

CHAPTER 1. GENERAL PROVISIONS

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1.010 Adoption. Pursuant to the provisions of Section 4766 of the California Health and Safety Code and Section 25126-25130 of the California Government Code, there is hereby adopted the “West Valley Sanitation District of Santa Clara County, California, Ordinance Code”.
(Adopted Ord. 46, July 23, 1975; Amended by Ord. 130, October 27, 1999)

1.020 Title – Citation – Reference. This code shall be known as the “West Valley Sanitation District Ordinance Code” and it shall be sufficient to refer to this code as the “West Valley Sanitation District Ordinance Code” in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of, the “West Valley Sanitation District Ordinance Code”. Further, references may be had to the titles, chapters, sections and subsections of the “West Valley Sanitation District Ordinance Code” and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code.

(Adopted Ord. 46, July 23, 1975)

1.030 Repealed by Ord. 130, October 27, 1999.

1.040 Reference Applies to All Amendments. Whenever a reference is made to this code as the “West Valley Sanitation District Ordinance Code” or to any portion thereof, or to any ordinance of West Valley Sanitation District of Santa Clara County, California, the reference shall apply to all amendments corrections and additions heretofore, now or hereafter made.

(Adopted Ord. 46, July 23, 1975)

1.050 Definitions. The following words and phrases whenever used in the ordinances of West Valley Sanitation District of Santa Clara County, California, shall be construed as defined in the section unless from the context a different meaning is intended or unless a different meaning is specifically defined or more particularly directed to the use of such words or phrases:

(1) “Accidental Discharge” means any discharge at a flow or concentration which could cause a violation of the discharge standards in this ordinance code or any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or slug.

(2) “Acreage” means the gross area of a parcel of land after the area existing streets have been deducted.

(3) “Amalgam Separator” means a device that employs filtration, settlement, centrifugation, or ion exchange to remove Dental Amalgam and its metal constituents from a dental office vacuum system before it discharges to the sanitary sewer; has been certified under the International Organization for Standardization’s standard for amalgam separators as capable of removing a minimum of ninety-five percent (95%) of Dental Amalgam at flow rates comparable to the flow rate of the actual vacuum suction system in operation; and does not have any automatic flow bypass.

(4) “Amalgam Waste” means and includes non-contact Dental Amalgam (Dental Amalgam scrap that has not been in contact with the patient); contact Dental Amalgam (including but not limited to, extracted teeth containing amalgam); Dental Amalgam sludge captured by chair-side traps, vacuum pump filters, screens, and other Dental Amalgam trapping devices; and used, leaking or unusable capsules containing Dental Amalgam.

(5) "Ammonia" means that form of nitrogen which is chemically definable as compound NH_3 .

(6) "Audit Protocols" means the procedures to be followed in performing flow and pollutant studies.

(7) “Average Concentration” means the concentration of a pollutant in an industrial user’s discharge that is calculated by adding the concentrations of the particular pollutant in all composite samples taken during a given time period, including by not limited to self monitoring samples, and dividing the total by the number of samples taken.

(8) “Batch Discharge” means the discharge of wastewater resulting from an intermittent treatment process in which an identified amount of process wastewater is collected, treated to meet discharge standards, and released to the sanitary sewer system.

(9) “Best Management Practices” means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the introduction of pollutants to the sanitary sewer system which have been determined by the District Manager and Engineer to be cost effective for particular industry groups, business types, or specific industrial processes.

(10) "Biochemical Oxygen Demand" means the quantity of oxygen, expressed in parts per million (ppm) by weight, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty degrees centigrade (20 C).

(11) “Board” means the board of directors of the district.

(12) “Categorical Industrial User” or CIU means a source performing any categorical process subject to Federal pretreatment standards, as described in 40 CFR 405-471 that has any connection to the sanitary sewer system.

(13) “Categorical Pretreatment Standard or Categorical Standard” means any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency that apply to specific users and which appear in 40 CFR 405-471.

(14) “Code of Federal Regulations” or “CFR” refers to the Code of Federal Regulations as published by the Office of the Federal Register National Archives and Records Administration. Whenever a reference is made to any portion of said Code, or to any other federal regulation such reference shall apply to all amendments and additions to such portion of said Code now or hereinafter enacted.

