

Article 4: Sewers**Division 4: Construction, Maintenance, Funding
and Use of Wastewater Facilities**

(“*Construction, Maintenance, Funding and
Use of Wastewater Facilities*”
added 6-6-1983 by O-15984 N.S.)

§64.0400 Connections to Public Sewers—Permit Required

It is a misdemeanor for any person to connect any pipe on private property with any pipe in the street that is connected with the public sewer of City, or to construct any sewer in City, without first obtaining a permit from the City as hereinafter provided.

Application must be made in writing to the City, by the owner of the property to be seweried, or his agent. A permit must be obtained prior to the installation of any plumbing fixtures.

Where a sewer line is installed at the cost of property owners, on or over any street, alley, or any ground dedicated to the City for street purposes, or across private property, and where the sewer is connected to any public sewer, or is run to any outfall or septic tank which may be on City property, or which will ever be connected with the public sewer, or may become a part of the City wastewater system, the same shall be installed under City supervision, and the City shall have the right to make extensions and connections to said sewer at any and all time.

(“*Connections to Public Sewers—Permit Required*” added 6-6-1983 by
O-15984 N.S.)

§64.0401 Approval of Plans for Wastewater Facilities Construction

No person, other than employees of the City, persons contracting to do work for the City, or maintenance workers of the City shall construct or cause to be constructed, or alter or cause to be altered, any public sewer, lateral sewer, house connection or industrial connection sewer, or wastewater pumping station, within the City where existing or proposed wastewater flows will discharge directly or indirectly to the City’s public sewers without first obtaining approval of wastewater facility construction plans from the City.

The applicant shall submit to the City for approval, construction plans and such specifications and other details as required to describe fully the proposed wastewater facility. The plans shall have been prepared under the supervision of and shall be signed by an engineer of suitable training registered in the State of California.

(*"Approval of Plans for Wastewater Facilities Construction"* added 6-6-1983 by O-15984 N.S.)

§64.0402 Connections to Public Sewers— Work Done By City— Fees and Charges

The owner or applicant for a sewer connection shall pay to City for construction and laying of laterals an amount to be established by resolution of the City Council based upon recommendations by the City Manager. Said amounts shall be determined and computed in order to fully reimburse City for the cost of materials, labor, equipment and any other costs incidental to the performance of said services.

In all cases in which a lateral has been installed to serve a particular lot or parcel of land and the street is, or has been subsequently paved, that lateral must be used unless an exception is made by the City Manager.

(*"Connections to Public Sewers— Work Done By City— Fees and Charges"* added 6-6-1983 by O-15984 N.S.)

§64.0403 Sewer Revenue Fund Established

- (a) There is hereby created a "Sewer Revenue Fund." All revenues derived from the operation of the wastewater system shall be paid into the Sewer Revenue Fund.
- (b) All revenues shall be used for the following purposes only:
 - (1) Paying the cost of maintenance and operation of the City's wastewater system.
 - (2) Paying all or any part of the cost and expense of extending, constructing, reconstructing, or improving the City's wastewater system or any part thereof.
 - (3) Any purpose authorized by Section 90.2 of the City Charter.
 - (4) Paying the cost of mitigation of fair share overburdens within any City Council district as more fully set forth in Section 64.0403(c).

- (c) Fair share overburdens and mitigation therefrom shall require specific findings by the City Council that a City Council district has been or will be overburdened by more than its fair share of waste-water projects that have been located or constructed, or will be located or constructed, within its territorial boundaries. City Council findings shall be based upon factual and empirical evidence of the overburden and shall require and provide a clear and concise nexus between the overburden caused by the project and any proposed mitigation. Such matters shall be considered at the time when an award of a construction contract resulting in or adding to the overburden is being considered by the City Council. Under no circumstances shall the mitigation compensation require the use of Sewer Revenue Funds in excess of 2.5% of the estimated construction cost of the project.

(Amended 9-27-1993 by O-17987 N.S.)

