

ARTICLE VII - PUBLIC WORKS

CHAPTER 1 - SANITARY SEWER SYSTEM

PART 1 - GENERAL PROVISIONS

Sec. 7100. Enabling Authority. This chapter is adopted pursuant to authority granted by Government Code Section 38900 that a city legislative body may construct, establish, and maintain drains and sewers. (Ord. 72)

Sec. 7111. Application. This chapter shall apply to all sewer facilities of the City of Grover City, including but not limited to, building sewers and lateral sewers as defined in Part II. (Ord. 72)

PART 2 - DEFINITIONS

Sec. 7120. Definitions. (A) For the purpose of this chapter, unless it is plainly evident from the context that a different meaning is intended, the following terms used herein are defined as follows:

- (1) Back-water Valve: A device whose purpose is to prevent flow in a sewer in a direction opposite to that of the intended drainage;
- (2) Council: The City Council of the City of Grover City.
- (3) Building: Any structure used for human habitation, or a place of business, recreation, or other activity and containing sanitary facilities;
- (4) Building Sewer: That portion of any sewer beginning at the plumbing or drainage outlet of any building, industrial facility, or preliminary treatment facility, and ending at the property line;
- (5) Cesspool or Seepage Pit: An excavation in the ground which receives the discharge from a sewer for the purpose of allowing said discharge to percolate into the ground;
- (6) City: The City of Grover City, State of California;
- (7) City Engineer: Registered Civil Engineer appointed by the City Council of the City of Grover City to perform regular and/or special engineering services;
- (8) Cleanout: A branch fitting installed in a sewer or other pipe for the purpose of providing access for cleaning;
- (9) County: County of San Luis Obispo, State of California;
- (10) Crown: The highest point of the inside surface of a sewer cross-section;
- (11) District's Representative: The Superintendent of Public Works of the City of Grover City or any person legally authorized by the Council of the City of Grover City;
- (12) Fixture: Any sink, tub, shower, toilet, or other facility connected by drain to the sewer;
- (13) Garbage: Solid wastes from the preparation, cooking, and dispensing of food and from the handling, storage and sale of agricultural products;
- (14) Lateral Sewer: The portion of a sewer lying within a public right-of-way or easement, and connecting a building sewer to a main sewer;

(15) Lot: Any piece or parcel of land, bounded, defined, or shown upon a plot or deed recorded in the office of the County Recorder of San Luis Obispo County, provided, however, that in the event any structure is located upon more than one parcel of land all under one ownership and as herein defined, the term "lot" shall include all such parcels of land. For purposes of land which is to be annexed to or served by the City, the term "lot" shall be defined as (1) a minimum size parcel or parcels into which said land can be subdivided or split as permitted by the local zoning regulations, or (2) the actual number of parcels into which said land is subdivided or split as evidenced by records filed with the County Recorder;

(16) Main Sewer: Those sewers, excluding lateral sewers, whose main purpose is to accept sewerage from laterals and convey it to the treatment plant;

(17) Manhole: A structure for the purpose of providing access of a man to a buried sewer;

(18) Permit: Any written authorization required pursuant to this chapter;

(19) Person: Any human being, individual, firm, company, partnership, association, corporation, government or agency;

(20) Privy: An excavation in the ground receiving or intended to receive human body wastes;

(21) Public Sewer: That portion of a sewer lying within a public right-of-way or easement, including lateral sewers and main sewers maintained by, and subject to the jurisdiction of, the City;

(22) pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution;

(23) Septic Tank: A structure for treating sewage before disposal in a seepage pit or other leaching system;

(24) Sewage: Any water-carried wastes from residences, business buildings, public buildings, institutions, and industrial facilities;

(25) Sewage Works or Sewerage: All facilities for collecting, pumping, treating, and disposing of sewage;

(26) Sewer: A pipe or conduit for carrying sewage;

(27) Side Sewer: A sewer beginning at the plumbing or drainage outlet of any building, industrial facility, or preliminary treatment facility and terminating at a main sewer, and including the building sewer and lateral sewer together;

(28) Shall and May: Shall is mandatory; may is permissive;

(29) Standard Specifications: The Standard Specifications of the City of Grover City when adopted;

(30) Superintendent of Public Works: Superintendent of Public Works for the City of Grover City;

(31) Trunk Sewer: The same as main sewer. (Ord. 72)

PART 3 - HOUSE SEWERS GENERAL REGULATIONS AND MATERIALS

Sec. 7130. Separate Connection for Each Building. Every building in which plumbing fixtures are installed shall be separately and independently connected with public sewer or septic tank except as provided herein. (Ord. 72)

Sec. 7131. Exception; Dwelling in Rear. Where a dwelling is on the rear of a lot, on the front of which is another building and the total street frontage of the said lot does not exceed sixty (60) feet, and is under one ownership, a separate sewer connection will not be required. (Ord. 72)

Sec. 7132. Exception; Appurtenant Buildings. Service buildings, such as a garage, servants' quarter, powerhouse, or other like buildings where required as an adjunct to and to be used in connection with a residence, public building, or commercial plant, may be connected to the house sewer serving the main building. (Ord. 72)

Sec. 7133. Materials. House sewer lines may be of any materials allowed by the Uniform Plumbing Code then in effect, and approved by the Building Inspector. Conformance with ASTM standards for the materials used shall apply. (Ord. 72; Am. Ord. 78-10)

Sec. 7134. House Sewers; Size and Specifications. House sewers shall be not less than four (4) inches in diameter and shall have a continuous and even fall of not less than one-quarter (1/4) of an inch to the foot, except where solid rock or other unusual condition is encountered, then, with the approval of the Superintendent of Public Works, the requirements for an even grade may be altered to best suit the given condition and to provide the best fall available under the circumstances. (Ord. 72)

Sec. 7135. Protection of House Sewers Where Substandard Depth. When a house sewer is connected to a trunk sewer in the street, that portion of the house sewer from the curb line to the property line which has less than two and one-half (2-1/2) feet of cover between the top of the pipe and the curb or the top of the ground shall be protected as required by the Superintendent of Public Works. (Ord. 72)

Sec. 7136. Old House Sewers, Use of. Old house sewers may be used in connection with new plumbing work when upon examination they are found to conform to the requirements governing new house sewers as provided in this ordinance. (Ord. 72)

Sec. 7137. Permits; When Required. A permit will not be required for the purposes of removing stoppages or repairing leaks in any house sewer. (Ord. 72)

Sec. 7138. Building Courts; Common Pipe. House sewers from a building court may be connected to a trunk sewer through a common pipe, provided that such common pipe be of adequate size, as determined by the Superintendent of Public Works and it shall be run in as direct a line to the trunk sewer as possible. A riser of the requirements and specifications of the City shall be placed within two and one-half (2-1/2) feet of the point of connection of the house sewer located the farthest from the public sewer. Such house sewers connecting to this common pipe shall be laid under the same requirements as if they were to connect directly to a trunk sewer. (Ord. 72)

