

**ARTICLE VIII**  
**Sewer Service Charges**

Sec. 801 **Rates.** Sewer Service Charges are hereby prescribed for all premises connected to the sanitation or sewerage system of the District.

The annual Sewer Service Charge rate shall be as follows:

<u>Fiscal Year</u>	<u>Sewer Service Charge per EDU</u>
2006-2007	\$315
2007-2008	\$362
2008-2009	\$416

Beginning in the 2009-2010 fiscal year and each fiscal year thereafter, said rates shall automatically increase or decrease according to the Consumer Price Index for All Urban Consumers for the San Francisco-Oakland-San Jose area, based on the year 1982-84 = 100, as published by the U.S. Department of Labor’s Bureau of Labor Statistics. Furthermore, all rates shall be subject to modification and change, from time to time, as may be required to permit District to meet State and Federal Revenue Program Guidelines and as the total number of service units and the budgetary requirements of the District change.

Sewer Service Charges shall be collected on the tax roll of the County of Napa, State of California, in the manner provided pursuant to Section 5471 through 5473.11 of the Health and Safety Code of the State of California, as amended. Pursuant to Health and Safety Code section 5473 and 5473.1, a written report containing a description of each parcel of real property receiving such services and facilities and the amount of the charge for each parcel shall be filed with the Secretary of the District.

Residential units, as shown below, are based upon the average wastewater flow for a single-family dwelling. One (1) service unit shall be equivalent to 210 gallons per day with a strength factor of 1.0.

<b>Article VIII – Table 1</b>	
<b>Residential Unit Category</b>	<b>Annual Sewer Service Units</b>
<b>R01</b> Single Family Dwelling, Granny Units, each unit	1.0
<b>R02</b> Duplex, each unit	1.0
<b>R04</b> Condominiums & Townhouses, each unit	1.0
<b>R03</b> Triplex Apartment, each unit	0.6
<b>R03</b> Fourplex Apartment, each unit	0.6
<b>R03</b> All other Apartment Units, each unit	0.6
<b>R13</b> Single Room Occupancy, each unit	0.6
<b>R05</b> Mobile Home, per space	0.6
<b>R06</b> Overnight Trailer Parking, per space	0.4

Sec. 801.50 **Low Income Property Owner Rebate.** In accordance with federal and state conditions, the District may elect to rebate a portion of Sewer Service Charges paid by low

income property owners with respect to their residence. The District Board of Directors shall enact a Resolution to establish policies and procedures, and any necessary subsequent Resolutions to make amendments to policies and procedures, which reasonably determine for, and which implement the rebate procedure.

**Sec. 802 Water Metered Commercial, Public Utilities and Public Agency Facilities.**

Using a single-family dwelling as a standard, the following designated premises in Article VIII – Table 2 shall be charged based upon water consumption and strength. The strength factors noted below were calculated based upon State Water Resources Control Board Revenue Program Guidelines and using Step 2 of the formula shown in Article VIII – Table 4 below.

<b>Article VIII – Table 2</b>	
<b>Business Category</b>	<b>Strength Factor</b>
Automobile Sales & Service	1.0
Bakeries/Candy/Ice Cream Manufacturing	2.7
Banks/Business Offices	1.0
Bars/Nightclubs	1.0
Bed and Breakfast Inns	1.0
Car Wash	0.7
Carpet & Rug Cleaners	1.4
Churches	1.0
Convalescent/Care Homes/Hospitals	1.0
Daycare Facilities	0.8
Delicatessen (no cooking)	1.4
Delicatessen (cooking)	2.0
Dry Type Industries	1.0
Funeral Homes	2.6
Hotels/Motels (without restaurants)	1.0
Hotels/Motels (with restaurants)	2.0
Laundries-Commercial	1.4
Laundries-Self Service	0.9
Markets, with disposals	2.6
Markets, without disposals	1.4
Membership Organizations, with kitchens	2.7
Membership Organizations, without kitchens	1.0
Merchandising/Department/Retail Stores	1.0
Mixed Use (1 water meter)	1.6
Physicians/Medical/Dental Offices	1.0
Printers/Newspapers	1.0
Repair Shops/Service Stations	1.0
Restaurants and Caterers	2.7
Service Related Enterprises	1.0
Theaters	1.0

**Sec. 802.50 For Non-Tourist Impacted Facilities With Extensive Landscaping or Other Non-Sewered Water Use,** as the standard method the District may delete the four summer months or other months that represent the non-sewered water use from the sewer service

charges calculations. The eight remaining months shall be averaged and that average used for the Annual Water Consumption.

