

ORDINANCE O20XX-XX

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANTECA, STATE OF CALIFORNIA, REPEALING AND REPLACING CHAPTER 13.24 "SEPTIC TANK CLEANING".

WHEREAS, the City of Manteca's Wastewater Quality Control Facility (WQCF) accepts domestic liquid waste from septic tank cleaning, portable toilet waste, leach pits and cesspools; and

WHEREAS, the fee associated with this ordinance is used to offset the costs to receive and treat domestic waste from septic pumper trucks. During analysis of updating the fee, staff collected wastewater samples from nine random pumper trucks, discharging domestic waste at WQCF, and analyzed them to determine the wastewater's strength. The average wastewater strength was multiplied by the loading rate cost in order to calculate the fee of \$250.00 per 1,000 gallons; and

WHEREAS, other changes to the ordinance included updating the insurance requirements, requiring a City of Manteca business license, providing truck tank capacity certification and a copy of a San Joaquin County Environmental Health Department Pumper Truck Permit.; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

THE CITY COUNCIL OF THE CITY OF MANTECA DOES ORDAIN AS FOLLOWS:

SECTION 1: Amendment. Manteca Municipal Code Chapter 13.24 "Septic Tank Cleaning", is hereby amended to read as follows:

13.24.010 Purpose.

The purpose of this chapter and of the receiving station service fees and charges prescribed under this chapter is to regulate the discharge of domestic septic tank cleanings, portable toilet wastes, leach pit and cesspool contents into the receiving station facilities at the City wastewater control facility and to derive revenue which shall be used only for the acquisition, construction, reconstruction, maintenance and operation of the City wastewater control facility receiving station and sewage treatment plant facilities. (Prior code § 14-24)

13.24.020 Permit—Required.

No person shall deliver or discharge domestic septic tank cleanings into the City wastewater control facility receiving station facilities approved for such delivery and discharge, unless such person has a valid and subsisting receiving station use permit

("permit" in this chapter) issued by the City pursuant to the provision of this chapter.
(Prior code § 14-25)

13.24.030 Permit—Issuance.

A. No person shall be issued a permit under this chapter to use the receiving station facilities to deliver and discharge domestic septic tank cleanings unless such person has filed with and furnished to the City's Public Works Department the following:

1. An application on a form provided;
2. The cash or corporate surety bond in the sum of one thousand dollars described in Section 13.24.050;
3. The insurance policies and/or certificates required by this chapter;
4. Copy of City of Manteca Business License;
5. Copy of truck capacity certification specifying tank volume in gallons; and
6. Copy of a San Joaquin County Environmental Health Department Pumper Truck Permit.

B. Upon receipt thereof, the City's Public Works Department shall issue such permit to the applicant. (Prior code § 14-26)

13.24.040 Permit—Nontransferable.

A permit issued under this chapter is personal to the applicant to whom it is issued and is not subject to transfer or assignment. (Prior code § 14-27)

13.24.050 Permit—Suspension—Revocation.

A. The Director of Public Works, or their designee, may, upon reasonable notice and hearing, suspend or revoke any permit issued under this chapter if it is found and determined that any person:

1. Has submitted a permit application that is false in any material respect; or
2. Has failed to maintain in full force and effect, the bonds or insurance required under this chapter; or
3. Has personally or through an employee or other person engaged to do so, delivered or discharged any substances other than the cleanings of domestic septic tanks, etc., into the receiving station facilities or has delivered or discharged therein any substances prohibited from discharge into the City's sanitary sewer system under the provisions of Ordinance No. 435 or this chapter; or
4. Has disposed of any sanitary sewage or waste in an unlawful manner anywhere within the service area; or
5. Has violated any state, county or City law or regulation regarding the hauling of sanitary sewage, including liquid wastes; or
6. Has failed to maintain an unrevoked registration for disposition of septic tank cleanings under California Health and Safety Code Section 25000 et seq., where required to dispose of such cleanings under this chapter;
7. Has failed to conform to any provision of the ordinance required to be complied with by him or her; or
8. Has failed to pay, before delinquency, any fee or charge due under this chapter.

B. If the Director, or their designee, determines by reason of emergency circumstances that the immediate preservation of the public health and safety require such permit be suspended immediately and without prior hearing, the Director, or their designee, may do so; providing a written finding as to the emergency circumstances which justify such immediate action and forthwith give to permittee written notice thereof of the time, not exceeding fifteen days, when the Director, or their designee, will conduct a hearing to determine whether such suspension shall be continued and/or the permit shall be revoked.

