

## Huntington Beach Charter and Codes

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### Chapter 12.10 STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION

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#### 12.10.010 Adoption of Standards

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There is hereby adopted by the City Council certain standard specifications known as the Standard Specifications for Public Works Construction, as most recently published by Building News (“latest edition”) and the whole thereof, including all supplements and amendments, of which standard specifications not less than one copy of the latest edition has been and is now on file in the Office of the City Clerk of the City of Huntington Beach. Such standard specifications are hereby adopted and incorporated pursuant to [Government Code](#) Sections 50022.2 et seq. for the purpose of providing just, equitable, objective and practicable standard specifications whereby administrative procedures, construction materials, construction methods and requirements shall be established for all public works construction, and from the date on which this section takes effect, the provisions thereof shall be controlling within the corporate limits of the City of Huntington Beach. (2684-4/84, 2813-2/86, 3122-10/91, 3513-11/01)

#### 12.10.020 Administration

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The Director of Public Works, or his or her duly appointed representative, is hereby authorized and directed to enforce the standard specifications as herein adopted or as may be amended hereafter from time to time. (2684-4/84)

#### 12.10.030 Application

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The provisions of the standard specifications, together with adopted standard plans of the Department of Public Works, adopted by resolution of the City Council, shall apply to all existing or new public works construction. Such standard specifications shall also apply whenever there exists, in the opinion of the Director of Public Works, any condition which constitutes an active or immediate hazard to life, limb, health, property, safety or the general welfare of the public. (2684-4/84)

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## Huntington Beach Charter and Codes

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[Title 14 WATER AND SEWERS](#)

### Chapter 14.25 STORMWATER AND URBAN RUNOFF MANAGEMENT

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#### 14.25.010 Purpose

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- A. The United States Congress passed the Clean Water Act 33 USC Section 1251 et seq., as amended, including Section 402(p) therein as a mandate, in part, that municipal separate storm sewer systems, such as in Orange County, obtain permits to “effectively prohibit non-stormwater discharges into the storm sewers” and “require controls to reduce the discharge of pollutants to the maximum extent practicable.” This permitting authority has been delegated by the United States Environmental Protection Agency (“EPA”) to the State of California, which has authorized the State Water Resources Control Board and its local regulatory agencies, the Regional Water Quality Control Boards, to control non-point source discharges to California’s waterways.
- B. The Santa Ana and San Diego Regional Water Quality Control Boards have addressed the obligation to implement the Clean Water Act by issuing waste discharge requirements governing stormwater runoff for the County of Orange, Orange County Flood Control District and the incorporated cities of Orange County. These permits shall be referred to collectively herein as the National Pollution Discharge Elimination System Permit or “NPDES Permit.”
- C. The City of Huntington Beach has adopted and amended this chapter to comply with the Municipal Separate Storm Sewer System permit (“MS4 permit”) the California Water Quality Control Board-Santa Ana Region issued Orange County. The MS4 permit requires the City to demonstrate through ordinances the necessary legal authority to enforce prohibited discharges to the storm drain that would have a negative impact on the water quality and aesthetic value of downstream receiving water bodies such as the Santa River and the Pacific Ocean.
- D. Stormwater runoff is one step in the natural cycle of water. However, human activities, such as agriculture, construction and the operation and maintenance of an urban infrastructure may result in undesirable discharges of pollutants and certain sediments, which may accumulate in local drainage channels and waterways and eventually may be deposited in the waters of the United States.
- E. The purpose of this chapter is to participate in the improvement of water quality and comply with federal requirements for the control of urban pollutants to stormwater runoff, which enters the network of storm drains throughout Orange County. (3364-8/97, 4206-7/20)

#### 14.25.020 Definitions

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**“Authorized inspector”** shall mean the Director of Public Works, the Fire Chief and the Director of Community Development, and persons designated by and under his or her instruction and supervision, who are assigned to investigate compliance with, detect violations of, and/or take actions pursuant to this chapter.

**“Best Management Practices (“BMPs”)** shall mean schedules of activities, pollution treatment practices or devices, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices or devices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or the stormwater drainage system. Best Management Practices also include, but are not limited to, treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage. Best Management Practices may include any type of pollution prevention and pollution control measure that can help achieve compliance with this chapter.

**“City”** shall mean the City of Huntington Beach, Orange County, California.

**“City Attorney”** shall mean the City Attorney of the City of Huntington Beach and his or her designee, which counsel is authorized to take enforcement action as described herein. For purposes of criminal prosecution, only the

City Attorney, or his or her designee, shall act as the City Attorney.

**“Co-permittee”** shall mean the County of Orange, the Orange County Flood Control District, and/or any one of the 31 municipalities, including the City of Huntington Beach, which are responsible for compliance with the terms of the NPDES Permit.

**“DAMP”** shall mean the Orange County Drainage Area Management Plan, as the same may be amended from time to time.

**“Development project guidance”** shall mean DAMP Chapter VII and the appendix thereto, entitled *Best Management Practices for New Development Including Nonresidential Construction Projects*, as the same may be amended from time to time.

**“Discharge”** shall mean any release, spill, leak, pump, flow, escape, leaching (including subsurface migration or deposition to groundwater), dumping or disposal of any liquid, semi-solid or solid substance.

**“Discharge exception”** shall mean the group of activities not restricted or prohibited by this chapter, including only:

1. Discharges composed entirely of stormwater;
2. Discharges subject to regulation under current EPA or Regional Water Quality Control board issued NPDES permits, State General Permits, or other waivers, permits or approvals granted by an appropriate government agency;
3. Emergency firefighting flows (i.e., flows necessary for the protection of life and property). Where reasonably feasible, however, and without interfering with health and safety, the use of BMPs should be considered;
4. Diverted stream flows, flows from riparian habitats and wetlands, rising groundwater, and *de minimis* ground water infiltration to the stormwater drainage system (from leaks in joints or connections or cracks in water drainage pipes or conveyance systems);
5. Dechlorinated swimming pool discharges, dechlorinated to a concentration of 0.1 ppm or less, pH adjusted and reoxygenated if necessary, and volumetrically and velocity controlled to prevent causing hydrologic conditions of concern in receiving waters (cleaning wastewater and filter backlash discharges, however are prohibited).
6. Discharges to the stormwater drainage system from passive foundation drains, air conditioning condensation, water from crawl space pumps, passive footing drains, non-commercial vehicle washing;
7. Discharges of waters not otherwise containing waste as defined in California [Water Code](#) Section 13050(d);
8. Discharges from portable water sources, including water line flushing, super-chlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water: Planned discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH adjusted if necessary, and volumetrically and velocity controlled to prevent causing hydrologic conditions of concern in receiving waters. pH must be no less than 6.5 and no greater than 8.6;
9. Other types of discharges identified and recommended by the permittees and approved by the Santa Ana Regional Water Quality Control Board.

In any action taken to enforce this chapter, the burden shall be on the person who is the subject of such action to establish that a discharge was within the scope of this discharge exception.

**“EPA”** shall mean the Environmental Protection Agency of the United States.

**“Fugitive dust”** shall mean very small particles suspended in the air, the source of which is primarily the earth’s soil but can include dust generated from cutting stone and concrete.

**“Hearing officer”** shall mean the Director of Public Works, Planning Director, Fire Chief or Director of Building and Safety, or his or her designee, who shall preside at the administrative hearings authorized by this chapter and issue final decisions on the matters raised therein (or) shall mean the appeals board established by separate resolution of the City Council, which shall preside at the administrative hearings authorized by this chapter and issue final decisions on the matters raised therein.

**“Illicit connection”** shall mean any man-made conveyance or drainage system, pipeline, conduit, inlet or outlet through which the discharge of any pollutant to the stormwater drainage system occurs or may occur. The term “illicit connection” shall not include legal nonconforming connections or connections to the stormwater drainage system that are hereinafter authorized by the agency with jurisdiction over the system at the location at which the connection is made.

**“Imminent danger”** shall mean, but is not limited to, exigent circumstances created by the dispersal of pollutants, which present a significant and immediate threat to the public safety or the environment.

**“Invoice for costs”** shall mean the actual costs and expenses of the City of Huntington Beach, including but not limited to administrative overhead, salaries and other expenses recoverable under state law, incurred during any inspection conducted pursuant to this chapter or where a notice of noncompliance, administrative compliance order or other enforcement option under this chapter is utilized to obtain compliance with this chapter.

**“Legal nonconforming connection”** shall mean connections to the stormwater drainage system existing as of the adoption of this chapter that were in compliance with all federal, state and local rules, regulations, statutes and administrative requirements in effect at the time the connection was established, including but not limited to any discharge permitted pursuant to the terms and conditions of an individual discharge permit issued pursuant to the industrial waste ordinance, County Ordinance No. 703.

**“New development”** shall mean all public and private residential (whether single-family, multi-unit or planned unit development), industrial, commercial, retail, and other nonresidential construction projects, or grading for future construction, for which either a discretionary land use approval, grading permit, building permit or nonresidential plumbing permit is required.

**“Nonresidential plumbing permit”** shall mean a plumbing permit authorizing the construction and/or installation of facilities for the conveyance of liquids other than stormwater, potable water, reclaimed water or domestic sewage.

**“NPDES Permit”** shall mean the currently applicable municipal discharge permit(s) issued by the Regional Water Quality Control Board, Santa Ana Region (and/or the Regional Water Quality Control Board, San Diego Region, as appropriate), which permit(s) establishes waste discharge requirements applicable to stormwater runoff in the City of Huntington Beach.

**“Nuisance”** shall mean any discharge permitted as a discharge exemption but identified by the authorized inspector as a nuisance and a threat to water quality, either due to the nature of the discharge, volume of the discharge, and/or potential negative impact to the receiving water body.

**“Person”** shall mean any natural person as well as any corporation, partnership, government entity or subdivision, trust, estate, cooperative association, joint venture, business entity, or other similar entity, or the agent, employee or representative of any of the above.