As an alternative, the facility may request a credit for the amount of water used for non-sewered water use by installing a subtraction meter. Installation of the meters will be at owner's or tenant's expense. Meter readings for the previous calendar year must be reported by the owner or tenant and received by the District by January 31st to be considered for credit to the current fiscal year billing. Reporting forms and regulations will be available from the District office upon request. This program may be canceled by the General Manager for any reason, including but not limited to water meter tampering, or plumbing modification. Should the facility request to use this alternative, and then not comply with the rules and regulations, then the District shall calculate the sewer service charges according to Section 802 of this Article.

For tourist-impacted facilities such as restaurants and hotels/motels, a subtraction meter will be required in order to receive a credit for non-sewered water usage.

Sec. 803                    **Unmetered Commercial, Public Utilities and Public Agency Facilities.** All unmetered commercial, public utilities, public agency facilities, and schools, both public and private, shall be charged at a rate of:

<b>Article VIII – Table 3</b>				
Elementary	1	service unit per	48	students
Secondary	1	service unit per	17	students
Other	1	service unit per	10	employees/occupants

Sec. 804                    **[Intentionally left blank]**

**Industrial User Waste Charges.** The monthly industrial user waste charges for each industry shall be determined by using the formula in Article VIII – Table 4.

<b>Article VIII – Table 4</b>		
<b>Industrial User Sewer Service Unit Assignment Formula *</b>		
Parameter	Cost Allocation	Assumed Loading (1.0 Unit)
Flow	50%	210 gal/day
BOD	25%	175 mg/L
TSS	25%	200 mg/L
<b>Step 1</b>		
Flow Factor		= $\text{Daily Flow} \div 210 \text{ gals/day}$ or $\text{Annual Flow} \div 76,650 \text{ gals/year}$
<b>Step 2</b>		
Strength Factor		= $0.50 + (\text{BOD} \div 175 \times 0.25) +$ $(\text{TSS} \div 200 \times 0.25)$
<b>Step 3</b>		
Equivalent Dwelling Units (EDUs)		= $(\text{Flow Factor}) \times (\text{Strength Factor})$
<b>Step 4</b>		
Monthly Sewer Service Charge		= $(\text{EDUs}) \times (\text{Current Rate per EDU}) \div 12$

\* Formula is designed to provide a multiplier for high-strength flows. Minimum assignment is 1.0 service unit.

**Sec. 806 Hauled Waste Fees** Hauled wastes including septic tank pumpage discharge shall be charged as a percentage of the annual sewer service charge for each minimum load as follows:

<b>Article VIII – Table 5</b>		
Domestic waste	1,500 gals	70%
Restaurant domestic waste	1,500 gals	103%
Winery waste	1,500 gals	145%
Portable toilet waste	276 gals	8%
<b>Example Domestic Septic Wastewater Fee for 2,500 gallons of waste:</b>		
$((2,500 \text{ gallon domestic waste}) \times (\text{Current Annual Sewer Service Charge Rate}) \times (0.70))$		
1,500		

**ARTICLE IX**  
Permits and Fees

Sec. 901                   **Permit Required.** No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenances or perform any work on any street lateral or building lateral without first obtaining a written permit from the District.

Sec. 902                   **Application for Permit.** Any person legally entitled to apply for and receive a permit shall make such application on forms provided by the District for that purpose. Applicant shall give a description of the character of the work proposed, and the location, ownership, occupancy and use of the premises in connection therewith. The General Manager may require plans, profiles, specifications or drawings and such other information, as deemed necessary. This section does not apply to Article VII – Sewer Use Regulations.