C. Notice of any proceeding under this chapter shall be served personally upon the permittee or by registered mail addressed to permittee by the Director of Public Works, or their designee. (Prior code § 14-41)

13.24.060 Bond—Required.

A. No person shall deliver or discharge the cleanings of domestic septic tanks into the City wastewater control facility receiving station facilities unless such person maintains in full force and effect a cash bond or a corporate surety bond in the sum of one thousand dollars in form approved by the City Attorney, conditioned upon the faithful performance by the permittee under this chapter.

B. The condition of the bond shall be that the amount thereof shall be paid to the City if the permittee does any of the following:

1. Delivers or discharges any substance other than the cleanings of domestic septic tanks, etc., into the City wastewater control facility receiving station facilities; or
2. Discharges therein any of those substances which, by Ordinance No.435 are prohibited from discharge into the City's sanitary sewer system (referred to in this chapter as "prohibited substances"); or
3. Dispose of sewage or wastes in an unlawful manner within the service area of the receiving station; or
4. Is delinquent in paying for charges and fees billed by the Director of Finance under this chapter; or
5. Otherwise fails to comply with the provisions of this chapter.

C. Upon payment of any sum to City under such bond, the permittee shall immediately furnish and file with the City such cash surety bonds as may again equal the total amount of the bond required under this chapter.

D. No interest shall be paid by the City or permittee on any cash bond deposited. (Prior code § 14-28)

13.24.070 Bond—Remedy Not Exclusive.

The remedies providing for satisfaction of this chapter are cumulative and not exclusive, and are in addition to any other remedies to which the City may be lawfully entitled. Each person shall remain personally liable for any obligation or liability incurred in operations to the extent that bond proceeds are insufficient to satisfy the same. (Prior code § 14-29)

13.24.080 Insurance.

ATTACHMENT 1

A. No person shall deliver or discharge the cleanings of domestic septic tanks, etc., into the City wastewater control facility receiving station facilities unless such person, at his or her sole cost and expense, maintains in full force and effect the following policies:

1. Public liability and property damage insurance insuring such person against claims for personal injury and property damage, (including motor vehicle coverage) which may arise by reason of the nature of the work or from the operations conducted by such person, his or her officers, employees, and all other persons engaged to conduct such operations by this chapter.

2. A separate policy or policies naming the City and their officers and employees as sole insureds, insuring against all operations conducted by, for or on behalf of such person, and insuring against the omissions and supervisory acts of the City, their officers and employees with respect to the operations; the policy shall provide or contain an endorsement that the coverage afforded thereby shall be primary coverage to the full extent of liability stated in the declarations, and that if the City or its officers or employees have other insurance against the loss covered by the policy, such other insurance shall be excess insurance only.

B. Each such policy shall provide coverage amounts that are required by the City's Risk Division for personal injury, including death; and property damage. Required coverage amounts are set by the City's Joint Powers Authority.

C. Each such policy shall bear an endorsement precluding cancellation or reduction in coverage unless, not less than ten days prior thereto, written notice is given by the insurer to the: City Clerk, City Hall, 1001 West Center Street, Manteca, California 95336.

D. The permittee shall cause to be filed with the City Clerk a certificate of insurance issued by the insurer evidencing the policy required under subdivision 1 of subsection A of this section, and the original policy required under subdivision 2 of subsection A of this section. Not less than ten days prior to the effective date of cancellation, expiration or other termination of each such policy, the permittee shall cause replacement coverage to be filed with the license collector.

E. The City Clerk shall file all certificates and insurance policies received under this chapter. (Prior code § 14-30)

13.24.090 Charges—Fees.

A. The following charges and fees shall be required to be paid for the delivery and discharge of wastes as set forth in the City wastewater control facility receiving station facilities: For each load collected and delivered to the receiving station the charge is two hundred and fifty dollars per thousand gallons or part thereof. Only wastes collected from within the county of San Joaquin shall be discharged to the receiving station.

