

DOCUMENT REVIEWED BY:  
City Clerk              cvw    
City Attorney          dsw  

**BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG**

**AN ORDINANCE REPEALING AND REPLACING CHAPTERS 14.08 – 14.40 OF TITLE 14 (WATER AND SEWERS) OF THE FORT BRAGG MUNICIPAL CODE**

**ORDINANCE NO. 911-2014**

**WHEREAS**, the Fort Bragg Municipal Improvement District (“District”) contracted with Freshwater Environmental Services to update the Sewer Use Ordinance and Enforcement Response Plan and provide National Pollutant Discharge Elimination System (NPDES) Compliance Support to satisfy specific requirements of the Source Control Provisions; and

**WHEREAS**, the City of Fort Bragg (“City”)/District currently seeks to update its regulations implementing the Source Control Program within the Fort Bragg City limits and Improvement District boundaries; and

**WHEREAS**, the City Council/District Board has determined that industrial and commercial dischargers of high strength waste and/or stored chemicals into the collection system are a threat to the operation of the wastewater facility, the public, employees, and to the beneficial reuse of the waterways of the State; and

**WHEREAS**, the City Council/District Board wishes to establish rules and regulation implementing the Wastewater Source Control Program within the City limits and District boundaries.

**NOW, THEREFORE, the City Council ordains as follows:**

**Section 1. Legislative Findings.** The City Council hereby finds as follows:

1. The City of Fort Bragg’s Source Control Program was developed in accordance with all applicable state and federal laws including the Clean Water Act (33 USC 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations (CFR) Part 403).
2. The District’s NPDES permit requires implementation of necessary legal authorities to monitor and enforce source control standards, restrict discharges of toxic materials to the collection system and inspect facilities connected to the system.
3. The objectives of the Sanitary Code are:
  - a. To prevent the introduction of pollutants into the WWTF that will interfere with the operation of the WWTF; or which may pass through the WWTF inadequately treated, into receiving waters or otherwise be incompatible with the WWTF;
  - b. To ensure that the quality of the WWTF bio-solids is maintained at a level which allows use and disposal in compliance with applicable statutes and regulations;
  - c. To protect WWTF personnel who may be affected by wastewater and bio-solids in the course of their employment and to protect the general public;

- d. To improve the opportunity to recycle and reclaim wastewater and bio-solids from the WWTF; and
  - e. To enable the District to comply with its NPDES permit conditions, bio-solids use and disposal requirements, and any other federal or state laws to which the WWTF is subject.
4. The adoption of this ordinance is exempt from the California Environmental Quality Act (“CEQA”), pursuant to Section 15061(b)(3) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) as this ordinance is not a “project” under CEQA; in accordance with Section 15378b2, general policy and procedure making is not a “project” under CEQA. This ordinance establishes policies and procedures for the Municipal Service District.

**Section 2.** Based on the foregoing, the City Council hereby repeals Chapters 14.08 through 14.40 of Title 14 (Water and Sewers) and replaces it in its entirety with the attached new Chapters 14.08 through 14.40.

**Section 3. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

**Section 4. Effective Date and Publication.** This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

The foregoing Ordinance was introduced by Councilmember \_\_\_\_\_ at a regular meeting of the City Council of the City of Fort Bragg held on \_\_\_\_\_, 2014, and adopted at a regular meeting of the City of Fort Bragg held on \_\_\_\_\_ 4, 2014, by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**

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**Dave Turner,**  
**Mayor**

**ATTEST:**

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**Cynthia M. VanWormer, MMC**  
**City Clerk**

**PUBLISH:** \_\_\_\_\_, 2014 and \_\_\_\_\_, 2014 (by summary).  
**EFFECTIVE DATE:** \_\_\_\_\_, 2014.