



**TOWN OF DISCOVERY BAY**

**ORDINANCE NO. 15 (Amendment 1-7-04)**

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE TOWN OF DISCOVERY BAY  
AMENDING ORDINANCE NO. 6 TO SPECIFY THE USE  
OF PARTICULAR PIPING MATERIAL IN NEW AND REMODELED  
PREMISES WHICH ENTERS INTO THE TOWN OF  
DISCOVERY BAY SEWERAGE SERVICE**

Be it ordained by the Board of Directors of Town of Discovery Bay as follows:

Section 1. FINDINGS. The Board of Directors ("Board") of Town of Discovery Bay ("Town") finds and declares (1) that for many years the Town has experienced large amounts of dissolved copper entering the Town's Wastewater Treatment Facility which copper is subsequently discharged to water for which the State of California establishes discharge requirements; and (2) the source of such dissolved copper is the copper piping used in premises which enters into the Town's wastewater treatment system; and (3) the California Regional Water Quality Control Board has just recently approved a new NPDES permit for the Town; and (4) that permit requires the Town to develop a Pollution Prevention Plan that will either remove dissolved copper or reduce the amount of dissolved copper entering waters for which discharge requirements have been established to meet those established discharge requirements; and (5) one of the ways to help reduce the amount of dissolved copper so discharged is to prevent the installation of copper piping in premises which connect to the Town's wastewater system; and (6) other piping materials may contribute to water quality pollution, in addition to copper piping; and (7) the best method of preventing water quality pollution is to use Chlorinated Polyvinyl Chloride (CPVC) piping, or similar material.

Section 2. AMENDMENT OF ORDINANCE NO. 6. Ordinance No. 6 of the Town of Discovery Bay, passed and adopted on August 20, 2003, is amended by adding thereto Section 9.3, to read in full as follows:

9.3 Specified Use of Chlorinated Polyvinyl Chloride Piping. No premises will be allowed to initially connect to the sewerage system unless the premises has the water piping of the premises, use Chlorinated Polyvinyl Chloride (CPVC) material (or a similar material which is first approved by the Engineer) for such piping. Further, in any case where premises which connect to the sewage system are remodeled or repaired, and such remodeling or repair involves the replacement of water piping, the premises will not be allowed to reconnect to the sewage system (if the premises was disconnected for the repair or remodeling) unless any such replacement was

with CPVC material (or a similar material which is first approved by the Engineer).

Section 3. REPRINTING OF ORDINANCE NO. 6. The Secretary of the Town is authorized and directed to reprint Ordinance No 6 with the amendment herein specified added.

Section 4. NO MANDATORY EFFECT. This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the Town or any officer or employee thereof a mandatory duty of care toward persons and property within or without the Town so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5. SEVERABILITY. If any provision of this Ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not effect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The Board hereby declares that it would have adopted this Ordinance irrespective of the validity of any particular portion thereof.

Section 6. ENVIRONMENTAL STATUS. The Board finds and declares that the adoption of this Ordinance is not subject to the requirements of the California Environmental Act pursuant to California Public Resource Code § 21080(b)(15).

Section 7. NOTICE OF EXEMPTION. The Secretary of Town of Discovery Bay is authorized and directed to file a Notice of Exemption pursuant to Title 14, California Code of Regulations § 15062.

Section 8. EFFECTIVE DATE. This Ordinance shall become effective 30 days after its passage.

Passed and adopted at a regular meeting of the Board of Directors of the Town of Discovery Bay on December 3, 2003, by the following vote:

AYES:	<u>5</u>
NOES:	<u>0</u>
ABSENT:	<u>0</u>
ABSTAIN:	<u>0</u>

ATTEST:

By: Virgil Koehne  
VIRGIL KOEHNE, Secretary  
Town of Discovery Bay

Ray Tetreault  
RAY TETREAULT, President  
Town of Discovery Bay