§64.0404 Sewer Service Charge Established

- (a) In addition to other fees, assessments or charges provided by the Municipal Code, the owner or occupant of any parcel of real property for which no other sewer service charge is provided, and which parcel of property is connected with the wastewater system and/or water system of the City of San Diego, shall pay a sewer service charge as established from time to time by a resolution of the City Council; provided, however, that prior to considering any change in said sewer service charge by resolution as aforesaid, a notice of the proposed change shall be posted by the City Clerk at least ten (10) days prior to consideration of such a resolution by the City Council.
- (b) Further, consistent with and in addition to, other fees, assessments and charges provided by the Municipal Code, the owner or occupant of any parcel of real property which is connected to the wastewater system or water system of the City of San Diego, shall pay a storm drain fee as established from time to time by a resolution of the City Council; provided, however, that prior to considering any change in said Storm Drain Fee by resolution, as aforesaid, a notice of the proposed change shall be posted by the City Clerk at least ten (10) days prior to consideration by the City Council.

(Amended 2-20-1990 by O-17425 N.S.)

§64.0405 Sewer Service Charge Outside City

When it appears to the best interests of the City and the people thereof and when approved in writing by the City Manager, the owner or occupant of property situated outside the boundaries of the City may be permitted to have such property connected to the sewer system of the City. In addition to other fees, assessments or charges provided by the Code, the owner or occupant of property situated outside the City shall pay a sewer service charge for applicable service established by Section 64.0404.

(“*Sewer Service Charge Outside City*” added 6–6–1983 by O–15984 N.S.)

§64.0406 Rules and Regulations of the City Manager

- (a) The City Manager shall have the power to prescribe reasonable sewer service charges other than established in the Municipal Code and to establish rules and regulations for the granting of variances from the established sewer service charges for property connected with the sewer service and/or the water service of the City. Such rules, regulations and sewer service charges shall be effective when approved by the City Council. The City Manager shall have the power to grant variances from the established sewer service charges upon his own initiative or when the owner or occupant of any premises applies therefor as hereinafter provided and one or more of the following situations exist:
 - (1) Where the wastewater from any parcel or premise, except single-family residences shall be substantially different in volume or type from the average wastewater entering the sewer system of the City. For the purpose of this subsection, “average wastewater” shall be: In volume, 50 to 70 gallons of wastewater for each 100 gallons of water consumed on any plant, building or premises of an industrial or commercial character, and in type, 300 milligrams per liter (mg/l) of suspended solids and 300 mg/l of biochemical oxygen demand.
 - (2) Where the water supplied to an entity utilizing the sewer system is received from a source other than the City’s water system; provided that the sewer service charge for such entities shall as nearly as possible be equivalent to the sewer service charge established under this section for similar entities supplied with water from the City’s water system. However, if the entity utilizing the sewer does not have a metered water flow, then the wastewater flow must be measured and charged on a basis equal to the established variance charge for one hundred percent (100%) ratio of sewer flow to water use.

- (3) Where a substantial portion of the premises of an industrial or commercial establishment is used for industrial, commercial, recreational, horticultural or agricultural purposes of such a nature that the water supplied to such premises is not entirely or substantially discharged into the sewer system.
 - (4) Where a fire service connection to the municipal water system is installed.
 - (5) Where the premises are not connected to the City's wastewater system and it is not physically possible or reasonable feasible financially to connect such premises with the City's wastewater system.
 - (6) When water is supplied to premises through a separate water meter measuring irrigation water and that water is used entirely for irrigation purposes.
- (b) The owner or occupant of any premises subject to the sewer service charge may apply in writing to the City Manager for a reclassification of such premises under the provisions of paragraph (a), subparagraphs 1 through 6; provided, however, that no rebate upon such reclassification shall be allowed for a period of more than ninety (90) days preceding the filing of such application. The applicant shall furnish substantial engineering and factual data to support the applicant's contention that the premises should be reclassified as provided in this section. The decision of the City Manager shall be final and conclusive.

(“Rules and Regulations of the City Manager” added 6-6-1983 by O-15984 N.S.)

