Penalties
10.01.190	Notice of Adoption
10.01.200	Effective Date
10.01.210	Severability

#### 10.01.010 Definitions

Unless otherwise defined herein, terms related to water quality shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation. The testing procedures for waste constituents and characteristics shall be performed pursuant to the Victor Valley Wastewater Reclamation Authority guidelines, and may be amended from time to time. Other terms not herein defined are defined as being the same as set forth in the latest adopted edition of the International Conference of Building Officials Uniform Building Code and the International Associate of Plumbing and Mechanical Officials Uniform Plumbing Code.

The terms hereinafter set forth unless otherwise specified shall have the following meanings:

- (a) *Agency* means an administrative division or group.
- (b) *Applicant* means any person applying for wastewater service.
- (c) *Biochemical Oxygen Demand or B.O.D.* means the quantity of oxygen utilized in the biological oxidation of organic matter under standard laboratory procedure in five days at twenty (20) degrees centigrade expressed in terms of mass per volume (mg/L).
- (d) *Building Sewer* means that portion of any sewer beginning at the plumbing or drainage outlet of any building, industrial facility or preliminary treatment facility, and continuing to the point of its connection with the sewer mainline.
- (e) *Buy-In Fee* means a fee required of all sewer connections identified as being outside of an established sewer assessment district.
- (f) *Class I Discharger* means any collection system non-residential discharger who:
- a) Has a discharge flow of 10,000 gallons or more per normal work day or 3 million gallons or more per year; or
  - b) Has a discharge of wastewater that has a strength significantly (50%) greater than domestic sewerage (domestic sewerage will be considered to have a BOD of 200mg/l and suspended solids of 250mg/l); or
  - c) Has a discharge of toxic constituents that exceed VVWRA's "Wastewater Strength Limitations" as adopted and as the same may be amended from time to time.
- (g) *Class II Discharger* means any collection system nonresidential discharger who:
- a) Discharges more than its proportionate share of suspended solids and/or biochemical oxygen demand;
  - b) Who discharges more than 10,000 gallons per day (or 3 million gallons per year) but less than 25,000 gallons per day or 6 million gallons per year; and
  - c) Who is not required to obtain a Class I permit.
- (h) *Code* means the Town Municipal Code.
- (i) *Commercial* means any discharger not covered by the residential description. This shall include, in part, apartments, trailer parks, schools, stores and businesses and others not covered by the residential description.
- (j) *Compatible Pollutant* means BOD, suspended solids, pH, fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled by the Town's permit for its wastewater treatment works, as said works have been designed and is operated to reduce or remove such pollutants.

(k) *Connection Fee* means a fee imposed by the Town for connecting directly to a Town Public Sewer.

(l) *Contractor* means any person who performs the work of installing or connecting mains, sub-mains, laterals, or building sewers to the public sewer.

(m) *Cost* means the cost of labor, material, transportation, supervision, engineering, and all other necessary overhead expenses.

(n) *County* means the County of San Bernardino.

(o) *Critical Discharger* means any discharger whose classification is identified in the Standard Industrial Classifications (SIC) Manual in any of Divisions A, B, D, E, and I; or who has a discharge flow of 25,000 gallons or more per average work day, whose discharge contains toxic pollutants; or whose discharge may have significant impact, either singly or in combination with other contributing users, on the treatment or collection system.

(p) *Customer* means any person supplied or entitled to be supplied with wastewater service by the Town.

(q) *Developer* means any person who shall construct or develop any property, which may require wastewater service from the Town.

(r) *Development* means parcels of land on which one or more dwelling units, commercial or industrial buildings, or other improvements are built.

(s) *Development Impact Fee* means a fee to incrementally pay for future construction of public sewer in the Town.

(t) *Discharger* means any person that discharges or causes a discharge of wastewater directly or indirectly to a public or private sewer.

(u) *Domestic Wastewater* means liquid wastes: A) From the non-commercial preparation, cooking and handling of food; or B) Containing human excrement and similar matter and from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.

(v) *Effluent* means wastewater discharged flows from the Town for treatment.

(w) *Equivalent Dwelling Unit or EDU* means the quantity and quality of domestic wastewater discharged from a standard or average single-family dwelling unit, having approximately 20 plumbing fixtures capable of contributing 245 gallons per day of domestic sewage.

(x) *Fats, Oils, and Grease (FOG)* means any vegetable or animal product that is used in or is a by-product of the cooking of food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions.

(y) *Fee Schedule* means the schedule of fees, rates, and charges established by the Town, VVWRA or other agency related to wastewater services, including but not limited to sewer user charges, consumption charges, connection fees, development impact fees, buy-in or capacity fees, plan checking fees, and inspection fees.

(z) *Garbage* means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of food.

(aa) *Individual Sewage Disposal System* means an approved and permitted septic tank and on-site disposal system designed and constructed to dispose of wastewater generated on the property.

(bb) *Industrial Pre-Treatment Permit* means a permit issued by VVWRA for industrial wastewater discharges.

