

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO,
CALIFORNIA, REPEALING SECTION 6-301 OF THE
FRESNO MUNICIPAL CODE AND ADDING
SECTION 6-301 OF THE FRESNO MUNICIPAL CODE
RELATED TO GENERAL PROVISIONS; PURPOSE AND
POLICY OF SEWAGE AND WATER DISPOSAL

WHEREAS, the City of Fresno has in place a program permitting deferred collection of Sewer Facility Charges for sewer capacity and trunkline capacity where applicable for businesses connecting to the sanitary sewer system; and

WHEREAS, the sewer capacity acquired by a business through the deferred program currently remains at the location where the account resides, regardless of whether such capacity will ever be used, unless the capacity is allowed to be transferred; and

WHEREAS, a business moving to a different location within the City has been allowed to transfer its unused purchased or grandfathered sewer capacity from one location (“donating property”) to a new business location (“receiving property”), in limited situations when a receiving property has none or insufficient sewer capacity; and

WHEREAS, the Code as currently written does not set forth clear factors for evaluating such a transfer of sewer capacity from a donating property to a receiving property; and

WHEREAS, the City of Fresno may provide an incentive for businesses to stay within the city, without subjecting the sewer system to overuse, by allowing the City

Date Adopted:
Date Approved
Effective Date:
City Attorney Approval: _____

Manager or designee to authorize transfer of sewer capacity, in the limited circumstances of a permitted business acquiring sewer capacity on an existing location and later relocating within the City of Fresno to a site with insufficient or no sewer capacity.

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

SECTION 1. Section 6-301 of Article 3, Chapter 6 of the Fresno Municipal Code is repealed.

SECTION 2. Section 6-301 of Article 3, Chapter 6 is added to the Fresno Municipal Code to read:

SECTION 6-301. - GENERAL PROVISIONS; PURPOSE AND POLICY.

(a) This article sets forth uniform requirements for direct and indirect contributions into the City of Fresno POTW, and enables the city to comply with all applicable State and federal laws required by the Clean Water Act of 1977, the General Pretreatment Regulations (40 C.F.R., Part 403) and the Construction Grants Regulations (40 C.F.R., Part 35), as they are now constituted, or as they may hereafter be amended or recodified. The objectives of this article are:

(1) To prevent the introduction of pollutants into the POTW, which would interfere with the operation of the system or contaminate the resulting sludge;

(2) To prevent the introduction of pollutants into the POTW, which would pass through the system inadequately treated or be incompatible with the system;

(3) To improve the opportunity to recycle and reclaim wastewater and sludge from the system; and

(4) To provide for equitable distribution of the cost of the POTW.

(b) This article provides for the regulation of direct and indirect contributors to the POTW through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, provides for the setting of fees for the equitable distribution of costs resulting from the program established herein, and assumes that sewer capacity will remain with the parcel at which the customer has operated while paying for the sewer capacity, unless the customer is authorized to transfer sewer capacity to a receiving property as set forth in subsection (c) below.

(c) The City Manager or designee may, by entering into a sewer capacity transfer agreement with the customer, approve transfer of sewer capacity from a donating property to a receiving property, provided:

(1) the receiving property is located within the City of Fresno;

(2) absent such approval, the receiving property lacks or has insufficient sewer capacity to accommodate the relocated customer's needs; and

(3) an agreed-upon capacity is left at the donating property.

(d) Customers utilizing greater sewer capacity than is allocated to a property shall incur charges as set forth in the Master Fee Resolution.

(e) This article shall apply to the City of Fresno and to persons outside the city who are, by contract, permit, or agreement with the city, users of the city's POTW.

SECTION 3. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2016.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2016
Mayor Approval/No Return: _____, 2016
Mayor Veto: _____, 2016
Council Override Vote: _____, 2016

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: _____
Amanda B. Freeman Date
Deputy