

Article 4: Sewers**Division 3: General Provisions**

(“General Provisions” added 6-6-1983 by O-15984 N.S.)

§64.0300 Administration

The City Manager shall administer, implement and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the City Manager may be delegated by the City Manager to persons in the employ of the City.

The City Manager shall make and enforce regulations necessary to the administration of this ordinance. He may amend such regulations from time to time as conditions require. These regulations shall be consistent with the general policy established herein by the City Council.

(“Administration” added 6-6-1983 by O-15984 N.S.)

§64.0301 Penalties for Violations**(a) Public Nuisance**

Discharge of wastewater in any manner in violation of this ordinance or of any order issued by the City Manager as authorized by this ordinance, is hereby declared a public nuisance and shall be corrected or abated as directed by the City Manager. Any person creating such a public nuisance is guilty of a misdemeanor.

(b) Injunction

Whenever a discharge of wastewater is in violation of the provisions of this ordinance, or otherwise causes or threatens to cause a condition of contamination, pollution, or nuisance, the City Manager may cause the City to seek a petition to the Superior Court for the issuance of a preliminary or permanent injunction or both, as may be appropriate in restraining the continuance of such discharge.

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(c) Costs of Damage

Any person who violates any provision of this ordinance or who has a discharge which causes a deposit, obstruction, damage, or any other impairment to the City's facilities, shall become liable to the City for all expense, loss, or damage occasioned the City by such violation or discharge.

(d) Falsifying of Information

Any person who knowingly makes any false statement, representation, record, report, plan, or other document filed with the City Manager or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall be guilty of a misdemeanor.

(e) Termination of Service

The City may revoke any Industrial Wastewater Discharge Permit issued pursuant to Municipal Code Chapter 6, Article 4, Division 5, or may terminate or cause to be terminated any wastewater service to any premise if a violation of any provision of this ordinance is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution, or nuisance. This provision is in addition to other statutes or rules authorizing termination of service for delinquency in payment. When deemed necessary by the City Manager for the preservation of public health or safety or for the protection of public or private property, the City Manager may suspend sewer service to any person using the wastewater system in a manner to endanger the public health or safety, or public or private property. In suspending service, the City Manager may sever all pertinent connections to the public sewer. If such endangerment shall be imminent, then the City Manager may act immediately to suspend sewer service without notice or warning to said person.

(f) Civil Penalties - Procedures.

Any person who violates any provision of this division or permit condition or requirement or who discharges wastewater which causes pollution, or who violates any cease and desist order, prohibition, effluent limitation, national pretreatment standard, or Administrative Order shall be liable civilly for a penalty not to exceed \$2,500 per day per violation. Such civil penalty shall be assessed and collected in accordance with the procedures set forth in San Diego Municipal Code sections 12.0801-12.0810.

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(g) Criminal Penalties.

Any person who intentionally violates any provision of this ordinance or permit condition or requirement or who discharges wastewater which causes pollution or who violates any cease and desist order, prohibition, effluent limitation, national pretreatment standard, or Administrative Order shall be liable, upon conviction, for a sum not to exceed \$25,000 per day per violation, or for imprisonment for not more than one year, or both.

(Amended 11-14-2000 by O-18880 N.S.)

§64.0302 Time Limits

Any time limit provided in any written notice or in any provision of this ordinance may be extended only by a written directive of the City Manager.

(“Time Limits” renumbered from Sec. 64.0303 on 6-11-1990 by O-17476 N.S.)

§64.0303 Inspection and Sampling

Adequate identification shall be provided by the City Manager for all inspectors and other authorized personnel and those persons shall identify themselves when entering any property for inspection purposes or when inspecting the work of any contractor. Inspection and sampling of every facility that is involved directly or indirectly with the discharge of wastewater to the City’s wastewater system may be made by the City Manager as he deems necessary. These facilities shall include but not be limited to sewers, wastewater pumping stations, pollution control plants, all industrial processes, food establishment facilities or other facilities which discharge grease and oil at levels which cause blockages to the sewer, industrial wastewater generation, conveyance and pretreatment facilities, and all similar wastewater facilities. Inspections may be made to determine that such facilities are maintained and operated properly and are adequate to meet the provisions of this ordinance. Access to all of the above facilities or to other facilities directly or indirectly connected to the City’s wastewater system shall be given to authorized personnel of the City at all reasonable times including those occasioned by emergency conditions. Any permanent or temporary obstruction to easy access to the wastewater facility to be inspected shall promptly be removed by the facility user or owner at the written or verbal request of the City Manager and shall not be replaced. It is unlawful to interfere with, delay, resist or refuse entrance to an authorized City inspector attempting to inspect any wastewater generation, conveyance or treatment facility connected directly or indirectly to the City’s wastewater system. The City, through its representatives or inspectors, shall have the right to inspect and copy pertinent records relating to a permittee’s wastewater discharge or pretreatment operations including, but not limited

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to: Operations & Maintenance procedures; sampling, analysis, and flow measurement procedures, results and records; inventories, chemical usage, materials sources, hazardous materials manifests, and disposal records; treatment and operations log books; and materials invoices.

(Amended 11-14-2000 by O-18880 N.S.)

§64.0304 Recording of Fees and Charges

The City Manager shall keep a permanent and accurate account of all fees and charges received under this ordinance, giving the names and addresses of the persons on whose account the fees and charges were paid, the date and amount thereof, and the purpose for which charges were paid.

(“Recording of Fees and Charges” renumbered from Sec. 64.0305 on 6-11-1990 by O-17476 N.S.)

§64.0305 Estimated Quantities and Values

Unless otherwise provided herein, whenever the fees and charges required by this ordinance are based on estimated values or estimated quantities, the City Manager shall make such determinations in accordance with established estimating practices.

(“Estimated Quantities and Values” renumbered from Sec. 64.0306 on 6-11-1990 by O-17476 N.S.)

§64.0306 Approval of Plans and Issuance of Permits

The City Manager will approve plans for wastewater facilities construction, issue a Permit for Industrial Wastewater Discharge or any other permit under this ordinance only if it appears to the City Manager that the wastewater facilities construction, sewer connection, industrial wastewater discharge or other procedure conforms to the requirements of this ordinance.

All required fees and charges shall be paid before approval of plans or issuance of a permit.

The approval of plans or the issuance of a permit shall not relieve the discharger of any duty imposed upon him pursuant to this ordinance.

(“Approval of Plans and Issuance of Permits” renumbered from Sec. 64.0307 on 6-11-1990 by O-17476 N.S.)

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§64.0307 Malicious Damage to City’s Facilities

Any unauthorized entering, breaking, damaging, destroying, uncovering, defacing or tampering with any structure, equipment or appurtenance which is a part of the City’s wastewater system shall be a violation of this ordinance.

(“Malicious Damage to City’s Facilities” renumbered from Sec. 64.0308 on 6-11-1990 by O-17476 N.S.)