(cc) *Main* means gravity and pressurized (force-main) sewer collection and transmission pipelines located in streets, highways, alleys, easements or rights-of-way, which are used for collection and transmission of wastewater.

(dd) *Manhole* means a hole, usually with a cover, through which a person may enter a sewer or confined space.

(ee) *Mass Emission Rate* means the weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.

(ff) *May* means that the related conduct or procedure is permissive and not mandatory.

(gg) *Owner* means the person or persons whose name(s) are recorded on the deed for a given property, and/or person in legal possession of the property, or an executor, administrator, guardian, or trustee of the owner.

(hh) *Payback Agreement* means a written conditional agreement entered into by the Town with a landowner, contractor, developer, or any person who constructs any portion of a sewer system such as a sewer line extension, with said construction cost being entirely borne by the landowner, contractor, developer or constructor and after final inspection, said sewer is deeded to the Town for public use. Under such agreements, the Town may agree to refund to the applicant ninety-five percent (95%) of all main extension costs (excepting there from the cost of that portion of the extension classified as direct benefit to the applicant's/developer's project), with said refund to be collected from property owners or developers of properties adjacent to and which

connect to said sewer line extension for a period of time up to but not exceeding ten (10) years from the effective date of the agreement.

(ii) *Permit* means any written authorization required pursuant to this Ordinance or any other regulation of the Town.

(jj) *Person* means any individual, firm, company, partnership, association and private or public or municipal corporation, the United States of America, the State of California, a district and any political subdivision, governmental agency and mandatory thereof.

(kk) *Pollutant* means any constituent or characteristic of wastewater on which a discharge limitation may be imposed either by the Town or by a regulatory body of competent jurisdiction.

(ll) *Public Agency* means the Town or other public body duly organized under the laws of the State of California.

(mm) *Public Sewer* means a sewer owned and operated by the Town or other local governmental agency, and as to which the Town possesses direct or indirect regulatory powers.

(nn) *Pump Station* means pumps used for pumping wastewater or sewage from a lower to higher elevation, particularly when the elevation of the source is not sufficient for gravity flow.

(oo) *Regulatory Agency* means the State Department of Health Services, a California Regional Water Quality Control Board of competent jurisdiction, the State Water Quality Control Board, the County Environmental Health Services Department and the Town Building and Safety Official.

(pp) *Sewage* means wastewater.

(qq) *Sewer Charge* means the flat rate charged based on the number of Equivalent Dwelling Units (EDU) assigned to an account.

(rr) *Sewer (Sewage) Facilities* means any facilities used in the conveyance, pumping, disposal and treatment of wastewater.

(ss) *Sewer Lateral* means the pipe that connects a structure to the publicly owned main sewer line.

(tt) *Shall* means that the related conduct or procedure is mandatory and not permissive.



(uu) *Standard Methods* means procedures described in the current edition of Standard Methods for the Examination of Water and Wastewater, as published by the American Public Health Association, the American Water Works Association and Water Pollution Control Federation.

(vv) *Storm Water* means rain water, surface water, groundwater, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process water.

(ww) *Street* means any public highway, road, street, drive, avenue, alleyway, court, easement or right-of-way.

(xx) *Suspended Solids (SS)* means the solids that either float to the surface or are suspended in water, wastewater, or other liquids and which are removable from said liquid through standard laboratory filtration procedure.

(yy) *Town* means the Town of Apple Valley.

(zz) *Town Manager* means the Town Manager of the Town of Apple Valley, and includes the duly designated representative of the Town Manager.

(aaa) *User* means any person who discharges, causes, or permits a discharge directly or indirectly to a Town sewer.

(bbb) *VVWRA* means the Victor Valley Wastewater Reclamation Authority.

(ccc) *Waste* means sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such wastes placed within containers of whatever nature, prior to and for the purpose of disposal.

(ddd) *Wastewater* means waste and water, whether treated or untreated, discharged into or permitted to enter a Town sewer, or private system.

(eee) *Wastewater Constituents and Characteristics* means the individual chemical, physical, bacteriological, and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify, or measure the quality and quantity of wastewater.

#### **10.01.020 Purpose**

This Ordinance is intended to comply with applicable Federal and State of California Laws and Regulations, to permit the Town to meet applicable standards of treatment plant effluent quality, to provide for the regulation of wastewater discharges, establishing quantity and quality of limitations on all wastewater discharges, which may adversely affect the Town's sewerage systems, processes, or effluent quality. It is the intent of such regulation to improve the quality of wastewater being discharged,

collected, and transported by the Town. It is the Town's policy to discourage any increase in the quantity (Mass Emission) of waste constituents being discharged where such increase could be detrimental to the sewage system.

This Ordinance also provides for regulation of the fees and charges, connections, other miscellaneous permits, and the establishment of penalties for violation of the provisions hereof. The provisions of this Ordinance shall apply to the direct or indirect discharge of all liquid wastes carried to facilities of the Town, and all Town public or private sewerage disposal systems.

