

CHAPTER 1

LAS GALLINAS VALLEY SANITARY DISTRICT SEWER SERVICE CHARGE ORDINANCE

ARTICLE 1. GENERAL PROVISIONS

Section 101. Short title. This chapter may be cited as “Las Gallinas Valley Sanitary District Sewer Service Charge Ordinance.”

Section 102. Definitions. Unless the context otherwise indicates, terms used herein have the following meanings:

- a. DISTRICT means the Las Gallinas Valley Sanitary District.
- b. SANITARY BOARD OR BOARD means the sanitary board of the District.
- c. SEWER SERVICE CHARGES means fees, tolls, rates, rentals or other charges for services and facilities furnished by District in connection with its sanitation or sewerage system.
- d. REPORT means the report referred to in Section 5473 of the Health and safety Code of the State of California.
- e. FIXTURE shall mean any sink, tub, shower or water closet or other facility connected by a drain to the sewer.
- f. SINGLE FAMILY RESIDENTIAL shall mean any residence defined by the County of Marin Assessor’s Office as Single Family Residential – improved, currently designated with a use code designation of 11 with 1 or more living units; or as Attached Single Family Residential improved, currently designated with a use code of 14, which requires sewage disposal services. Manufactured homes or mobile homes shall also be classified as single family residential. If, during the life of this ordinance, the County of Marin Assessor's Office Use Code numbering system changes such that a use code designation of 11 or use code of 14 no longer describes a single family residential unit, for purposes of this ordinance a single family residential unit shall continue to mean the residence of one family with one kitchen not attached to any other residential living unit with a kitchen.

- g. MULTI FAMILY RESIDENTIAL shall mean any residential property defined by the County of Marin Assessor's Office Use Code with a use code of 21, 61, or 81 with 2 or more living units, other than Manufactured Homes, which requires sewage disposal services. If, during the life of this ordinance, the County of Marin Assessor's Office Use Code numbering system changes such that a use code of 21, 61 or 81 no longer describes a multi-family residential unit, for purposes of this ordinance a multi-family residential unit shall continue to mean a residential building that has two or more separate living units each having a kitchen. Each unit is billed a separate sewer service charge.
- h. OUTLET means any properties of sewer system to which to which a fixture may be connected.

Section 103. Separability. The Board hereby declares that it would have passed this ordinance and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

[Sections 104 - 109 Reserved].

ARTICLE II. SEWER SERVICE CHARGES

Section 201. Rate Schedule/Sewer Service Units. Each owner of premises within the District shall pay a Sewer Service Charge for each sewer service unit in accordance with the purposes for which said premises are used. In the event that the premises are used for more than one purpose, there shall be an annual charge for each classification of use on portions of said premises and the annual sewer service charges for such premises shall be the aggregate of the all such annual charges. For each use, sewer services units are assigned according to the following schedule:

SCHEDULE OF SERVICE UNITS

(A) Classification of Use	<u>Sewer Service Units</u>
(1) <u>Residential</u> :	
Single family residential	1.0 per living unit
Multi-family residential	0.9 per living unit

Manufactured Home or Mobile Home 1.0 per manufactured home and 1.0 per mobile home pad

(2) Schools:

Public or private schools located in stand-alone, single purpose buildings without other commercial users and without showers or cafeteria facilities. 0.01 per pupil, faculty member and employee; pupil count based on average daily attendance

Public or private schools located in stand-alone, single purpose buildings without other commercial users and with showers or cafeteria facilities. 0.02 per pupil, faculty member and employee; pupil count based on average daily attendance

Public or private schools located in commercial buildings with other customer classes. See (3) (a) below.

The number of pupils shall be determined by the average daily attendance over the school year immediately preceding the annual determination of sewer service charges under Article V. The number of faculty members and school employees shall be that number employed at the end of such school year.