Sec. 7139. New Septic Tanks, Etc.; Repairs to Old. Where a public sewer is located within a distance of two hundred (200) feet (measured along streets, alleys, avenues, or public rights-of-way upon which the property abuts), or where in the opinion of the Superintendent of Public Works a public sewer is available, no new septic tank or leach line, field or wells shall be constructed, and no

repairs to old septic tanks, leach lines, fields or wells, shall be made, and no septic tanks or wells shall be pumped; said property shall connect to the public sewer where such connection can be accomplished by gravity flow, and the aforesaid septic tank or well shall be abandoned and removed or filled, to the satisfaction of the Superintendent of Public Works. (Ord. 72; Am. Ord. 94)

Sec. 7139.1 Grease Traps, Catch Basins, Sumps, Etc. To prevent sand, grease, soil or other objectionable matter entering the sewerage system, restaurants and public places serving food shall be provided with grease traps, and public and private garage floor drains and public wash racks shall be provided with catch basins or sumps of a design approved by the Superintendent of Public Works. Garage and oiling pits shall not be connected to any sewerage system. (Ord. 72)

Sec. 7140. Time for Connection to Sewerage System. Where a public sewer is located within a distance of two hundred (200) feet (measured along streets, alleys, avenues, or public right-of-ways upon which the property abuts), or where in the opinion of the Superintendent of Public Works a public sewer is available, and except as is otherwise provided in this Chapter, every building now or hereafter situated within the Sewerage Assessment District No. 1 of the City of Grover City in which plumbing fixtures are now or hereafter installed shall be separately and independently connected to the city sewerage system no later than August 1, 1972 by the property owners. Said property owners shall make application for the sewer connection pursuant to Section 7157 no later than June 1, 1972. All buildings within said Grover City Sewerage Assessment District No. 1 which are required by this section to be connected to the city sewerage collection system by the date above set forth shall be subject to the regular monthly sewer rental charge commencing on said connection date even though the connection has not been completed and service is not being received by such date. Upon completion of the required connection to the city sewerage system, the existing septic tank or well shall be abandoned and removed or filled, according to the direction of and to the satisfaction of the Superintendent of Public Works. This section shall not apply to property where the connection cannot be accomplished by gravity flow. Upon written application by the property owner and on a showing of good cause therefor, the City Council may grant an extension of time to connect a building to the city sewerage system until no later than August 1, 1973. Such extension of time may be granted only upon condition that the applicant make monthly or other periodic payments to the City equivalent to the sewer rental charge from time to time in effect which would apply to the property for which the extension is granted. Failure to comply with any of the provisions of this section shall be deemed to be a misdemeanor. In addition, the City Council may direct the Superintendent of Public Works to discontinue water service to any property, the owner of which fails to comply with the provisions of this section. (Ord. 113a)

PART 4 - GENERAL RULES

Sec. 7150. Standard Specifications. The City may, by resolution, establish standard specifications for the construction of sewerage works, and such specifications, when adopted, shall become part of this ordinance. (Ord. 72)

Sec. 7151. Private Sewage Systems Unlawful. No person shall connect to, use, provide, or maintain any system for the handling or treating of sewage or other liquid wastes within the boundaries of the

City that was not in existence and use at the time of adoption of this chapter, except as herein provided, or upon authorization given by resolution of the City Council. (Ord. 72)

Sec. 7152. Protection from Damage. No unauthorized person shall break, damage, deface, uncover, or tamper with any structure, appurtenance, equipment or other property which is a part of the city sewage works. No manhole shall be covered or made inaccessible. If required by changes in surface grade made necessary because of property development, and/or subdivisions, manholes shall be reconstructed by the developer and/or subdivider to conform to this requirement. (Ord. 72)

Sec. 7153. Investigation Powers. City representatives shall carry evidence establishing their position as an authorized representative of the City and upon presentation and exhibiting these proper credentials and identification shall be permitted to enter in and upon all buildings and premises within the City for the purposes of inspection, observation, measurement, sampling, testing, or otherwise performing such duties as may be necessary in carrying out the provisions of this chapter. (Ord. 72)

Sec. 7154. Correction of Violation. Any person found to be in violation of any provision of this chapter shall be served by a representative of the City with written notice stating the nature of the violation and providing a reasonable time limit for the correction thereof. Said time limit shall be not less than two (2) or more than seven (7) working days, unless the Superintendent of Public Works determines otherwise. Such person shall permanently and completely correct the violation within the period allowed. (Ord. 72)

Sec. 7155. Liability for Damages for Violation. Any person violating a provision of this chapter shall be liable for all damages resulting from such violation, or which arise from actions taken in the correction thereof. (Ord. 72)

Sec. 7156. Relief. Any person, who by reason of special circumstances, believes that the application of any portion of this chapter as to him is unjust or inequitable may make written application to the City Council for relief. Said application shall set forth all of the special facts and circumstances and shall request the specific relief or modification desired. The Council, upon receipt of such application and after such investigation as deemed necessary, may take action to grant such relief or modification as it finds necessary. The Council, on its own motion and without an application, may, when special circumstances make the application of this chapter a hardship or unjust or inequitable, modify or suspend such portion of this chapter for the period during which the special circumstances exist. An application for relief under this section shall be in writing and shall be accompanied by a filing fee as set forth in the Master Fee Schedule and amended from time to time. (Ord. 72; Am. Ord. 03-02)

Sec. 7157. Permit and Fees Required Before Work Done. No sewer connected or to be connected to the City's sewerage works shall be installed, altered, or repaired until a permit for the work is obtained from the City and all fees required have been paid. (Ord. 72)

Sec. 7158. Use of Existing Sewer. Before a permit shall be issued for a sewer connection in any areas within the City, which property shall use any then existing sewerage facilities of the City for which such property shall not have made full payment of its share of the cost thereof, the owner or applicant shall pay to the City a sum of money for such privilege to be computed by the City. (Ord. 72)

Sec. 7159. Permit Fees. Permit fees for construction, repair, or maintenance of private sewerage works shall be as provided in the Uniform Plumbing Code. (Ord. 72)

PART 5 - MAIN EXTENSIONS

Sec. 7160. Main Extensions to New Customers. Mains extended to serve new customers shall be subject to all of the provisions of this chapter. No main extension will be made by the City except on an approved dedicated street, alley or recorded easement. (Ord. 72)

Sec. 7161. Main Extensions Independently Acted Upon. Each case of main extension shall be independently acted upon by the City Council and it shall be the sole judge of whether or not such extension shall be made. (Ord. 72)

Sec. 7162. Cost of Main Extensions. The cost of main extensions outside the original assessment district, other than to subdivisions, may be pro-rated against all lots or property that may ultimately be benefited by connection to the sewer system. (Ord. 72)