#### **10.01.030 Standards for Quality and Testing**

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited or placed, in any unsanitary manner on public or private property within the boundaries of the Town any human or animal excrement, garbage, or objectionable waste.
- B. It shall be unlawful to discharge to any manhole or system outlet within the Town except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

#### **10.01.040 Connection to Public Sewer Required**

- A. The following project types are required to connect to the public sewer:
  - 1. Projects involving domestic wastewater discharge in excess of 500 gallons/acre/day as determined by the Town.
  - 2. Projects with industrial or non-domestic waste discharge.
  - 3. Projects that exceed 2 Equivalent Dwelling Units (EDU)/acre density.
  - 4. Projects that do not comply with Town standards for private sewage disposal systems.
  - 5. Projects on property located within 200 feet of a public sewer, when measured from property line to existing sewer location.
  - 6. Projects that meet the requirements of the attached "Exhibit A", "Sewer Connection Policy", which was previously adopted by the Town Council in 2006.
- B. Existing buildings and facilities connected to private sewage disposal systems are required to connect to the public sewer when:

1. There is a failure, either biological or structural, of the private sewage disposal system and connection to the public sewer system would be required in subsection A above.
  2. There is a failure, either biological or structural, of the private sewage disposal system and the public sewer is located within 200 feet of the subject property line.
  3. Additions, alterations, or modifications adding plumbing fixtures to the building or facilities that would now meet the criteria in subsection A above.
- C. The Town may require connection to the public sewer when information is available that private sewage disposal is causing or may cause deterioration of the quality of the groundwater in all or any portion of the Town.
- D. The determination as to whether or not a sewer system has sufficient uncommitted capacity shall be made by the Public Works Manager or by a qualified engineer approved by the Town, and the expense thereof shall be borne by the person who is applying for or who is required to connect property to such sewer system.

#### **10.01.050 Maintenance of Sewer Laterals**

The owner of any property connecting to the local sewer collection system shall be required to maintain the sewer lateral from their building or structure to the sewer main at their own expense. The Town's responsibility shall be limited to maintenance of main sewers and manholes. The Town does not maintain privately owned sewer laterals.

#### **10.01.060 Private Wastewater Disposal System (Septic Tank)**

When connection to the public sewer is not required, a private sewage disposal system may be installed.

- A. Permits for construction and sizing requirements shall be established by the Town using requirements from the California Plumbing Code/Building Code.
- B. Private sewage disposal systems shall be operated and maintained in a sanitary manner at all times and at no expense to the Town. The property owner is responsible for all maintenance and expenses of their septic tank.
- C. Prior to connection to the public sewer the following shall be completed and inspected by the Town's Building and Safety Department:
  1. Septic tank and seepage pit(s) shall be pumped of all liquids and solids and the pump ticket shall be provided to the Town.

2. The bottom of the septic tank shall be broken and inspected by the Town.
3. The lids for the septic tank and seepage pit(s) shall be removed.
4. The septic tank and seepage pit(s) shall be filled with material approved by the Town.
5. When a building or structure is proposed to be placed within the required setbacks of a private sewage disposal system, as defined in the California Plumbing Code, the septic tank and/or seepage pit shall be removed entirely.

If a biological failure of a private wastewater disposal system occurs after a public sewer has become available to the property served by such system, the property shall be immediately connected to the public sewer. A biological failure is defined as collapse or saturation of the leach field, seepage pit or cesspool, or biological failure of the tank itself, or any combination of such conditions. The property owner is responsible for obtaining and paying for all permits associated with the sewer connection in advance of such connection.

Upon connection to the public sewer, all septic tanks, seepage pits and cesspools associated with the private wastewater disposal system shall be pumped of all liquids and sludge, filled with suitable materials and inspected by the Town at no cost to the Town. Under no circumstances shall this material be accepted or discharged into the Town's public sewer system.

#### **10.01.070 Wastewater Discharge Regulations**

- A. The wastewater discharged to the Regional Treatment Plant shall meet applicable regulations prescribed and adopted by the VVWRA. Said regulations are adopted by reference and made a part of this Ordinance.
- B. No person shall discharge wastewater directly or indirectly into sewage facilities owned or operated by the Town which cause or are capable of causing either alone or by interaction with other substances, the following:
  1. A fire or explosion;
  2. Obstruction of flow in the sewer system or damage to the sewage facilities;
  3. Interference with effective maintenance or operation of the sewage system;

4. Air pollution by the release of toxic or malodorous gases or gas-producing substances;

5. Interference with the wastewater treatment process;

6. Unsuitability of the Town's effluent or any other product of the treatment process;

7. Discoloration or any other condition of the quality of the Town's treatment works effluent to such an extent that receiving water quality requirements established by regulatory agencies cannot be met; or

8. Conditions at or near sewage facilities, which violate any statute or any regulation or ordinance of any public agency or State or Federal Regulatory body of competent jurisdiction.