If the General Manager determines that the plans, profiles, specifications, drawings, descriptions or information furnished by the applicant is in compliance with the ordinances, rules and regulations of the District, the applicant shall be issued a permit upon payment of the required fees as hereinafter fixed.

Sec. 903                   **Compliance with Permit.** After approval of the application, evidenced by the issuance of a permit, no changes shall be made in the location of the sewerage works, the grade, materials, or other details from those described in the permit or as shown on the plans and specifications for which the permit was issued, except with the written permission from the General Manager.

Sec. 904                   **Agreement.** The applicant's signature on an application for any permit shall constitute an agreement to comply with all of the provisions, terms and requirements of this and other ordinances, rules and regulations of the District, and with the plans and specifications he has filed with his application, if any, together with such corrections or modifications as may be made or permitted by the District, if any. Such agreement shall be binding upon the applicant and may be altered only by the District upon the written request for the alteration from the applicant. This section does not pertain to Industrial Waste, Article VII.

Sec. 905                   **Fees - Annexation Charges.** The owner or owners of lands within areas proposed to be annexed to the District shall deposit prior to commencement of proceedings by the Board on the proposed annexation, the amount to be fixed by the General Manager shall be in a sum estimated to equal the engineering, legal costs and all other charges which may be incurred by the district in preparing and examining maps, legal descriptions, and other documents in relation thereto, and other expenses regularly incurred in connection therewith. The basic annexation fee is \$150.00, plus \$100.00 per acre, or portion thereof.

**Capacity Charges**

(A) **Qualify for Payment.** Capacity Charges will only be collected on legal parcels with the proper zoning for the proposed project, and with City or County and District approved construction improvement plans showing the sewer plan, profile and other details for the project.

(B) **Time for Payment.** Capacity Charges shall be due and payable before the issuance of a building permit by the City or County of Napa. No connection shall be made to the District's facilities without the prior payment of the applicable connection charge. For projects that require the payment of capacity charges but do not require a City or County building permit, the General Manager shall determine the time for payment of the capacity charges.

1) **Licensed Contractor/Builder** In the event the building for which a connection charge has been paid is not complete and issued an occupancy permit within one (1) year of issuance of the connection permit, the connection permit shall lapse and the full amount of sewer connection charge in effect at the time of the issuance of the occupancy permit shall be required, with a credit granted for the amount previously paid.

2) **Unlicensed Builder/Owner** In the event that a residential building for which a connection charge has been paid is not complete and issued an occupancy permit within one (1) year of issuance of the connection permit, the unlicensed builder/owner may ask for an extension of time. In order to grant this extension, the unlicensed builder/owner must enter into an agreement, to be recorded by the District, that when the occupancy permit is issued, the property would not be sold for a period of two years. If the property is sold within the two-year time frame, then the full amount of sewer connection charge in effect at the time of sale shall be paid, with a credit granted for the amount previously paid.

(C) **Capacity Charge Calculation.** The following fees shall be paid to the District prior to the issuance of a permit to connect with the District's sewerage works. If refunded, 10% of the capacity charges paid shall be deducted from the refund.

1) **Residential/Commercial** (Amended by Ordinance 88 on 09/15/2010)

<u>Category</u>	<u>Fees prior to Jan. 1, 2012</u>	<u>Fees as of Jan. 1, 2012</u>	<u>Fees as of July 1, 2012</u>	<u>Fees as of July 1, 2013</u>
Single Family Dwellings	\$5,660	\$6,000	\$7,000	\$8,300
Senior Dwelling/single room occupancy – per unit	\$3,396	\$3,600	\$4,200	\$4,980
Multiple Family Dwellings – Per Unit	\$5,660	\$6,000	\$7,000	\$8,300
Commercial per Unit – Minimum or Fixture Unit Basis, whichever is greater	\$5,660	\$6,000	\$7,000	\$8,300
Industrial units – Minimum or Fixture Unit Basis, whichever is greater	\$5,660	\$6,000	\$7,000	\$8,300