§64.0407 Adjustment of Sewer Service Charges Authority Therefor

When excessive water consumption is caused by unknown water pipe leaks, sewer service charge adjustments may be made by the Department in accordance with Administrative Regulations promulgated by the City Manager.

(“Adjustment of Sewer Service Charges Authority Therefor” added 6-6-1983 by O-15984 N.S.)

§64.0408 Payment of Sewer Service Charge

All sewer service charges and storm drain fees imposed under the provisions of this ordinance shall be due and payable at the times and in the manner provided in the Municipal Code for the payment of water bills. Such sewer service charges and storm drain fees shall be billed to the owner or occupant of the premises on the same bill on which the water is billed to said owner or occupant. Such combined bill for water consumed for sewer service charges and for storm drain fees shall be paid in its entirety and may not be severed for the separate payment of any portion thereof.

Where the premises consume water from a source other than the City's water system, the sewer service charge and storm drain fee shall be billed to the owner or occupant of the premises in a separate bill.

In the event the owner or occupant of any premises shall be delinquent in the payment of a sewer service charge or storm drain fee, the City is authorized to discontinue water and sewer service in the same manner provided in the Municipal Code for delinquent water bills.

(Amended 7-31-2000 by O-18828 N.S.)

§64.0409 Sewer Service Charge—Applicant's Guarantee Deposit

- (a) Guarantee deposits are required from all applicants for sewer service who are not the legal or equitable owners of the property to be served, except applicants for domestic sewer service.
- (b) The City shall have the right to require deposits from the owner or occupant of any premises who has allowed his bill for sewer service charge to become delinquent or who does not have an acceptable credit rating, in the same manner provided in the Municipal Code for water service deposits.
- (c) Deposits shall be equal to the estimated amount of two (2) billing periods of sewer service charges.

(Amended 7-31-2000 by O-18828 N.S.)

§64.0410 Sewer Capacity Charge

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

Any person, firm, corporation, or other entity pumping groundwater to the sewerage system, under the guidelines established by Division 5, Industrial Wastewater, shall be eligible for an industrial users wastewater discharge permit issued by the City Metropolitan Wastewater Department Industrial Waste Program, and a waiver of capacity charges, for a period of one (1) year. Upon expiration of the discharge permit issued by the City and the original waiver of capacity charges, an extension of the waiver of capacity charges for an additional one (1) year period may be granted if the individual, firm, corporation, or other entity has applied for a National Pollutant Discharge Elimination System (NPDES) Permit from the Regional Water Quality Control Board. These waivers shall run with the land to prevent subsequent waivers upon the sale or exchange of the property by the permit holder. If, upon expiration of the original permit issued by the City and the waiver of capacity charges (including a one (1) year extension if applicable), the discharge continues, capacity charges will be levied at the then current rates. Additional extensions of capacity charge waivers are not allowed. Capacity charges are not refundable. The City may, if approved by resolution of the City Council, purchase unused sewer capacity from willing property owners and sell that capacity to other property owners provided that:

- (a) the City has no obligation to purchase unused capacity;
- (b) property owners have no obligation to sell unused capacity to the City;
- (c) property owners are prohibited from selling or transferring unused capacity to other property owners;

- (d) the City does not sell unused capacity for an amount less than the amount that the City paid to purchase the unused capacity; and
- (e) the purchase and sale of unused capacity does not adversely affect the operation or maintenance of the City's wastewater system.

(Amended 11-28-1994 by O-18111 N.S.)

(Retitled from "Capacity Charge" to "Sewer Capacity Charge" and amended 11-20-2019 by O-21155 N.S.; effective 12-20-2019.)

§64.0411 Sewer Rates — Adjustments

The sewer rates established in this Article shall be adjusted as necessary by the City Manager to compensate proportionately for any increase in the cost of energy purchased by the City. Notice of such increase in sewer rates shall be given by the City Manager to the City Council by report and to the public by publication once in the City Official Newspaper on or before the thirtieth (30th) day prior to the effective date of such increase.

(Amended 10-7-1991 by O-17699 N.S.)