Sec. 7163. Main Extensions to Subdivisions. Where sewer main extensions are required for subdivisions, it will be the responsibility of the owner or subdivider to pay the cost for complete installation of all sewer facilities required within the subdivision and for extension of sewer transmission mains from the subdivision to the nearest existing main of adequate capacity for the area to be served. Such transmission main and sewer facilities shall be subject to all the requirements of the City. Upon official acceptance by the City, the City shall assume full ownership, maintenance and control of such mains and sewer facilities. (Ord. 72)

PART 6 - STANDARDS AND REGULATIONS FOR QUALITY OF SEWER DISCHARGE

Sec. 7170. No Discharge of Storm Waters, Etc. Into Sewers. It is unlawful for any person to discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters into any sanitary sewer, except as is herein specifically provided. (Ord. 72)

Sec. 7171. Storm Sewers, Etc. Storm water and all unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent of Public Works. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Superintendent of Public Works, to a storm sewer, combined sewer or natural outlet. (Ord. 72)

or cause to be discharged any of the following described waters or wastes into any public sewers.

(A) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F.);

(B) Any water or wastes which may contain more than one hundred (100) parts per million, by weight, of fat, oil, or grease;

(C) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;

(D) Any garbage that has not been properly shredded;

(E) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, woods, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;

(F) Any water or wastes having a pH lower than 5.5 or higher than 9.00, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;

(G) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;

(H) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;

(I) Any noxious or malodorous gas or substance capable of creating a public nuisance. (Ord. 72)

Sec. 7173. Grease, Oil and Sand Interceptors. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent of Public Works, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent of Public Works, and shall be located so as to be readily and easily accessible for cleaning and inspection. (Ord. 72)

Sec. 7173.1 Same; Construction. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight, and equipped with easily removable covers which, when bolted in place, shall be gas-tight and water-tight. (Ord. 72)

Sec. 7173.2. Same; Maintenance. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times. (Ord. 72)

Sec. 7174. Right to Regulate Water and Wastes and Require Preliminary Treatment, Etc. (A) The admission into the public sewers of any waters or wastes having (1) a five (5) day biochemical oxygen demand greater than three hundred (300) part per million by weight, or (2) containing more

than three hundred fifty (350) parts per million by weight of suspended solids, or (3) containing any quantity of substances having the characteristics, described in Section 7172 of this part, or (4) having an average daily flow greater than two (2%) percent of the average daily sewage flow of the City of Grover City, shall be subject to the review and approval of the Superintendent of Public Works.

(B) Where necessary, in the opinion of the Superintendent of Public Works, the owner shall provide, at his expense, such preliminary treatment as may be necessary to (1) reduce the Biochemical Oxygen Demand to three hundred (300) parts per million and the suspended solids to three hundred fifty (350) parts per million by weight, or (2) reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 7172 of this section, or (3) control the quantities and rates of discharge of such waters or wastes.

(C) Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent of Public Works and of the Water Pollution Control Board of the State of California, and no construction of such facilities shall be commenced until said approvals are obtained in writing. (Ord. 72)

Sec. 7175. Preliminary Treatment Facilities. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner, at his expense. (Ord. 72)

Sec. 7176. Installation of Control Manholes. When required by the Superintendent of Public Works, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurements of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Superintendent of Public Works. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. (Ord. 72)

Sec. 7177. Measurements, Tests and Analyses. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in Sections 7172 and 7174, shall be determined in accordance with "Standards Methods for the Examination of Water and Sewage," published by American Waterworks Association, and shall be determined at the control manhole provided for in Section 7176, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. (Ord. 72)

Sec. 7178. Special Agreements with Industrial Concerns. No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor by the industrial concern. (Ord. 72)

PART 7 - SEWER SERVICE CHARGES

Sec. 7180. Sewer Rental Charge. Every person whose premises in the City are served by a connection with the system of sewerage of the City, whereby the sewerage or industrial wastes, or both, are disposed of by the City through the sewerage treatment plant, or otherwise, shall pay a sewer rental charge based on the following:

(A) One Dwelling: For each single family dwelling the sum as set forth in the Master Fee Schedule and amended from time to time.

(B) Two or More Dwellings: For each single family dwelling unit in any duplex, double house or other building containing two or more single family dwelling units, the sum of \$16.42 per month per dwelling unit.

(C) Apartments: For each apartment house, the sum of \$16.42 per dwelling unit per month.

(D) Hotel, Motel, Auto Court or Lodge: For each dwelling unit in any hotel, motel, auto court, or lodge, the sum of \$16.42 per unit per month plus \$16.42 per month for each manager's unit.

(E) Boarding House: For each boarding house where rooms are rented to others for lodging purposes, the sum of \$16.42 per month for the boarding house plus \$7.74 per month per bedroom in the boarding house.

(F) Mobile Home Space: For each mobile home space, the sum of \$16.42 per month.

(G) Travel Trailer and Recreational Vehicle Space: For each travel trailer space, recreational vehicle space, camper space, or camping space, the sum of \$11.60 per month plus \$3.18 per month for each fixture in a public building and \$5.12 per month for each coin-operated washing machine.

(H) Church: For each church, the sum of \$18.36 per month plus \$16.42 per month for each parsonage or dwelling unit connected therewith.

(I) Public Places: For each theater, club house, or place of amusement, the sum of \$18.36 per month.

(J) Commercial Establishment: For each commercial establishment, wholesale or retail, \$18.36 per month for up to 5 fixtures plus \$3.18 per month for each additional fixture.

(K) Restaurants: For each restaurant, the sum of \$3.18 per month per each 100 cubic feet, or fraction thereof, of water used, with a minimum charge of \$16.42 per month.

(L) Car Washes and Laundromats: For each car wash and laundromat, the sum of \$1.55 per month per each 100 cubic feet, or fraction thereof, of water used with a minimum charge of \$7.74 per month.

(M) Factories, Industrial Plants:

(1) For each factory or industrial plant, the sum of \$20.29 per month plus \$1.26 per month for each employee in excess of 20 employees.

(2) The rates shall be higher where heavy discharge or character of sewer warrant.