Shell Structures – Minimum or per Square Foot, whichever is greater	\$5,660 \$2.19 ft <sup>2</sup>	\$6,000 \$2.32 ft <sup>2</sup>	\$7,000 \$2.71 ft <sup>2</sup>	\$8,300 \$3.21 ft <sup>2</sup>
School – Per Building – Minimum	\$5,660	\$6,000	\$7,000	\$8,300
Hotels, Motels and other like uses				
With kitchen facilities – Per Unit	\$5,660	\$6,000	\$7,000	\$8,300
Without kitchen facilities – Per Unit	\$4,192	\$4,444	\$5,184	\$6,147
Bed and Breakfast Facilities– Per Guest Rental Unit	\$2,830	\$3,000	\$3,500	\$4,150
Bed and Breakfast Facilities – Manager’s Unit	\$5,660	\$6,000	\$7,000	\$8,300
Churches – Minimum or Fixture Unit Basis, whichever is greater	\$5,660	\$6,000	\$7,000	\$8,300
Government Buildings – Minimum or Fixture Unit Basis, whichever is greater	\$5,660	\$6,000	\$7,000	\$8,300
Residential Care Facility – Minimum or Fixture Unit Basis, whichever is greater	\$5,660	\$6,000	\$7,000	\$8,300
Auxiliary Buildings – Minimum or Fixture Unit Basis, whichever is greater	\$5,660	\$6,000	\$7,000	\$8,300
Structures without Plumbing	\$5,660	\$6,000	\$7,000	\$8,300

<b><u>Fee Schedule for Fixture Units</u></b>	<b><u>Fees prior to Jan. 1, 2012</u></b>	<b><u>Fees as of Jan. 1, 2012</u></b>	<b><u>Fees as of July 1, 2012</u></b>	<b><u>Fees as of July 1, 2013</u></b>
Per automatic clothes washer	\$612	\$650	\$760	\$900
Per automatic dishwasher	\$653	\$690	\$810	\$960
Per bath tub	\$348	\$370	\$430	\$510
Per dental chair (equipped with plumbing)	\$197	\$210	\$240	\$290
Per drain-floor	\$295	\$310	\$370	\$430
Per drinking fountain or electric cooler	\$149	\$160	\$190	\$220
Per laundry tray	\$348	\$370	\$430	\$510
Per lavatory-regular	\$215	\$230	\$270	\$320
Per sink-kitchen, laboratory, slop, surgeon	\$410	\$440	\$510	\$600
Per shower-stall	\$348	\$370	\$430	\$510
Per toilet	\$674	\$720	\$830	\$990
Per urinal	\$330	\$350	\$410	\$480

2) **Commercial Options** Applicants for shell structures have the option of paying capacity charges by either of the methods listed below. The applicant is required to notify the District in writing of which method they choose prior to obtaining a connection permit from the District and may not change the method once the connection permit is issued.

**Method 1 - Per Commercial Unit**

Each commercial unit or tenant space that develops within the building shall pay either the minimum "per unit" fee, or the fixture unit fee (whichever is greater) based on the rates in effect at the time. If additional plumbing fixtures are installed

within an existing commercial unit, additional capacity charges would be required based fixture units.

**Method 2 - Per Square Foot**

The capacity charge is paid based on the square footage of the building. If the capacity charge is paid using this option, there is no limit on the number of commercial units or plumbing fixtures that may be installed within the building. Additional capacity charge would only be required if a restaurant or laundromat is created within the building, or if an industrial user locates within the building. The capacity charges would then be calculated per Section 906.00 3A-Table 6 of District Ordinance with a square foot cost credit applied for the area utilized.