(15) “Commercial, Industrial, and Miscellaneous Condominium Premises” means a unit of a condominium other than a residential condominium premises, designed, improved or used for any purpose other than as a residence for one or more families living separately in separate dwelling units or which is designed, improved or used as a residence for one or more families living separately in separate dwelling units and for one or more other purposes.

(16) “Commercial, Industrial and Miscellaneous Premises” means a premises, other than a single-family premises, two-family premises and a multiple-family premises, designed, improved or used for any purpose or purposes other than as a residence for one or more families living separately in separate dwelling units, or which is designed, improved or used as a residence for one or more families living separately in separate dwelling units and for one or more other purposes.

(17) "Composite Sample" means a sample, which accurately represents the average pollutant concentration discharged during a continuous time period. A. A flow-proportional sample may be obtained manually or automatically, and discretely or continuously. For manual compositing, at least six (6) individual samples from each sample point shall be combined and mixed to obtain one Composite sample; flow-proportion may be obtained either by varying the time interval between each discrete sample or the volume of each discrete sample. B. If multiple batches are discharge over a 24-hour period, then one sample must be collected from each batch discharged in that 24-hour period and composited into a single sample. A single sample from a batch representing one or more production days will be considered a single composite sample.

(18) "Condominium" means an estate in real property, separately assessed, consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building or such real property, such as an apartment, office, or store. A condominium may include, in addition, a separate interest in other portions of real property.

(19) "Connection" means the physical attachment of a premises to a public sewer by a private sewer.

(20) "Connector" means any person who receives permission from the district to connect his premises to the district's sanitary sewer system.

(21) "Contractor" means any person who is licensed by the State and performs the work of installing or connecting to public sewers within the district.

(22) "Cost Effective" means that total project costs, if financed over a five (5) year period at the prime interest rate published in the Wall Street Journal plus two percent (2%) at the time the project costs are being determined, do not exceed the total savings that would e generated by the project during the same five (5) year period. Project costs shall also be considered cost effective if financing assistance is available to the discharger, from any source, at a lower rate and the project costs, if financed over a five (5) year period at that rate do not exceed the total savings that would be generated by the project during the same five (5) year period.

(23) "County" means the County of Santa Clara.

(24) "Continuous Discharge" means a discharge which occurs without interruption throughout the operating hours of the facility, except for infrequent shutdowns for maintenance, process changes, or other similar activities.

(25) "Critical User" means a discharger whose wastewater contains priority pollutants, or who discharges any waste which has the potential to cause interference, in concentrations above those allowed in this Section, or who discharge in excess of 100,000 gpd.

(26) "Dental Amalgam" means an alloy of mercury with another metal, used by dentists to fill cavities in teeth.

(27) "Diluting Waters" means noncontact cooling water, boiler blowdown, domestic sewage, groundwater, stormwater, surface drainage, reverse osmosis reject or potable waters which are not part of an industrial process and which do not contain priority pollutants but are combined with industrial wastewater prior to the monitoring point for industrial wastewater discharge. Diluting waters also includes excess water used in rinse tanks when not in production.

(28) "Discharger" means any person or entity discharging wastewater into the sanitary sewer system.

(29) "District" means West Valley Sanitation District of Santa Clara County, California.

(30) "Domestic Wastewater" means wastewater from private residences and wastewater from other premises resulting from the use of water for personal washing, sanitary purposes or the elimination of human wastes and related matter.

(31) "Existing source" means any source of discharge that is not a new source.

(32) "Fixer Solution" means a solution containing silver used in the photographic processing of dental x-rays, x-rays and photographs.

(33) "Food Service Establishment" means a user that prepares and/or sells food for consumption either on or off the premises, or washes utensils or dishes on premises that may contribute Grease to the sewer system, including, but not limited to, restaurants, sandwich shops, delicatessens, bakeries, cafeterias, markets, bed and breakfast inns, motels, hotels, meeting halls, caterers, retirement and nursing homes or pizzerias. The term, as used in this code, does not refer to the food stores or establishments that do not process food in a manner which may contribute Grease to the sanitary sewer system. A Food Service Establishment shall be deemed to be contributing Grease to the sanitary sewer system where a Sanitary Sewer Overflow has occurred due to Grease, or there has been a loss of twenty-five percent (25%) or more of a sewer line capacity due to Grease, downstream of the Food Service Establishment.

(34) "Frontage" means normally the distance that a parcel of land runs along an existing street.