C. Discharging of storm water into the sanitary sewer system or sewage into any storm water system is unlawful.

D. Discharge of non-sewage substances restricted. Permission to discharge any substance except domestic sewage into the sanitary wastewater system of the Town will be considered in accordance with the conditions of each case and shall be subject to Town rules, regulations and requirements. Approval or permission may require the owner to provide, at the owner's expense, such preliminary treatment as may be necessary to reduce objectionable characteristics and constituents in wastewater as may be appropriate to satisfy the requirements specified in the regulations of the VVWRA. Plans, specifications, and other information relating to proposed preliminary treatment facilities shall be submitted to the Town for approval of the Town Engineer, Public Works Manager and VVWRA. Construction of such facilities shall not commence until said required facilities are provided for proper treatment of any waters or wastes and they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

E. Control manhole to be installed by property owner. The owner of any property discharging industrial wastes as defined herein shall install a suitable control manhole in the portion of the sewer located on private property to facilitate observation, sampling, and measurements of the wastes. Such manhole shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Public Works Manager. The control manhole shall be installed at the owner's expense, and shall be maintained by owner at all times so as to be safe and accessible. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is hereinabove made shall be determined in accordance with "Standard Methods of the Examination of Water and Sewage" and shall be determined at the control manhole provided for above, or upon suitable

samples taken at said control manhole. The control manhole can be considered to be the nearest downstream manhole in the public sewer.

- F. Special agreements or arrangements. No statement contained in this Division shall be construed as preventing special agreement or arrangement between the Town, VVWRA, and any person whereby and industrial waste of unusual strength or character may be accepted by VVWRA for treatment, subject to payment therefore by discharger.
- G. Swimming Pools. Connection of swimming pools and swimming pool equipment to sanitary sewers shall not be permitted and the discharge of swimming pool effluent to a Town sewerage facility is prohibited.
- H. Interceptors required. Grease, oil, and/or sand trap interceptors shall be required, at the owner's expense, in all facilities, which discharge liquid wastes containing grease, flammable wastes, sand and/or other wastes containing harmful ingredients in accordance with the Uniform Plumbing Code. All interceptors shall be to type and capacity approved by the Building Official and shall be installed and located so as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials, capable of withstanding abrupt and extreme changes in temperature.

Required interceptors and traps shall be of substantial construction, watertight, and equipped with easily removable covers, and shall be effectively trapped and vented. All grease, oil, and said interceptors shall be maintained at the owner's expense, in continuously efficient operation at all times. All construction shall conform with Town standards. The facilities required to use the aforementioned interceptors are, but are not limited to, restaurants including fast food, butcher shops, gas stations, car washes, automotive mechanics, and paint shops. Other facilities that generate much smaller quantities of grease waste may have grease traps installed subject to approval by the Town. Facilities in this category would include convenience stores, coffee shops, sandwich shops, and similar uses where limited amounts of grease wastes are generated.

#### **10.01.080 Industrial Wastewater Discharge**

- A. To provide the maximum public benefit from the use of Town facilities, written authorization or an industrial pre-treatment permit provided by VVWRA shall be required to use said facilities for industrial wastewater discharge. No vested right shall be given by issuance of sewer connection permits provided for in this document. The wastewater discharge permit shall be in one of three forms and is dependent upon the volume and characteristics of wastewater discharged. The three industrial wastewater discharge permits are: (a) Class I, (b) Class II and (c) Critical Discharge permits.

- B. All industrial wastewater permits must be obtained prior to discharging into a public sewer.

**10.01.090 Construction of Sewers**

- A. Any person proposing to construct and/or install sewers within the Town for connection to the Town's wastewater system shall be appropriately licensed by the State of California to perform said work.

All contractors, before performing such work, shall first file with the Town:

A policy or certificate of insurance with an endorsement naming the Town as additional insured with coverage as follows:

1. Public liability insurance (including death) - \$1,000,000.00 each occurrence.
2. Property damage - \$250,000 each occurrence/\$500,000.00 in the aggregate.
3. Automobile liability insurance – a minimum of \$1,000,000.00 liability and \$250,000 property damage.

All policies to remain in effect for the entire duration of any work performed.

4. Workman's Compensation Insurance as required by applicable State of California law for all employees to be engaged in construction or installation of the projects.
5. The contractor shall be duly licensed by the State of California with a Class "A" General Engineering Contractor, Class "C34" Pipeline Contractor, or Class "C42" Sanitary Sewer Contractor.
6. Contractor shall obtain a Town of Apple Valley business license.
7. Contractor shall provide a valid Cal OSHA annual excavation permit.
8. Prior to the Town's issuance of a permit, the contractor shall provide evidence of all required certificates of insurance and performance bonds as established by the Town.
9. No excavation for sewers shall be made in any street within the Town until an excavation permit has been obtained from the Town's Engineering Department. Any and all permits required by local agencies shall be obtained by the owner or contractor and any fees therefore shall be paid by the owner or contractor.

