

CHAPTER 12 - CONSTRUCTION CODES

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12.010 - Purpose, scope and applicability

- A. Purpose and intent. The regulations of this chapter are hereby established and adopted to protect and promote the public health, safety and welfare. The intent of this chapter is to regulate the design and construction of buildings and structures through basic standards for construction activities, quality of materials, occupancy classifications, the location and maintenance of buildings and structures and certain equipment associated with buildings and structures.
- B. Scope and applicability. The provisions of this chapter apply to all or any part of buildings, structures and building service equipment constructed, altered, moved, occupied, used, designed or intended to be used in any area of the Port San Luis Harbor District located seaward of mean high tide, including but not limited to the Harford, Unocal or Avila Piers. When such construction activities occur inland of mean high tide, they are not subject to the requirements of this chapter, but are instead subject to the San Luis Obispo County Building and Construction Ordinance, Title 19 of the San Luis Obispo County Code.
- (1) Existing uses. The legal use and occupancy of any structure lawfully established on the effective date of this chapter or any following amendment shall be subject to this chapter as may be deemed necessary by the building official for the general safety and welfare of the occupants and the public.
- (2) Change in use. It is unlawful to change the use or occupancy of any structure in any way that would subject it to the provisions of this chapter without the applicant first obtaining the approval of a permit as required by Section 12.020 and certification by the building official that the structure meets the intent of the provisions this chapter and that the change does not create any increased hazard to public health, safety or welfare.

Chapter Twelve**12.020 - Permits required**

It shall be unlawful and a violation of this code for any person to engage in any construction activity within the boundaries of the Port San Luis Harbor District, including but not limited to grading and site work, or any construction, alteration, use or occupancy of structures, without first obtaining all construction permits required by this chapter or, where applicable, all construction permits required by the San Luis Obispo County Building and Construction Ordinance, Title 19 of the San Luis Obispo County Code.

12.030 - Fees required

Any person applying for a permit pursuant to this chapter shall pay the applicable filing, plan check, permit or other fee to the building official as required by the Chapter 4 of this code, at the time of application filing or other time determined by the building official.

12.100 - Administration

This chapter shall be administered by the building official of Port San Luis Harbor District. The duties of the building official under this chapter include but are not limited to the following functions, which may be performed by consultants or District employees (who shall be known as Code Enforcement Officers) under the supervision of the building official:

- A. Receive and review plans and specifications for proposed projects and certify that such projects are in conformity with all applicable provisions of this chapter prior to issuance of any construction permit.
- B. Conduct building inspections to evaluate the compliance of projects requiring construction permits with the applicable provisions of this chapter and Chapter 8 of this code (Land Use and Development Regulations).
- C. Enforce the provisions of this chapter, and work with other designated officers in the enforcement of other applicable provisions of this code, pursuant to Chapter 22 of this code, the technical codes and California State Law.

12.140 - Appeals

Appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of the technical codes may be appealed as set forth in Section 8.050 (Appeals).

12.150 - Stop Work Orders

Whenever any work is being done contrary to any applicable provision of this chapter or the provisions of other chapters of this code, the building official may order the work stopped by either notice in writing served on any persons engaged in the doing or causing such work to be done, or by posting on the site. Such work shall forthwith be stopped until authorized by the building official to proceed.

12.160 - Liability

- A. Nothing in this chapter shall be construed as imposing upon the District or any of its officers, employees or agents, any liability or responsibility for injury or damage resulting from work approved or performed under any construction permit issued, or inspection conducted under this chapter.
- B. No person shall be relieved from the responsibility to comply with the requirements of this chapter because of an error or omission by an officer, employee or agent of the District.

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12.600 - Sewer discharge regulations

The Port San Luis Harbor District currently disposes of sewage generated within the District pursuant to an agreement with the Avila Beach Community Services District ("ABCSD") dated October 1, 2016 ("agreement"). The agreement requires the District to deliver sewage free from excessive amounts of oil, sand, acids, odorous compounds, flammable liquids or gases, or other deleterious materials. This agreement also imposes fees and charges on the District for wastewater treatment and disposal based on both plan flow and water quality. This chapter establishes standards and regulations to control the quality of discharges into the sewer system and to reduce District costs for processing such discharges. This is done by requiring people responsible for discharges that violate the provisions of this chapter to bear the costs of processing such discharges and any work required to clean or repair the sewer system. Discharge of high strength domestic waste must be approved by District Harbor Manager, or his/her designee, in writing.

- A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, swimming pool water, swimming pool backwash water, or unpolluted industrial process waters to any sanitary sewer.
- B. Storm water and all unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the District, Regional Water Quality Control Board and ABCSD. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the District and ABCSD, to a storm sewer or natural outlet. Appropriate permits from all affected public agencies shall be obtained by the applicant. No person shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by the District.