(35) “Garbage” means solid wastes from the preparation, cooking and dispensing of foods, and from the storage and sale of produce.

(36) “Grab Sample” means a single discrete sample collected at a particular time and place which represents the composition of the wastestream only at that time and place.

(37) “Grease” means liquid or other waste containing floatable and/or dispersed grease, vegetable oil, petroleum oil, non-biodegradable cutting oil, or fat, oil or grease products of animal, vegetable or mineral origin which is detectable and measurable using analytical test procedures established in the United States Code of Federal Regulations, 40 CFR 136.

(38) “Grease Control Device” means a Grease Interceptor, Grease Trap, Mechanical Grease Removal Device or other Device approved for use by the District Manager.

(39) “Grease Interceptor” means a large tank installed underground and designed to collect and control solid-food wastes and floating-grease from wastewater prior to discharge into the sanitary sewer system. Grease Interceptors are normally installed outside the building and use gravity to separate Grease from the wastewater as it moves from one compartment of the Interceptor to the next.

(40) “Grease Trap” means a device placed under or in close proximity to sinks or other fixtures likely to discharge grease in an attempt to separate, trap and hold oil and grease substances.

(41) “Half-Year Period” means and includes the first or second half of each calendar year.

(42) “Industrial User” means any non-residential user that discharges industrial wastes to the sanitary sewer system.

(43) “Industrial Wastes” means the wastes from producing, manufacturing, and processing operations of every kind and nature.

(44) “Industrial Wastes of Excessive Strength” means industrial wastes discharged from any premises into the sanitary sewer system in any one operating day content in excess of 300 parts per million, (a) which have an average daily suspended solids content in excess of 300 parts per million, or (b) which have an average biochemical oxygen demand in excess of 300 parts per million, or (c) which contain in excess of 2500 pounds of suspended solids, or (d) which contain in excess of 2500 pounds of biochemical oxygen demand.

(45) “Interference”

A. “Interference” means a discharge which alone, or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the processes or operation of the sanitary sewer system, including the Plant, or causes or significantly contributes to a violation of any requirement of the National Pollutant Discharge Elimination System (NPDES) Permit, which is a permit issued to the Plant pursuant to Section 402 of the Clean Water Act.

B. “Interference” also includes prevention of bio-solids use or disposal by the Plant in accordance with published regulations providing guidelines under Section 405 of the Clean Water Act or in regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Water Act, the Toxic Substances Control Act, or more stringent state regulations (including those contained in any state bio-solids management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the Plant.

(46) “Installer” means a person, including the district, who contracts for the installation of a sewer.

(47) “Low Flow Discharge” means an industrial discharger whose average process flow, as shown on the Discharger’s Application to Discharge, and as measured as a rolling six-month average, is less than one thousand (1000) gallons per day.

(48) “Manager” means District Manager and Engineer of West Valley Sanitation District.

(49) “Mass Audit Study” means an investigation of pollution prevention and source reduction measures performed by or for an industrial user, pursuant to audit protocols adopted by the San Jose/Santa Clara Pollution Control Plant to analyze the volume and concentration of nickel, copper, and/or any other priority pollutant identified in regulations adopted by the plant in an industrial users process streams and discharge and to identify the maximum feasible reduction measures available to the industrial user.

(50) “Maximum Allowable Concentration” means the highest permissible concentration or other measure of pollutant magnitude taken at a specific point in time or period in time.

(51) “Maximum Feasible Reduction Measures”

A. “Maximum Feasible Reduction Measures” means all individual measures, and all functionally interdependent measures, of reducing the mass of specified pollutant(s) in an industrial user’s discharge, which the District Manager and Engineer finds would be cost effective if installed by the industrial user.

B. For the purpose of this Section, individual measures which are not cost effective shall nonetheless be considered part of a functionally interdependent group of cost effective measures if they substantially reduce the mass of pollutant(s) discharged, and the other measures with which they are grouped are their functional prerequisite.

(52) “Mechanical Grease Removal Device” means a power operated device or combination of devices using electrical equipment to heat, filter, siphon, skim or otherwise separate and retain floating grease and solid food waste prior to wastewater exiting the trap and entering the sanitary sewer system.

(53) “Mobilehome” means a vehicle designed and equipped for human habitation and residence, including but not limited to, travel trailer, camp cars, recreational vehicles, tent trailers, motor homes, etc.