**“Pollutant”** shall mean any liquid, solid or semi-solid substances, or combination thereof, including, and not limited to:

1. Trash and debris, (such as, but not limited to, floatable plastics, wood products or metal shavings).
2. Domestic sewage.
3. Sediment due to construction or landscaping activities or due to lack of effective erosion and sediment controls.
4. Metals and non-metals, including compounds of metals and non-metals (such as cadmium, lead, zinc, copper, silver, nickel, chromium, cyanide, phosphorus and arsenic) with characteristics which cause an adverse effect on living organisms.
5. Petroleum and related hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants and grease).
6. Animal waste and wash-water resulting from cleaning activities to areas affected by animal wastes (such as discharge from confinement facilities, kennels, pens and recreational facilities, including, stables, show facilities, or polo fields).
7. Substances having a pH less than 6.5 or greater than 8.6, or unusual coloration, turbidity or odor.



8. Waste materials and wastewater generated on construction sites and by construction activities (such as painting and staining; use of sealants and glues; use of lime; use of wood preservatives and solvents; disturbance of asbestos fibers, paint flakes or stucco fragments; application of oils, lubricants, hydraulic, radiator or battery fluids; construction equipment washing; concrete pouring and cleanup; use of concrete detergents; steam cleaning or sand blasting; use of chemical degreasing or diluting agents; and use of super chlorinated water for portable water line flushing).
9. Materials causing an increase in biochemical oxygen demand, chemical oxygen demand or total organic carbon.
10. Materials which contain base/neutral or acid extractable organic compounds.
11. Those pollutants defined in Section 1362(6) of the Federal Clean Water Act.
12. Any other constituent or material, including, but not limited to, pesticides, herbicides, fertilizers, fecal coliform, fecal streptococcus or enterococcus, or eroded soils, sediment and particulate materials, in quantities that will interfere with or adversely affect the beneficial uses of the receiving waters, flora or fauna of the City and State.
13. Washwater resulting from cleaning activities of outdoor surfaces such as patios, sidewalks, walkways, building exteriors, balconies, roofs, windows and decks.
14. Discharge resulting from cleaning activities, repair, or maintenance of any type of equipment, machinery, or facility, including, but not limited to, motor vehicles, concrete mixing equipment, portable toilet servicing, etc.
15. Washwater from mobile auto detailing and washing, steam and pressure cleaning, carpet cleaning, and other such commercial and industrial mobile washing activities.
16. Water from cleaning of municipal, industrial, and commercial facilities, locations and area, including, but not limited to, parking lots, streets, sidewalks, driveways, patios, refuse enclosures, plazas, work yards, and outdoor eating or drinking areas, etc.
17. Runoff from material storage areas including, but not limited to, receptacles that contain chemicals, fuels, grease, oil, hazardous materials, food waste, and trash/debris.
18. Non-stormwater discharges defined as Discharge Exception but identified by the authorized inspector as a nuisance due to the nature of the discharge, volume of the discharge, and/or potential negative impact to quality.
19. Discharges of pool or fountain water containing chlorine, biocides, or other chemicals; pool filter backwash containing debris and chlorine.
20. Food service establishment or food processing facility wastes including, but not limited to, food waste, grease oil, washwater from floor mat, equipment, and trash enclosure cleaning activities, etc.
21. Fugitive dust.

Any pollutant which is duplicative of another shall not be construed to exclude either item, as the same pollutant may be described more than one time.

**“Prohibited discharge”** shall mean any discharge which contains any pollutant, from public or private property:

1. The stormwater drainage system;
2. Any upstream flow, which is tributary to stormwater drainage systems;
3. Any groundwater, river, stream, creek, wash or dry weather arroyo, wetlands area, marsh, coastal slough; or
4. Any coastal harbor, bay or the Pacific Ocean.

The term “prohibited discharge” shall not include discharges allowable under the discharge exception unless declared a nuisance by City staff.

**“Receiving waters”** shall mean a “water of the United States” within the scope of the California [Water Code](#), including, but not limited to, natural streams, creeks, rivers, reservoirs, lakes, ponds, water in vernal pools, lagoons,

estuaries, bays, the Pacific Ocean and groundwater.

**“Significant redevelopment”** shall mean the rehabilitation or reconstruction of public or private residential (whether single-family, multi-unit or planned unit development), industrial, commercial, retail, or other nonresidential structures, for which either a discretionary land use approval, grading permit, building permit or nonresidential plumbing permit is required.

**“State General Permit”** shall mean either the State Industrial General Permit or the State Construction General Permit and the terms and requirements of either or both. In the event the U.S. Environmental Protection Agency (“EPA”) revokes the in-lieu permitting authority of the State Water Resources Control Board, then the term “State General Permit” shall also refer to any EPA administered stormwater control program for industrial and construction activities.

**“Stormwater drainage system”** shall mean street gutter, channel, storm drain, constructed drain, lined diversion structure, wash area, inlet, outlet or other facility, which is a part of or tributary to the Countywide storm water runoff system and owned, operated, maintained or controlled by the City, the County of Orange, the Orange County Flood Control District, or any co-permittee city, and used for the purpose of collecting, storing, transporting, or disposing of stormwater. (3364-8/97, 3620-12/03, 4206-7/20)

#### 14.25.030 Prohibition on Illicit Connections and Prohibited Discharges

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A. No person shall:

1. Construct, maintain, operate and/or utilize any illicit connection.
2. Cause, allow or facilitate any prohibited discharge.
3. Act, cause, permit or suffer any agent, employee, or independent contractor, to construct, maintain, operate or utilize any illicit connection, or cause, allow or facilitate any prohibited discharge.

B. No person shall cause, facilitate or contribute to a discharge into the stormwater drainage system, or into an area or in a manner that will result in a discharge into the stormwater drainage system of:

1. Any substance causing, or threatening to cause, a condition of pollution, contamination, or a nuisance, as that term is defined in Section 13050 of the California [Water Code](#).
2. Any substance causing or contributing to an exceedance of any water quality standard for surface water or groundwater.

C. The prohibition against illicit connections shall apply irrespective of whether the illicit connection was established prior to the date of enactment of this chapter; however, legal nonconforming connections shall not become illicit connections until the earlier of the following:

1. For all structural improvements to property installed for the purpose of discharge to the stormwater conveyance system, the expiration of five years from the adoption or amendment of this chapter establishing the new standard.
2. For all nonstructural improvements to property existing for the purpose of discharge to the stormwater conveyance system, the expiration of six months following delivery of a notice to the owner or occupant of the property, which states a legal nonconforming connection has been identified. The notice of a legal nonconforming connection shall state the date of expiration of the use under this chapter.

D. A civil or administrative violation of Section [14.25.030](#) shall occur irrespective of the negligence or intent of the violator to construct, maintain, operate or utilize an illicit connection or to cause, allow or facilitate any prohibited discharge.

E. If an authorized inspector reasonably determines that a discharge, which is otherwise within the discharge exception, may adversely affect the beneficial uses of receiving waters, then the authorized inspector may give written notice to the owner of the property or facility that the discharge exception shall not apply to the subject discharge following expiration of the 30-day period commencing upon delivery of the notice. Upon expiration of the 30-day period, any such discharge shall constitute a violation of Section [14.25.030](#).

F. The owner or occupant of property on which a legal nonconforming connection exists may request an administrative hearing, pursuant to the procedures set forth in Section [14.25.060](#) for an extension of the period allowed for continued use of the connection. A reasonable extension of use may be authorized by the Director of Public Works or City Engineer, upon consideration of the following factors:

1. The potential adverse effects of the continued use of the connection upon the beneficial uses of receiving waters;
2. The economic investment of the discharger in the legal nonconforming connection; and
3. The financial effect upon the discharger of a termination of the legal nonconforming connection. (3364-8/97, 4206-7/20)

#### **14.25.040 New Development and Significant Redevelopment**

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A. All new development and significant redevelopment shall be undertaken in accordance with:

1. The DAMP, including, but not limited to, the Orange County Technical Guidance Document;
2. Any conditions and requirements established by the Community Development Department and/or the Public Works Department, which are reasonably related to the reduction or elimination of pollutants in stormwater runoff from the project site; and
3. Conformance with the Statewide Water Quality Control Plan for Ocean Waters of California to control trash, also known as the Trash Provisions.

B. Prior to the issuance of a grading permit, building permit or nonresidential plumbing permit for any new development or significant redevelopment, the Community Development Department and/or Public Works Department shall review the project plans and impose terms, conditions and requirements on the project in accordance with this section. If the new development or significant redevelopment will be approved without application for a grading permit, building permit or nonresidential plumbing permit, the Community Development Department and/or the Public Works Department shall review the project plans and impose terms, conditions and requirements on the project in accordance with this section prior to the issuance of a discretionary land use approval or, at the City's discretion, prior to recordation of a subdivision map.

C. Notwithstanding the foregoing subsections, compliance with the development project guidance shall not be required for construction of a (one) single-family detached residence unless the Community Development Department and/or Public Works Department determines that the construction may result in the discharge of significant levels of a pollutant into a tributary to the stormwater drainage system.

D. Compliance with the conditions and requirements of the DAMP shall not exempt any person from the requirement to independently comply with each provision of this chapter.

E. If the Community Development Department and/or Public Works Department determines that the project will have a *de minimis* impact on the quality of stormwater runoff, then it may issue a written waiver of the requirement for compliance with the provisions of the development project guidance.

F. The owner of a new development or significant redevelopment project, or upon transfer of the property, its successors and assigns, shall implement and adhere to the terms, conditions and requirements imposed pursuant to this section on a new development or significant redevelopment project.

Each failure by the owner of the property or its successors or assigns to implement and adhere to the terms, conditions and requirements imposed pursuant to this section on a new development or significant redevelopment project shall constitute a violation of this chapter.

G. The Community Development Department and/or Public Works Department may require that the terms, conditions and requirements imposed pursuant to this section be recorded with the County Recorder's office by the property owner. The signature of the owner of the property or any successive owner shall be sufficient for the recording of these terms, conditions and requirements and a signature on behalf of the City shall not be required for recordation.