12.610 - Quality of sewer discharge

- A. Prohibited discharges. Except as hereinafter provided, no person or entity shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - (1) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.
 - (2) Any water or waste containing grease, defined as an oil, fat, or other ether-soluble matter, including:
 - (a) Floatable grease (grease that rises to the surface of quiescent sewage or waste or upon dilution of the sewage or waste with fresh or salt water) in excess of 25 parts per million.
 - (b) Dispersed grease (non-floatable grease) in excess of 500 parts per million.
 - (3) Any gasoline, benzene, naphtha, fuel oil, petroleum product or byproduct, or other flammable or explosive liquid, solid or gas.
 - (4) Any garbage that has not been properly shredded by an in-sink garbage disposal service.
 - (5) 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.
 - (6) Any water or wastes:
 - (a) Having a pH lower than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and

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personnel of the sewage works, or

- (b) Containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitutes hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant, or
- (c) Containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant, or
- (d) Containing pollutants, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the sewage treatment plant, or
- (e) Trucked or hauled, except at discharge points designated and approved by the District prior to discharge

(7) Any noxious malodorous gas or substance capable of creating a public nuisance.

(8) Any wastewater containing in excess of the following amounts based on a 24-hour composite sample:

1.1 mg/1 arsenic	1.0 mg/1 boron
1.2 mg/1 cadmium	100.0 mg/1 chloride
2.0 mg/1 copper	0.5 mg/1 cyanide
0.5 mg/1 lead	0.01 mg/1 mercury
1.0 mg/1 nickel	0.2 mg/1 silver
100.0 mg/1 sodium	130.0 mg/1 sulfate
0.5 mg/1 total chromium	750.0 mg/1 total dissolved solids
15.0 mg/1 total nitrogen (as N)	3.0 mg/1 zinc

(9) Any wastewater containing in excess of 0.02 mg/1 total identifiable chlorinated hydrocarbons or 1.0 mg/1 phenolic compounds which cannot be removed by the wastewater treatment processes of the District and ABCSD.

B. Discharges requiring review and approval. The admission into the public sewers of any waters or wastes having the following characteristics shall be subject to District review and approval and may require an individual wastewater discharge permit to be obtained prior to discharging into the sewer collection system, as described in 12.610.F.

- (1) A five-day Biochemical Oxygen Demand greater than 300 parts per million by weight, or
- (2) More than 350 parts per million by weight of suspended solids, or
- (3) Any quantity of substances having the characteristics already described in Section 12.610, or
- (4) An average daily flow greater than two percent of the average daily sewage flow to the District.

C. Preliminary treatment required. Users of District sewer facilities shall provide at their expense, such preliminary treatment as may be necessary to:

- (1) Reduce Biochemical Oxygen Demand to 300 parts per million.

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- (2) Reduce the objectionable characteristics or constituents to within the maximum limits provided for in this section, and may require or
- (3) Control the quantities and rates of discharge of such waters, wastes, or provide flow equalization.
- (4) Reduce suspended solids to 350 parts per million by weight.
- (5) Contribute toward planning, development, construction, startup, and commissioning of District or ABCSD infrastructure required to treat wastewater with contaminant concentrations and loads above those described in 12.610C (1), (2), and (3) to fully fund treatment of the additional concentrations or loads.

Any facilities required to pretreat waters or wastes to a level acceptable to the District and ABCSD shall be provided and maintained continuously at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the District and ABCSD for review and shall be acceptable to the District and ABCSD before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as needed to provide the protection necessary to meet the requirements of this code. Whenever deemed necessary, the District may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate various sewage waste streams, and such other conditions as may be necessary to protect the plant and determine the User's compliance with the requirements of this ordinance.

- D. Applicability of Federal standards. Effluent limitations promulgated by the Federal Water Pollution Control Act, PL 920500, shall apply in any instance where they are more stringent than those in this section. Under Section 307(b) of the Act, Federal pretreatment standards are designed to achieve two purposes:

- (1) To protect the operation of publicly owned treatment works; and
- (2) To prevent the discharge of pollutants which pass through such works inadequately treated.

Users in industrial categories subject to effluent guidelines issued under Section 304(b) of the Act, which are discharging incompatible pollutants to publicly owned treatment works, are required to adopt the best practicable control technology currently available, as defined by the District and ABCSD pursuant to Section 304 (b) of the Act. For some industrial categories it may be necessary to define pretreatment guidelines for problems that may arise as a result of the discharge into publicly owned treatment works. However, any adjustments required for particular industrial categories should be considered in connection with the requirements of the District and ABCSD rather than in connection with the national pretreatment standard.