(54) “Mobilehome Park Premises” means any area or tract of land where one (1) or more mobilehome lots (any area or portion of a mobilehome park designated, designed or used for the occupancy of one mobilehome on a temporary, semi-permanent or permanent basis) are rented or leased or held out for rent or lease to accommodate mobilehomes used for human residence or habitation.

(55) “Multiple Family Premises” means a premises which is designed, improved or used as a residence for three or more families, living separately in separate dwelling units, and which is not designed, improved or used for any other purpose.

(56) “New source” means:

A. Any building, structure, facility or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Clean Water Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

1. The building, structure, facility or installation is constructed at a site at which no other source is located; or
2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing source; or
3. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an Existing source at the same site. In determining

whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing source, should be considered.

B. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section A.(2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.

C. Construction of a New source as defined under this paragraph has commenced if the Owner or Operator has:

1. Begun, or caused to begin, as part of a continuous onsite construction program
 - a. Any placement, assembly or installation of facilities or equipment; or
 - b. Significant site preparation work, including clearing, excavating, or removal of existing buildings, structures or facilities which is necessary for the placement, assembly, or installation of New source facilities or equipment; or
2. Entered into a building contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(57) “Operating Day” means the period or periods of time during each twenty-four hour day during which industrial wastes are being discharged from a premises into the sanitary sewer system.

(58) “Ordinance” means a law of the district, provided that a temporary or special law, administrative action, order or directive, may be in the form of a resolution.

(59) “Owner” means any person who owns private premises that contain a Source as defined in this section.

(60) “Operator” means any person who owns, leases, operates, controls, or supervises a Source as defined in this section.

(61) “pH” means the logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of solution.

(62) “Pass-Through” means a discharge which exits the Plant into waters of the U.S. in quantities or concentrations which alone, or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Plant’s NPDES permit, including an increase in the magnitude or duration of a violation.

(63) “Person” means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

(64) “Plant” means the San Jose/Santa Clara Water Pollution Control Plant.

(65) “Plumbing System” means plumbing fixtures and traps, waste and vent pipes, and all sewer pipes within a building and extending to the building sewer connection two feet outside the building foundation or wall.

(66) “Premises” means any lot, parcel of land, building or establishment.

(67) “Pretreatment Standard” means prohibited discharge standards, Categorical Pretreatment Standards, and local limits.

(68) “Pretreatment Requirements” means any substantive or procedural requirement related to pretreatment imposed on an Industrial User other than a Pretreatment Standard.

(69) “Priority Pollutants” means all pollutants as defined by the “General Pretreatment Regulations” of the Environmental Protection Agency, found at 40 CFR 401 and 403.

(70) “Process Flow” means the daily, twenty-four (24) hour flow of wastewater from any kind or nature of production, manufacturing or processing operation, including industrial and commercial operations where water is used for the removal of any type of waste other than sanitary sewage. Process flow does not include diluting waters.

(71) "Reasonable Control Measures" means control technologies, Best Management Practices, source control practices and waste minimization procedures which prevent or reduce the introduction of pollutants to the sanitary sewer system and are determined by the Manager to be cost-effective for particular industry groups, business types, or specific industrial processes..

(72) “Regulated Industrial User” means any industrial user whose discharge into the sanitary sewer system over a twenty-four hour period exceeds 25,000 gallons, or whose discharge constitutes industrial waste of excessive strength.

(73) “Sanitary Sewage” means water-carried wastes from residences, business buildings, institutions, and industrial establishments, excluding ground, surface and storm waters, subsurface drainage and also excluding industrial wastes.

(74) "Sanitary Sewer Outflow" means any overflow spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system, including overflow or releases that reach waters of the United States, overflows or releases that do not reach the waters of the United States, and backups into buildings and/or private property caused by conditions within the publicly owned portion of the sewer system.

(75) "Sanitary Sewer System" means all sewers, treatment plants and other facilities owned, operated or used by the District for carrying, collecting, pumping, treating and disposing of sanitary sewage and industrial wastes.

(76) "Separate Dwelling Unit" means a premises or portion thereof designed for occupancy for residential purposes by one family, with sleeping, kitchen and bathroom facilities provided therein for the exclusive use of said family.

(77) "Sewage" means and includes sanitary sewage or industrial wastes or both.

(78) "Sewage Treatment Plant" means any arrangement of devices and structures used for treating sanitary sewage and industrial wastes.

