

ORDINANCE NO. 956

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA, ADOPTING REGULATIONS FOR THE USE OF SANITARY SEWER FACILITIES BY FOOD SERVICE ESTABLISHMENTS AND OTHER PRIVATE SYSTEMS DISCHARGING TO THE PUBLIC SEWER.

**WHEREAS**, all persons discharging waste or proposing to discharge waste within the State of California, where such wastes may affect the quality of waters of the state within any region, may only do so in accordance with reporting and permitting requirements determined in accordance with state law as established in the Porter Cologne Water Quality Control Act, California Water Code Section 13000, et seq.;

**WHEREAS**, the Porter Cologne Water Quality Control Act implements the state's in-lieu program for protection of water quality consistent with the requirements of the Federal Water Pollution Control Act, 33 U.S.C.A., Section 1342(a) and 1342(b) ("Federal Clean Water Act")(California Water Code Section 13160);

**WHEREAS**, the Regional Water Quality Control Board Region 9 ("RWQCB"), has met the requirements for water quality planning through issuance of the Water Quality Plan for the San Diego Basin (9), adopted on September 8, 1994 (the "Basin Plan"), and the Basin Plan contains prohibitions applicable within the region, including prohibiting the unauthorized discharge of treated or untreated sewage to waters of the state or to a storm water conveyance system (which is a conduit to waters of the state);

**WHEREAS**, the RWQCB, acting in accordance with the Porter Cologne Water Quality Control Act adopted Order 96-04, which is applicable to the City of San Juan Capistrano ("City") and other agencies owning, maintaining and controlling sewer collection systems, and said order prohibits all discharge of sewage from sanitary sewer systems at any point upstream of a sewage treatment plant ("Order 96-04");

**WHEREAS**, pursuant to Order 96-04, the RWQCB identified as primary causes of sanitary sewer overflows blockages from fats, oils, grease, roots, and other system failures associated with sewer collection systems;

**WHEREAS**, Order 96-04 requires the City to develop and implement a Sanitary Sewer Overflow Prevention Plan to address the potential for sanitary sewer overflows;

**WHEREAS**, The State Waste Discharge Report requires that wastewater agencies prepare and implement a fats, oils and grease source control (FOG) program to reduce the amount of these substances discharged to the sewer collection system. This plan shall include the legal authority to prohibit discharges to the system and identify measures to prevent sewer system overflows (SSOs) caused by fats, oils, and grease blockages of sewers. The elements of an effective FOG control program may include

requirements to install grease removal devices (such as traps or preferably, interceptors), design standards for the removal devices, maintenance requirements, Best Management Practices (BMP) requirements, and record keeping and reporting requirements. An effective FOG control program must also include authority to inspect grease-producing facilities, enforcement authority, and sufficient staff or contractors to inspect and enforce the FOG ordinance. Grease disposal alternatives should be explored with the local wastewater treatment plant operator and/or private sector to ensure that when FOG is removed from the point sources that a safe and reliable system is in place to accommodate and properly handle the FOG.

**WHEREAS**, sanitary sewer overflows contain high levels of suspended solids, pathogenic organisms, oil, grease and other pollutants, which can cause temporary non-compliance with applicable water quality objectives, pose a threat to the public health, adversely affect aquatic life, and impair the public recreational use and aesthetic enjoyment of surface waters within the City's service area;

**WHEREAS**, the City Council finds that sewer overflow events within the City's public sewer system are from time to time related to or caused directly by the introduction of materials that block the collection system, including: fats, oils and grease from food service establishments;

**WHEREAS**, pursuant to Article XI § 9 of the California Constitution, California Water Code sections 13002, and Government Code Sections 38730, 38900, 54350 and 54739 the City has the authority to adopt ordinances relating to the provision of sanitary sewer services and facilities and regulation of those service and facilities;

**WHEREAS**, pursuant to Article XI § 9 of the California Constitution and Health and Safety Code Section 5470 et seq., the City has the authority to set rates and charges applicable to the provision of sewer services;

**WHEREAS**, the City has previously promulgated rules and regulations governing the discharge of wastewater to its public sewer system, which are embodied in Chapters 6 and 9 of Title 6 of the Municipal Code (Sewer Discharge Regulations) and Ordinance No. 791, "Waste Water Discharge Pretreatment and Source Control Program" ("Pretreatment Regulations");

**WHEREAS**, pursuant to Government Code Sections 54740, 54740.5 and 53069.4 the City has the authority to assess civil penalties and enact administrative fines and penalties for non-compliance with City pretreatment requirements and/or violations of City ordinances;

**WHEREAS**, the City Council does therefore desire to supplement the Pretreatment Regulations with specific requirements applicable to food service establishments to control the discharge of fats, oils, and grease and reduce damage to the City's public sewer systems and to the environment caused by sewer spills and for the protection of the public health, safety, and welfare.

**NOW, THEREFORE, the City Council of the City of San Juan Capistrano does hereby ordain as follows:**

**SECTION 1.** Chapter 13 of Title 6 of the San Juan Capistrano Municipal Code is hereby adopted to read as follows:

**Chapter 13. SANITARY SEWER REGULATIONS APPLICABLE TO FOOD SERVICE ESTABLISHMENTS**

**Section 6-13.01 Purpose and Policy.**

- (a) This chapter is established to facilitate the maximum beneficial use of the public sewer by preventing the blockage of sewer lines and the occurrence of sewer spills.
- (b) This chapter establishes specific requirements for Food Service Establishments (FSEs) and applies to direct and indirect discharges of wastewater or waste containing Fats, Oils and Grease (FOG), which may alone or collectively cause or contribute to accumulation of FOG in public sewer lines and cause or contribute to the occurrence of sewer spills.
- (c) This chapter allows the City and the users of its sewer facilities to comply with federal, state and local standards applicable to the operation of the public sewer system. These standards require the prevention of sewer spills, which may enter the storm drain system and harm public health and safety and the environment.
- (d) This chapter sets quality standards for activities of food service establishments that contribute or have the potential to contribute wastewater and waste discharges containing fats, oils and grease to the public sewer.

**Section 6-13.02 Applicability.**

- (a) This chapter shall apply to owners of properties and operators of FSEs connecting to the public sewer system by sewer lateral. The sewer lateral installed from and within the structure served by the lateral to and including the point of connection to the main line of the City is the responsibility of the owner, occupant or operator of the FSE or other persons owning, managing or controlling the property and/or FSE. Sewer laterals must be kept in good condition and repair, and sewer laterals must be capable of delivering sewage to the public sewer free from conditions that cause or contribute to overflows, including but not limited to dirt, debris, root intrusions, FOG or other obstructions that block or have the potential to block the flow of wastewater into or within the public sewer system.