- E. Additional discharge requirements. Limitations on wastewater strength in this section may be supplemented more stringent limitations if:
- (1) The District and ABCSD determine that the limitations in Section 12.610 may not be sufficient to protect the operation of District and ABCSD treatment works, or
 - (2) The District and ABCSD determine that the limitations in Section 12.610A. may not be sufficient to enable the District's and ABCSD's treatment works to comply with water quality stands or effluent limitations specified in ABCSD's National Pollutant Discharge Elimination System permit.
- F. Supplemental discharge limitations are necessary to reduce the District's fees and charges for high strength wastewater to those more typical for domestic wastewater. The District may require users to submit all or some of the following information as part of a permit application.

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Incomplete or inaccurate applications will not be processed and will be returned to the User for revision. District may adopt reasonable fees for reimbursement of cost related to processing, enforcing, monitoring, and inspection regarding wastewater discharge permit applications.

- (1) Identifying Information
 - a. The name and address of the facility, including the name of the operator and owner.
 - b. Contact information, description of activities, facilities, and plant production of processes on the premises;
- (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
- (3) Description of Operations.
 - a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and (if applicable) standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the sewer collection system from the processes.
 - b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the sewer collection system;
 - c. Number and type of employees, customers and guests; hours of operation; and proposed or actual hours of operation;
 - d. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (4) Time and duration of discharges;
- (5) The location for monitoring all wastes covered by the permit;
- (6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the sewer collection system from process streams and other streams, as necessary
- (7) Measurement of Pollutants.
 - a. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the District and/or for pollutants identified in 12.610.
 - b. Instantaneous, Daily Maximum, and long-term average concentrations, or mass shall be reported.
 - c. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in this ordinance.
 - d. Sampling must be performed in accordance with procedures approved by the District.
- (8) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge.
- (9) Any other information as may be deemed necessary by the District to evaluate the permit application.

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12.620 - Required sewer equipment and maintenance

- A. Grease, oil, and sand interceptors (traps) shall be installed by the tenant, lessee or licensee when necessary for the proper handling of liquid wastes containing grease sand and other harmful ingredients that would negatively impact the sewer system including the treatment plant. All restaurants or establishments that prepare food are required to install, maintain and operate a building code approved interceptor or trap.
- (1) Type and capacity approved by the District
 - (2) Installed per California Plumbing Code.
 - (3) Easily accessible for cleaning and inspection;
 - (4) Smaller (under sink) grease traps are required to be cleaned no less than every seven (7) days (more often may be necessary), and larger (underground) grease interceptors are required to be cleaned a minimum of once every ninety (90) days. Maintenance of grease interceptors must be performed by a licensed cleaning service. Smaller grease traps may be cleaned by restaurant staff.
- B. Fats, Oils, and Grease (FOG) Control in the Sewer System
- (1) FOG Limitations;
 - (a) Discharges are prohibited which may contain more than one hundred (100) parts per million, by weight, of fats, oil, or grease;
 - (b) It is unlawful for any discharger to discharge FOG or cause FOG to be discharged into the sanitary sewer system.
 - (2) FOG Conditions
 - (a) Additional administrative conditions and limitations may be established by the District in order to protect the District's sanitary sewer system, remain in compliance with established limitations, and/or ensure the owner/operator remains in compliance with this Ordinance.
 - (b) Provide reasonable access to premises for the purpose of inspection or monitoring.
 - (c) Maintain records on site of:
 - a. Frequency of grease trap cleanings
 - b. Grease barrel (tallow) waste manifests shall be maintained onsite for a minimum of three years.
 - (d) Report significant changes in operations
 - (3) FOG Violations
 - (a) Any discharger who violates conditions of this Ordinance, applicable State or Federal regulations will be subject to lease / license revocation.
- C. Manholes. When required by the District, the user, property owner, tenant, lessee or licensee of any property served by a building sewer carrying industrial wastes shall install a control manhole or inspection access in the building sewer system to facilitate observation, sampling and measurements of the wastes. Such manhole or inspection access, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the District and ABCSD. The manhole or inspection access shall be installed by the user, property owner, tenant, lessee or licensee at their expense and shall be maintained by them so as to be safe and accessible at all times.

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D Backwater valves:

- (1) Drainage piping serving fixtures, the flood level rims of which, are located below the elevation of the curb sewer crosses under the curb or property line and above the crown level into the main sewer and shall be protected from back flow of sewage by installing an approved type backwater valve, and each such backwater valve shall be installed only in that branch or section of the drainage system which receives the discharge from fixtures located below the elevation of the curb or District's property line. If the drainage piping is lower than the next upstream manhole or inspection access, the property owner, tenant, lessee or licensee may be required to install a backwater valve.
- (2) If the user, property owner, tenant, lessee or licensee fails to install and maintain a backwater trap or backwater valve in good working condition when required under this section, the District may order and require the plumbing fixture to be disconnected and removed and the outlet plugged or capped. In the event that the user, property owner, tenant, lessee or licensee fails to disconnect and plug or cap the sewer connection within 10 days after written notice by the District, then the District shall arrange for such disconnection and capping; the cost of which shall be a debt of the user, property owner, tenant, lessee or licensee and which may be collected by court action or may be declared to be a lien by action of the District after public hearing and notice to the user, property owner, tenant, lessee or licensee.