(79) "Sewer" means a pipe or conduit for holding and carrying sanitary sewage and industrial wastes, and includes manholes, vertical risers, cleanouts and all other appurtenant facilities which are necessary or convenient to the holding or carrying of sewage, classified as follows:

(a) "Building Sewer" means the extension from the plumbing system to a public sewer.

(b) "Branch Sewer" means a sewer that receives wastewater from a relatively small area and discharges into a main sewer serving more than one branch sewer area.

(c) "Intercepting Sewer" means a sewer that receives wastewater flow from a number of transverse sewer outlets and conducts such waters to a point for treatment.

(d) "Lateral Sewer" means a sewer that discharges into a branch or other sewer and has no other common sewer tributary to it.

(e) "Main Sewer" means a sewer to which one or more branch sewers are tributary.

(f) "Outfall Sewer" means a sewer that receives wastewater from a treatment plant and carries it to a point of final discharge.

(g) "Private Sewer" means a sewer privately owned and used by one or more properties.

(h) "Public Sewer" means a sewer controlled by a governmental agency.

(i) “Trunk Sewer” means a sewer that receives the discharge from several main sewers and serves a large territory.

(80) “Significant change” means any change in an Industrial User’s operation that results in any of the following:

A. A flow that exceed the expected peak flow as shown in the sewage treatment plant allocation for the property on which the Industrial User is located.

B. An increase in average process flow of twenty-five percent (25%) over the Industrial User’s average process flow for the discharger’s most immediate preceding compliance period.

C. Adding or deleting process discharge or sample points.

(81) “Significant Industrial User” means:

A. An Industrial User that has processes subject to categorical Pretreatment Standards; or

B. An Industrial User that:

1. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the sanitary sewer system (excluding sanitary sewage, noncontact cooling and boiler blowdown wastewater); or

2. Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic capacity of the Plant; or

3. Is designated as such by the Manager on the basis that it has a reasonable potential for adversely affecting the Plant’s operation for violating any Pretreatment Standard or Requirement.

“Significant Noncompliance” is a violation, or violations, by an Industrial User meeting one or more of the following criteria”:

A. Chronic violations of wastewater discharge limits defined here as those in which sixty-six percent (66%) or more of all measurements taken during a six-month period exceed by any order of magnitude a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3 (1);

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all measurements for each pollutant parameter taken during a six month period equal or exceed the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3 (1) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils, grease, and 1.2 for all other pollutants);

C. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3 (1) such as daily maximum, ph, long-term average, instantaneous limit, or narrative standard,

that the Manager determines has caused, alone or in combination with other discharges either Interference or Pass-Through, including endangering the health of District or Plant personnel and/or the general public;

D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or the environment or has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge;

E. Failure to meet within 90 days after the scheduled due date, a compliance schedule milestone, contained in a discharge permit or enforcement order for starting construction, completing construction, or attaining full compliance;

F. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report non-compliance; and

H. Any other violation or group of violations, which may include a violation of Reasonable Control Measures, the Manager determines will adversely affect the operation or implementation of the pretreatment program.

(82) "Single-family Premises" means a premises which is designed, improved or used as a residence for one family only, and which is not designed, improved or used for any other purpose.

(83) "Slug Load" or "Slug Discharge" means any discharge of a non-routine, episodic nature including, but not limited to, an accidental spill or non-customary Batch Discharge which has a reasonable potential to cause Interference, Pass-Through, or operational problems in the sanitary sewer system or at the Plant.

(84) "Source" means any building, structure, facility or installation from which there is or may be potential as determined by the District Manager to discharge pollutants above the local limits included in this Code or state or federal limits or wastewater of such volume or strength that it may cause Interference, Pass Through, or operational problems in the sanitary sewer system or at the San Jose/Santa Clara Water Pollution Control Plant.

(85) "Standard Discharger" means any Industrial Discharger who is not a Low Flow Discharger.

(86) "Standard Methods" means the procedures set forth in the Code of Federal Regulations unless another method for the analysis of industrial wastewater has been approved in writing in advance of use of the procedure by the District Manager and Engineer. All analyses shall be performed by a laboratory certified by the State for the specific pollutant and matrix to be analyzed, unless otherwise approved in writing by the District Manager and Engineer prior to performance of a sample analysis.

(87) "Storm Waters" means the flow across any surface or in storm sewers resulting from rainfall.