- (b) This chapter is applicable to Food Service Establishments and owners and users of private sewer systems having the potential to discharge fats, oil and grease (FOG) to the public sewer.
- (c) Owners (or agents of owners) of single-parcel commercial properties with multiple tenants (e.g. shopping mall or strip mall), which include one or more FSEs, are subject to the provisions of this chapter.

**Section 6-13.03 Definitions.**

- (a) Unless otherwise defined in this chapter, terms related to water quality shall be as adopted in the latest edition of Standard Methods for Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Environment Federation. The testing procedures for waste constituents and characteristics shall be as provided in 40 CFR 136 (Code of Federal Regulations).
- (b) Other terms not specifically defined in this chapter shall have the same definition as set forth in the latest adopted editions of the California Codes of Regulations applicable to building construction adopted pursuant to the California Building Standards Law.
- (c) Subject to the foregoing provisions, the following definitions shall apply in this chapter:

Authorized Inspector. Shall mean a city employee, a consultant or other City representative designated by the Utilities Director to provide inspection services of the FOG program.

Best Management Practices (BMPs). Shall mean kitchen and general operations practices for FSEs that establish schedules of activities, prohibitions or practices, maintenance procedures, and other management practices to prevent or reduce the introduction of FOG into the public sewer.

BMP Training. Shall mean FSE employee training conducted to educate employees as to the requirements of this chapter and covering kitchen best management practices and grease control requirements. FSE employee training shall utilize the City's Program Information/Training Kit provided by the City to the FSE.

Director. Shall mean the City's Utilities Director or his/her authorized designee or another City representative as assigned by the City Manager.

Discharge Permit. Shall mean a general wastewater discharge permit issued to the FSE for the control of FOG releases to the public sewer, which may be issued following the FSEs application to the City and approval of that application.

The Utilities Director may from time to time include specific discharge requirements in the Discharge Permit applicable to an individual FSE to reduce FOG or the likelihood of FOG discharges to the public sewer.

City. Shall mean the City of San Juan Capistrano, as the owner and/or operator of the public sewer system serving the City of San Juan Capistrano.

Fats, Oil and Grease (FOG). Shall mean grease, fatty or oily substances, or vegetable or animal products, used in or the byproduct of cooking or food preparation processes, which result in insoluble waste that turns or may turn viscous or solidifies with change in temperature or other conditions.

FSE Transfer of Ownership or Successor Owner. For purposes of this chapter, transfer of ownership or successor owner shall mean a transfer by sale of 75% or more of the controlling ownership interest in the business (whether owned by an individual, partnership or corporate entity).

Food Grinder. Shall mean any device installed in the plumbing system for the purpose of grinding food waste or food preparation byproducts for the purpose of disposing it in the public sewer (e.g. garbage disposal).

Food Service Establishment (FSE or FSEs). Shall mean any restaurant, drive-thru, cafeteria, store, commercial kitchen or any other establishment serving food for consumption and operating for the purpose of storing, preparing, serving, manufacturing, packaging, unpacking, displaying or otherwise handling food for sale or distribution to the public, other entities, and other groups or persons. The term FSE shall include any commercial establishment which has processes or equipment that uses or produces FOG, grease vapors, steam, fumes, smoke or odors that are required to be removed by a Type I or Type II hood, as defined in California Uniform Retail Food Service Establishments Law (CURFFL), California Health and Safety Code Section 113785. The term FSE shall include any operation that changes the form, flavor or consistency of food for resale or other distribution, assembles or hot holds food. The term FSE shall not include food preparation activity in domestic homes.

Grease control device. Shall mean a grease interceptor or a grease trap, which attaches to wastewater plumbing fixtures and lines for the purpose of trapping or collecting FOG prior to discharge into the private lateral and/or the public sewer system. Grease control device may also include any other proven method to reduce fats, oils, and grease, subject to the approval of the City Utilities Director.

Grease interceptor. Shall mean a gravity grease interceptor, which is a three compartment device that is generally located, according to the California Plumbing Code, underground between a FSE and the connection to the public sewer system. These devices are large (a minimum of 750 gallons) and primarily use gravity to separate FOG from the wastewater as it moves from one

compartment to the next. These devices must be cleaned, maintained, and have the FOG removed and disposed of in a proper manner on a regular interval to work effectively.

Grease trap. Shall mean a hydromechanical grease interceptor, which is a FSE kitchen device for retaining grease that is much smaller than a grease interceptor (generally 50 gallons). Grease Traps need to be emptied more often than Grease Interceptors to be effective due to their small size.

Limited Food Preparation Establishment (LFPE). Shall mean an FSE that engages only in beverage services and limited reheating of ready to eat food products and as a result generates no wastewater discharge containing FOG (e.g. specialty coffee houses).

New FSE. Shall mean an FSE that is new to the City's service area and did not conduct business or operate as an FSE before April 1, 2009.

Public Sewer or Public Sewer System. Shall mean the main sewer or trunk sewer dedicated to public use and located and constructed under a street, highway, alley, place, right-of-way or easement of the City.

Remodeling. Shall mean a physical change or operational change to an FSE that either: substantially increases the potential for Sanitary Sewer Overflows to occur, exceeds a cost of \$50,000, requires a building permit, and involves any one or combination of the following: 1) under slab plumbing in the food processing area; 2) a 30% increase in the net public seating area; 3) a 30% increase in the size of the kitchen area; and/or 4) any change in the size or type of food preparation equipment.

Sewer Lateral or Private System. Shall mean that portion of private sewer pipe connecting a building or group of buildings to the public sewer system such that the building or group of buildings may receive sewer collection and treatment services from the City's public sewer system. A sewer lateral is generally located at an approximate right angle to the closest public sewer, is privately owned, operated and maintained, and serves a given lot or parcel. The sewer lateral includes the point of connection into the City's main line, which is the responsibility of the private property owner or occupant.

#### **Section 6-13.04 Discharge Prohibition.**

- (a) The owner, occupant or operator of any FSE or other persons owning, managing or controlling private property are responsible for the maintenance and repair of the sewer lateral installed from and within the structure served by the lateral to and including the point of connection to the main line of the City. Sewer laterals must be kept in good condition and repair, and sewer laterals must be capable of delivering sewage to the public sewer free from conditions that cause or

contribute to overflows, including but not limited to dirt, debris, root intrusions, FOG or other obstructions that block or have the potential to block the flow of wastewater into or within the public sewer system.