(3) Other than Above:

(a) Domestic-strength users: commercial, office buildings, retail, churches, halls, public agencies, laundromats, service stations, medical offices, barber and beauty shops, car washes, convalescent hospitals, hospitals, hotels and motels without restaurants, and other domestic-strength discharges 1.0 per average monthly residential water consumption times strength factor of 1.0

(b) High-strength users: 1.0 per average monthly residential water consumption times strength factor shown below:

Restaurants/Cafes	2.4
Bakeries	3.2
Mortuaries	2.0
Hotels with restaurants	2.0
Markets with disposal	2.6
Dry Industry	1.0
Mixed uses (high – and domestic-strength)	2.0

Industry	[as determined by the formula in Section (B) (2)]
Other high-strength	[as determined by the formula in Section (B) (2)]

(c) Other users: For users for whom the above methods do not equitably apply, the assignment of sewer service units shall be based on available information reasonably applied by the District.

(B) For purposes of this Ordinance, the following general provisions apply:

(1) Domestic-strength wastewater is estimated to average 175 mg/1 of biochemical oxygen demand (BOD) and 175 mg/1 of suspended solids (SS).

(2) The strength factor (SF) formula for high wastewater-strength users is as follows:

$$SF = \left[0.54 + \frac{0.23}{175} (BOD + SS) \right]$$

(3) Tabulated below are the strength factors arrived at by applying the formula in (B) (2) above:

User Group	BOD (mg/1)	SS (mg/1)	SF
Residential	175	175	1.0
Commercial (general):			
Office/retail	175	175	1.0
Hotels/motels without restaurants	175	175	1.0
Retail Shops	175	175	1.0
Halls/churches	175	175	1.0
Other domestic-strength	175	175	1.0
Laundromats	175	175	1.0
Service stations/carwashes	175	175	1.0
Medical offices	175	175	1.0
Hospitals/convalescent homes/assisted living facilities	175	175	1.0
Commercial (high strength):			
Restaurants/cafes	750	650	2.4
Bakeries	1,150	900	3.2
Mortuaries	650	450	2.0
Mixed uses/other	600	500	2.0
Hotels with restaurant	600	500	2.0
Dry Industry	175	175	1.0
Markets withd	800	800	2.6
Other industry/high use	[as determined by District]		
Public Agency:			
Schools	175	175	1.0
Offices	175	175	1.0

- (4) The average monthly residential water consumption is 800 cubic feet (8 hcf).
- (5) For premises classified in A3) above, the formula for calculating the number of sewer service units is as follows:

$$\frac{\text{Flow (*a) X 6 (*b)}}{800 (*c) X 12}$$

*a The average of the winter and summer bi-monthly periods as reported by the Marin Municipal Water District.

*b Six bi-monthly periods per year.

*c Average monthly water consumption.

- (6) Not less than one sewer service unit may be assigned to any premises.
- (7) If the number of sewer service units assigned includes a fraction of a unit, the number shall be rounded up to the nearest one-tenth of a decimal place.
- (8) The District may develop special provisions within user categories when, in the District's judgment, application of this Ordinance produces inequalities, inequities, or irregularities which require revision.
- (9) The District may, at the expense of the discharger, meter a premises to determine the actual amount of its wastewater flow. If the metered flow differs from the District's estimate used to determine the Sewer Service Charge for the previous billing period, the Sewer Service Charge for the next ensuing year shall be adjusted to conform to the actual metered flow and the user shall be charged for any excess usage or credited for any overpayment. Such credit or charge shall be made by adjusting the charge for sewer service for the next ensuing year.

(C) Amount of Annual Sewer Service Charge. Pursuant to legal notification as specified in Government Code Section 53756(d), the annual sewer service charge for the following fiscal years are as follows:

<u>Fiscal Year</u>	<u>Annual Sewer Service Charge</u>
2015/16	\$734

2016/17	Not to Exceed \$835
2017/18	Not to Exceed \$868
2017/19	Not to Exceed \$898
2019/20	Not to Exceed \$927

Section 202. Deleted.