(88) "Street" means any public highway, road, street, avenue, alley, way, easement or right-of-way.

(89) "Suspended Solids" means solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering.

(90) "Total Toxic Organics" (TTOs) are the sum of the concentrations for each of the regulated toxic organic compounds listed at 40 CFR 401.15 and which are found in the discharge at a concentration greater than ten (10) micrograms per liter. Some categorical standards (40 CFR 405-471) list the specific toxic organic compounds that are to be included in the summation.

(91) "Trucked or Hauled Waste" means any waste discharged into the sanitary sewer system after being placed in a motorized vehicle for removal from the location where the waste was generated or produced.

(92) "Two-family Premises" means a premises which is designed, improved or used as a residence for two families, and no more, living separately in separate dwelling units, and which is not designed, improved or used for any other purpose.

(93) "Unit or Dwelling Unit" means:

(a) Each individual occupancy of a commercial or industrial establishment.

(b) A separate living quarters for one or more persons having separate kitchen or toilet facilities and being a single family dwelling or quarters situated in a duplex, apartment, multiple dwelling, court, trailer court, motel, hotel, townhouses, condominiums, etc.

(c) Dwelling units for boarding houses, rest homes, dormitories, or similar places of residences shall be deemed to equal accommodations for each three and one-half persons.

(94) "User" means a person whose premises is connected to a public sewer.

(95) “Wastewater” means the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may unintentionally be present.

(96) “Yellow Grease” means Grease which is associated with food preparation or processing which has not been contaminated with wash water or chemicals, or by being spilled or otherwise fouled.

(97) “Zero Discharger” means an industrial facility that does not discharge any wastewater except domestic sanitary sewage to the sanitary sewer system.

(Adopted by Ord. 10, Aug. 28, 1957 and amended by Ord. 38, June 8, 1972; Readopted as modified by Ord. 46, July 23, 1975; Amended by Ord. 55, May 26, 1976; Added to Section 1.050 No. 50, 51 and 52 and adopted by Ord. 72, April 8, 1981; Revised No. 40 and added No. 53, 54, 55 and 56 and adopted by Ord. 76, September 9, 1981; Revised No. 40 by Ordinance 96, Jan. 14, 1987; Amended by Ord. 117, May 12, 1993; Amended by Ord. 123, April 26, 1995; Amended by Ord. 126, November 18, 1998, Amended by Ord. 135, May 28, 2008; Amended by Ord. 137, October 28, 2009; Amended by Ord. 138, October 28, 2009; Amended by Ord. 139, October 28, 2009)

1.060 Grammatical Interpretation. The following grammatical rules shall apply in the ordinance of the district.

- (1) GENDER. Any gender includes the other genders.
- (2) SINGULAR AND PLURAL. The singular number includes the plural and the plural includes the singular.
- (3) TENSES. Words used in the present tense include the past and the future tenses and vice versa.
- (4) USE OF WORDS AND PHRASES. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language.

(Adopted by Ord. 46, July 23, 1975)

1.070 Chapter and Section Headings. Chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any chapter or section hereof.

(Adopted by Ord. 46, July 23, 1975)

1.080 References to Specific Ordinances. The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Adopted by Ord. 46, July 23, 1975)

1.090 Effect of Code on Past Actions and Obligations. Neither the adoption of this code nor the repeal or amendments hereby of any ordinance or part of portion of any ordinance of the district shall be construed as a waiver of any license, fee or penalty at said effective date due and unpaid under such ordinance, nor be construed as affecting any of the provisions of such ordinances relative to the collection of any such license, fee, or penalty, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect. (Adopted by Ord. 46, July 23, 1975)

1.100 Repeal Shall not Revive any Ordinances. The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby. (Adopted by Ord. 46, July 23, 1975)

1.110 Relief From Ordinances or Regulations. The Board may, upon its own motion or written application, modify, suspend, or relieve the application of an ordinance or regulation if its finds that the ordinance or regulation is unjust or inequitable because of special circumstances. (Adopted by Ord. 10, Aug. 28, 1957; Readopted, as modified, by Ord. 46, July 23, 1975)

1.120 Removed by Ord. 130, October 27, 1999, and added to Chapter 10 as Section 10.180.

1.130 Constitutionality. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The Board hereby declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any

one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

(Adopted by Ord. 10, Aug. 28, 1957; Readopted, as modified, by Ord. 46, July 23, 1975)