

(O-91-75)

**17576**

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

ADOPTED ON JAN 0 9 1991

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 4,  
DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE  
BY AMENDING SECTION 64.0410 RELATING TO  
CAPACITY CHARGES.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter VI, Article 4, Division 4, of the San Diego Municipal Code be and the same is hereby amended by amending Section 64.0410, to read as follows:

**§ 64.0410 Capacity Charge**

When any person, firm, corporation or other entity shall request a new sewer connection, an additional connection, a larger connection or in any other way increase the flow into the sewer by addition of an equivalent family unit or units, a minimum capacity charge as established from time to time by a resolution of the City Council shall be paid; provided, however, that prior to considering any change in said sewer service charge by resolution as aforesaid, a notice of the proposed change shall be posted by the City Clerk at least ten (10) days prior to consideration of such a resolution by the City Council. This charge shall be due and payable at the time the building permit fees are paid, or if a building permit is not required, at the time the sewer connection fees must be paid. In any case, this sewer capacity charge must be paid before the sewage

flow increase is accomplished. This section shall not be construed to pertain to agreements between participating agencies in the Metropolitan Sewerage System and the City.

Any person, firm, corporation, or other entity pumping groundwater to the sewerage system, under the guidelines established by Division 5, Industrial Wastewater, shall be eligible for an industrial users wastewater discharge permit issued by the City Water Utilities Department Industrial Waste Program, and a waiver of capacity charges, for a period of one (1) year. Upon expiration of the discharge permit issued by the City and the original waiver of capacity charges, an extension of the waiver of capacity charges for up to a two (2) year period or any part thereof may be granted by the City Council if the individual, firm, corporation, or other entity has applied for a National Pollutant Discharge Elimination System (NPDES) Permit from the Regional Water Quality Control Board and demonstrates that the discharge will not adversely affect the publicly owned treatment plant. Such waivers shall run with the land to prevent subsequent waivers upon the sale or exchange of the property by the permit holder. If, upon expiration of the original permit issued by the City and the waiver of capacity charges (including any extension if applicable), the discharge continues, capacity charges will be levied at the then current rates. Additional extensions of capacity charge waivers are not allowed. Capacity charges are not refundable.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By Ted Bromfield  
Ted Bromfield  
Chief Deputy City Attorney

TB:mb  
11/07/90  
Or.Dept:W.Util.  
O-91-75  
Form=o+t

O-17576

Passed and adopted by the Council of The City of San Diego on.....  
by the following vote:

JAN 09 1991

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Linda Lugano*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

DEC 10 1990

JAN 09 1991

....., and on .....

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Linda Lugano*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-17576**

JAN 09 1991

Adopted.....

RECEIVED

90 NOV 27 PM 2: 29

CITY CLERK OFFICE  
SAN DIEGO, CA

CERTIFICATE OF PUBLICATION

RECEIVED  
CITY CLERK'S OFFICE  
91 JAN 28 AM 11:29  
SAN DIEGO, CALIF.

CITY CLERK'S OFFICE  
CITY ADMIN. BLDG.  
202 C ST.  
SAN DIEGO, CA 92101

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IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 4, DIVISION  
4, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION...

I, Thomas D. Kelleher, am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER 0-17576

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

JAN. 23

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 23RD day of JAN, 1991.

**ORDINANCE NUMBER 0-17576**  
AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 4, DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 64.0410 RELATING TO CAPACITY CHARGES.  
This ordinance permits waivers of capacity charges by the Water Utilities Department for the discharge of groundwater for one (1) year with up to a two (2) year extension by Council upon a showing that a National Pollutant Discharge Elimination System (NPDES) Permit has been applied for and no adverse effect to the publicly owned treatment plant.  
A complete copy of the ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.  
INTRODUCED ON December 10, 1990, Passed and Adopted by the Council of The City of San Diego on January 9, 1991  
AUTHENTICATED BY:  
MAUREEN O'CONNOR  
Mayor of The City of San Diego, CA  
CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, CA  
By Linda Lugano, Deputy  
Pub. January 23 208246

  
\_\_\_\_\_  
(Signature)