10.No sanitary sewer construction work shall be conducted within the Town without the owner or owner's agent having obtained a sewer permit application from the Town and paying all fees in connection therewith.

B. Responsibility for defects.

1. All persons performing work, which is governed by the provisions of this Ordinance, shall be held strictly responsible for any and all acts and omissions of agents, subcontractors, and employees in connection with said work. Said persons, upon being notified in writing by the Town of any defects arising from construction or of any violation of the provision of this ordinance, shall take immediate steps to correct such defect or violation.

2. In the event any construction, when inspected by the Town, is found to be in violation of the provision of this Ordinance, the contractor shall take such steps as may be necessary to place the construction in compliance herewith.

C. There shall be no direct connection of collection system sewers to regional interceptor systems except by permission of VVWRA and the Town and it may be approved to occur only at manholes or existing stub-outs provided for said purpose. All such collector sewers or wastewater system extensions being designed shall first be approved by the Town and by VVWRA. All connections and/or wastewater system extensions will be designed by a licensed engineer with plans and specifications submitted to the Town for final approval by the Town and by VVWRA, where applicable, before construction of said system is authorized.

D. In all buildings in which the plumbing system is too low to permit gravity flow to the public sewer, sanitary sewage carried by the building sewer shall be lifted by artificial means (pump station) and discharged to the public sewer at the expense of the owner.

**10.01.100 Sewer Connection**

A. Authorization to construct or install sewers or make connection to the Town sewer system must be obtained from the Town in advance. Application for such authorization shall be made at the office of the Town. All construction shall comply with the Town's development standards and details, and Town's Wastewater Master Plan.

B. Sewer line extensions may be made within the Town in those instances when service is required but no wastewater facilities currently exist or are available and adequate capacity exists to allow such connection. In this instance, the total construction cost plus all fees and charges as may be applicable must



be borne solely by the applicant. The length of said sewer extension will vary, but as a general rule, the sewer shall be installed to the furthest property line of the property to be served.

- C. Wastewater facilities may be required to be oversized and/or construction extended beyond that required to serve the applicant but is needed to comply with the Town's master plan. Per such situation, consideration may be given to reimburse excess costs as determined by the Town.
- D. The Town may enter into a Payback Agreement for those persons who extend sewer lines as described above. Under such agreements, the Town may agree to refund up to 95% of sewer extension cost (excepting there from the cost of that portion of the extension having a direct benefit to the applicant's/developer's project) to be collected from property owners or developers of properties adjacent to and which connect to said sewer line extension for a period of time up to but not exceeding ten (10) years from the effective date of the agreement.
- E. Plans, profiles and specifications shall be prepared by a civil Engineer licensed by the State of California, at the expense of the applicant and such plans shall be subject to approval by the Town.
- F. The owner, developer, or contractor shall pay all necessary plan check and inspection fees in advance of construction. The Town shall also charge the applicant all related administrative and engineering fees incurred by the Town.
- G. The applicant shall call for his/her own bids and let his/her own contracts. The applicant shall not, however, award any such contracts until after receiving written approval of the plans and specifications from the Town.
- H. The owner of a property and/or business unit where additional plumbing fixtures were installed but did not obtain a sewer permit shall be responsible for obtaining a permit and paying the current permit fees due at the time the violation was discovered along with any subsequent and delinquent sewer use charges.

#### **10.01.110 Construction of Lateral Sewers**

- A. Application for lateral sewers and the required clean out to be constructed shall be made at the office of the Town by the property owner or his agent.
- B. Whenever possible, lateral sewers and the clean-outs will be terminated at the property line at a location chosen by the owner or his/her agent. If this cannot be accomplished, the Town shall establish the termination point of the lateral sewer.

- C. Lateral sewers (minimum four-inch (4") size for single-family residential, minimum six-inches (6") required for multi-family, commercial), must be constructed to serve each building in a development. A clean out shall be installed on each lateral at the property line to accommodate testing and future cleaning operations. The cost of the lateral connection, including clean out, shall be borne by developer or property owner. Building sewer laterals shall not be connected to Town sewers until permits for connection have been issued by the Town.
- D. All excavations for a lateral sewer installation shall be adequately guarded with barricades and/or lights to protect the public from hazard. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be restored in a manner satisfactory to the Town and any other person having jurisdiction at the sole expense of the person responsible for such installation.

#### **10.01.120 Reimbursement to Developers**

- A. The Town may reimburse a developer for installing oversized sewers which upon completion, contain excess capacity above those required for the developer's project or subdivision, provided the Town has sufficient funds available in the Town's budget or by mutually agreed contract. Town standards require a minimum of 8-inch sewers, of which no reimbursement for excess capacity will be considered by the Town. This section does not preclude payback agreements being entered into between the Town and the Developer pursuant to the Definitions Section "Payback Agreement" described herein.
- B. The developer may apply for reimbursement by complying with the following:
  - 1. Approved sewer plans are to be submitted to the Town along with detailed sewer requirements of the project and documentation of excess capacity eligible for reimbursement in advance of construction; and
  - 2. Entering into an agreement with the Town setting forth the maximum amount of reimbursement or an amount equal to an equitable percentage of the total cost necessarily incurred in constructing the main sewer, and also setting forth the terms and conditions under which reimbursement will be paid; and
  - 3. Each and every reimbursement agreement entered into pursuant to this Ordinance, and each reimbursement schedule established therefore shall expire and be of no further force or effect ten (10) years from the date of approval of such agreement by the Town.