- (b) No FSE shall discharge or cause to be discharged into the public sewer system FOG that may accumulate and/or cause or contribute to blockages in the public sewer or within the sewer lateral which connects the FSE to the public sewer.
- (c) The following prohibitions shall apply to all FSEs:
  - (1) Disposal of waste cooking oil and/or spilled oils or greases into drain pipes or drainage systems leading to the Sewer Lateral and/or the public sewer system. All waste cooking oils shall be collected and stored in an internal oil retention unit for all new FSE, or covered receptacles such as barrels or drums for recycling or disposal in accordance with the requirements of this chapter. If these receptacles are not maintained properly and collection area has leaks, then the City could require the installation of an internal oil retention unit and require the removal of any outdoor oil retention receptacles.
  - (2) Discharge of wastewater with temperatures in excess of 140 degrees Fahrenheit to any grease control device.
  - (3) Discharge of wastes from toilets, urinals, wash basins, and other fixtures containing fecal materials to the sewer lines connecting to a grease control device.
  - (4) Discharge of any waste containing FOG and solid materials removed from a grease control device to the sewer lateral or lines leading to the public sewer system. Grease removed from grease control device shall be waste hauled periodically by a licensed hauler as part of proper operation and maintenance requirements for grease control devices in accordance with this chapter.
  - (5) Operation of a grease interceptor with FOG and solids accumulation exceeding 25% of the design hydraulic depth (total operating depth) of the grease interceptor.
  - (6) Operation of a grease interceptor that at any time contains floating oil/grease in the final chamber, or sludge in any chamber that is within two (2) inches of the discharge elbow; under such conditions the owner or operator of the FSE shall have the grease interceptor serviced immediately such that all fats, oils, grease, sludge, and other materials are completely removed from the grease interceptor after which the grease interceptor shall be refilled with cold water.

- (7) Maintenance of a grease interceptor in a manner that discharges grease into private laterals, public sewers, storm drains, or the public right of way or maintenance that fails to fully pump down the contents of the grease interceptor.
- (8) Installation of a new grease trap or operation of an existing grease trap in a manner that limits operational effectiveness, e.g. trap is full of hardened FOG.
- (9) Installation of a new food grinder (garbage disposal) or operation of an existing food grinder that is connected to a grease trap. At any time an FSE submits for any improvements requiring a building permit, existing food grinders must be removed.
- (10) Dilution of waste oil, grease or FOG as a partial or complete substitute for proper disposal.
- (11) The introduction of additives into the FSE wastewater system for the purpose of emulsifying FOG or biologically/chemically treating FOG for grease remediation or as a supplement to interceptor maintenance, unless specific written authorization is obtained from the Utilities Director.

**Section 6-13.05 Discharge Permit.**

- (a) Each FSE connected or connecting via private lines or sewer lateral to the public sewer shall make application to the City for a Discharge Permit. All FSEs doing business within the City's service area on or before May 1, 2009 shall submit an application by July 1, 2009.
- (b) New FSEs, and FSEs with a transfer of ownership or successor owner, shall make application to the City and receive a Discharge Permit prior to discharging wastewater directly or indirectly into the public sewer system.
- (c) Upon receipt of an approved Discharge Permit, FSEs shall conduct their operations and maintenance activities consistent with the requirements of this chapter.
- (d) FSEs operating under Discharge Permits shall make their place of business, equipment, and operations available for inspection upon the request of an Authorized Inspector.
- (e) Discharge Permits shall be subject to all provisions of this chapter, and all other regulations, charges for use, and fees established by the City. The conditions of the Discharge Permit shall be enforced by the City in accordance with this chapter, and applicable State and Federal regulations.

- (f) Discharge Permits shall be issued for three (3) year periods and shall be renewed thereafter by application to the City. FSEs shall file an application with the City for permit renewal at least sixty (60) days prior to the expiration date of the current permit.
- (g) The Discharge Permit application form and required information shall be as established by the Utilities Director, and the same may be amended from time to time. The Discharge Permit application shall be submitted with an application fee as established by City Council resolution, and the same may be adjusted from time to time to reflect all or a portion of the reasonable program costs of the City related to FOG control from FSEs.
- (h) Discharge Permit conditions shall be included within a general permit format as developed by the Utilities Director.
- (i) The Discharge Permit shall refer to the requirements of this chapter for FSEs. FSEs shall be required to comply with the following requirements:

(1) Grease Control Devices.

- a. The proper configuration, operation and maintenance of grease control devices pursuant to the latest established edition of the California Plumbing Code.
- b. Required grease control device cleaning or pumping frequency. The FSE may request that the Utilities Director or Authorized Inspector issue a revised cleaning or pumping schedule for grease control devices where it can be shown that the change in frequency will not cause or contribute to non compliance with a Discharge Permit or the requirements of this chapter.
- c. To keep, compile and submit to the Authorized Inspector a record or log listing regular removal of FOG from grease control devices for the previous twelve (12) months. Grease disposal logs and supporting manifests and invoices shall be retained by the FSE on-site for a period of three (3) years.

(2) Waste Oil (Yellow Grease) Collection for Recycling or Disposal.

- a. To keep, compile and submit to the Authorized Inspector a record or log listing regular waste oil (yellow grease) collection by a licensed hauler for the previous twelve (12) months. Waste oil collection logs and supporting manifests and invoices shall be retained by the FSE on-site for a period of three (3) years.

- b. Required cleaning or pumping frequency for waste oil (yellow grease) barrels or drums. The FSE may request that the Utilities Director or Authorized Inspector issue a revised pumping schedule for waste oil (yellow grease) collection, where it can be shown that the change in frequency will not cause or contribute to non compliance with a Discharge Permit or the requirements of this chapter.
- c. Maintaining waste oil (Yellow Grease) collection area clean and free of leaks and debris. FSEs are required to maintain areas where waste oil is stored clean and free of leaks. In case such areas are not maintained, the City shall issue a notice of non-compliance and require that FSE cleans up area and maintain it clean and leak free. If a second notice of non compliance is issued, and area is still not being maintained, then FSE will be required to install an internal oil retention unit and remove all outdoor storage of waste oil.

(3) Kitchen Best Management Practices and BMP Training for Employees.

- a. To conduct employee BMP Training. Employees with regular duties in food handling and preparation, kitchen duties, clean up and/or maintenance duties must receive BMP Training at the time of hire and at least annually thereafter. New hire employees must receive BMP Training within 1 month of the date of hire. FSEs utilizing outside services for clean up and after hours maintenance must require vendors and contractors to conduct BMP Training for all contracted employees providing services at the site of the FSE on the same training schedule.
- b. To keep, compile and submit to the Authorized Inspector a record or log documenting employee BMP Training. The log shall document employee BMP Training occurring over the previous twelve (12) months and shall be retained by the FSE on-site for a period of three (3) years.

(4) Implementation of kitchen best management practices (BMPs), as follows:

- a. Trash Disposal. Dispose of food waste and fatty scraps into the trash or garbage bin, not down the sink. Use plastic trash bags to prevent leaks and odor. Double-bag waste that has the potential to leak in trash bins. Make sure trash bins are covered at all time, when not in use and call trash hauler if bin is leaking. Contact solid waste hauler to replace bin if lid is damaged.