(N) Schools: For each public or private school, the minimum yearly charge shall be as set forth in the Master Fee Schedule and amended from time to time. (Ord. 72; Am. Ord. 96, Ord. 73-7, Ord. 82-1, Ord. 87-6, Ord. 88-1, Ord. 89-7, Ord. 92-7, Ord. 96-2; Am. Ord. 03-02)

Sec. 7181. Same; Service Outside City. Any connection to the sewage system outside of the City limits shall be charged at double the rate charged within the City, or such other rate as the City Council may determine. (Ord. 73)

Sec. 7182. Same; Quantity Rates. All users other than single family residences and schools shall be entitled to three thousand (3,000) cubic feet of sewage for the minimum charge. Any excess over the minimum amount shall be charged at the rate as set forth in the Master Fee Schedule and amended from time to time. Such quantities of sewage shall be determined by the City, based upon the percentage of water used which is deposited in said sewer facility. Any occupant who may disagree with the City's determinations may, at the occupant's own expense, install private measuring devices in accordance with specifications approved by the City. (Ord. 72; Am. Ord. 73-7; Am. Ord. 03-02)

Sec. 7183. Vacancies. In case a residence or place of business becomes vacant, the minimum sewer charge shall be collected until the City is requested to shut off the water. (Ord. 72)

Sec. 7184. Collections. All charges for such sewage service shall be paid at the same time as water charges are paid to the City and shall be billed upon the same water bill sent to the user and both amounts must be paid or the City may, in addition to other remedies, shut off the water service. (Ord. 72)

Sec. 7185. Penalties. Any person failing to pay the sewer service charge when due, and if the water service has been disconnected, shall pay the sum as set forth in the Master Fee Schedule and amended from time to time. (Ord. 72; Am. Ord. 03-02)

Sec. 7186. Application of Revenue. Revenue derived by the City under the provisions of this chapter shall be used for the operation, acquisition, construction, reconstruction, and maintenance of the sanitary sewer system and shall be applied to the retirement of any bonded indebtedness which was incurred to building the sanitary sewer system. (Ord. 72)

PART 8 -- SEWER FACILITY FEES

Sec. 7190. Facility Fees. The following sewer facility fees will be charged for connection to the City's sanitary sewer system.

- A. Single Family Dwelling Unit - as set forth in the Master Fee Schedule and amended from time to time;
- B. Apartment Complex (Bachelor, one or two bedrooms) - as set forth in the Master Fee Schedule and amended from time to time;
- C. Apartment Complex (three or more bedrooms) - as set forth in the Master Fee Schedule and amended from time to time;
- D. Motel or Hotel - as set forth in the Master Fee Schedule and amended from time to time;
- E. Condominiums and similar land uses - as set forth in the Master Fee Schedule and amended from time to time;

- F. Mobile home Parks - as set forth in the Master Fee Schedule and amended from time to time;
- G. Travel Trailer or Recreation Vehicle Park - as set forth in the Master Fee Schedule and amended from time to time;
- H. Commercial establishments, schools, manufacturing, industrial or any similar use - as set forth in the Master Fee Schedule and amended from time to time. (Ord. 91-9; Am. Ord. 03-02)

Sec. 7191. Credit for Demolitions. Credit for demolitions shall be given for demolition of dwellings, commercial or industrial units that were connected to the sanitary sewer system on the basis of \$65 per fixture unit when an application for new construction is made. (Ord. 91-9)

Sec. 7192. Payment for Connection. The permit for water and sewer connections shall be made at such time as any building permit is issued. (Ord. 91-9)

CHAPTER 2 - MANDATORY WATER CONSERVATION

PART 1 - GENERAL PROVISIONS

Sec. 7200. Enabling Authority. This chapter is adopted pursuant to authority granted by the Constitution and laws of the State of California which allow a city to adopt regulations intended to protect the water resources available for use as a municipal water supply and to provide for the general health, safety and welfare of its residents.

Sec. 7201. Superior Effect. Notwithstanding any other provision in this code to the contrary, the provisions of this Chapter shall supersede and have effect over any other regulation, policy or rule currently existing, or which may be adopted in the future, which is or may be in conflict.

Sec. 7202. Administrative Authority. The City Administrator shall have the authority to adopt and promulgate reasonable administrative rules, policies and guidelines intended and designed to implement the provisions of this chapter.

Sec. 7203. Definitions. Except where specifically set forth, words, terms and phrases used herein shall have the same meaning as those defined elsewhere in this code or as may be set forth by the City Administrator pursuant to his authority under Section 7202. (Ord. 89-3)

Part 2 - Water Fee Surcharge and Part 2.5 - Excessive Use Surcharge repealed by Ordinance 92-7.

PART 3 - WATER CONSERVATION

Sec. 7230. New Structures or Buildings. All new construction, commercial or residential, shall install and maintain water conservation devices that meet or exceed the following criteria:

- (A) Toilets: Ultra-low flush type of no more than 1.6 gallons per flush.
- (B) Showers: No more than 3 gallons per minute.
- (C) Faucets: No more than 4 gallons per minute. (Ord. 89-3)

Sec. 7231. Existing Structures or Buildings. (A) All existing structures or buildings, except as described in Subsection (B) below, commercial or residential, shall have installed, and continue to maintain, water conservation devices, as described in Section 7230 by March 1, 1993.

(B) Any existing structure or building which has low-flow toilet fixtures installed shall replace and retrofit with ultra-low flow type (1.6) gallons by March 1, 1995. (Ord. 90-1)

Sec. 7232. Exceptions to Requirements. The City Administrator may approve requests for exceptions to the requirements set forth in Section 7231 whenever he finds that compliance would be:

(A) Physically impossible or excessively difficult due to design, construction, materials, or lack of qualifying water conservation devices; or

(B) Would result in an unreasonable economic hardship on the property owner.

All requests for exceptions, and any action taken thereon, shall be supported by documentation and records, as determined by the City Administrator. (Ord. 90-1)

Sec. 7233. "In-lieu" Development Fee and Retrofit Assistance Program. (A) No building permit for new residential construction shall be issued unless and until an applicant has paid the "in-lieu" fee established below which will be used to retrofit installation of water conservation devices, as described in Section 7230, for existing residential structures required to comply with Section 7231.

(B) An "in-lieu" development fee as set forth in the Master Fee Schedule and amended from time to time is hereby created to establish a fund for the retrofit installation of required water conservation devices in existing structures. The fee amount is established to allow for five (5) residences to be retrofitted for each residential unit permitted to be built.

(C) This "in-lieu" fee shall be reviewed in the same manner as the water use and excessive use surcharge fees. Future changes to the amount of this fee may be made by Council resolution. (Ord. 90-1)

(D) Notwithstanding any other provision of this part, no "in-lieu" fee shall be required of or imposed on residential construction which is replacing a residence(s) which was demolished under a valid demolition permit or destroyed due to natural or man-made causes within the 12-month period prior to the issuance of the building permit. For purposes of this section, the replacement shall be based on a one-to-one basis with no credit or payments to the property owner or developer for constructing less residential units than had previously existed. This residential replacement credit applies only to new residences proposed for the same property, parcel or site on which the demolished or destroyed residence(s) existed. (Ord. 90-7; Am. Ord. 03-02)

PART 4 - MORATORIUM ON LAND USE APPLICATIONS

Sec. 7240. Purpose. To promote the efficient and effective implementation of the provisions of Parts 1-3 above, the Council finds it necessary and desirable to impose a temporary moratorium of 14 months on the processing of certain land use applications or issuance of any related permits, approvals or entitlements.