Section 203. Relief from Unjust Rates. The owner or occupants of any premises, who by reason of special circumstances finds that the foregoing rates are unjust or inequitable as applied to his premises, may make written application to the Sanitary Board, stating the circumstances and requesting a different basis of charges for sewer services to his premises. If such application be approved, the Sanitary Board may by resolution fix and establish fair and equitable rates for such premises to be effective as of the date of such application and continuing during the period of such special circumstances. The Sanitary Board may on its own motion find that by reason of special circumstances the foregoing rates are unjust and inequitable as applied to particular premises and may by resolution fix and establish fair and equitable rates for such premises during the period of such special circumstances, or any part thereof.

[Sections 204-208 Reserved].

ARTICLE III. BILLING AND COLLECTING

Section 301. Billing. The regular billing period will be for each calendar month, or bi-monthly, as determined by the Board. Schools and other public institutions shall be billed annually in October. Bills may be paid semi-annually by December 15th and April 15th.

Section 302. Opening and Closing Bill. Opening and closing bills for less than the normal billing period shall be for not less than one month.

Section 303. Billing Time. Bills for sewer service shall be rendered at the beginning of each billing period and are payable upon presentation, except as otherwise provided.

Section 304. Penalties and Interest. All bills not provided prior to delinquency to be collected on the tax rolls on which general district taxes are collected that are not

paid on or before the 20th of the month in which said bill was rendered shall be delinquent and a penalty of 10% of the bill or amount due plus 1% per month from the first day of said month, shall accrue for the period of said non-payment and be collected as a part of the principal amount thereof.

Section 305. Collection by Suit. As an alternative to any of the other procedures herein provided, the District may collect said unpaid charges by suit, in which event it shall have judgment for the cost of suit and reasonable attorney's fees.

[Sections 306 - 310 Reserved].

ARTICLE IV. COLLECTION WITH OTHER UTILITY CHARGES

Section 401. Other Utility Charges. The Sanitary Board of the District may provide by contract for the collection of its Sewer Service Charges with the rates for the services, facilities and water of the water system or other utility service furnished by it or the owner of such system. The Sewer Service Charges shall be itemized, billed upon the same bill, and collected as one item, together with and not separately from such utility service charge.

Section 402. Discontinuing Service. If all or any part of the bill of any privately owned public utility on which any Sewer Service Charge is collected is not paid, the privately owned public utility may discontinue its utility service until such bill is paid.

Section 403. Compensation. The District may provide in the contract with the privately owned public utility on which Sewer Service Charges are collected, the compensation for making such collections.

Section 404. Billing and Collecting Delinquencies on the Tax Roll. In the absence of the ownership by the District of such other utility service or of an agreement with the owner thereof to collect such charges, and as an alternative procedure thereto, the District may provide for the collection of all such delinquent charges that have not been paid and collected at the time of establishing its Tax rate, upon the tax roll upon which district taxes are collected and in the same manner provided by law therefor.

Section 405. Other Remedies. The District may provide otherwise for the collection of such delinquent charges. All remedies herein provided for their

enforcement and collection are cumulative and may be pursued alternatively or collectively as the District determines.

[Sections 406 - 410 Reserved].

ARTICLE V. USE OF TAX ROLL

Section 501. Procedure. When the District elects to use the tax roll on which general District taxes are collected for the collection of current or delinquent Sewer Service Charges, proceedings therefor shall be had as now or hereafter provided therefor in Article 4, Chapter 6, Part 3, Division 5, of the Health and Safety Code.

Section 502. Alternative. The powers authorized by this Article shall be alternative to all other powers of the District and alternative to procedures adopted by the Sanitary Board thereof for the collection of such charges.

Section 503. Report. A written report shall be prepared and filed with the Treasurer, which shall contain a description of each parcel of real property receiving such services and facilities and the amount of the charge for each parcel for the forthcoming fiscal year, computed in conformity with the charges prescribed by this ordinance.