H. **Cost Recovery.** The City shall be reimbursed by the project applicant for all costs and expenses incurred by the Community Development Department and/or Public Works Department in the review of new development or significant development projects for compliance with the DAMP. The Community Development Department and/or Public Works Department may elect to require a deposit of estimated costs and expenses, and the actual costs and expenses shall be deducted from the deposit, and the balance, if any, refunded to the project applicant.

I. **Litter Control**

1. No person shall discard any waste material, including, but not limited to, common household rubbish or garbage of any kind (whether generated or accumulated at a residence, business or other location) upon any public or private property, whether occupied, open or vacant, including, but not limited to, any street, sidewalk, alley, right-of-way, open area or point of entry to the stormwater drainage system.
2. Every person occupying or having charge and control of property on which a prohibited disposal of waste materials occurs shall cause the proper collection and disposal of same.
3. A prohibited disposal of waste materials creates a danger to public health, safety and welfare, and otherwise threatens the environment, surface waters and groundwater; therefore, any owner or occupant of property who fails to remove waste material within a reasonable time may be charged with creating a nuisance upon the property. (3364-8/97, 4206-7/20)

### 14.25.050 Scope of Inspections

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A. **Right to Inspect.** Prior to commencing any inspection, the authorized inspector shall obtain either the consent of the owner or occupant of the property or shall obtain an administrative inspection warrant or criminal search warrant.

B. **Entry to Inspect.** The authorized inspector may enter property to investigate the source of any discharge to any public street, inlet, gutter, storm drain or the stormwater drainage system located within the jurisdiction of the City.

C. **Compliance Assessments.** The authorized inspector may inspect property or business activity for the purpose of verifying compliance with this chapter, including, but not limited to:

1. Conducting inspections as mandated by an NPDES permit and/or other State or Federally mandated inspections;
2. Identifying products produced, processes conducted, chemicals used and materials stored on or contained within the property;
3. Identifying point(s) of discharge of all wastewater, process water systems and pollutants;
4. Investigating the natural slope at the location, including drainage patterns and man-made conveyance systems;
5. Establishing the location of all points of discharge from the property, whether by surface runoff or through a storm drain system;
6. Locating any illicit connection or the source of prohibited discharge;
7. Investigating the condition of any legal nonconforming connection.

D. **Portable Equipment.** For purposes of verifying compliance with this chapter, the authorized inspector may inspect any vehicle, truck, trailer, tank truck or other mobile equipment.

E. **Records Review.** The authorized inspector may request and inspect all records of the owner or occupant of property relating to chemicals or processes presently or previously occurring on-site, including material and/or chemical inventories, facilities maps or schematics and diagrams, material safety data sheets, hazardous waste manifests, business plans, pollution prevention plans, state general permits, stormwater pollution prevention plans, monitoring program plans and any other record(s) relating to illicit connections, prohibited discharges, a legal nonconforming connection or any other source of contribution or potential contribution of pollutants to the stormwater drainage system.



F. **Sample and Test.** The authorized inspector may inspect, sample and test any area runoff, soils area (including groundwater testing), process discharge, materials within any waste storage area (including any container contents), and/or treatment system discharge for the purpose of determining the potential for contribution of pollutants to the stormwater drainage system. The authorized inspector may investigate the integrity of all storm drain and sanitary sewer systems, any legal nonconforming connection or other pipelines on the property using appropriate tests, including, but not limited to, smoke and dye tests or video surveys. The authorized inspector may take photographs or video tape, make measurements or drawings, and create any other record reasonably necessary to document conditions on the property.

G. **Monitoring.** The authorized inspector may erect and maintain monitoring devices for the purpose of measuring any discharge or potential source of discharge to the stormwater drainage system.

H. **Test Results.** The owner or occupant of property subject to inspection shall, on submission of a written request, receive copies of all monitoring and test results conducted by the authorized inspector.

I. **Closed Circuit Television (CCTV) Footage.** In the event of a sanitary sewer overflow, the authorized inspector may request the owner to conduct a CCTV inspection of the sanitary sewer line and sewer laterals and provide the CCTV footage to the inspector. (3364-8/97, 4206-7/20)

## 14.25.060 Enforcement

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### A. Administrative Remedies

1. **Notice and Service of Orders.** Orders for Noncompliance, Administrative Compliance, Cease and Desist and Cost Recovery may be issued to and served upon the property owner pursuant to the following procedure:

- a. The Notice shall be served and delivery shall be deemed complete upon the property owner or occupant by:
  - i. Personal service;
  - ii. Seven days after deposit in the U.S. mail, postage pre-paid for first class delivery. Where the recipient of notice is the owner of the property, the address for notice shall be the mailing address from the most recently issued equalized assessment roll for the property, or the address as it appears in the current records of the City;
  - iii. Via electronic mail; or
  - iv. Where the owner or occupant of any property cannot be located after the reasonable efforts of the authorized inspector, notice shall be deemed delivered after posting on the property for a period of 10 business days.
- b. Notice may be served upon any or all of the following parties:
  - i. The owner or occupant of any property requiring abatement of conditions on the property that cause or may cause a prohibited discharge or an illicit connection in violation of this chapter.
  - ii. The owner of property subject to terms, conditions or requirements imposed on a project in accordance with Section [14.25.040](#) to ensure adherence to those terms, conditions and requirements.
  - iii. A permittee subject to the requirements of any permit issued pursuant to Section [14.25.070](#) to ensure compliance with the terms, conditions and requirements of the permit.
  - iv. Any person responsible for an illicit connection or prohibited discharge.
- c. The Notice shall state that the property owner or occupant has a right to appeal the matter by filing a written request for an administrative hearing with the office of the City Clerk, within 30 days of the date of the Notice. The appeal shall be accompanied by an administrative hearing fee as established by separate Resolution of the City Council.

2. **Notice of Noncompliance.** The authorized inspector may deliver to the owner or occupant of any property, or to any person responsible for an illicit connection or prohibited discharge a Notice of Noncompliance. The Notice of Noncompliance shall:

- a. Identify the provision(s) of this chapter or the applicable permit which has been violated. The Notice of Noncompliance shall state that continued noncompliance may result in additional enforcement actions against the owner, occupant and/or person.
- b. The Notice of Noncompliance shall state a compliance date that must be met by the owner, occupant and/or person; provided, however, that the compliance date may not exceed 90 days unless the authorized inspector extends the compliance deadline an additional 90 days where good cause exists for the extension.

3. **Issuance and Terms of Administrative Compliance Orders.** The authorized inspector may issue an Administrative Compliance Order. The Administrative Compliance Order may include the following terms and requirements:

- a. Specific steps and time schedules for compliance as reasonably necessary to prevent the imminent threat of a prohibited discharge, including, but not limited to, a prohibited discharge from any pond, pit, well, surface impoundment, holding or storage area;
- b. Specific steps and time schedules for compliance as reasonably necessary to discontinue any illicit connection;
- c. Specific requirements for containment, cleanup, removal, storage, installation of overhead covering, or proper disposal of any pollutant having the potential to contact stormwater runoff;
- d. Any other terms or requirements reasonably calculated to prevent the imminent threat of or continuing violations of this chapter, including, but not limited to, requirements for compliance with best management practices guidance documents promulgated by any Federal, State of California or regional agency;
- e. Any other terms or requirements reasonably calculated to achieve full compliance with the terms, conditions and requirements of any permit issued pursuant hereto.

4. **Issuance and Terms of Cease and Desist Orders.** The authorized inspector may issue a Cease and Desist Order directing the noticed party responsible for a violation of this chapter to:

- a. Immediately discontinue any illicit connection or prohibited discharge to the stormwater drainage system;
- b. Comply with the terms, conditions and requirements of, and immediately cease any activity in violation of any Discharge Permit issued pursuant to Section [14.25.070](#);
- c. Immediately contain or divert any flow of water off the property, where the flow is occurring in violation of any provision of this chapter;
- d. Immediately discontinue any other violation of this chapter; and/or
- e. Clean up the area affected by the violation.

5. **Issuance of Order for Recovery of Costs.** The authorized inspector may deliver an Order for Recovery of Costs to the owner or occupant of any property, any permittee or any other person who becomes subject to a Notice of Noncompliance or Administrative Compliance Order. An Order for Recovery of Costs shall be delivered in accordance with this section. An Order for Recovery of Costs shall be immediately due and payable to the City for the actual costs incurred by the City in issuing and enforcing any notice or order.

If any owner or occupant, permittee or any other person subject to an Order for Recovery of Costs fails to either pay the Order for Recovery of Costs or successfully appeal the Order for Recovery of Costs in accordance with this section, then the City Attorney may institute collection proceedings.

6. **Administrative Hearing for Notices of Noncompliance, Administrative Compliance Orders, Invoices for Costs and Adverse Determinations.** Except as set forth in subsection (A)(8) below, any person receiving a Notice of Noncompliance, Administrative Compliance Order, Order for Recovery of Costs, or any person who is subject to any adverse determination made pursuant to this chapter, may appeal the matter by filing a written request for an administrative hearing with the office of the City Clerk within 30 days of the Notice. The appeal request shall be accompanied by an administrative hearing fee as established by separate



City Council resolution, with a copy of the request for administrative hearing mailed on the date of filing to the City Manager. Thereafter, a hearing on the matter shall be held before the hearing officer within 45 days of the date of filing of the written request unless, at the reasonable discretion of the hearing officer and pursuant to a written request by the appealing party, a continuance of the hearing is granted.

7. **Administrative Hearing for Cease and Desist Orders and Emergency Abatement Actions.** A request for an administrative hearing shall not be required from the person subject to the Cease and Desist Order or an Emergency Abatement Action. An administrative hearing on the issuance of a Cease and Desist Order or following an Emergency Abatement Action shall be held within five business days following the issuance of the Order or the Emergency Abatement, unless the hearing (or the time requirement for the hearing) is waived in writing by the party subject to the cease and desist order or the emergency abatement.