- b. Pre-Wash. Dry wipe or scrape pots, pans, dishware, floor mats and work areas to remove grease and food scraps before washing and dispose in trash.
- c. Use of Drain Screens. Install removable screens on all drainage pipes in food preparation areas. Keep screens in sink and floor drains clean and in good repair. Dispose of removed solids in trash, not down the drain.
- d. Yellow Grease Disposal. Dispose of grease and oil from cooking equipment (pots, pans and fryers) by pouring waste oil and yellow grease into covered containers (drums, barrels) for storage and recycling, or use internal oil retention unit. Internal oil retention units could be hard plumbed to pump oil or oil can be pumped with a mobile pumping mechanism. All new FSEs are required to install an internal oil retention unit. Internal oil retention units are usually equipped with a pipe to the outside, from which a company can pump the content of the unit. Provide secondary containment to capture any liquid grease or oil that may spill from the primary container. Use a licensed waste hauler or recycling facility to dispose of liquid grease and oil before the container is full.
- e. Mat Cleaning. Clean and wash floor mats in a utility mop sink. Empty mop water into a sink or drain connected to a grease interceptor, if present. Do not empty mop or wash water into storm drains.
- f. Hood Cleaning. Clean hoods and filters as frequently as necessary to maintain good operating condition. Use a licensed waste hauler to dispose of wastewater collected from cleaning hoods and filters.
- g. Grease Trap Cleaning. Existing grease traps shall be cleaned as frequently as necessary to keep them free of food residues and hardened FOG. Inspect grease traps for leaking seams and pipes.
- h. Spill Prevention. Place absorbent materials, such as paper towels or pads, under fryer baskets and other areas where grease may drip or spill during cooking, frying or during the transfer of grease to storage or disposal containers.
- i. Spill Kits. Maintain a spill kit accessible for use of employees, including absorbent pads, kitty litter or equivalent absorbing material, and paper towels. Require the use of the spill kit to clean up spilled FOG.

- j. Super Hot Water. Do not pump water hotter than 140 degrees Fahrenheit through a grease control device.
- k. Roof vent grease absorption pads (diapers) All new FSEs must install a grease absorption pad around hood vent on roof in order to capture any grease blown on the roof. FSE must maintain and replace pad as specified by the manufacturer or as directed by the Authorized Inspector.
- l. Employee Training Posters. Post signs provided by City to show kitchen best management practices (BMPs) in food preparation, dishwashing and maintenance areas.
- (j) In addition to the other requirements of this chapter, the Utilities Director or the Authorized Inspector may from time to time establish discharger specific requirements for individual FSE Discharge Permits to the extent the same will reduce or have the potential to reduce or control FOG. Requests for Discharge Permit changes generated by the FSE shall be made in writing to the Utilities Director.
- (k) The Utilities Director may from time to time revise the requirements of the general Discharge Permit form used by the City where such modification is appropriate to further the objectives of this chapter. FSEs holding existing Discharge Permits shall receive at least forty-five (45) days advanced written notice of changes in the form of the general Discharge Permit affecting terms or conditions. If the change to an existing Discharge Permit is the result of an Authorized Inspector's evaluation of the FSE for permit non-compliance, then the FSE shall receive fourteen (14) days advanced notice of the Discharge Permit revision.
- (l) FSEs operating under Discharge Permits shall dispose of all wastewater, accumulated FOG, yellow grease, floating materials, sludge or solid wastes in accordance with the requirements of this chapter and other federal, state and local laws and regulations.
- (m) In the event that City video monitoring of the connection point of the sewer lateral to the public sewer indicates that FSE FOG discharge is causing or contributing to build up of FOG inside the sewer lateral where it has discharged or has the potential to discharge to the public sewer, or in the event that an FSE fails to comply with the Prohibitions of this chapter or a Discharge Permit issued by the City, then the Utilities Director shall have the authority to modify the Discharge Permit to require the installation of a City approved grease interceptor.

- (n) Discharge Permits are not transferable to a new or successor owner of the FSE, and a new application must be placed on file, approved by the City and issuance of a new Discharge Permit must be obtained prior to the operation of the FSE under new or successor ownership.

**Section 6-13.06 New FSEs, Remodeling FSEs and Transfers of Ownership.**

- (a) New FSEs, Remodeling FSEs and FSEs with a transfer of ownership or successor owner or change of type of FSE's food served or FSE's name even if under same ownership, shall, prior to commencing business or operations within the City, install a grease control device sized and designed in accordance with the requirements of the California Plumbing Code. Grease control device installation and related construction shall be subject to inspection by the City prior to operation.
- (b) New grease control devices shall be reviewed by submission to the Utilities Director of facility site plans, mechanical and plumbing plans, with details to show all water meter and sewer connections, grease control devices, or other proposed pretreatment equipment and appurtenances by size, location and elevation, and such other information and documentation as may be required by the Utilities Director. The grease control device plan shall be approved by the City prior to installation and connection to the public sewer. The City has a minimum size grease interceptor of 750 gallons.
- (c) New FSEs, Remodeling FSEs and FSEs with a transfer of ownership are not permitted to install or continue utilizing Grease Traps or Food Grinders and the Utilities Director shall require the removal of Grease Traps and Food Grinders.
- (d) The Utilities Director shall determine the criteria applicable to the City's review of new grease control devices, which may include: the type of FSE; the volume of projected business, meals, seats and hours of operation; the peak flow of discharge; the size and nature of the facility (including the kitchen and fixtures); the potential for grease-laden discharges; the location of the facility and its point of connection to the public sewer; any prior history of non-compliance with this chapter from the same location; other factors related to efficiency or effectiveness of the new grease control device and the proposed location.
- (e) The Utilities Director may from time to time require a sanitary tee location in a sample box on the discharge side.
- (f) The Utilities Director may from time to time require the installation of a dedicated water meter in addition to other requirements for the installation for the new grease control device. New grease control device installations shall also require

one or more cleanout(s) installed on the private lateral in location(s) approved by the Utilities Director in conjunction with plan review.

- (g) The Utilities Director may from time to time consider requests for variance or waiver of the requirements of this chapter for the installation of new grease control devices if the FSE can demonstrate that: (i) a proven alternative treatment technology is available and capable of observation under specific Discharge Permit requirements approved by the City; or (ii) that a negligible grease discharge will be released from the FSE and it will not cause or contribute to FOG accumulation in the public sewer and the FSE is otherwise capable of compliance with the requirements of this chapter, including the Prohibitions and Discharge Permit requirements; or (iii) the FSE can demonstrate that the installation of a grease control device is not feasible because there is inadequate space and the FSE is otherwise capable of compliance with the requirements of this chapter, including the Prohibitions and Discharge Permit requirements. The burden of the variance or waiver demonstration is on the requesting FSE and is subject to review and approval by the Utilities Director taking into consideration the whole of the requirements of this chapter and its purpose.