3) **Industrial.** Industrial capacity charges for wastewater strength and flow that exceeds domestic wastewater characteristics shall be calculated using the average daily flow, BOD, and TSS data for the anticipated peak 30-day period. The data shall be provided to the District. These three parameters will be applied to the following formula in Article IX – Table 2 to determine the number of Sewer Service Units (Equivalent Dwelling Units - EDU)

<b>Article IX – Table 2</b>		
<b>Industrial User Capacity Charges Assignment Formula</b>		
Parameter	Cost Allocation	Assumed Loading (1.0 Unit)
Flow	50%	210 gal/day
BOD	25%	175 mg/L
TSS	25%	200 mg/L
 <b>Step 1</b>		
Flow Factor		= $\frac{\text{Average Daily Flow}}{210 \text{ gals/day}}$
 <b>Step 2</b>		
Strength Factor		= $0.50 + (\text{BOD} \div 175 \times 0.25) + (\text{TSS} \div 200 \times 0.25)$
 <b>Step 3</b>		
Equivalent Dwelling Units (EDUs)		= (Flow Factor) x (Strength Factor)
 <b>Step 4</b>		
Capacity Charge		= (Equivalent Dwelling Units) x (Current Single Family Dwelling Rate)

The EDU value calculated above will then be multiplied by 1.5 to determine the maximum allowable peak day EDU. If the actual peak day EDU exceeds the maximum allowable peak day EDU, then additional capacity charges shall be due in accordance with the following formula:

$$\text{Additional Capacity Charge} = ((\text{Actual Peak Day EDU} \div 1.5) - \text{Permitted EDU}) \times \text{Current Single Family Dwelling Rate}$$

After the industry is connected to the sewer and their discharge has been monitored for a reasonable length of time as determined by the General Manager, then actual loading shall be calculated using the formulas listed above. Any additional capacity charges shall be due within 30 days of invoice date. Industries shall be limited to the capacity purchased. If an industry exceeds its allowable capacity the District will, if capacity is available calculate and charge the industry for the additional capacity used. These fees will always be based on the single family dwelling unit capacity charge rate in effect at the time. If additional capacity is not available then the District will assess a fine equal to twice the calculated capacity charge for each day the violation(s) occur.

Industries that utilize the above formula will be required to stay within the allowed capacity limits. The District may require continuous or intermittent sampling by the industry to ascertain the type and quantity of the industrial discharge. If the industry does not stay within the allowable peak daily flow, BOD and TSS capacity limits as defined above, then the industry will have to purchase additional capacity at the rates in effect at that time.

If the industry's pollutants are incompatible with the District's treatment system, but will not cause a discharge or sludge disposal violation for the District, then the District may allow the connection with a special fee calculation. If the industry's pollutants will cause a discharge or sludge disposal violation, then the District will not allow the connection

(D) **Change of Use.**

**Residential** - If a building is modified, which results in additional living units, capacity charges are due as listed above.

**Nonresidential** - If additional commercial units and/or tenant spaces are created within a building, and/or if additional plumbing fixtures are installed within an existing commercial unit and/or tenant space, capacity charges are due as listed above.

(E) **Demolition Credits.** Capacity charge credits shall be valid for a period of two years from the date the demolition permit is issued by the District, and shall remain with the parcel from which they were established. The property owner must obtain a City or County building permit within the two-year time frame in order to utilize the capacity charge credits. The value of the credits shall be based on the type of unit and/or fixtures that have been removed from the parcel.

(F) **Change in Fees.** On July 1, 2014, and each July 1 thereafter, the sewer connection fees established herein shall each escalate annually by the February year-over-year change in the Engineering News Record Construction Cost Index for the San Francisco Bay Area, rounded to the nearest whole dollar. Until December 31, 2016, projects that have been “deemed complete” shall be subject to the capacity charge in effect on the date that the project was “deemed complete.” A project is “deemed complete” when the District has approved the project’s construction improvement plans showing the sewer plan, profile and other details for the project. The Board of Directors may also from time to time at its discretion, revise, alter or amend any of the sewer capacity charges herein set forth by adoption of the appropriate resolution. (Amended by Ordinance 88 on 09/15/2010)

All fees collected under Article IX, Section 906 for the issuance of permits shall be deposited in the County Treasury of the County of Napa to the credit of the District in a fund designated "Expansion Fund." Such fund shall be expended from time to time for the purposes of: 1) the acquisition and construction of main trunk, interceptor and outfall sewers; 2) correction of infiltration/inflow, which consists of the rehabilitation of existing local street sewers, laterals, main trunks, interceptor and outfall sewers; 3) expansion of the District's sewage treatment facilities. However, such fund 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.