8. **Hearing Proceedings.** The authorized inspector shall appear in support of the Notice of Noncompliance, Compliance Order, Cease and Desist Order, Order for Recovery of Costs or Emergency Abatement Action, and the appealing party shall appear in support of withdrawal of the same. The City shall have the burden of supporting any enforcement or other action by a preponderance of the evidence. Each party shall have the right to present testimony and other documentary evidence as necessary for explanation of the case.

9. **Final Decision and Appeal.** The final decision of the hearing officer shall be issued within 10 business days of the conclusion of the hearing and shall be delivered by first-class mail, postage prepaid, to the parties. The final decision shall include notice that any legal challenge to the final decision shall be made pursuant to the provisions of [Code of Civil Procedure](#) Sections 1094.5 and 1094.6 and shall be commenced within 90 days following issuance of the final decision. The administrative hearing fee paid by a prevailing party in an appeal shall be refunded.

Notwithstanding this subsection (A)(9), the final decision of the hearing officer in any proceeding determining the validity of a cease and desist order or following an emergency abatement action shall be mailed within five business days following the conclusion of the hearing.

10. **City Abatement.** In the event of an illegal discharge of pollutants to the storm drain system, the responsible party (property owner, contractor, business owner, etc.) shall be responsible for the cleanup of affected areas including all downstream conveyance structures, affected public/private property, and receiving water bodies. However, the authorized inspector may assign responsibility of the cleanup/abatement to City staff or contract staff if the size, nature, and or complexity of the cleanup is beyond the capability of the responsible party. If in the event of an illegal discharge of pollutants, the operator of a facility, property owner or any other person fails to comply with any provision of a Compliance Order issued to such owner, operator, permittee or person pursuant to this chapter, the authorized inspector may request the City Attorney to obtain an abatement warrant or other appropriate judicial authorization to enter the property, abate the condition and restore the area. Any costs incurred by the City in obtaining and carrying out an abatement warrant or other judicial authorization may be recovered pursuant to this section.

B. **Nuisance.** Any condition in violation of the prohibitions of this chapter, including, but not limited to, the maintenance or use of any illicit connection or the occurrence of any prohibited discharge, shall constitute a threat to the public health, safety and welfare, and is declared and deemed a nuisance pursuant to [Government Code](#) Section 38771. At the request of the City Manager, the City Attorney may seek a court order to enjoin and/or abate the nuisance pursuant to the following procedure:

1. **Notice to Owner and Occupant.** Prior to seeking any court order to enjoin or abate a nuisance or threatened nuisance, the authorized inspector shall provide notice of the proposed injunction or abatement to the owner and occupant, if any, of the property where the nuisance or threatened nuisance is occurring.

2. **Emergency Abatement.** In the event the nuisance constitutes an Imminent Danger to public safety or the environment, the authorized inspector may enter the property from which the nuisance emanates, abate the nuisance and restore any property affected by the nuisance. To the extent reasonably practicable, informal notice shall be provided to the owner or occupant prior to abatement. If necessary to protect the public safety or the environment, abatement may proceed without prior notice to or consent from the owner or occupant, of and without judicial warrant, provided that an administrative hearing pursuant to this section shall follow the abatement action.

3. **Reimbursement of Costs.** All costs incurred by the City in responding to any nuisance, all administrative expenses and all other expenses recoverable under State law, shall be recoverable from the person(s) creating, causing, committing, permitting or maintaining the nuisance.

4. **Nuisance Lien.** All costs shall become a lien against the property from which the nuisance emanated and a personal obligation against the owner in accordance with [Government Code](#) Sections 38773.1 and 38773.5. The owner of record of the property subject to any lien shall be given notice of the lien prior to recording as required by [Government Code](#) Section 38773.1.

At the direction of the authorized inspector, the City Attorney is authorized to collect nuisance abatement costs or enforce a nuisance lien in an action brought for a money judgment or by delivery to the County Assessor of a special assessment against the property in accord with the conditions and requirements of [Government Code](#) Section 38773.5.

#### C. **Criminal Sanctions**

1. **Prosecutor.** The City Attorney may act on the request of the authorized inspector to pursue enforcement actions in accordance with the provisions of this chapter.

2. **Infractions.** Notwithstanding Chapter [1.16](#) of this Code, any person who may otherwise be charged with a misdemeanor under this chapter may be charged, at the discretion of the City Attorney, with an infraction punishable by a fine of not more than \$100.00 for a first violation, \$200.00 for a second violation, and a fine not exceeding \$500.00 for each additional violation occurring within one year.

3. **Misdemeanors.** Any person who negligently or knowingly violates any provision of this chapter, undertakes to conceal any violation of this chapter, continues any violation of this chapter after notice thereof, or violates the terms, conditions and requirements of any permit issued pursuant to this chapter, shall be guilty of a misdemeanor punishable by a fine of not more than \$1,000.00 or by imprisonment for a period of not more than six months, or both.

D. **Administrative Citations.** Violations of this chapter are subject to the issuance of administrative citations under the provisions of Chapter [1.18](#) of this Code.

E. **Consecutive Violations.** Each instance in which a business, property owner, or other persons fails to comply with the correction due date(s) and time(s) established in a Notice of Noncompliance, an Administrative Citation, an Administrative Compliance Order, or a Cease and Desist Order, shall constitute a separate violation of this chapter punishable by fines or sentences issued in accordance herewith.

F. **Nonexclusive Remedies.** Each and every remedy available for the enforcement of this chapter, shall be nonexclusive and it is within the discretion of the authorized inspector or City Attorney to seek cumulative remedies, except that multiple monetary fines or penalties shall not be available for any single violation of this chapter.

G. **Citations.** Pursuant to [Penal Code](#) Section 836.5, the authorized inspector shall have the authority to cause the arrest of any person committing a violation of this chapter. The person shall be released and issued a citation to appear before a magistrate in accordance with [Penal Code](#) Sections 853.5, 853.6 and 853.9, unless the person demands to be taken before a magistrate. Following issuance of any citation the authorized inspector shall refer the matter to the City Attorney.

Each citation to appear shall state the name and address of the violator, the provisions of this chapter violated, and the time and place of appearance before the court, which shall be at least 10 business days after the date of violation. The person cited shall sign the citation giving his or her written promise to appear as stated therein. If the person cited fails to appear, the City Attorney may request issuance of a warrant for the arrest of the person cited.

H. **Violations of Other Laws.** Any person acting in violation of this chapter also may be acting in violation of the Federal Clean Water Act or the State Porter-Cologne Act and other laws and also may be subject to sanctions including civil liability. Accordingly, the City Attorney is authorized to file a citizen suit pursuant to Federal Clean Water Act Section 505(a), seeking penalties, damages, and orders compelling compliance and other appropriate relief. The City Attorney may notify EPA Region IX, the Santa Ana or San Diego Regional Water Quality Control Boards, or any other appropriate state or local agency, of any alleged violation of this chapter.

- I. **Injunctions.** At the request of the authorized inspector, the City Attorney may cause the filing in a court of competent jurisdiction of a civil action seeking an injunction against any threatened or continuing noncompliance with the provisions of this chapter.
- J. **Order for Reimbursement.** Any temporary, preliminary or permanent injunction issued pursuant hereto may include an order for reimbursement to the City of all costs incurred in enforcing this chapter, including costs of inspection, investigation and monitoring, the costs of abatement undertaken at the expense of the City, costs relating to restoration of the environment and all other expenses as authorized by law.
- K. **Civil Damages.** The authorized inspector may request the City Attorney file:
1. An action for civil damages in a court of competent jurisdiction seeking recovery of: (a) all costs incurred in enforcement of this chapter, including, but not limited to, costs relating to investigation, sampling, monitoring, inspection, administrative expenses, all other expenses as authorized by law, and consequential damages; (b) all costs incurred in mitigating harm to the environment or reducing the threat to human health, and (c) damages for irreparable harm to the environment.
  2. The City Attorney is authorized to file actions for civil damages resulting from any trespass or nuisance occurring on public land or to the stormwater drainage system from any violation of this chapter where the same has caused damage, contamination or harm to the environment, public property or the stormwater drainage system.
  3. The remedies available to the City pursuant to the provisions of this chapter shall not limit the right of the City to seek any other remedy that may be available by law. (3364-8/97, 3620-12/03, 4206-7/20)

#### 14.25.070 Interagency Cooperation

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- A. The City intends to cooperate with other agencies with jurisdiction over stormwater discharges to ensure that the regulatory purposes underlying stormwater regulations promulgated pursuant to the Clean Water Act (33 USC Section 1251 et seq.) are met.
- B. The City may, to the extent authorized by law, elect to contract for the services of any public agency or private enterprise to carry out the planning approvals, inspections, permits, abatements, and enforcement authorized by this chapter. (3364-8/97, 4206-7/20)

#### 14.25.080 Miscellaneous

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- A. **Compliance Disclaimer.** Full compliance by any person or entity with the provisions of this chapter shall not preclude the need to comply with other local, State or Federal statutory or regulatory requirements, which may be required for the control of the discharge of pollutants into stormwater and/or the protection of stormwater quality.
- B. **Severability.** If any provision of this chapter or its application to any circumstance is held invalid, the remainder of the chapter shall not be affected. (3364-8/97, 4206-7/20)

#### 14.25.090 Judicial Review

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The provisions of Sections 1094 and 1094.6 of the [Code of Civil Procedure](#) set forth the procedure for judicial review of any act taken pursuant to this chapter. Parties seeking judicial review of any action taken pursuant to this chapter shall file such action within 90 days of the occurrence of the event for which review is sought. (3364-8/97, 4206-7/20)

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### Chapter 14.36 SEWER SYSTEM SERVICE CONNECTIONS, FEES, CHARGES AND DEPOSITS

#### Note

- \* **Note:** §§ [14.36.020](#) and [14.36.080](#) repealed by Ord. 3613-9/03; § [14.36.050](#) repealed by Ord. 3795-1/08.  
[Ordinance No. 3827 (expired 4/15/10) and Ordinance No. 3879, effective from 5/3/10 to 5/3/11, temporarily deferred the payment of certain Development Impact Fees.]