**Section 6-13.07 Commercial Property Owners (Single Parcel, Multiple Tenants).**

Owners (or their agents) of single-parcel commercial properties with multiple tenants (e.g. shopping mall or strip mall), which include one or more FSEs, shall:

- (a) Require that grease interceptors, grease traps or other grease control device serving existing FSEs within the property are operated and maintained in accordance with the requirements of this chapter, and that the tenant FSE has obtained a Discharge Permit.
- (b) Notify tenants with New FSEs, Remodeling FSEs or transfers of ownership of the requirements for installation and maintenance of a grease control device under this chapter.
- (c) Properly inspect, clean and maintain private laterals that connect tenants and the commercial property to the public sewer to reduce or eliminate the likelihood of sewer overflows from the property and/or the introduction of FOG into the public sewer.
- (d) Notify the Utilities Director within 24 hours, 1 business day, of sewer overflows on private property.
- (e) Notify the City as soon as possible of any sewer overflow on private property that cannot be immediately stopped, contained and prevented from entering the public street, gutters or storm drains. City's Utilities department will report the

private spill to the Orange County Health Department and/or the RWQCB, the Environmental Division Manager and any other appropriate or required party.

**Section 6-13.08 Existing FSEs.**

All FSEs in the City are required to implement BMPs as identified in this chapter. All FSEs are required to remove food grinders by June 1, 2010.

**Section 6-13.09 Enforcement.**

(a) General Procedure.

- (1) To ensure that all interested parties are afforded due process of law and that violations are resolved as soon as possible, the general policy of the city is that any determination relating to a notice of violation and compliance schedule order (CSO) will be made by the Director upon information provided by the Authorized Inspector, with a right of appeal by the affected party to the City Council pursuant to the procedures set forth in this section.
- (2) The City, at its discretion, may utilize any one, a combination, or all enforcement remedies provided in this Code in response to any permit violation or other violation of this chapter.

(b) Determination of Noncompliance with Discharge Permit Conditions.

(1) Sampling and Inspection Procedures.

- (A) Sampling and inspection of FSEs shall be conducted in the time, place, manner, and frequency determined at the sole discretion of the Authorized Inspector.
- (B) Noncompliance with permit conditions, or any provision of this chapter may be determined by an Authorized Inspector of a grease control device and associated manifest(s) and documentation; analysis of a grab or composite sample of the effluent of a FSE; or by other information relating to the operations of or discharge from a FSE.
- (C) Any sample taken from a designated sample point shall be considered to be representative of the discharge to the public sewer.

- (2) Noncompliance Fee. Any permittee determined to be in noncompliance with the terms and conditions specified in its permit or with any provision of this chapter shall pay a noncompliance fee. The purpose of the

noncompliance fee is to compensate the city for costs of additional inspection and follow-up, sampling, monitoring, laboratory analysis, treatment, disposal, and administrative processing incurred as a result of the noncompliance, and shall be in addition to and not in lieu of any penalties as may be assessed pursuant to subsections (j) and (k) of this section. Noncompliance fees shall be in the amount adopted by ordinance or resolution of the City Council.

(c) Compliance Schedule Order (CSO).

- (1) Upon determination that a permittee is in noncompliance with the terms and conditions specified in its permit or any provision of this chapter, or needs to construct and/or acquire and install a grease control device or grease interceptor, the Director may issue to the permittee a CSO.
- (2) The CSO may contain terms and conditions including but not limited to requirements for installation of a grease control device, grease interceptor and facilities, submittal of drawings or reports, audit of waste hauling records, best management and waste minimization practices, payment of fees, or other provisions to ensure compliance with this chapter.
- (3) If compliance is not achieved in accordance with the terms and conditions of a CSO during its term, the Director may issue an order suspending or revoking the applicable discharge permit pursuant to subsection (d) or (e) of these regulations.

(d) Permit Suspension.

- (1) The Authorized Inspector may suspend any permit when it is determined that a permittee:
  - (A) Fails to comply with the terms and conditions of a CSO;
  - (B) Knowingly provides a false statement, representation, record, report, or other document to the city;
  - (C) Refuses to provide records, reports, plans, or other documents required by the City to determine permit terms or conditions, discharge compliance, or compliance with this chapter;
  - (D) Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method;
  - (E) Refuses reasonable access to the permittee's premises for the purpose of inspection and monitoring;

- (F) Does not make timely payment of all amounts owed to the City for user charges, permit fees, or any other fees imposed pursuant to this chapter;
  - (G) Causes interference, a sewer blockage, or a sewer overflow in the sewer system;
  - (H) Violates grease interceptor maintenance requirements, any condition or limit of its discharge permit or any provision of this chapter.
- (2) When the Authorized Inspector has reason to believe that grounds exist for permit suspension, he/she shall give written notice thereof by certified mail to the permittee setting forth a statement of the facts and grounds deemed to exist, together with the time and place where the charges shall be heard by the Director. The hearing date shall be not less than fifteen (15) calendar days nor more than forty-five (45) calendar days after the mailing of such notice.
- (A) At the suspension hearing, the permittee shall have an opportunity to respond to the allegations set forth in the notice by presenting written or oral evidence. The hearing shall be conducted in accordance with procedures established by the Director.
  - (B) If the Director designates a hearing officer, after the conclusion of the hearing, the hearing officer shall submit a written report to the Director setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions and a recommendation.
  - (C) Upon receipt of the written report of the hearing officer or conclusion of the hearing, if the Director conducts the hearing, the Director shall make his/her determination and should he/she find that grounds exist for suspension of the permit, he/she shall issue his/her decision and order in writing within thirty (30) calendar days after the conclusion of the hearing. The written decision and order of the Director shall be sent by certified mail to the permittee or its legal counsel/representative at the permittee's business address.
- (3) Effect of Permit Suspension.
- (A) Upon an order of suspension by the Authorized Inspector or Director becoming final, the permittee shall immediately cease and desist its discharge and shall have no right to discharge any wastewater containing FOG directly or indirectly to the public sewer for the duration of the suspension. All costs for physically

terminating and reinstating sewer service shall be paid by the permittee.

- (B) Any owner or responsible management employee of the permittee shall be bound by the order of suspension.
- (C) An order of permit suspension issued by the Authorized Inspector or Director shall be final in all respects on the sixteenth (16th) day after it is mailed to the permittee unless a request for hearing with the Director, or in the case of an order by the Director, the City Council, is filed with the City Clerk pursuant to subsection (l) of this section no later than 4:30 p.m. on the fifteenth (15th) day following such mailing.

(e) Permit Revocation.