Sec. 906.50

**Exceedance Fee Option**

(A) In the event that an Industrial User permitted under Article IX of this Ordinance exceeds the capacity limits under said permit, the permitted user may voluntarily choose the Exceedance Fee Option in lieu of paying additional capacity charges Section 906, only under the following conditions:

1. The District shall provide a Notice of Exceedance to the permitted user that a discharge exceeded permitted levels;
2. Within 14 calendar days of issuance of the Notice of Exceedance, the permitted user shall notify the District in writing of its preliminary intent to exercise the Exceedance Fee Option;
3. Within 45 calendar days of issuance of the Notice of Exceedance, with the option to extend this time upon mutual agreement of the permitted user and the District, the permitted user shall attest in writing to the specific cause of the discharge exceedance, and that the permitted user has or will take immediate action, either through changes in pre-treatment or management practices, or both, to ensure that a similar discharge exceedance does not recur. Said changes or actions shall include a compliance schedule and shall be identified in the written notice to exercise the Exceedance Fee Option; and
4. The General Manager, or District Engineer on delegation by the General Manager, reviews the viability of the proposed changes in pre-treatment and/or management practices intended to result in non-recurrence of the discharge exceedance, and issues an “Acceptance of Participation in Exceedance Fee Option” to the permitted user. The implementation plan and compliance

schedule shall include a temporary permitted capacity limit that may be higher than the previously permitted capacity limit. An exceedance of the temporary permitted capacity limit during the implementation period shall be treated as a new exceedance of the permitted capacity limit and be subject to Section 906 of this Ordinance.

(B) The Exceedance Fee shall be as a percentage of the connection fee as calculated under Section 906.00 of this Ordinance, as follows:

Between 1 .01 and 5.00 times the EDU discharge allowance:	10.0%
Between 5.01 and 10.00 times the EDU discharge allowance:	12.5%
Between 10.01 and 15.00 times the EDU discharge allowance:	15.0%
Between 15.01 and 20.00 times the EDU discharge allowance:	17.5%
Over 20.00 times the EDU discharge allowance:	20.0%

After receiving notice from the permitted user of its preliminary intent to exercise the Exceedance Fee Option, as per Section 906.50 (A) (2), the fee shall be invoiced by the District and be due and payable within 30 days. The nonpayment of Exceedance Fees within 30 days of the date of invoice shall render the permitted user ineligible for the Exceedance Fee Option, and Section 906 of this Ordinance shall apply.

(C) A permitted user shall not be allowed to pay the Exceedance Fee in lieu of paying additional connection fees if the permitted user has paid the Exceedance Fee for three (3) previous discharge exceedances in the past 60 months. In this circumstance, the Exceedance Fee Option will not be available to the permitted user.

(D) Payment of the Exceedance Fee under this section does not in any way change the discharge allowances in a discharge permit issued under Article IX of this Ordinance, except for any temporary increase that may be granted as part of the implementation of new pre-treatment systems and/or management practices. Fees paid under this section shall not be credited toward any other fees that may be charged to the permitted user, including any future connection fees paid under Section 906 of this Ordinance.

(E) The permitted user shall be ineligible to exercise the Exceedance Fee Option for any subsequent discharge exceedances until the user has implemented the pretreatment and/or management practices attested in accordance with the approved compliance schedule described in Section 906.50 (A) 3 above. The General Manager, or District Engineer on delegation by the General Manager, shall have sole discretion to determine whether the permitted user has proceeded in accordance with the approved plan and compliance schedule.

(F) In the event that the changes in pre-treatment and/or management practices, as referenced in (A) above, are insufficient to correct the discharge exceedance, a permitted user's participation in this Exceedance Fee Option does not limit or remove the permitted user's liabilities and responsibilities as identified in Article IX of this Ordinance.