Sec. 7241. Applications. During the period of this moratorium, or any extension thereof, no applications for rezoning of property shall be processed or considered. Applications for tentative

subdivision or parcel maps shall be processed and considered in accordance with normal City procedures.

Sec. 7242. Minimum Allowed Use. Notwithstanding any other provisions to the contrary, a single residential structure may be constructed on any single residential lot within the City subject to normal zoning and building regulations. (Ord. 89-3)

CHAPTER 3 - FLOOD DAMAGE PREVENTION REGULATIONS

PART 1 - STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Sec. 7300. Statutory Authorization. The Legislature of the State of California has in Government Code Sections 65302, 65560 and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council does ordain as follows. (Ord. 93-2; Am. Ord. 07-08)

Sec. 7301. Findings of Fact. (A) The flood hazard areas of Grover Beach are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(B) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. 93-2; Am. Ord. 07-08)

Sec. 7302. Statement of Purpose. It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (A) To protect human life and health;
 - (B) To minimize expenditure of public money for costly flood control projects;
 - (C) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (D) To minimize prolonged business interruptions;
 - (E) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
 - (F) To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future blight areas;
 - (G) To ensure that potential buyers are notified that property is in an area of special flood hazard;
- and

(H) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 93-2; Am. Ord. 07-08)

Sec. 7303. Methods of Reducing Flood Losses. In order to accomplish its purposes, this ordinance includes methods and provisions for:

- (A) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (B) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (C) Controlling the alteration of natural floodplains, stream channels, and protective barriers, which help accommodate or channel flood waters;
- (D) Controlling filling, grading, dredging and other development which may increase flood damage; and
- (E) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (Ord. 93-2; Am. Ord. 07-08)

PART 2 - DEFINITIONS

Sec. 7320. Definitions. (A) Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

(1) Accessory use means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

(2) Alluvial fan means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

(3) Apex means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.

(4) Appeal means a request for a review of the Community Development Director's interpretation of any provision of this ordinance or a request for a variance.

(5) Area of shallow flooding means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(6) Area of special flood-related erosion hazard is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Insurance Rate Map (FIRM).

(7) Area of special flood hazard - see Special flood hazard area.

(8) Area of special mudslide (i.e., mudflow) hazard is the area subject to severe mudslides (i.e., mudflows). The area is designated as Zone M on the Flood Insurance Rate Map (FIRM).

(9) Base Flood is the flood having a one per cent chance of being equaled or exceeded in any given year (also called the "100-year" flood).

(10) Base flood elevation (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

(11) Basement means any area of the building having its floor subgrade (below ground level) on all sides.

(12) Breakaway walls are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is so designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than ten or no more than twenty pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

(a) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

(b) The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

(13) Coastal high hazard area means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. It is an area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone V1-V30, VE, or V.

(14) Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

(15) Encroachment means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

(16) Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

(17) Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(18) Flood, flooding, or flood water means:

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows)--see Mudslides; and

(b) The condition resulting from flood-related erosion - see Flood-related erosion.

(19) Flood Boundary and Floodway Map means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

(20) Flood Hazard Boundary Map means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.

(21) Flood Insurance Rate Map (FIRM) means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

(22) Flood Insurance Study means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map (FIRM), the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

(23) Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of flooding).

(24) Floodplain Administrator is the individual appointed to administer and enforce the floodplain management regulations.

(25) Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

(26) Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

(27) Flood proofing means any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved property, water and sanitary facilities, structures and their contents.

(28) Flood-related erosion means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

(29) Flood-related erosion area or Flood related erosion prone area means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood related erosion damage.

(30) Flood-related erosion area management means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works, and floodplain management regulations.

(31) Floodway means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. Also referred to as "Regulatory floodway".

(32) Floodway encroachment lines means the lines marking the limits of floodways on Federal, state and local floodplain maps.

(33) Floodway fringe is that area of the floodplain on either side of the “Regulatory Floodway” where encroachment may be permitted.

(34) Fraud and victimization as related to Part 6, Variances, of this ordinance, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City of Grover Beach will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one-hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

(35) Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(36) Governing body is the local governing unit, i.e. county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

(37) Hardship as related to Part 6, Variances, of this ordinance means the exceptional hardship that would result from a failure to grant the requested variance. The City of Grover Beach requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

(38) Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(39) Historic structure means any structure that is

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior, or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states with approved programs.

(40) Levee means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

(41) Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

(42) Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

(43) Manufactured home means a structure transportable in one or more sections which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

(44) Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

(45) Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

(46) Mudslide (i.e., mudflow) describes a condition where there is a river, flow or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain.

(47) Mudslide (i.e., mudflow) prone area means an area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

(48) New construction means, for floodplain management purposes, structures for which the "start of construction" commenced on or after August 1, 1984.

(49) New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.

(50) Obstruction includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

(51) One hundred year flood or 100-year flood means a flood which has a one percent annual probability of being equaled or exceeded. It is identical to the "base flood", which will be the term used throughout this ordinance.

(52) Primary frontal dune means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively mild slope.

(53) Principal structure means a structure used for the principal use of the property as distinguished from an accessory use.

(54) Public safety and nuisance as related to Part 6, Variances, of this ordinance means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

(55) Recreational vehicle means a vehicle which is

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living

quarters for recreational, camping, travel, or seasonal use.

(56) Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(57) Remedy a violation means to bring the structure or other development into compliance with State or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

(58) Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(59) Sand dunes mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

(60) Sheet flow area - see Area of shallow flooding.

(61) Special flood hazard area (SFHA) means an area having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, A, A1-A30, AE, A99, AH, E, M, V1-V30, VE or V.

(62) Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garage or sheds not occupied as dwelling units or not part of the main structure.

(63) Structure means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(64) Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(65) Substantial improvement means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes VII-19 structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either

(a) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) any alteration of a “historic structure”, provided that the alteration will not preclude the structure's continued designation as a “historic structure”.

(66) V zone - see Coastal high hazard area.

(67) Variance means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

(68) Violation means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as the documentation is provided.

(69) Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(70) Watercourse means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. (Ord. 93-2; Am. Ord. 00-06; Am. Ord. 07-08)

PART 3 -- GENERAL PROVISIONS

Sec. 7330. Lands to Which This Ordinance Applies. This ordinance shall apply to all areas of special flood hazards within the jurisdiction of Grover Beach. (Ord. 93-2; Am. Ord. 07-08)

Sec. 7331. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency or the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for Grover Beach,” dated August 1, 1984, with an accompanying Flood Insurance Rate Map dated November 5, 1997 and all subsequent amendments and/or revisions are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at 154 South Eighth Street, Grover Beach, California. This Flood Insurance Study is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the City Council by the Floodplain Administrator. (Ord. 93-2; Am. Ord. 00-06; Ord. 07-08)

Sec. 7332. Compliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations.

Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions shall constitute a misdemeanor. Nothing herein shall prevent the Council from taking such lawful action necessary to prevent or remedy any violation. (Ord. 93-2; Am. Ord. 07-08)

Sec. 7333. Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions, shall prevail. (Ord. 93-2; Am. Ord. 07-08)

Sec. 7334. Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

- (A) Considered as minimum requirements;
- (B) Liberally construed in favor of the governing body; and
- (C) Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 93-2; Am. Ord. 07-08)

Sec. 7335. Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Grover Beach, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder. (Ord. 93-2; Am. Ord. 07-08)

Sec. 7336. Severability. This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid. (Ord. 93-2; Am. Ord. 07-08)

PART 4 - ADMINISTRATION

Sec. 7340. Establishment of Development Permit. A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 7331. Application for a Development Permit shall be made on forms furnished by the Community Development Director and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (A) Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; in Zone AO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures; or

- (B) Proposed elevation in relation to mean sea level to which any structure will be flood proofed;
- (C) All appropriate certifications listed in Section 7342(D) of this ordinance; and
- (D) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 93-2; Am. Ord. 00-06; Am. Ord. 07-08)

Sec. 7341. Designation of the Floodplain Administrator. The Public Works Superintendent is hereby appointed to administer and implement this ordinance by granting or denying Development Permit applications in accordance with its provisions. (Ord. 07-08)

Sec. 7342. Duties and Responsibilities of the Administrator. The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to:

- (A) Permit Review
 - (1) Review of all Development Permits to determine that the permit requirements of this ordinance have been satisfied;
 - (2) Verification that all other required state and federal permits have been obtained;
 - (3) Determination that the site is reasonably safe from flooding;
 - (4) Determination that the proposed development does not adversely affect the carrying capacity of the areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this ordinance, “adversely affects” means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one (1) foot at any point;
- (B) Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 7331, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Part 5. Any such information shall be submitted to the City Council for adoption.
- (C) Whenever a watercourse is to be altered or relocated:
 - (1) Notify adjacent communities and the California Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;
 - (2) Require that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.
- (D) Obtain and maintain for public inspection and make available as needed:
 - (1) The certification required in Section 7350(C)(1) (floor elevations);
 - (2) The certification required in Section 7350(C)(2) (elevation or Flood proofing of nonresidential structures);
 - (3) The certification required in Section 7350(C)(3) (wet Flood proofing standard);
 - (4) The certified elevation required in Section 7352(B) (subdivision standards);
 - (5) The certification required in Section 7355(A) (floodway encroachments);
 - (6) The information required in Section 7356(F) (coastal construction standards); and
- (E) Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Part 6.

- (F) Take action to remedy violations of this ordinance as specified in Section 7332 herein.
- (G) Notification of other agencies:
 - (1) Alteration or relocation of a watercourse:
 - (a) Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
 - (b) Submit evidence of such notification to the Federal Emergency Management Agency; and
 - (c) Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
 - (2) Base Flood Elevation changes due to physical alterations:
 - (a) Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).
 - (b) All LOMRs for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the “start of construction” definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.
 - (3) Changes in corporate boundaries: Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits. (Ord. 93-2; Am. Ord. 07-08)

Sec. 7343. Appeals. The City Council of Grover Beach shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance. (Ord. 93-2; Am. Ord. 07-08)

PART 5 - PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 7350. Standards of Construction. In all areas of special flood hazard, the following standards are required:

- (A) Anchoring.
 - (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (2) All manufactured homes shall meet the anchoring standards of Section 7353.
- (B) Construction Materials and Methods.
 - (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and

(4) Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

(C) Elevation and Flood proofing.

(1) Residential construction, new or substantial improvement, shall have the lowest floor, including basement,

(a) Within Zone AO, the lowest floor be elevated above the highest adjacent grade to a height exceeding the depth number specified in feet on the FIRM by at least one foot, or elevated at least three feet above the highest adjacent grade if no depth number is specified.

(b) Within Zones A, AE, A1-30, or AH, the lowest floor be elevated at least one foot above the base flood elevation, as determined by the City of Grover Beach.

(c) Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by registered civil engineer or licensed land surveyor, and verified by the Community Building Inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

(2) Non-residential construction shall either be elevated in conformance with Section 7350(C)(1) or together with attendant utility and sanitary facilities:

(a) Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(c) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Floodplain Administrator.

(3) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(a) Either a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; the bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or

(b) Be certified to comply with a local Flood proofing standard approved by the Federal Insurance Administration.

(4) Manufactured homes shall also meet the standards in Section 7353. (Ord. 93 2; Am. Ord. 00-06; Am. Ord. 07-08)

Sec. 7351. Standards for Utilities. (A) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.

(B) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. 93-2; Am. Ord. 07-08)

Sec. 7352. Standards for Subdivisions. (A) All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.

(B) All final subdivision plans will provide the elevation of proposed structure(s) and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

(C) All subdivision proposals shall be consistent with the need to minimize flood damage.

(D) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(E) All subdivisions shall provide adequate drainage to reduce exposure to flood hazards. (Ord. 93-2; Am. Ord. 07-08)

Sec. 7353. Standards for Manufactured Homes. (A) All manufactured homes that are placed or substantially improved, within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, on sites located

(1) Outside of a manufactured home park or subdivision,

(2) In a new manufactured home park or subdivision,

(3) In an expansion to an existing manufactured home park or subdivision, or

(4) In an existing manufactured home park or subdivision on a site upon which a

manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated at least one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation collapse and lateral movement.

(B) All manufactured homes that are placed or substantially improved on sites located within Zones V1-30, V, and VE on the community's Flood Insurance Rate Map will meet the requirements of Section 7353 (A) and Section 7356.

(C) All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, AE, V1-30, V, and VE on the Amended July 1, 2006 VII-24 community's Flood Insurance Rate Map that are not subject to the provisions of Section 7353 (A) will be elevated so that either the

(1) lowest floor of the manufactured home is at least one foot above the base flood elevation

or,

(2) manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(Ord. 93-2; Am. Ord. 00-06; Am. Ord. 07-08)

Sec. 7354. Recreational Vehicles. (A) All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map will either:

- (1) Be on the site for fewer than 180 consecutive days,
- (2) Be fully licensed and ready for highway use -- a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or
- (3) Meet the permit requirements of Part 4 of this ordinance and the elevation and anchoring requirements for manufactured homes in Section 7353 (A).

(B) Recreation vehicles placed on sites within Zones V1-30, V, and VE on the community's Flood Insurance Rate Map will meet the requirements of Section 7354 (A) and Section 7356. (Ord. 93-2; Am. Ord. 07-08)

Sec. 7355. Floodways. Located within areas of special flood hazard established in Section 7331 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(A) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(B) If Section 7355(A) is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of Part 5. (Ord. 93-2; Am. Ord. 07-08)

Sec. 7356. Coastal High Hazard Areas. Within coastal high hazard areas established in Section 7331, the following standards shall apply:

(A) All new construction and substantial improvements shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest horizontal portion of the structure members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood elevation.