#### 14.36.005 Intent and Purpose

- A. This chapter is intended to implement the goals, objectives and policies of the City of Huntington Beach General Plan, by ensuring the long-term adequacy of the City's sewer facilities are maintained when new development is constructed within the City limits. By imposing a fee or charge that is reasonably related to the burdens created by new development on the City's sewer system, together with funding available from other City revenue sources, the City will be able to construct the required capital improvements, accommodate projected growth and fulfill the goals, objectives and policies of the City's General Plan.
- B. It is the intent of the City Council that the charge required by this chapter shall be supplementary to any conditions imposed upon a development project pursuant to other provisions of the Municipal Code, the Subdivision Map Act, the California Environmental Quality Act, other state and local laws, ordinances or Charter provisions which may authorize the imposition of conditions on development. (3613-9/03)

#### 14.36.006 Definitions

For the purpose of this chapter, the following terms shall be defined as follows:

- “**Applicant**” shall mean any person or legal entity that applies for a permit or other entitlement for a new development project.
- “**City**” shall mean the City of Huntington Beach.
- “**Equivalent dwelling unit (EDU)**” shall refer to the unit cost assessed to a non-residential development.
- “**Multiple family dwelling unit**” shall mean a building or buildings designed with two or more dwelling units.
- “**Public Works Director**” shall mean the Director of Public Works or the Director's designee.
- “**Sewer connection fee,**” “**fee**” or “**charge**” shall mean the fee imposed on new development projects pursuant to this chapter.
- “**Single-family unit**” shall mean a detached building designed primarily for use as a single dwelling, no portion of which is rented as a separate unit, except as permitted by this Code. Attached single-family dwellings shall be considered as multifamily. (3613-9/03)

#### 14.36.010 Service Application—Form

All persons requesting service from the City sewer system shall file a written application, signed by the applicant, or his or her agent, containing the following information:

- The address or location of the premises to be served;
- Whether the applicant is owner, developer, occupant or lessee, or agent of any of the foregoing;
- The name and address of the applicant if such person is not the occupant or lessee of the premises;
- Any additional information which the Director may require. (2931-4/88, 3613-9/03)



#### **14.36.030 Encroachment Permit—Connection by Applicant**

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- A. No person shall install any pipe, apparatus, appliance or connection to any part of the City sewer system without first obtaining an encroachment permit to do so. The applicant shall bear the cost for all labor and materials, and shall be a licensed contractor or shall employ a contractor duly licensed under the laws of the State of California to perform such work. The applicant shall also be responsible for the cost of constructing, maintaining, or replacing any part of a sewer system on private property, required by the Director, from the sewer main line to and including any on-site structure.
- B. Applicant shall comply with all relevant portions of Title 12 of this Code not inconsistent with the provisions of this chapter. (2931-4/88, 3613-9/03)

#### **14.36.040 Change of Occupancy—Installation of Separate Lines**

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Whenever occupancy on a parcel of land is changed from one to two or more, and more than one occupancy on such parcel is served by the City sewer system, an additional connection fee shall apply. The Director, at his or her discretion, may require the owner of such a parcel of land to install separate sewer lines for each occupancy. (2931-4/88, 3613-9/03)

#### **14.36.060 Private Premises—User/Owner Responsibility**

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The City shall in no way whatsoever be responsible for any damage to persons or property because of any leakage, breakage, or seepage from, or accident or damage to, any sewer pipe or its appurtenances located on any private premises; nor shall the City be responsible for or on account of any damage, injury or loss caused directly or indirectly by the existence on private premises of any sewer pipe or its appurtenances. (2931-4/88, 3613-9/03)

#### **14.36.070 Sanitary Sewer Facilities Fund Established—Fees and Charges**

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- A. There is hereby established, pursuant to California [Government Code](#) Sections 66013 and 66483 et seq., a sanitary sewer facilities fund. As a condition precedent to granting applications for sewer connections, or an increase in an applicant's water meter size, the Department of Public Works is hereby authorized to collect fees and charges in amounts which shall not exceed the estimated reasonable cost of providing a City sewer system, maintaining same, and for future replacements or extensions thereof ("sewer service charge"). All monies collected pursuant to this chapter shall be deposited into the sanitary sewer facilities fund.
- B. Except as otherwise provided in Chapter [14.44](#), the sewer service charge authorized by this chapter shall be collected and expended solely for the construction or reimbursement for construction of sanitary sewer facilities within the City's service area, and to reimburse the City for the cost of engineering and construction services to rehabilitate existing facilities or construct new sewer facilities.
- C. The monies collected pursuant to this chapter and deposited into the sanitary sewer facilities fund account shall be used solely for the purposes specified in this chapter. All monies deposited into the sanitary sewer facilities fund shall be held separate and apart from other City funds. All interest and other earnings on the unexpended balance in the sanitary sewer facilities fund shall be credited to the sanitary sewer facilities fund.
- D. Within 180 days after the last day of each fiscal year, the City Council shall review the status of compliance with this chapter, including the amount of funds collected, expenditures from the sanitary sewer fund facilities reserve account, and the degree to which the fees and charges collected pursuant to this chapter have been expended on existing sewer system facilities or new facilities that benefit the applicant or the development for which the fee or charge was collected. At least every five years after the effective date of the ordinance enacting this chapter, the Public Works Director shall prepare, and the City Council shall consider, the fee formula established to implement this chapter, whether any adjustment in the fee formula or use of fee proceeds is warranted, or any other changes are needed to the procedures established by this chapter, to fulfill the goals, objectives or policies of the City's General Plan and the sewer master plan. Each year between periodic reviews of the fee formula, the fee shall be increased by a factor to account for inflation in construction costs, as provided for by Section [14.36.110](#). (2931-4/88, 3613-9/03)

### 14.36.085 City Sewer Service Area—Fee Schedule

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The City operates and maintains a City-wide wastewater collection and pumping system. The City's planned local sanitary service area is as described in the City's sewer master plan and consists of a City-wide sanitary sewer system. The sewer master plan evaluates the capacity of this City-wide sewer system and identifies a plan to provide sewer service to existing and anticipated future users as a result of new development. The sewer master plan also contains an estimate of total costs of constructing the City's sewer facilities required by the sewer master plan to serve new development, a map of the City's sewer service area and the location of the City's sewer facilities. The sewer service charge authorized by this chapter shall be set by resolution of the City Council, which resolution shall set forth the sewer system charge for single family dwelling units, multiple family dwelling units and for equivalent dwelling units ("EDU") as defined by this chapter. (2931-4/88, 3613-9/03)

### 14.36.090 Payment

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- A. The sewer service charge and all other applicable sewer fees, including county sewer fees, shall be paid to the City prior to recording the final subdivision map with the County Recorder's Office, or prior to issuance of a building permit by the City if a subdivision map is not required.
- B. The subdivider or person to whom a building permit has been issued may enter into a standard reimbursement agreement with the City, pursuant to Chapter [14.44](#) of this Code. (2931-4/88, 2985-3/89, 3613-9/03, 3827-4/09, 3879-6/10)

[Ordinance No. 3827 (expired 4/15/10) and Ordinance No. 3879, effective from 5/3/10 to 5/3/11, temporarily deferred the payment of certain Development Impact Fees.]

### 14.36.100 Fee Adjustments

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Any applicant subject to the sewer service charge authorized by this chapter may apply to the Director of Public Works for a reduction, adjustment or waiver of the fee. Circumstances that may justify a fee adjustment include an applicant's proposal to increase to a larger water meter size and sufficient information about the prior use is available to determine that credit for the existing meter size is warranted. A decision of the Director of Public Works to deny an applicant's request for a fee adjustment or waiver may be appealed by filing a fee adjustment application with the Director of Public Works. Such application shall be made on a form provided by the Director of Public Works and shall be filed with the Director of Public Works at the time of the application for building permit. Each application shall state in detail the factual basis for the requested fee reduction, adjustment or waiver. The Director of Public Works shall determine if the fee adjustment application is complete. The Public Works Commission shall consider the fee adjustment application at a hearing within 60 days after the fee adjustment application is deemed complete by the Director of Public Works. The decision of the Public Works Commission will be final with respect to City action on the appeal. (2931-4/88, 3613-9/03)

### 14.36.110 Annual Construction Cost Index Adjustments

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- A. Each sewer system charge shall be adjusted to reflect the annual percentage adjustment in the Construction Cost Index ("CCI") established by *Engineering News Record* as published by McGraw Hill Construction/McGraw Hill Companies as of July 1st each year.
- B. Adjustments based on these criteria will be determined on July 1st of each year. The adjustments will be implemented effective the following October 1st, which is the beginning of the City's fiscal year. (2931-4/88, 3613-9/03)

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**14.44.010 Application**

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Any person, as owner or subdivider of a single lot, subdivision, or tract of land, who desires the extension of sewer mains and connections to such lot, subdivision, or tract of land, shall file a written application with the Department of Public Works. Any number of persons owning or subdividing contiguous lots or tracts of land may join in a single application. (2931-4/88)

**14.44.020 Plans and Specifications**

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Plans and specifications, as required by the Director, shall be prepared and submitted at the sole cost of the applicant prior to approval of an application for extension of any sewer main or connection. (2931-4/88)

**14.44.030 System Requirements Determined**

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Pursuant to California [Government Code](#) Section 66485, the Director of Public Works may determine that it is in the best interests of the City that the improvements to be installed by the applicant shall include supplemental sizes, capacities, numbers or lengths for the benefit of property not within the subdivision. Supplemental length may include minimum size offsite sewer lines necessary to reach a sewer outlet in existence at the time application is made. Such improvements shall be dedicated to the City, and the cost therefor shall be borne by the applicant. (2931-4/88)

**14.44.040 Reimbursement Agreement**

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Pursuant to [Government Code](#) Section 66485, the applicant shall enter into a reimbursement agreement with the City under the following terms and conditions:

- A. Reimbursement shall be made for a period of 10 years only, and shall commence from and after the date all basic and any required supplemental improvements have been completed, approved by the Director, dedicated to and accepted by the City.
- B. Reimbursement to the applicant shall be made for that portion of the cost, including an amount attributable to interest, in excess of the actual construction required for the subdivision.
- C. Reimbursement shall be made only to the original applicant or applicants. The right to reimbursement shall terminate upon the death of applicant(s). In the event applicant is a corporation, company, firm, association, organization, partnership, joint venture, or syndicate, dissolution shall terminate the right to reimbursement.
- D. Reimbursement shall be made from the sanitary sewer area fund for which fees from subsequent development comprising such fund are collected for the planned sanitary sewer area in which the sanitary sewer facilities constructed by applicant are located. (2931-4/88)

**14.44.050 Liability**

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- A. Neither the City nor the department shall be liable for failure to reimburse fees to an applicant by reason of its omission to collect or receive fees from any person connecting to or utilizing supplemental improvements made or paid for by an applicant.
- B. The City's refusal to allow a connection or connections to a main line or supplemental improvements, constructed and paid for by an applicant, shall not make the City or the department liable for any reimbursement of

fees which might have accrued if such connection and utilization had been permitted.