E Measurements and testing. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in Section 12.610A. or B. shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage," and shall be determined at the control manhole or inspection access provided for in Section 12.620B. or upon suitable samples taken at said control manhole or inspection access.

In the event that no special manhole or inspection access has been required, the control manhole or inspection access shall be considered to be the nearest downstream manhole or inspection access in the public sewer to the point at which the building sewer is connected. The cost of any program of regular testing required by the District shall be billed directly to the business or industry involved.

F Special circumstances. Nothing in this chapter shall be construed as preventing any special agreement or arrangement between the District and any industrial concern; an industrial, commercial, recreational, or domestic waste of unusual strength or character may be accepted by the District for treatment, provided the industrial, commercial, recreational, or domestic concern makes payment to the District and ABCSD for all costs associated with such extra treatment. The District will have the right to identify and define wastewater of unusual strength or character.**12.630 - Disposal of septage**

- A. It shall be unlawful for any person to dump or discharge raw or chemically treated sewage from any source onto the surface of any lands within the District, except such lands ABCSD utilizes in connection with the operation of its Sewage Treatment Plant.
- B. It shall be unlawful for any person or entity to dump or discharge into the sewer collection system septic tank cleanings or any raw or chemically treated sewage from septic tank or any industrial or unidentified liquid waste except as provided herein.
- C. Raw or chemically treated sewage from chemical toilets and septic tanks may be discharged or dumped into the District sewer collection system only at the places owned and/or operated by the District. Biocides or toxic substances will be prohibited from discharge to the District Sewer collection system.

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- D. Each person dumping or discharging raw or chemically treated sewage or cleanings from septic tanks into the facilities of the District shall obtain permission from the District and shall pay the appropriate fees established by the District.

12.640 - Accidental discharges

- A. Notification of discharge. Users shall notify the District immediately upon accidentally discharging wastes in violation of this chapter to enable measures be taken by the District and ABCSD to minimize damage to the community sewer, treatment facility, treatment processes and the receiving waters. This notification shall be followed, within 15 days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence. Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, treatment plant or treatment process, or for any fines imposed on the District by any public entity on account thereof.
- B. Notices to Employees. In order for employees of users be informed of District requirements, users shall make available to their employees copies of this chapter and together with such other wastewater information and notices which may be furnished by the District from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of this chapter.
- C. Preventive measures. Any direct or indirect connections or entry point for persistent or deleterious wastes to the user's plumbing or drainage system should be eliminated. Where such action is impractical or unreasonable, the user shall appropriately label such entry points to warn against discharge of such wastes in violation of this chapter.

12.650 - Inspections

- A. Authorized employees and representatives of the District, ABCSD and the Regional Water Quality Control Board bearing proper credentials and identification shall be permitted to enter all properties to inspect, observe, measure, sample and test in accordance with the provisions of this code. The District shall have the authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- B. Authorized employees and representatives of the District, ABCSD and the Regional Water Quality Control Board bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. When requested by District, a user must submit information on the nature and characteristics of its wastewater within 15 days of the request.

Chapter Twelve**12.660 - Enforcement, violations of waste discharge requirements**

The following provisions for enforcement apply to the requirements of Sections 12.600 through 12.650, and may be used in addition to the provisions of Chapter 22 of this code (Violations and Enforcement).

- A. Issuance of cease and desist orders. When the District finds that a discharge of wastewater has occurred in violation of prohibitions, limitations or provisions of this chapter or of a Wastewater Discharge Permit, the District may issue an order to cease and desist and those persons in violation to comply immediately or according to a time schedule determined by the District. In the event of a threatened violation, appropriate remedial or preventive action should be taken by the responsible party.
- B. Submission of time schedule. When the District finds that a discharge of wastewater has been taking place in violation of this chapter, wastewater source control requirements, effluent limitations, pretreatment standards, or provisions of a Wastewater Discharge Permit, it may require the user to submit a detailed time schedule of specific actions needed to correct such violations.
- C. Administrative Fines. When the District finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may fine such user. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation. The fine will compensate the District for administrative, repair, consulting, or any other charges District deems necessary to address impacts from the violation.

12.700 - Sign Code

The sign code published by the International Conference of Building Officials which is entitled the "Uniform Sign Code", 1997 edition, is hereby adopted and incorporated into this chapter by reference as though it were fully set forth here. The District Facility Manager must approve all requests for signs throughout District property prior to their placement.