### **10.01.130 Liability Clause**

- A. All developers, contractors, plumbers, and other person or organization installing, constructing, maintaining, repairing or otherwise working on private sewer or disposal systems or on or in conjunction with the Town's system shall indemnify and hold harmless, the Town, its officers, employees, and agents, and hold and save harmless from and defend against any and all actions or causes of action, claims, demands, liabilities, losses, damage or expense of whatever kind or nature, except as otherwise provided for in this ordinance, including attorney's fees, which the Town, its officers, employees, or agents may at any time sustain or incur by reason of or as a consequence of, or arising out of or from the actions, or failure to act, of said indemnifying party.
- B. The Town does not; by acceptance of any sewer facilities, accept or assume any liabilities in behalf of any third party unless specifically so accepted or assumed in writing by the Town.

### **10.01.140 Rates, Fees and Charges**

- A. The Town has established fees that will increase from time to time and are approved by Resolution and these charges may include the following:
  - 1. Inspection fees;
  - 2. Plan checking fees;
  - 3. Local and regional connection fees;
  - 4. User fees;
  - 5. Sewage facility fees (as required by VVWRA);
  - 6. Mass emission fees (if required);
  - 7. Buy-in or capacity fees (if required);
  - 8. Development Impact Fees (if required);
  - 9. Annexation fees, upon application;
  - 10. Other fees deemed appropriate by the Town.

- B. The sewer lateral inspection fee, to include the sewer clean-out, shall be set forth in the sewer permit application form and will provide for initial inspection and processing of permit. An additional fee shall be charged for each re-inspection.
- C. The sewer line construction inspection shall be determined upon review of the project improvement plans.
- D. The Town's plan checking fee, in accordance with a fee schedule approved by Council, will apply under one or more of the following conditions:
  - 1. Any person or persons desiring plan checking by the Town.
  - 2. Any new sewer system that will be deeded to the Town for operation and maintenance.
  - 3. Any new sewer system that will be constructed within existing or new road easements or utility easements, or both.
  - 4. Plan checking fees shall be paid to the Town prior to checking of the plans by the Town.
- E. VVWRA connection charges will be required for all new connections to the Town's sewer system. Connection charges are also applicable to certain existing developed properties or facilities whereby the use of the sewer has been increased by additions to previously developed properties whereby the fixture unit load has exceeded the original fixture count.

A connection fee per plumbing fixture unit (P.F.U.) has been established pursuant to VVWRA ordinances or regulations as amended and by per fixture unit using the assigned factors as adopted and in effect when the connection fee is to be paid. This portion of the connection fee will be collected as a pass-thru fee on behalf of VVWRA to meet future treatment and conveyance capacity needs.

To defray local administration costs for collecting the above regional connection and to partly provide funds for Town expenses associated with new connections to the public sewer, the Town has established by enactment of the Town Council a local connection charge based on each sewer connection made to the Town's sewer system. Each connection fee is subject to periodic change by appropriate action of the VVWRA and the Town.

- F. Sewer user fees will be established by the Town Council, and measured on the basis of each unit designed for single-family, multiple-family, or mobile home dwelling use, and each commercial shop or office with individual

restroom facilities. Sewer user fees for commercial and industrial connections to the sewer system with public and/or centralized sewer use facilities will be assessed on the basis of plumbing fixture unit count. Sewer user fees for schools will be assessed on the basis of student enrollment and staff count. Said sewer user fees defray the regional treatment plant operation and maintenance expenses and local sewer system maintenance and operation expense. This fee shall be the monthly rate set by the action of the Town Council. The sewer user charge will be payable to the Town on a schedule as determined by the Town.

- G. A sewage facility fee has been established pursuant to VVWRA Ordinance and by reference herein will be utilized for computing the fee using the current rate as adopted when the fee becomes due. The fee will be collected by the Town as a pass-thru fee on behalf of VVWRA to defray anticipated treatment cost.
- H. Buy-in or capacity fees are required of all sewer connections outside of an established Sewer Assessment District. These fees apply to new construction as well as to tenant improvements, additions etc. These fees are for properties that have not previously paid or contributed in offsite improvements (for example, fees levied by a sewer assessment district).
- I. Development Impact Fees (DIF) are required in those areas located outside an established sewer assessment district, but within the boundaries of previously master planned for sewer areas. This fee shall apply where a new home is being constructed in a previously master planned sewer area where the property is currently served by a septic system. These fees are intended to fund future trunk sewer extensions of the Town's sewer collection system. (Properties in these areas have not previously paid any portion of the cost for construction of the Town's existing sewer system and will incrementally impact the Town's sewer collection system).
- J. Administration and overhead (application) fees will be set periodically by the Town Council. The amount will be calculated on the basis of a sum per lineal foot of total pipeline and lateral length for the project. Said sum will be based substantially on the Town's cost and expenses.
- K. Unless otherwise provided, payment of fees and charges described in this section shall be due before a final inspection can be performed by the Town, excepting that:
  - 1. Development impact fees are due at sewer permit issuance.
  - 2. Commercial tenant improvements or additions of any kind that propose an increase to the plumbing fixtures shall pay all fees at sewer permit issuance.