C. The City reserves the right to exempt another public agency from paying fees for connecting to or using supplemental improvements, and shall not be liable to an applicant for any failure to collect fees therefrom. (2931-4/88)

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**14.56.010 Definitions**

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Unless otherwise defined herein, terms related to water quality shall be as adopted in the latest edition of Standard Methods for Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Environment Federation.

Other terms not herein defined are defined as being the same as set forth in the latest adopted applicable editions of the California State Codes applicable to building construction as adopted by the Huntington Beach Municipal Code or Huntington Beach Zoning and Subdivision Ordinance.

Subject to the foregoing provisions, the following definitions shall apply in this chapter:

**“Best management practices”** shall mean schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the introduction of FOG to the sewer facilities.

**“Discharger”** shall mean any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer. Discharger shall mean the same as *user*.

**“Establishment”** shall mean commercial or industrial establishments, including but not limited to retail food service establishments, that may discharge fats, oils and grease.

**“FOG”** shall mean fats, oils and grease. Any substance such as a vegetable or animal product that is used in, or is a byproduct of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other condition is included in this definition.

**“Food grinder”** shall mean any device installed in the plumbing or sewage system for the purpose of grinding food waste or food preparation by products for the purpose of disposing it in the sewer system. Also means a garbage disposal.

**“Food service establishment”** shall mean facilities defined in California [Health and Safety Code](#) Section 113285 or which has any process or device that uses or produces FOG, grease vapors, steam, fumes, smoke, or odors that are required to be removed by a Type I hood, as defined in [Health and Safety Code](#) Section 113285. A limited food preparation establishment is not considered a food service establishment nor are establishments that generate FOG when engaged only in reheating, hot holding or assembly of ready to eat food products and as a result, there is no wastewater discharge containing a significant amount of FOG. A limited food preparation establishment does not include any operation that changes the form, flavor, or consistency of food.

**“Gravity grease interceptor (GGI) or grease trap”** shall mean a water-tight receptacle receiving and retaining waste containing fats, oils, and grease from food service establishments, and in all cases shall be located outside a place of business or any structure. Minimum size shall be 750 gallons. Additional sizing criteria are set forth by the current adopted plumbing code.

**“Grease control device”** shall mean any gravity grease interceptor, hydromechanical grease trap or other approved mechanism, device, or process, which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap or collect or treat FOG prior to it being discharged into the sewer system.

**“Hydromechanical grease interceptor (HGI) or grease trap”** shall mean a water-tight receptacle receiving and retaining waste containing fats, oils and grease from food service establishments. The HGI is generally located inside a business or structure. Sizing criteria are set forth by the current adopted plumbing code.

**“Infiltration”** shall mean water entering a sewer system, including sewer service connections, from the ground through such means as defective pipes, pipe joints, connections, or manhole walls.

**“Inflow”** shall mean water entering a sewer system through a direct stormwater runoff connection to the sanitary sewer, which may cause an almost immediate increase in wastewater flows.

**“Manifest”** shall mean that receipt which is retained by the generator of wastes for disposing recyclable wastes or liquid wastes as required by the City.

**“New construction”** shall mean any structure planned or under construction for which a sewer connection permit has not been issued.

**“New food service establishment”** shall mean any new or existing food service establishment that has undergone change in ownership or change in operation which would involve animal products in the cooking or food preparation process or as a byproduct of the cooking and preparation of food.

**“Person”** shall mean any individual, partnership, firm, association, corporation or public agency, including the State of California and the United States of America.

**“Private sewer lateral”** shall mean that part of the sewer lateral that is solely owned and required to be maintained by the property owner.

**“Remodeling”** shall mean a physical change or operational change causing the generation of the amount of FOG that exceeds the current amount of FOG discharge to the sewer system by the food service establishment in an amount that alone or collectively causes or creates a potential for sewer system overflows to occur; or exceeding a cost of \$50,000.00 to food service establishments that requires a building permit, and involves any one or combination of the following:

1. Under slab plumbing in the food processing area;
2. A 30% increase in the net public seating area;
3. A 30% increase in the size of the kitchen area;
4. Any change in the size or type of food preparation equipment.

**“Sample point”** shall mean a location approved by the City, from which wastewater can be collected that is representative in content and consistency of the entire flow of wastewater being sampled.

**“Sampling facilities”** shall mean structure(s) provided at the user’s expense for the City or user to measure and record wastewater constituent mass, concentrations, collect a representative sample, or provide access to plug or terminate the discharge.

**“Sewer or sewer system”** shall mean any and all facilities used for collecting, conveying, pumping, treating, and disposing of wastewater and sludge. This definition includes but is not limited to any property belonging to the City used in the treatment, reclamation, reuse, transportation, or disposal of wastewater, or sludge.

**“Sewer lateral”** shall mean a building sewer as defined in the latest edition of the [California Plumbing Code](#). It is the wastewater connection between the building’s wastewater facilities and a public sewer system.

**“Sludge”** shall mean any solid, semisolid or liquid decant, subnate or supernate from a manufacturing process, utility service, or pretreatment facility.

**“Waste”** shall mean sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation or of human or animal nature, including such wastes placed within containers of whatever nature prior to and for the purpose of disposal.

**“Wastewater”** shall mean the liquid and water-carried wastes of the community and all constituents thereof, whether treated or untreated, discharged into or permitted to enter a public sewer. (3688-12/04; 3979-7/13)

#### **14.56.020 FOG Discharge Requirement**

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No establishment shall discharge or cause to be discharged into the sewer system FOG that accumulates and/or causes or contributes to blockages in the sewer system or at the sewer system lateral, which connects the establishment to the sewer system. (3688-12/04)

#### **14.56.030 Enforcement of Chapter**

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The City's Director of Public Works and the Director of Planning and Building or his/her designee is responsible for enforcement of this chapter and for all determinations of compliance with it. (3688-12/04; 3979-7/13)

#### **14.56.040 Prohibitions**

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The following prohibitions shall apply to food service establishments that generate FOG:

- A. Installation of food grinders in the plumbing system of new construction of any food service establishments that generate FOG, is prohibited. Furthermore, all food grinders must be removed from existing food service establishments that generate FOG, as determined by the Director, within 90 days of written notice to remove.
- B. Introduction of any additives into any establishment's wastewater system for the purpose of emulsifying FOG is prohibited.
- C. Disposal of waste cooking oil into drainage pipes is prohibited. All waste cooking oils shall be collected and stored properly in receptacles such as barrels or drums for recycling or other acceptable methods of disposal.
- D. Discharge of wastewater from dishwashers to any grease trap or grease interceptor is prohibited.
- E. Discharge of wastewater with temperatures in excess of 140°F to any grease control device, including grease traps and grease interceptors, is prohibited.
- F. The use of biological additives for grease remediation or as a supplement to interceptor maintenance is prohibited, unless written approval from the Director is obtained.
- G. Discharge of wastes from toilets, urinals, wash basins, and other fixtures containing fecal materials to sewer lines intended for grease interceptor service, or vice versa, is prohibited.
- H. Discharge into the sewer system of any waste which has FOG as well as solid materials removed from the grease control device is prohibited. Grease removed from grease interceptors shall be wastehailed periodically as part of the operation and maintenance requirements for grease interceptors. Licensed wastehaulers or an approved recycling facility shall be used to dispose of FOG, including waste cooking oil. (3688-12/04; 3979-7/13)

#### **14.56.050 FOG Wastewater Discharge**

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No person shall discharge, or cause to be discharged, any wastewater from any establishment, directly or indirectly into the sewer system without complying with this chapter. (3688-12/04)

#### **14.56.060 FOG Fee**

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All food service establishments shall pay a monthly fee as set by resolution of the City Council to offset the costs of enforcing this chapter. (3688-12/04; 3979-7/13)

#### **14.56.070 FOG Pretreatment Required**

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- A. All new food service establishments are required to install, operate and maintain an approved type and adequately sized grease control device necessary to maintain compliance with the objectives of this chapter. Existing food service establishments with no grease control device shall pay a FOG control fee surcharge, which shall be established by resolution of the City Council and shall be based on the estimated annual increase and costs of inspecting and monitoring the sewer system, resulting from the lack of a grease interceptor or grease-control device.
- B. The grease control device shall be adequate to separate and remove FOG contained in wastewater discharges from any establishment prior to discharge to the sewer system consistent with the grease interceptor requirements of this chapter. (3688-12/04; 3979-7/13)

#### **14.56.080 Single Parcels**

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Property owners of commercial properties or their official designee(s) shall be responsible for the installation and maintenance of the grease interceptor serving multiple establishments that are located on a single parcel or for paying the FOG fee surcharge if there is no grease interceptor. (3688-12/04)