- (1) The Director may revoke any permit when it is determined that a permittee:
  - (A) Knowingly provides a false statement, representation, record, report or other document to the city;
  - (B) Refuses to provide records, reports, plans, or other documents required by the city to determine permit terms, conditions, discharge compliance or compliance with this chapter;
  - (C) Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method;
  - (D) Fails to comply with the terms and conditions of a permit suspension or CSO;
  - (E) Discharges effluent to the sewer system while its permit is suspended;
  - (F) Refuses reasonable access to the permittee's premises for the purpose of inspection and monitoring;
  - (G) Does not make timely payment of all amounts owed to the city for user charges, permit fees, or any other fees imposed pursuant to this chapter;
  - (H) Causes interference, a sewer blockage, or an sewer overflow in the sewer system;

- (1) Violates grease interceptor maintenance requirements, any condition or limit of its FOG wastewater discharge permit or any provision of this chapter.
- (2) When the Authorized Inspector has reason to believe that grounds exist for the revocation of a permit, he/she shall give written notice by certified mail thereof to the permittee setting forth a statement of the facts and grounds deemed to exist together with the time and place where the charges shall be heard by the Director. The hearing date shall be not less than fifteen (15) calendar days nor more than forty-five (45) calendar days after the mailing of such notice.
  - (A) At the revocation hearing, the permittee shall have an opportunity to respond to the allegations set forth in the notice by presenting written or oral evidence. The hearing shall be conducted in accordance with the procedures established by the city administrator.
  - (B) If the Director designates a hearing officer, after the conclusion of the hearing, the hearing officer shall submit a written report to the Director setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions and a recommendation.
  - (C) Upon receipt of the written report of the hearing officer, or conclusion of the hearing, if the Director conducts the hearing, the Director shall make his/her determination and should he/she find that grounds exist for permanent revocation of the permit, he/she shall issue his/her decision and order in writing within thirty (30) calendar days after the conclusion of the hearing. The written decision and order of the Director shall be sent by certified mail to the permittee or its legal counsel/representative at the permittee's business address.

In the event the Director determines to not revoke the permit, he/she may order other enforcement actions, including, but not limited to, a temporary suspension of the permit, under terms and conditions that he/she deems appropriate.

- (3) Effect of Revocation.
  - (A) Upon an order of revocation by the Director becoming final, the permittee shall permanently lose all rights to discharge any wastewater containing FOG directly or indirectly to the public sewer. All costs for physical termination of sewer service shall be paid by the permittee.

- (B) Any owner or responsible management employee of the permittee shall be bound by the order of revocation.
  - (C) Any future application for a permit at any location within the City by any person associated with an order of revocation will be considered by the City after fully reviewing the records of the revoked permit, which records may be the basis for denial of a new permit.
  - (D) An order of permit revocation issued by the Director shall be final in all respects on the sixteenth (16th) day after it is mailed to the permittee unless a request for hearing with the City Council is filed with the city clerk pursuant to subsection (I) of this section no later than 4:30 p.m. on the fifteenth (15th) day following such mailing.
- (f) Damage to Facilities or Interruption of Normal Operations.
- (1) Any person who discharges any waste and/or wastewater which causes or contributes to any sewer blockage, sewer overflow, obstruction, interference, damage, or any other impairment to the public sewer facilities or to the operation of those facilities shall be liable for all costs incurred to clean or repair the facilities together with expenses incurred by the City to resume normal operations, including all City overhead expenses related to the event. The total amount shall be payable within forty-five (45) days of invoicing by the City.
  - (2) Any person who discharges waste and/or wastewater to the sewer system which causes or contributes to the City violating discharge requirements established by any regulatory agency shall be liable for any costs or expenses incurred by the City as a result, including but not limited to regulatory fines, penalties, and assessments made by such other regulatory agencies or a court.
- (g) Public Nuisance. The discharge of waste and/or wastewater in any manner in violation of this chapter or of any order issued by the Authorized Inspector or Director, as authorized by this chapter, is declared a public nuisance and may be corrected or abated as directed by the Authorized Inspector or Director. Any person creating a public nuisance is guilty of a misdemeanor and may be prosecuted pursuant to Chapter 2 of Title 1 of this Code.
- (h) Termination of Service.
- (1) The city, by order of the Director, may physically terminate sewer service to any property as follows:

- (A) On a term of any order of suspension or revocation of a permit; or
  - (B) Upon the failure of a person not holding a valid discharge permit to immediately cease the discharge, whether direct or indirect, to the public sewer facilities after the notice and process in accordance with subsection (e)(2) of this section.
- (2) All costs for physical termination shall be paid by the owner or operator of the FSE or permittee as well as all costs for reinstating service.
- (i) Emergency Suspension Order.
- (1) The City may, by order of the Director, suspend sewer service when the Director determines that such suspension is necessary in order to stop an actual or impending discharge which presents or may present an imminent or substantial endangerment to the health and welfare of persons, or to the environment, or may cause an sewer overflow, sewer blockage, interference to the public sewer system, or may cause the City to violate any state or federal law or regulation. Any discharger notified of and subject to an emergency suspension order shall immediately cease and desist the discharge of all waste and/or wastewater containing FOG to the sewer system.
  - (2) As soon as reasonably practicable following the issuance of an emergency suspension order, but in no event more than five (5) business days following the issuance of such order, the Director shall hold a hearing to provide the FSE or permittee the opportunity to present information in opposition to the issuance of the emergency suspension order. Such a hearing shall not stay the effect of the emergency suspension order. The hearing shall be conducted in accordance with procedures established by the Director. The Director shall issue a written decision and order within two (2) business days following the hearing, which decision shall be sent by certified mail to the FSE or its legal counsel/representative at that FSE's business address. The decision of the Director following the hearing shall be final and not appealable to the City Council, but shall be subject to judicial review pursuant to subsection (n) of this section.
- (j) Civil Penalties.
- (1) All users of the public sewer system are subject to enforcement actions administratively or judicially by the City, U.S. EPA, State of California Regional Water Quality Control Board or the County of Orange. Such actions may be taken pursuant to the authority and provisions of several laws, including but not limited to: (1) Federal Water Pollution Control Act, commonly known as the Clean Water Act (33 U.S.C.A. Section 1251 et seq.); (2) California Porter-Cologne Water Quality Control Act (California

Water Code Section 13000 et seq.); (3) California Hazardous Waste Control Law (California Health & Safety Code Sections 25100 to 25250); (4) Resource Conservation and Recovery Act of 1976 (42 U.S.C.A. Section 6901 et seq.); and (5) California Government Code, Sections 54739-54740.6.