(B) All new construction shall be located on the landward side of the reach of mean high tide.

(C) All new construction and substantial improvements shall have the space below the lowest floor free of obstructions or constructed with breakaway walls. Such temporarily enclosed space shall not be used for human habitation.

(D) Fill shall not be used for structural support of buildings.

(E) Man-made alteration of sand dunes which would increase potential flood damage is prohibited.

(F) The Floodplain Administrator shall obtain and maintain the following records:

(1) Certification by a registered engineer or architect that a proposed structure complies with Section 7356(A).

(2) The elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement. (Ord. 93-2; Am. Ord. 07-08)

Sec. 7357. Mudslide Prone Areas. (A) The Floodplain Administrator shall review permits for proposed construction of other development to determine if it is proposed within a mudslide area.

(B) Permits shall be reviewed to determine that the proposed site and improvement will be reasonably safe from mudslide hazards. Factors to be considered in making this determination include but are not limited to the

- (1) Type and quality of soils,
- (2) Evidence of ground water or surface water problems,
- (3) Depth and quality of any fill,
- (4) Overall slope of the site, and
- (5) Weight that any proposed development will impose on the slope.

(C) Within areas which may have mudslide hazards, the Floodplain Administration shall require that

- (1) A site investigation and further review be made by persons qualified in geology and soils engineering;
- (2) The proposed grading, excavation, new construction, and substantial improvement be adequately designed and protected against mudslide damages;
- (3) The proposed grading, excavations, new construction, and substantial improvement not aggravate the existing hazard by creating either on-site or off-site disturbances; and
- (4) Drainage, planting, watering, and maintenance not endanger slope stability. (Ord. 93-2; Am. Ord. 07-08)

Sec. 7358. Flood-Related Erosion-Prone Areas. (A) The Floodplain Administrator shall require permits for proposed construction and other development within all flood-related erosion-prone areas as known to the community.

(B) Permit applications shall be reviewed to determine whether the proposed site alterations and improvements will be reasonably safe from flood-related erosion and will not cause flood-related erosion hazards or otherwise aggravate the existing hazard.

(C) If a proposed improvement is found to be in the path of flood-related erosion or would increase the erosion hazard, such improvement shall be relocated or adequate protective measures shall be taken to avoid aggravating the existing erosion hazard.

(D) Within Zone E on the Flood Insurance Rate map, a setback is required for all new development from the ocean, lake, bay, riverfront or other body of water to create a safety buffer consisting of a natural vegetative or contour strip. This buffer shall be designated according to the flood-related erosion hazard and erosion rate, in relation to the anticipated "useful life" of structures, and depending upon the geologic, hydrologic, topographic, and climatic characteristics of the land. The buffer may be used for suitable open space purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat areas, and for other activities using temporary and portable structures only. (Ord. 93-2; Am. Ord. 07-08)

PART 6 - VARIANCE PROCEDURE

Sec. 7359. Nature of Variances. The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared

by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the City of Grover Beach to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate. (Ord. 93-2; Am. Ord. 07-08)

Sec. 7360. Appeal Board. (A) The City Council of the City of Grover Beach shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(B) The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

(C) In passing upon such applications, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and;

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger of life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, where applicable;
- (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

(D) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that

- (1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and

(2) Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of San Luis Obispo County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(E) The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency. (Ord. 93-2; Am. Ord. 07-08)

Sec. 7361. Conditions for Variances. (A) Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Parts 4 and 5 of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

(B) Variances may be issued for the repair or rehabilitation of “historic structures” (as defined in Part 2 of this ordinance) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(C) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

(D) Variances shall only be issued upon a determination that the variance is the “minimum necessary” considering the flood hazard, to afford relief. “Minimum necessary” means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the City of Grover Beach need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City of Grover Beach believes will both provide relief and preserve the integrity of the local ordinance.

(E) Variances shall only be issued upon a

(1) Showing of good and sufficient cause;

(2) Determination that failure to grant the variance would result in exceptional “hardship” (as defined in Part 2 of this ordinance) to the applicant; and

(3) Determination that the granting of a variance will not result increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (as defined in Part 2 - see “Public safety or nuisance”), cause fraud or victimization (as defined in Part 2) of the public, or conflict with existing local laws or ordinances.

(F) Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 7651(A) through 7651(E) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

(G) Upon consideration of the factors of Section 7360(E) and the purposes of this ordinance, the City of Grover Beach may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance. (Ord. 93-2; Am. Ord. 07-08)

CHAPTER 4 - RESERVED FOR FUTURE MATERIAL
(Former Chapter 4 repealed by Ordinance 95-2)

CHAPTER 5 - INTERFERENCE WITH WATER SYSTEM

Sec. 7500. Violations Deemed Misdemeanors. Any person preventing or interfering with any City employee in the lawful discharge of his duties, or tampering with, injuring or destroying the lines, valves, fire hydrants, machinery, meters, property or other equipment of the City used in the provision and delivery of water, or taking water from the City water system without first complying with the rules and regulations set forth in this Code, shall be guilty of a misdemeanor. (Ord. 90-3)

CHAPTER 6 - WATER METER CHARGES

Sec. 7600. Water Meter Charges. Fees shall be charged for the installation of water meters within the City as set forth in the Master Fee Schedule and amended from time to time. (Ord. 91-9; Am. Ord. 03-02)

CHAPTER 7 - UNDERGROUND UTILITY DISTRICTS

Sec. 7700. Definitions. Whenever in this chapter, the words or phrases hereinafter in this section defined are used, they shall have the respective meanings assigned to them in the following definitions:

- (A) Commission shall mean the Public Utilities Commission of the State of California.
- (B) "Underground Utility District or District" shall mean that area in the City within which poles, overhead wires, and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of Section 7702 of this chapter.
- (C) Person shall mean and include individuals, firms, corporations, partnerships and their agents and employees.
- (D) Poles, overhead wires and associated overhead structures shall mean poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located above ground within a District and used or useful in supplying electric, communication or similar or associated service.
- (E) Utility shall include all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices. (Ord. 100; Am. Ord. 12-06)

Sec. 7701. Public Hearing by Council. The Council may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the City and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service. The City Clerk shall notify all affected property owners as shown on the last equalized assessment roll and utilities concerned by mail of the time and place of such hearings at least ten (10) days prior to the date thereof. Each such

hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the Council shall be final and conclusive. (Ord. 100; Am. Ord. 12-06)

Sec. 7702. Council May Designate Underground Utility District by Resolution. If, after any such public hearing, the Council finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the Council shall, by resolution, declare such designated area an Underground Utility District and order such removal and underground installation. Such resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby. (Ord. 100; Am. Ord. 12-06)