Section 504. Notice. The Secretary shall cause notice of the filing of the report and of the time and place of hearing thereon to be published once a week for two successive weeks prior to the date set for hearing, in the local newspaper of general circulation, printed and published within said Sanitary District. Prior to such election for the first time, the Secretary shall submit a notice in writing of the filing of said first report proposing to have such charges for the forthcoming fiscal year collected on the tax roll and of the time and place of hearing thereon to be mailed to each person to whom any part or parcel of real property described in the report is assessed in the last equalized assessment roll on which general District taxes are collected, at the address shown on said roll or as known to the Secretary.

Section 505. Hearing. At the time of said hearing, the Sanitary Board shall hear and consider all objections or protests, if any, to said report referred to in said notice and may continue the hearing from time to time.

Section 506. Final Determination of Charges. Upon the conclusion of the hearing on the report, the Sanitary Board will adopt, revise, change, reduce or modify any charge or overrule any and all objections and shall make its determination upon each charge as described in said report, which said determination shall be final.

Section 507. Filing of Report with County Department of Finance. On or before the 10th day of August in each year following the final determination of the Sanitary Board, the Treasurer shall file with the Department of Finance a copy of said report with a statement endorsed thereon over his signature that it has been finally adopted by the Sanitary Board of the District, and the Department of Finance shall enter the amounts of the charges against the respective lots or parcels of land as they appear on the current assessment roll.

Section 508. Parcels Outside the District. Where any such parcels are outside the boundaries of the District, they shall be added to the assessment roll of the entity for the purpose of collecting such charges.

Section 509. Parcels Not on Roll. If the property is not described on the roll, the Department of Finance shall enter the description thereon together with the amounts of the charges, as shown on the report.

Section 510. Lien. The amount of the charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of noon on the first Monday in March of each year. The Tax Collector shall include the amount of the charges on bills for taxes levied against the respective lots and parcels of land.

Section 511. Tax Bill. Thereafter, the amount of the charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from the general taxes for the District, and shall be delinquent at the same time and thereafter be subject to the same penalties for delinquency.

Section 512. Collection. All laws applicable to the levy, collection and enforcement of general taxes of the District, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund and redemption, are applicable to such charges.

Section 513. Compensation of County. The Department of Finance may, in its discretion, issue separate bills for such charges and separate receipts for collection on

account of such charges. The County shall be compensated for services rendered in connection with the levy, collection and enforcement of such charges for the District in an amount to be fixed by agreement between the Board of Supervisors and the Sanitary Board of the District. The compensation shall not exceed one percent of all money collected.

Section 514. Use of Revenues. Revenues derived under this ordinance shall be used only for the acquisition, construction or reconstruction, maintenance and operation of sanitation or sewerage facilities of the District and to repay principal and interest on debt issued for the construction of such sanitary or sewerage facilities and to repay federal, state, county or other loans or advances made to the District for the construction or reconstruction of sanitary or sewerage facilities; provided, however, that such revenue shall not be used for the acquisition or construction of new local street sewers or laterals, as distinguished from main trunk, interceptor and outfall sewers.

[Sections 515 - 520 Reserved].

ARTICLE VI. DISCONNECTION

Section 601. Connections Mandatory. The further maintenance or use of cesspools or other local means of sewage disposal constitute a public nuisance. All buildings inhabited or used by human beings which are not more than 200 feet from the sewerage system of the District or any extension hereafter made thereto, and in which any sewage is produced shall be connected with the sewerage system of the District not less than 30 days from the time when such a connection can be made.

Section 602. Disconnection. As an alternative method of collecting such charges, the District may disconnect any premises from the sewer system if the user fails to pay the service charges for his premises after they shall have become delinquent. The person in charge of the sewer system shall estimate the cost of disconnection of such premises from the enterprise and the cost of reconnecting it thereto, and such user shall deposit the cost as estimated of disconnection and reconnection before such premises are reconnected to the sewer system. In the event such arrearages are paid and premises are reconnected to the sewer system, the person in charge shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

Section 603. Abatement. During the period of non-connection or disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the Sanitary Board shall cause proceedings to be brought for the abatement of the occupancy of said premises by human beings. In the event, and as a condition of connection or reconnection, there shall be paid to the District reasonable attorneys' fees and costs of suit arising in said action.