3. Any existing building, previously served by a septic system, requiring connection to the Town sewer shall pay all required fees at sewer connection permit issuance.
  4. For fees associated with sewer extensions, the Town may set fees at each stage namely, initial planning, detailed design and construction and associated inspection fees before work can begin. The fee at each stage shall be paid in full to the Town prior to work being performed.
- L. For reimbursement of eligible sewer costs as provided in Section 10.01.120 of this Ordinance, the Town may establish a reimbursement schedule which sets forth connection charges for future users, all or part of which is to be reimbursed to the initial developer or property owner. VVWRA connection fees are not part of this reimbursement agreement. Such reimbursement method may take into consideration inflation and interest charges.
- M. The Town Council will review fees and charges periodically and amend them as appropriate.

#### **10.01.150 Restrictions and Other Requirements**

- A. Flow monitoring and sampling will be conducted as follows:
1. For Class I Users, as defined in Section 10.01.010 of this ordinance, the design and construction of a flow monitoring and sampling manhole satisfactory to the Town must be provided by the user. The user must also provide necessary flow measurement components (such as weir plates) to the Town, at which time they will become the property of the Town.
  2. For Class II Users, as defined in Section 10.01.010 of this ordinance, the Town may require the installation of a special flow monitoring and sampling manhole, depending on the type of establishment and sewage strength.
- B. There shall be no direct connection of collection system sewers to regional interceptor except by permission of VVWRA and the Town and only at manholes or at existing stub-outs provided for said purpose, with collector sewers or sewer system extensions being designed and/or approved by the Town. All connections and/or sewer system extensions will be designed by a licensed engineer with plans and specifications submitted to the Town for final approval by the Town and by VVWRA where applicable before construction of said system is authorized.

- C. In specific areas of the Town, where the majority of property owners desire sewer service, or in those instances wherein the health and welfare of the community is felt to be jeopardized by deteriorating or failing septic systems, the Town Council may consider a Sewer Assessment District.

Upon receipt of the Engineering and Bond Counsel data required by law for said improvement project, the Town will review the design, engineering, construction, and administrative costs to determine the cost/benefit ratio of the project. If found to be satisfactory, the Council may elect to proceed with the required Assessment District proceedings according to all applicable laws governing such Assessment District formation.

- D. Any division of land or development involving five (5) or more units within the jurisdiction of the Town, within an area with an adopted sewer master plan and greater than 200 feet from an existing sewage collection facility, may be permitted to use individual sewage disposal systems (septic systems) provided:
1. A “dry” sewer collection line is installed in the public right-of-way to the specifications of the Town Engineer with the capacity for all sewage generated by the subdivisions; and
  2. The “dry” sewer includes lateral lines to within five (5) feet of the septic tank to be installed on each lot; and
  3. Plugs and seals are placed on the “dry” sewers to prevent unauthorized connection or use.
- E. The developer shall pay to the Town the appropriate capacity fees and connection fees.
- F. The developer shall agree that the facilities installed in the public right-of-way shall be dedicated to the Town as provided in section D herein after inspection and acceptance by the Town.
- G. The developer shall grant to the Town a right of access to the individual sewage disposal system on each lot and have this right of access recorded as part of the final tract map or other instrument and provide written notification to the purchase of each unit of the development.
- H. When sewer collection facilities are available to the development, the Town shall have the right to declare the use of the individual sewage disposal system a public nuisance and enter onto the property for the purpose of connecting the premises to the sewer collection system and properly abandoning the individual sewage disposal system without additional cost to the owner of the premises provided, however, that the Town shall not be

obligated to remove, reconstruct, relocate, or otherwise modify any structure, tree, bush, or appurtenance of any kind whatsoever in making the connection and properly abandoning the individual sewage disposal system.

- I. The Town shall require the owner or occupant of the building to be connected to obtain a permit from the Town for such connection. The applicant for the permit shall specify in writing that they will indemnify and hold the Town harmless in making the connection to the sewage collection facility and abandoning the individual sewage system.
- J. Whenever the use of individual sewage disposal systems are installed in connection with "dry sewers," the Town will not agree that any such system may be installed which is less than the minimum requirements for the type of systems which is designated for use on this development.