#### **14.56.090 New Construction**

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This section shall not be interpreted to allow new construction, remodeling or change in operations without an approved gravity grease interceptor unless it is determined by the Building and Safety Division of the Planning and Building Department that it is impossible or impracticable to install or operate a gravity grease control interceptor for the subject facility under the provisions of this chapter. In instances whereby a gravity grease interceptor is impossible or impractical to install or operate, a properly sized hydromechanical grease interceptor can be installed in lieu of a gravity grease interceptor. (3688-12/04; 3979-7/13)

#### **14.56.100 Sewer System Overflows and Cleanup Costs**

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Establishments found to have contributed to a sewer blockage, sewer system overflow (“SSO”), or any sewer system interferences resulting from the discharge of wastewater or waste containing FOG, may be ordered to install and maintain a grease interceptor, and may be subject to a plan to abate the nuisance and prevent any future health hazards created by sewer line failures and blockages, SSOs or any other sewer system interferences. If the City must act to contain and/or clean up an SSO caused by blockage of a private or public sewer lateral or system, or at the request of the property owner or operator of the establishment, or because of the failure of the property owner or establishment to abate the condition causing a threat to the health, safety, welfare, or property of the public, or because of an unauthorized discharge of FOG, the City’s costs for such abatement will be entirely borne by the property owner or operator of the establishment, and said cost will constitute a debt to the City and become due and payable upon the City’s request for reimbursement of such costs. Food facilities that experience two or more SSOs within a one-year period or three within a five-year period may be required at the behest of the Director of Public Works to install a FOG pretreatment unit if the food establishment does not have one or upgrade to a larger unit to prevent future SSOs. (3688-12/04; 3979-7/13)

#### **14.56.110 Nuisance Declared**

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Sewer system overflows may cause threat and injury to public health, safety, and welfare of life and property and are hereby declared public nuisances. (3688-12/04)

#### **14.56.120 Grease Interceptor Requirements**

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All grease interceptors must comply with all relevant City ordinances, and the current edition of the [California Plumbing Code](#), if applicable.

- A. Grease interceptor sizing and installation shall conform to the current edition of the [California Plumbing Code](#). Grease interceptors shall be constructed in accordance with the design approved by the City’s Director of Planning and Building and shall have a minimum of two compartments with fittings designed for grease retention and a sampling box.
- B. The grease interceptor shall be installed at a location where it shall be at all times easily accessible for inspection, cleaning, and removal of accumulated grease.
- C. Access manholes, with a minimum diameter of 24 inches, shall be provided over each grease interceptor chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities. (3688-12/04; 3979-7/13)

#### **14.56.130 Grease Interceptor Maintenance Requirements**

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- A. Grease interceptors shall be maintained in efficient operating condition by periodic removal of the full content of the interceptor which includes wastewater, accumulated FOG, floating materials, sludge and solids.
- B. All existing and newly installed grease interceptors shall be maintained in a manner consistent with a maintenance frequency approved by the Director pursuant to this section.
- C. No FOG that has accumulated in a grease interceptor shall be allowed to pass into any sewer lateral, sewer system, storm drain, or public right-of-way during maintenance activities.
- D. All establishments with grease interceptors may be required to submit data and information necessary to establish the maintenance frequency of the grease interceptors and shall be determined in one of the following methods:
  - 1. Grease interceptors shall be fully pumped out and cleaned at a frequency such that the combined FOG and solids accumulation does not exceed 25% of the total liquid depth of the grease interceptor. This is to ensure that the minimum hydraulic retention time and required available volume is maintained to effectively intercept and retain FOG discharged to the sewer system.
  - 2. All establishments with a grease interceptor shall maintain their grease interceptor not less than once every three months. Grease interceptors shall be fully pumped out and cleaned quarterly when the frequency described in paragraph 1 of this subsection has not been established. The maintenance frequency shall be adjusted when sufficient data have been obtained to establish an average frequency based on the requirements described in said paragraph. The City may change the maintenance frequency at any time to reflect changes in actual operating conditions. Based on the actual generation of FOG from an establishment, including food service establishments that generate FOG, the maintenance frequency may increase or decrease.
  - 3. If the grease interceptor, at any time, contains FOG and solids accumulation that does not meet the requirements described in paragraph 1 of this subsection, any establishment, including food service establishments generating FOG, shall be required to have the grease interceptor serviced immediately, such that all fats, oils, grease, sludge, and other materials are completely removed from the grease interceptor. If deemed necessary, the Director may also increase the maintenance frequency of the grease interceptor from the current frequency.
  - 4. Food service establishments that operate on a seasonal basis can apply for a variance in writing to the Director of Public Works from the minimum grease interceptor service requirements provided that records for the past year indicate FOG accumulation levels of less than 25% of the total hydraulic volume of the grease interceptor. (3688-12/04; 3979-7/13)

#### **14.56.140 Monitoring Facilities Requirements**

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- A. The City may require establishments to construct and maintain in proper operating condition at the establishment's sole expense, flow monitoring, constituent monitoring and/or sampling facilities.
- B. The location of the monitoring or metering facilities shall be subject to approval by the Director.
- C. Establishments may also be required by the Director to submit waste analysis plans, contingency plans, and meet other necessary requirements to ensure proper operation and maintenance of the grease control device or grease interceptor and compliance with this chapter.
- D. Establishments shall not increase the use of water or in any other manner attempt to dilute a discharge as a partial or complete substitute for treatment to achieve compliance with this chapter. (3688-12/04)

#### **14.56.150 Best Management Practices Required**

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All establishments shall implement best management practices in its operation to minimize the discharge of FOG to the sewer system. (3688-12/04)

#### **14.56.160 Requirements for Best Management Practices**

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- A. All establishments shall implement best management practices in accordance with the requirements and guidelines established by the City in an effort to minimize the discharge of FOG to the sewer system.
- B. All establishments shall be required, at a minimum, to comply with the following best management practices:
1. **Installation of Drain Screens.** Drain screens shall be installed on all sanitary sewer drainage pipes in food preparation and kitchen areas.
  2. **Segregation and Collection of Waste Cooking Oil.** All employees must comply with all provisions of this chapter relating to segregation, disposal and recycling of FOG.
  3. **Disposal of Food Waste.** All food waste shall be disposed of directly into the trash or garbage, and not in sinks or toilets.
  4. **Employee Training.** Employees of the food service establishment shall be trained once every six months, and all new-hires must be trained within two weeks of employment, on the following subjects:
    - a. How to “dry wipe” pots, pans, dishware and work areas before washing to remove grease.
    - b. How to properly dispose of food waste and solids prior to disposal in trash bins or containers to prevent leaking and odors.
    - c. The location and use of absorption products to clean under fryer baskets and other locations where grease may be spilled or dripped.
    - d. How to properly dispose of grease or oils from cooking equipment into a grease receptacle such as a barrel or drum without spilling.

Training shall be documented and employee signatures retained indicating each employee’s attendance and understanding of the practices reviewed. Training records shall be available for review at any reasonable time by the Director and/or his/her designee.

5. **Maintenance of Kitchen Exhaust Filters.** Filters shall be cleaned as frequently as necessary to be maintained in good operating condition. The wastewater generated from cleaning the exhaust filter shall be disposed of properly.
6. **Kitchen Signage.** Best management and waste minimization practices shall be posted conspicuously in the food preparation and dishwashing areas at all times. (3688-12/04; 3979-7/13)

#### **14.56.170 Monitoring and Reporting Conditions**

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- A. **Monitoring for Compliance with Ordinance and Reporting Requirements.**
1. The Director of Public Works may require of the establishment periodic reporting of the status of implementation of best management practices.
  2. The Director of Public Works may require visual monitoring at the sole expense of the establishment which generates FOG to observe the actual conditions of any establishments, including food service establishments that generate FOG, sewer lateral and sewer lines downstream.
  3. The Director of Public Works may require written reports from a certified laboratory for self-monitoring of wastewater constituents and FOG characteristics of the establishment needed for determining compliance with this chapter. Failure by the establishment to perform any required monitoring, or to submit monitoring reports required by the Director constitutes a violation of this chapter and be cause for the City to initiate all necessary tasks and analyses to determine the wastewater constituents and FOG characteristics for compliance with any conditions and requirements specified in this chapter. The establishment shall be responsible for any and all expenses of the City in undertaking such monitoring analyses and preparation of reports.
  4. Other reports may be required such as compliance schedule progress reports, FOG control monitoring reports, and any other reports deemed reasonably appropriate by the Director to ensure compliance with this chapter.
- B. **Record Keeping Requirements.** The establishment shall be required to keep all manifests, receipts and invoices of all cleaning, maintenance, grease removal of/from the grease control device, disposal carrier and

disposal site location for no less than four years. The establishment shall, upon request, make the manifests, receipts and invoices available to the Director or his/her designee. These records may include:

1. A logbook of grease control device cleaning and maintenance practices.
2. A record of best management practices being implemented including employee training.
3. Copies of records and manifests of wastehauling interceptor contents and/or waste cooking oil disposal.
4. Records of sampling data and sludge height monitoring for FOG and solids accumulation in the grease interceptors.
5. Any other information deemed appropriate by the Director to ensure compliance with this chapter.