Sec. 7703. Unlawful Acts. Whenever the Council creates an Underground Utility District and orders the removal of poles, overhead wires and associated overhead structures therein as provided in Section 9303 hereof, it shall be unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the District after the date when said overhead facilities are required to be removed by such resolution, except as said overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in Section 9509 hereof, and for such reasonable time required to remove said facilities after said work has been performed, and except as otherwise provided in this chapter. (Ord. 100; Am. Ord. 12-06)

Sec. 7704. Exception. Emergence or Unusual Circumstances. Notwithstanding the provisions of this Chapter, overhead facilities may be installed and maintained for a period, not to exceed ten (10) days, without authority of the Council in order to provide emergency service. The Council may grant special permission on such terms as the Council may deem appropriate, in cases of unusual -circum-stances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures. (Ord. 100; Am. Ord. 12-06)

Sec. 7705. Other Exceptions. This Chapter and any resolution adopted pursuant to Section 7702 hereof shall, unless otherwise provided in such resolution, not apply to the following:

- (A) Any municipal facilities or equipment installed under the supervision and to the satisfaction of the City Engineer;
- (B) Poles, or electroliers used exclusively for street lighting;
- (C) Overhead wires (exclusive of supporting structures) crossing any portion of a District within which overhead wires have been prohibited, or connection to buildings on the perimeter of a District, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited;

(D) Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of thirty-four thousand five hundred (34,500) volts;

(E) Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street.

(F) Antennae, associated equipment and supporting structures used by a utility company for furnishing communication services;

(G) Equipment appurtenant to underground facilities such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts;

(H) Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects. (Ord. 100; Am. Ord. 12-06)

Sec. 7706. Notice to Property Owners and Utility Companies. Within ten (10) days after the effective date of a resolution adopted pursuant to Section 7702 hereof, the City Clerk shall notify all affected utilities and all persons owning real property within the District created by said resolution of the adoption thereof. Said City Clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location subject to the applicable rules, regulations and tariffs of the respective utility or utilities on file with the Commission.

Notification by the City Clerk shall be made by mailing a copy of the resolution adopted pursuant to Section 7702, together with a copy of this Chapter, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities. (Ord. 100; Am. Ord. 12-06)

Sec. 7707. Responsibility of Utility Companies. If underground construction is necessary to provide utility service within a District created by any resolution adopted pursuant to Section 7702 hereof, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the Commission. (Ord. 100; Am. Ord. 12-06)

Sec. 7708. Responsibility of Property Owners. (A) Every person owning, operating, leasing, occupying or renting a building or structure within a District shall construct and provide that portion of the service connection on his property between the facilities referred to in Section 9508 and the termination facility on or within said building or structure being served, all in accordance with the applicable rules, regulations and tariffs of the respective utility or utilities on file with the Commission. If the above is not accomplished by any person within the time provided for in the resolution enacted pursuant to Section 7702 hereof, the Superintendent of Public Works shall give notice in writing to the person in possession of such premises, and a notice in writing to the owner thereof as shown on the last equalized assessment roll, to provide the required underground facilities within thirty (30) days after receipt of such notice.

(B) The notice to provide the required underground facilities may be given either by personal service or by mail. In case of service by mail on either of such persons, the notice must be deposited in the United States mail in a sealed envelope with postage prepaid, addressed to the person in possession of such premises at such premises, and the notice must be addressed to the owner thereof as such owner's name

appears, and must be addressed to such owner's last known address as the same appears on the last equalized assessment roll, and when no address appears, to General Delivery, City of Grover City, California. If the notice is given by mail, such notice shall be deemed to have been received by the person to whom it has been sent within forty-eight (48) hours after the mailing thereof. If notice is given by mail to either the owner or occupant of such premises, the Superintendent of Public Works shall, within forty-eight (48) hours after the mailing thereof, cause a copy thereof, printed on a card not less than eight (8) inches by ten (10) inches in size, to be posted in a conspicuous place on said premises.

(C) The notice given by the Superintendent of Public Works to provide the required underground facilities shall particularly specify that work is required to be done, and shall state that if said work is not completed within thirty (30) days after receipt of such notice, the City of Grover City shall elect to provide such required underground facilities by constructing the facilities itself, in which case the cost and expense thereon will be assessed against the property benefited and become a lien upon such property.

(D) If, upon the expiration of the thirty (30) day period, the required underground facilities have not been provided, the Superintendent of Public Works shall forthwith proceed to do the work; provided, however, if such premises are unoccupied and no electric or communications services are being furnished thereto, the Superintendent of Public works shall, in lieu of providing the required underground facilities, have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property. Upon completion of the work by the superintendent of Public Works, he shall file a written report with the City Council setting forth the fact that the required underground facilities have been provided and the cost thereof, together with a legal description of the property against which the cost is to be assessed. The Council shall thereupon fix a time and place for hearing protests against the assessment of such cost of such work upon such premises, with said time shall not be less than ten (10) days thereafter.

(E) The Superintendent of Public Works shall forthwith, upon the time for hearing such protests having been fixed, give not less than ten (10) days notice in writing to the person in possession of such premises, and a notice in writing thereof to the owner thereof, in the manner hereinabove provided for the giving of the notice to provide the required underground facilities, of the time and place that the Council will pass upon such report and will hear protests against such assessment. Such notice shall also set forth the amount of the proposed assessment.

(F) Upon the date and hour set for hearing of protests, the Council shall hear and consider the report and all protests, if there be any, and then proceed to affirm, modify or reject the assessment.

(G) If any assessment is not paid within five (5) days after its confirmation by the Council, the amount of the assessment shall become a lien upon the property against which the assessment is made by the Superintendent of Public Works, and the Superintendent of Public Works is directed to turn over to the Assessor and Tax collector a notice of lien on each of said properties on which the assessment has not been paid, and said Assessor and Tax Collector shall add the amount of said assessments to the next regular bill for taxes levied against the premises upon which said assessment has not been paid. Said assessment shall be due and payable, and if not paid when due and payable shall bear interest at the rate of six (6) percent per annum. (Ord. 100; Am. Ord. 12-06)

Sec. 7709. Responsibility of City. City shall remove, at its own expense, all City-owned equipment from all poles required to be removed hereunder in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to Section 7702 hereof. (Ord. 100; Am. Ord. 12-06)

Sec. 7710. Extensions of Time. In the event that any act required by this ordinance or by a resolution adopted pursuant to Section 7702 hereof cannot be performed within the time provided, then the time within which such act must be accomplished shall be extended for a reasonable period of time by the Superintendent of Public Works. (Ord. 100; Am. Ord. 12-06)

Sec. 7711. Penalty. It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Chapter. Each such person shall be deemed guilty of a separate offense for each day during any portion of which any violation of any of the provisions of this Chapter is committed, continued or permitted by such person, and shall be punishable therefor as provided for in this Chapter. (Ord. 100; Am. Ord. 75-11; Am. Ord. 12-06)