#### **10.01.160 Inspections and Monitoring**

- A. Town officials bearing proper credentials and identification shall be permitted to enter all properties, which are required to maintain industrial pretreatment facilities for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the Town's sewerage facilities in accordance with the provisions of this section.
- B. Town officials are authorized to obtain information from users concerning industrial processes, which have a direct bearing on the kind and source of discharge to the wastewater collection system. All information and data on a user shall be available to the public and government agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Town that the release of such information would divulge information, processes, or methods which are validly classifiable as trade secrets.
- C. While performing the necessary work on private properties referred to in this section, Town employees and representatives shall observe all safety rules applicable to the premises established by the user.
- D. Town officials bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose of, but not limited to, inspections, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement.
- E. For critical wastewater dischargers, as defined in Section 10.01.010, the Town may require installation of special flow monitoring components, such as



weir plates, and for sampling manholes, which shall become property of the Town. Depending on the type of discharger, the Town may require monitoring and sampling test information/results on a periodic basis, and/or may conduct its own sampling.

#### **10.01.170 Enforcement**

The Town Manager and other designated Town officials shall have the primary responsibility for the enforcement of this Chapter. The Town may, at its option, elect to enforce the provisions of this Ordinance under any of the methods of enforcement available to it, including criminal prosecution, abatement of nuisances, civil remedies, or any other legal or equitable appropriate means. The Town may elect to enforce the Ordinance provisions by more than one method concurrently.

#### **10.01.180 Penalties**

Any person who willfully commits any of the acts prohibited by this Chapter or violates any other prohibition in this Chapter is guilty of a violation of this Chapter, punishable in accordance with sections 1.01.200 through 1.01.230 of the Town of Apple Valley Municipal Code.

Violations of this Chapter shall be considered a public nuisance and are subject to the provisions established in sections 6.30.040 through 6.30.270 of the Town of Apple Valley Municipal Code.

#### **10.01.190 Notice of Adoption**

The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code of the State of California.

#### **10.01.200 Effective Date**

This Ordinance shall become effective thirty (30) days after the date of its adoption.

#### **10.01.210 Severability**

If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this ordinance are declared to be severable.

**APPROVED** and **ADOPTED** by the Town Council and signed by the Mayor and attested to by the Town Clerk this 8<sup>th</sup> day of December, 2015.

\_\_\_\_\_  
Larry Cusack, Mayor

**ATTEST:**

\_\_\_\_\_  
La Vonda M. Pearson, Town Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
John Brown, Town Attorney

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Frank Robinson, Town Manager

## Exhibit A

### Town of Apple Valley Sewer Connection Policy

Effective January 11, 2006, all new single-family lots created by subdivision, whether by Tentative Tract Map, Tentative Parcel Map, or Lot Split, where the newly created lots will have a total gross lot size of less than one acre, shall be required to connect to the Town Sewer System.

When the existing sewer infrastructure is more than one-half (½)-mile away, the developer shall be required to install a “dry sewer,” consisting of onsite main collector sewers and laterals to each new lot. Sewer service laterals shall be extended from the main collector sewer, to within five (5) feet of the septic system on all newly created lots. The collector sewer and laterals shall be installed in conformance with Town Standards prior to final map. All plan check and construction inspection fees shall be paid at time of plan submittal. Sewer connection fees shall be paid upon final inspection of construction to accommodate sewer connection by the homeowner at a later date.

At the discretion of the developer, and as an alternative to a “dry sewer”, the developer may choose to install an interim “Holding Tank System” as approved by the Town. The holding tank system will create a working collector sewer system within the development to serve the newly created lots. The developer will be required to set aside sufficient land from the development project to accommodate proper maintenance and operation of the holding tank system installation. A homeowners association or other mechanism approved by the Town will be required to provide required maintenance and pumping of the holding tank system. Sewer connection and use fees shall be paid upon final inspection of construction. Sewer connection fees shall accommodate connection to the sewer system by the homeowner at a later date, and sewer use fees shall be collected to fund the cost of treatment of the wastewater flows through an approved location on the Town’s existing sewer system.

If approved by the Regional Water Quality Control Board and the Town, the developer may install an interim “Community Septic System” for disposal of wastewater flows from the development. The community septic system will create a working collector sewer system within the development to serve the newly created lots. The developer will be required to set aside sufficient land from the development project to accommodate proper maintenance and operation of the system, including disposal expansion area. A homeowners association will be required to provide required maintenance and pumping of the community septic system. Sewer connection fees shall be paid upon final inspection of construction to accommodate sewer connection by the homeowner at a later date. Sewer use fees will be required only upon permanent connection to the Town sewer system infrastructure.

Upon connection and activation of the collector sewers to the Town's existing sewer infrastructure, all lots within the tract, parcel map, or lot split subdivision shall be required to abandon interim holding tank/septic tank/community septic system use, and make permanent connection to the Town sewer system as required. In the case of connection of lots utilizing dry sewers and interim septic systems, the cost for connection of the lateral and abandonment of the interim septic system shall be the responsibility of the homeowner to pay at the time connection is made.

*Adopted per Town Council Minute Action on January 10, 2006.*