- (2) In the event the city is subject to the payment of fines or penalties pursuant to the legal authority and actions of other regulatory or enforcement agencies based on a violation of law or regulation or its permits, and such violation can be established by the City as caused by the discharge of any user of the public sewer system which is in violation of any provision of this chapter or the user's permit, the city shall be entitled to recover from the user all costs and expenses, including, but not limited to, the full amount of such fines or penalties to which it has been subjected.
- (3) Pursuant to the authority of California Government Code Sections 54739 through 54740, any person who violates any provision of this chapter; any permit condition, prohibition or effluent limit; or any suspension or revocation order shall be liable civilly for a sum not to exceed twenty-five thousand dollars (\$25,000.00) per violation for each day in which such violation occurs. Pursuant to the authority of the Clean Water Act, 33 U.S.C. Section 1251 et seq., any person who violates any provision of this chapter, or any permit condition, prohibition, or effluent limit shall be liable civilly for a sum not to exceed twenty-five thousand dollars (\$25,000.00) per violation for each day in which such violation occurs. The City Attorney, upon request of the City Manager, shall petition the Superior Court to impose, assess, and recover such penalties, or such other penalties as the city may impose, assess, and recover pursuant to federal and/or state legislative authorization.
- (4) Administrative Civil Penalties. Pursuant to Chapter 7 of Title 1 of this Code, the City may issue an administrative citation to any person who violates any provision of this chapter, any permit condition or prohibition, or any suspension or revocation order.
- (k) Criminal Penalties. Any person who violates any provision of this chapter is guilty of a misdemeanor, which upon conviction is punishable by a fine not to exceed one thousand dollars (\$1,000.00), or imprisonment for not more than one (1) year, or both. Each violation and each day in which a violation occurs shall constitute a new and separate violation of this chapter and shall be subject to the penalties contained in this chapter.
- (l) Appeals to the City Council.

- (1) Any FSE, permit applicant, or permittee or person adversely affected by a decision, action, or determination made by the Authorized Inspector or Director may, prior to the date that the order becomes final, file with the city clerk a written request for hearing before the City Council accompanied by an appeal fee in the amount established by a separate ordinance or resolution of the City Council. The request for hearing shall set forth in detail all the issues in dispute for which the appellant seeks a determination and all facts supporting appellant's request.

No later than forty-five (45) days after receipt of the request for hearing, the City Council shall either set the matter for a hearing, or deny the request for a hearing.

A hearing shall be held by the City Council within thirty (30) days from the date of determination granting a hearing, unless a later date is agreed to by the appellant and the City Council. If the matter is not heard within the required time, due to actions or inactions of the appellant, the order shall be deemed final.

- (2) The City Council shall grant all requests for a hearing on appeals concerning permit suspension, revocation, or denial. Whether to grant or deny the request for a hearing on appeals of other decisions of the Director shall be within the sole discretion of the City Council.
- (3) The appeal fee shall be refunded if the City Council denies a hearing or reverses or modifies, in favor of the appellant, the order of the Director. The fee shall not be refunded if the City Council denies the appeal.
- (4) After the hearing, the City Council shall make a determination whether to uphold, modify, or reverse the decision, action, or determination made by the Director.

The decision of the City Council shall be set forth in writing within thirty (30) days after the close of the hearing and shall contain findings of the facts found to be true, the determination of issues presented, and the conclusions. The written decision and order of the City Council shall be sent by certified mail to the appellant or its legal counsel/representative at the appellant's business address.

The order of the City Council shall be final upon its adoption. In the event the City Council fails to reverse or modify the Director's order, it shall be deemed affirmed.

- (m) Payment of Charges.

- (1) Except as otherwise provided in this Code, all fees, charges and penalties established by these regulations are due and payable upon receipt of notice thereof. Accounts shall become delinquent if not paid within thirty (30) days of the date of mailing, or if personally delivered, the date of delivery. Any action for collection may include an application for an injunction to prevent repeated and recurring violations of this chapter.
  - (2) Any invoice outstanding and unpaid after ninety (90) days shall be cause for immediate initiation of permit revocation proceedings or immediate suspension of the permit.
  - (3) Penalties charged under this section shall not accrue to those invoices successfully appealed, provided the City receives written notification of the successful appeal prior to the payment due date. However, payment of disputed charges is still required by the due date during City review of any appeal submitted by permittees.
- (n) Judicial Review.
- (1) Pursuant to Section 1094.6 of the California Code of Civil Procedure, the City enacts this part to limit to ninety (90) days following final decisions in adjudicatory administrative hearings the time within which an action can be brought to review such decisions by means of administrative mandamus.
  - (2) Definitions. As used in this section, the following terms and words shall have the following meanings:
    - (A) "Decision" means and includes adjudicatory administrative decisions that are made after hearing, or after revoking, suspending, or denying an application for a permit.
    - (B) "Complete record" means and includes the transcript, if any exists, of the proceedings, all pleadings, all notices and orders, any proposed decision by the city's officers, agents, or employees, the final decision, all admitted exhibits, all rejected exhibits in the possession of the City or its officers, agents or employees, all written evidence, and any other papers in the case.
  - (3) Time Limit for Judicial Review. Judicial review of any decision of the City or its officers or agents may be made pursuant to Section 1094.5 of the Code of Civil Procedure only if the petition for writ of mandate is filed not later than the ninetieth (90th) day following the date on which the decision becomes final. If there is no provision for reconsideration in the procedures governing the proceedings or if the date is not otherwise specified, the decision is final on the date it is made. If there is provision

for reconsideration, the decision is final upon the expiration of the period during which such reconsideration can be sought; provided that if reconsideration is sought pursuant to such provision the decision is final for the purposes of this section on the date that reconsideration is rejected.

- (4) The complete record of the proceedings shall be prepared by the City officer or agent who made the decision and shall be delivered to the petitioner within ninety (90) days after he/she has filed written request therefor. The City may recover from the petitioner its actual costs for transcribing and otherwise preparing the record.
- (5) If the petitioner files a request for the record within ten (10) days after the date the decision becomes final, the time within which a petition, pursuant to Section 1094.5 of the Code of Civil Procedure, may be filed shall be extended to not later than the thirtieth (30th) day following the date on which the record is either personally delivered or mailed to the petitioner or the petitioner's attorney of record, if appropriate.
- (6) In issuing a final decision, the city shall provide notice to the party that Section 1094.6 of the Code of Civil Procedure governs the time within which judicial review must be sought.
- (7) The judicial review provisions of this section shall not apply to citations issued pursuant to Chapter 7 of Title 1 of this Code, which citations shall be governed by that Chapter and Title of the Code.

## SECTION 2. CALIFORNIA BUILDING STANDARDS LAW FINDINGS.

Pursuant to the provisions of the California Building Standards Law, California Health and Safety Code Sections 18941.5, 17958, 17958.5 and 17958.7, the city council finds that the amendments to the State Building Standards and Housing Laws, more particularly the California Plumbing Code, adopted in this chapter are necessary because of climatic, geological or topographical conditions of property in the city's jurisdiction, and as more specifically described below.