B. Said charges and fees may be changed by City Council resolution. (Prior code § 14-31)

13.24.100 Source Certification.

No person shall be permitted to deliver or discharge materials at the receiving station without delivering to the Director of Public Works or his or her representatives, prior to such delivery or discharge, written certification of the source of collection of the material on a form approved by the Director of Public Works. The source certification form shall

note the date and time of collection, the City and street address of the property from which the materials were collected, and shall bear the signature of the owner or occupant of the property. (Prior code § 14-32)

13.24.110 Improper Discharge.

No person shall deliver or discharge into the receiving station any industrial waste nor any substances whose discharge into the City's sanitary sewer system is prohibited under Ordinance No. 435 notwithstanding that they may constitute the cleaning of domestic septic tanks, etc. (Prior code § 14-33)

13.24.120 Sludge and Solids Prohibited.

No person shall deliver or discharge into the receiving station facilities any sludge or solids of sewage treatment plants or water treatment plants from within or from outside the County of San Joaquin. (Prior code § 14-34)

13.24.130 Monitoring Wastes.

A. The City shall have the right by and through its officers, employees or other persons engaged by the City to do so, to take such samples of materials delivered by any person into the receiving station facilities as the City in its sole discretion may deem appropriate to obtain a representative sample of each delivery's contents. Such sample may be taken prior to, during, or after any such delivery and discharge. Without being limited thereto, results of analysis made of such samples at the City wastewater control facility laboratory may be used to determine permittee's conformance with the requirements of this chapter. By acceptance of the permit issued hereunder, the permittee consents and agrees that any such samples may be so taken and used.

B. In the event the City determines that any such delivery contains substances not permitted to be delivered or discharged under this chapter, the permittee shall forthwith comply with the City's order or direction that they not be so delivered or discharged. (Prior code § 14-35)

13.24.140 Records—Billing.

A record of deliveries of the cleanings of domestic septic tanks, etc. shall be made at the time of each delivery to the receiving station and shall be signed by or on behalf of the permittee. Within fifteen days after the close of each calendar month, an invoice shall be prepared and mailed to each permittee for fees and charges incurred by such permittee during such calendar month. (Prior code § 14-36)

13.24.150 Payment—Delinquency.

Fees and charges for the cleanings of domestic septic tanks, etc., delivered and discharged into the receiving station facilities shall be paid by the permittee at the office of the Finance Department, City Hall, Manteca, California, through United State Postal Service mail or online, or at such other place as the Finance Director may provide. Such fees and charges are immediately due and payable upon the deposit of an invoice therefor in the United States mail; they are delinquent if payment is not received by the Finance Director on or before the fortieth day immediately following the date when due and payable. (Prior code § 14-37)

13.24.160 Rules and Regulations Promulgation.

The Director of Public Works, or their designee, is authorized to adopt rules, regulations and procedures relating to the operation of the receiving station, to establish a schedule of service and to provide a safe, efficient and sanitary use of the receiving station facilities and to implement the provisions of this chapter. The Director of Public Works, or their designee, may deny or suspend the use of receiving station facilities to any person who fails to comply with such rules, regulations and procedures. (Prior code § 14-38)

13.24.170 Compliance.

It is unlawful for any person to not comply with any written rule, regulation or procedure adopted by the Director of Public Works, or their designee, pursuant to this chapter which relates to the delivery or discharge of wastes into receiving station facilities of the City wastewater control facility. (Prior code § 14-39)

13.24.180 Hauling Vehicles Identification.

Access to and use of receiving station facilities shall be granted only to vehicles identified in the waste hauler discharge permit with license plate number and load capacity. Additional vehicles may be added to the permit by submitting a request in writing to the Director of Public Works, or their designee. (Prior code § 14-40)

13.24.190 Director's Decision.

After any hearing required under this chapter, the Director of Public Works, or their designee, shall make a written decision setting forth his or her findings and his or her action thereon. A copy of the decision shall be served upon permittee in the manner provided for notice of hearings; the decision is final in ten days after service. (Prior code § 14-42)

SECTION 2: Typographical or Clerical (Scrivener) Errors. Any typographical or clerical errors in this Ordinance may be remedied by the City Attorney with the assistance of the City Clerk and shall not constitute an alteration.

SECTION 3: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 4: Publication. This Ordinance shall be published in accordance with the provisions of Government Code Section 36933.

SECTION 5: Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

ATTACHMENT 1

City of Manteca, a municipal corporation

MAYOR: _____
GARY SINGH

ATTEST: _____
CASSANDRA CANDINI-TILTON
CITY CLERK

STATE OF CALIFORNIA }
COUNTY OF SAN JOAQUIN } SS:
CITY OF MANTECA }

I, Cassandra Candini-Tilton, City Clerk of the City of Manteca, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public meeting of the City Council on the ____ day of _____, 2023, and had its second reading and was adopted and passed during the public meeting of the City Council on the ____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
CASSANDRA CANDINI-TILTON
City Clerk