**C. Falsifying Information or Tampering with Process.** It shall be unlawful to make any false statement, representation, record, report, plan or other document that is filed with the City, or to tamper with or knowingly render inoperable any grease control device, monitoring device or method or access point required under this chapter. (3688-12/04; 3979-7/13)

#### **14.56.180 Inspection and Sampling Conditions**

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- A. The Director of Public Works may inspect or order the inspection and sample the wastewater discharges of any establishment subject to this chapter to ascertain whether the intent of this chapter is being met and the establishment is complying with all requirements. The establishment shall allow the City access to the premises, during normal business hours, for purposes of inspecting the establishment's grease control devices or interceptor, reviewing the manifests, receipts and invoices relating to the cleaning, maintenance and inspection of the grease control devices or interceptor.
- B. The Director of Public Works shall have the right to place or order the placement on the establishment's property or other locations as determined by the Director, such devices as are necessary to conduct sampling or metering operations. Where any establishment has security measures in force, the establishment shall make necessary arrangements so that representatives of the City shall be permitted to enter without delay for the purpose of performing their specific responsibilities.
- C. Persons or occupants of premises where wastewater is created or discharged shall allow the Director of Public Works, or City representatives, reasonable access to all parts of the wastewater generating and disposal facilities for the purposes of inspection and sampling during all times the discharger's facility is open, operating, or any other reasonable time.
- D. In order for the Director of Public Works to determine the wastewater characteristics of the discharger for purposes of determining the annual use charge, the establishment shall make available for inspection and copying by the City all notices, monitoring reports, waste manifests, and records including, but not limited to, those related to wastewater generation, and wastewater disposal. All such records shall be kept for a minimum of four years.
1. Sampling and inspection of any establishments, including food service establishments, that generate FOG shall be conducted in the time, place, manner, and frequency determined at the sole discretion of the Director.
  2. Any sample taken from a sample point is considered to be representative of the discharge to the public sewer. (3688-12/04; 3979-7/13)

#### **14.56.190 Right of Entry**

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No person shall interfere with, delay, resist or refuse entrance to City representatives attempting to inspect any facility involved directly or indirectly with a discharge of wastewater to the City's sewer system. (3688-12/04)

#### **14.56.200 Notification of Spill**

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- A. In the event an establishment is unable to comply with any permit condition or provision of this chapter due to a breakdown of equipment, accidents, or human error or the establishment has reasonable opportunity to know that his/her/its discharge will exceed the discharge provisions of this chapter, the discharger shall immediately notify the

Utilities Division of the Public Works Department. If the material discharged to the sewer has the potential to cause or result in sewer blockages or SSOs, the discharger shall immediately notify the local health department or county, and the City.

B. Confirmation of this notification shall be made in writing to the Director of Public Works no later than five working days from the date of the incident. The written notification shall state the date of the incident, the reasons for the discharge or spill, what steps were taken to immediately correct the problem, and what steps are being taken to prevent the problem from recurring.

C. Such notification shall not relieve the establishment of any expense, loss, damage or other liability which may be incurred as a result of damage or loss to the City or any other damage or loss to person or property; nor shall such notification relieve the establishment of any fees or other liability which may be imposed by this chapter or other applicable law. (3688-12/04; 3979-7/13)

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#### **14.56.205 Private Sewer Lateral Maintenance Requirement**

All private sewer laterals must be periodically cleaned at a minimum frequency that prevents SSOs from occurring or blockages of more than 25% of the flow capacity of the private sewer lateral. (3979-7/13)

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#### **14.56.210 Penalty Imposed on City by Regulatory Agencies**

Any person who discharges a waste which causes or contributes to the City violating its discharge requirements established by any regulatory agency with jurisdiction over the City incurring additional expenses or suffering losses or damage to the facilities, shall be liable for any costs or expenses incurred by the City, including regulatory fines, penalties, and assessments made by other agencies or a court. (3688-12/04)

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## Huntington Beach Charter and Codes

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## Chapter 17.44 PLUMBING CODE

### Note

\* **Note:** §§ [17.44.030](#) and [17.44.095](#) repealed by Ord. 3790-1/08; §§ [17.44.040](#), [17.44.050](#) and [17.44.090](#) repealed by Ord. 3022-12/89; §§ [17.44.060](#)—[17.44.080](#) repealed by Ord. 3147-7/92; § [17.44.100](#) repealed by 3309-12/95.

### 17.44.010 Adoption

The 2019 [California Plumbing Code](#), and whole thereof, including Appendices A, D, E, and I, except as hereinafter provided, but excluding Chapters 1, entitled “Administration” (codified in Part 5 of Title 24 of the California [Code of Regulations](#)), as published by the International Code Council and the California Building Standards Commission, is hereby adopted by reference, subject to the amendments, deletions or additions set forth in this chapter and incorporated in the Huntington Beach Building and Construction Code.

Such code and amendments thereto, are hereby adopted and incorporated, pursuant to California [Government Code](#) Section 50022.2 et seq., and [Health and Safety Code](#) Section 18941.5 as fully as though set forth at length herein for the purpose of prescribing regulations governing the installation, alteration, repair and maintenance of plumbing and drainage systems. From the date on which this chapter takes effect, the provisions of said code, together with amendments thereto, shall be controlling within the corporate limits of the City of Huntington Beach. (1937-10/74, 2089-8/76, 2431-7/80, 2747-2/85, 2976-12/88, 3022-12/89, 3147-7/92, 3426-7/99, 3790-1/08, 3896-12/10, 4000-12/13, 4111-12/16, 4190-12/19)

### 17.44.020 Section 1.01.1—Amended

CPC Chapter 1, Section 101.1 is hereby amended to read as follows:

**101.1 Title.** This document shall be known as the “Huntington Beach Plumbing Code,” may be cited as such, and will be referred to herein as “this Code.”

(1409-5/68, 1630-2/71, 1937-10/74, 2431-7/80, 2747-2/85, 2976-12/88, 4190-12/19)

### 17.44.022 Administration

The administrative provisions shall be as provided for in the [California Building Code](#), Chapter 1 Division II, Scope And Administration as adopted pursuant to Chapter [17.04](#) of the Huntington Beach Municipal Code. (3896-12/10, 4190-12/19)

### 17.44.040 Section 312.1—Amended

Section 312.1 of Section 312 of CPC is hereby amended to read in its entirety as follows:

**312.1 General.** All underground copper piping and PEX tubing installed in a potable water system throughout the City limits must be completely sleeved with a minimum six millimeter polyvinyl sleeve.

(3147-7/92, 3309-12/95, 3426-7/99, 3575-10/02, 3790-1/08, 3896-12/10, 4000-12/13, 4190-12/19)

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RESOLUTION NO. 2003-52

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF HUNTINGTON BEACH ESTABLISHING THE  
FEE SCHEDULE FOR SEWER SYSTEM SERVICE  
CONNECTIONS, FEES, CHARGES AND DEPOSITS

WHEREAS, pursuant to Chapter 14.36 of the Huntington Beach Municipal Code, the City Council is authorized to collect fees and charges as a condition precedent to granting an application for sewer connection or an increase in water meter size. The fees and charges authorized by Chapter 14.36 may not exceed the estimated reasonable cost of providing facilities for the City's sewer system that will benefit the person being charged; and

The City Council has reviewed a report dated May 2003, entitled "Sewer Master Plan" prepared by Kennedy/Jenks Consultants, ("Sewer Master Plan") which evaluates the impacts of future users on existing sewer facilities within the City and details the City's operation and maintenance of a City-wide wastewater collection and pumping system. The Sewer Master Plan includes a description of the City-wide sewer system, an analysis of the need for replacement of existing sewer facilities and construction of new facilities needed to serve new development and additional capacity demands, and sets forth the estimated costs of these improvements; and

The Sewer Master Plan has been available for public inspection and review prior to consideration of this resolution by the City Council after a public hearing,

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

1. The Sewer Master Plan is hereby adopted.
2. The Sewer System Charge of \$1,579.00 shall be imposed for a sewer connection for a Single Family Dwelling Unit as defined in Chapter 14.36.
3. The Sewer System Charge of \$1,292.00 shall be imposed per sewer connection for a Multiple Family Dwelling Unit as defined in Chapter 14.36.
4. The Sewer System Charge for a sewer connection for a new non-residential project, shall be based on the water meter size relationship to an Equivalent Dwelling Unit ("EDU"), as defined in Chapter 14.36, as follows:

<u>Meter size (inches) and type</u>	<u>EDUS</u>	<u>Charge</u>
5/8	1	1,795
3/4	1	1,795
1	2	3,590
1.5	3	5,385
2	5	8,976
3	11	19,747



<u>Meter size (inches) and type</u>	<u>EDUS</u>	<u>Charge</u>
4 Compound	17	30,517
4 Domestic and Turbine	33	59,240
6 Compound	33	59,240
6 Domestic and Turbine	67	120,275
8 Domestic	117	210,032
10 Domestic	183	328,512

5. The Sewer Master Plan establishes that the Sewer System Charges authorized herein are charges for existing facilities and new facilities to be constructed in the future that will benefit the person being charged.

6. California Environmental Quality Act. The City Council hereby finds that the adoption of this Resolution is exempt from the California Environmental Quality Act ("CEQA") under Section 15273(a)(4) of the California *Code of Regulations*, commonly known as the CEQA Guidelines. The City Council finds that this exemption applies because the charges authorized herein are for the purpose of obtaining funds for capital projects necessary to maintain service within existing service areas, and there is no reasonable possibility that the modification of the Sewer System Service Connection Fee and Charges authorized by Huntington Beach Municipal Code Chapter 14.36 could negatively affect the physical environment. Any environmental impacts associated with specific projects that may be undertaken with the monies collected pursuant to this resolution and Huntington Beach Municipal Code Chapter 14.36 will be assessed as each project is formulated. The City Council also hereby finds that the adoption of this Resolution is exempt from CEQA pursuant to the Supplemental Environmental Categorical Exemptions adopted by the City Council pursuant to Resolution No. 4501, which provides that information collection which does not result in a serious or major disturbance to an environmental resource are exempt as a Class VI exemption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 7 day of July, 2003.

ATTEST:

Connie Brockway  
City Clerk

Connie Boardman  
Mayor

REVIEWED AND APPROVED:

Ray L. Linn  
City Administrator

APPROVED AS TO FORM:

James M. Galt  
City Attorney LHM 5/28/03


INITIATED AND APPROVED:

Robert F. Beardsley  
Director of Public Works

STATE OF CALIFORNIA  
COUNTY OF ORANGE                    ) ss:  
CITY OF HUNTINGTON BEACH        )

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at an **regular** meeting thereof held on the **7th day of July 2003** by the following vote:

**AYES:** Sullivan, Coerper, Green, Boardman, Cook, Hardy  
**NOES:** None  
**ABSENT:** None (Houchen out of room)  
**ABSTAIN:** None

  
\_\_\_\_\_  
City Clerk and ex-officio Clerk of the  
City Council of the City of  
Huntington Beach, California