(a) The regulations adopted by this Ordinance modify the authority and discretion of the "Administrative Authority" of the California Plumbing Code by requiring all food service establishments to install and operate a grease control device, which may be a grease interceptor or grease trap, if no other device, mechanism, or process is found to successfully trap or collect or treat FOG prior to it being discharged into the sewer system.

(b) The regulations adopted by this Ordinance modify the general maintenance requirements for grease interceptors of the California Plumbing Code and establishes more specific maintenance requirements.

Findings for "a" and "b": The city's topography, geography, creeks, and proximity to the Pacific Ocean coupled with the general waste discharge requirements imposed by the RWQCB require the strict compliance with grease control device regulations to prevent sewer system overflows that threaten the health and safety of the public within the immediate vicinity of the overflow and downstream to the local beaches. Furthermore, The City drains into San Juan Creek, which is an impaired water body for pathogen bacteria.

(c) Administrative/Procedural Amendments. Additional amendments and deletions to the California Plumbing Code are found to be administrative or procedural and are found to be reasonable and necessary to safeguard life and property within the city.

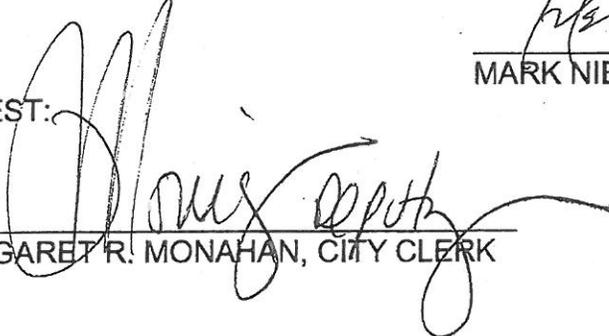
**SECTION 3. SEVERABILITY.** If any section, subsection, clause or phrase of this Ordinance or any part thereof is for any reason held to be invalid, unconstitutional or enforceable by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of the Ordinance. The City Council declares that it would have passed each section, subsection, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase would be declared invalid, unconstitutional or unenforceable.

**SECTION 4. CERTIFICATION.** The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within fifteen (15) days after passage and adoption as required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five (5) days prior to the date of adoption of this Ordinance; and, within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

**PASSED, APPROVED, AND ADOPTED** this 7th day of April, 2009.

  
\_\_\_\_\_  
MARK NIELSEN, MAYOR

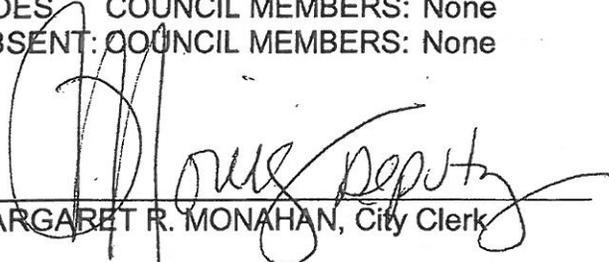
ATTEST:

  
\_\_\_\_\_  
MARGARET R. MONAHAN, CITY CLERK

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss.  
CITY OF SAN JUAN CAPISTRANO )

I, **MARGARET R. MONAHAN**, appointed City Clerk of the City of San Juan Capistrano, do hereby certify that the foregoing is a true and correct copy of **Ordinance No. 956** which was regularly introduced and placed upon its first reading at the Regular Meeting of the City Council on the 17<sup>th</sup> day of March 2009 and that thereafter, said Ordinance was duly adopted and passed at the Regular Meeting of the City Council on the 7<sup>th</sup> day of April 2009 by the following vote, to wit:

AYES: COUNCIL MEMBERS: Allevato, Hribar, Freese, Uso, and Mayor Nielsen  
NOES: COUNCIL MEMBERS: None  
ABSENT: COUNCIL MEMBERS: None

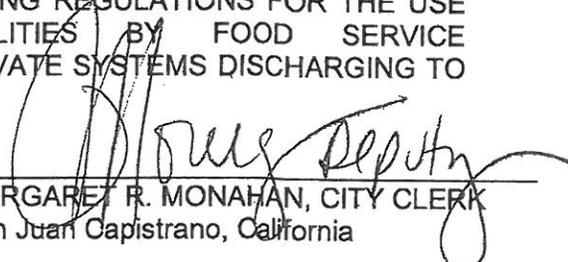
  
MARGARET R. MONAHAN, City Clerk

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF SAN JUAN CAPISTRANO )

**AFFIDAVIT OF POSTING**

I, **MARGARET R. MONAHAN**, declare as follows: That I am the duly appointed and qualified City Clerk of the City of San Juan Capistrano; That in compliance with State laws, Government Code section 36933(1) of the State of California, on the 19<sup>th</sup> day of March 2009, at least 5 days prior to April 7, 2009, the date of adoption of the ordinance, I caused to be posted, in the City Clerk's Office a certified copy of the proposed Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA, ADOPTING REGULATIONS FOR THE USE OF SANITARY SEWER FACILITIES BY FOOD SERVICE ESTABLISHMENTS AND OTHER PRIVATE SYSTEMS DISCHARGING TO THE PUBLIC SEWER.

  
MARGARET R. MONAHAN, CITY CLERK  
San Juan Capistrano, California

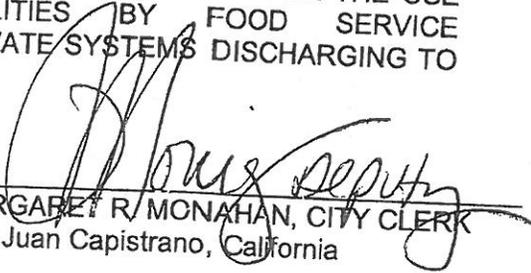
STATE OF CALIFORNIA  
COUNTY OF ORANGE  
CITY OF SAN JUAN CAPISTRANO

)  
) ss  
)

AFFIDAVIT OF POSTING

I, **MARGARET R. MONAHAN**, declare as follows: That I am the duly appointed and qualified City Clerk of the City of San Juan Capistrano; That in compliance with State laws, Government Code section 36933(1) of the State of California. On the 8<sup>th</sup> day of April 2009 I caused to be posted, in the City Clerk's office, a certified copy of **Ordinance No. 956**, adopted by the City Council on April 7, 2009 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA, ADOPTING REGULATIONS FOR THE USE OF SANITARY SEWER FACILITIES BY FOOD SERVICE ESTABLISHMENTS AND OTHER PRIVATE SYSTEMS DISCHARGING TO THE PUBLIC SEWER.

  
MARGARET R. MONAHAN, CITY CLERK  
San Juan Capistrano, California