(G) If the permitted user implements pre-treatment and/or management practice changes in accordance with the approved plan and within the compliance schedule, exceedance of the permitted capacity limits during the implementation shall not be subject to additional connection fees so long as the exceedance does not exceed the temporary permitted capacity limit. Failure to implement the approved plan and/or within the compliance schedule shall subject permitted user to additional connection fees accumulated during the implementation schedule.

(H) If, during the period when the permitted user is implementing its approved plan and compliance schedule, the permitted user makes unapproved changes to its operational practices resulting in increased EDU discharge, the District retains the right to discontinue permitted user's participation in the Exceedance Fee Option and Section 906 shall apply. Any fees paid under this Exceedance Fee Option shall not be applied toward connection fees.

(I) The District retains the right to withdraw its "Acceptance of Participation in Exceedance Fee Option" if it determines, after sufficient notice and opportunity to remedy, that permitted user is not participating in good faith to implement pre-treatment and/or change management practices.

(J) Participants in the Exceedance Fee Option shall continue to be assessed sewer service charges based on actual discharge to the sewer system while participating in this program.

Sec. 907        **PAYBACK CHARGES - Fees: Additional Capacity Charges.** In addition to any other fees and charges established by the Ordinances, rules and regulations of the District, there shall be collected, prior to connection to the sanitary sewer system of the District, special additional capacity charges on a front footage basis for any parcel, unit, lot or part of any property that abuts on an existing main sewer or sewerage works of the District constructed by or at the expense of the District for which said parcel, unit, lot or part of any property did not pay its proportionate front footage cost of installation. Said charges shall be collected where the facilities to serve the property consist of a main sewer or any sewer manhole, pumping station or any other sewer facility, together with all appurtenances thereto, which were constructed by or for the District in order to coordinate the construction of said facilities with any street improvement program of the City or the County, or to meet the requirements of the District for facilities to serve areas under the District Master Plan or for meeting the anticipated requirements for sewer service from the District, or for any other reason, which facilities were paid for by the District, which additional capacity charge shall be in a sum to be computed by the District on the basis of the actual cost of the installation of said service, sewer lateral, sewer main, manhole or pumping facility, including all expenses incidental thereto and all engineering, legal, inspection, and other charges.

The payback/additional capacity charges shall each escalate the same percentage that the latest Engineering News Record Construction Cost Index for the San Francisco Bay Area annually escalated. Said escalation shall be presented annually on July 1st.

Sec. 908        **Fees: Special Capacity Charges.** In addition to any other charges established herein, the District may establish special connection charges for any sewer connection when, in the opinion of the Board of Directors of the District, the circumstances of such connection

necessitate the establishment of unusual conditions or necessitate the payment of charges over and above those established herein.

Sec. 909                    **Non-payment of Capacity Charges.** Should any capacity charge not be paid prior to issuance of a building permit as required by Section 906 (B) of this article, the amount of the unpaid capacity charge shall be charged as a lien against the land that benefits from the sewer connection.

- 1) Prior to charging the lien, notice shall be given to the owner(s) of the lot(s) or parcel(s) of land affected, and the notice shall set forth all of the following:
  - a) The schedule of fees or charges to be imposed;
  - b) A description of the property subject to the fees or charges, which description may be by reference to a plat or diagram on file in the office of the Clerk of the Board, or to maps prepared in accordance with Section 327 of the Revenue and Taxation Code, and on file in the office of the County Assessor;
  - c) The time or times at which the fees or charges shall become due;
  - d) The number of installments in which the fees or charges shall be payable;
  - e) The rate of interest, not to exceed 12 percent per annum, to be charged on the unpaid balance of the fees or charges;
  - f) It is proposed that the fees or charges and interest thereon shall constitute a lien against the lot(s) or parcel(s) of land to which the sanitation facilities are furnished;
  - g) The time and place at which the Board will hold a hearing at which persons may appear and present any and all objections they may have to the imposition of the fees or charges as a lien against the land.
- 2) Except as provided in Section 909 (3), the amount of the charges shall constitute a lien against the lot(s) or parcel(s) of land against which the charge has been imposed as of noon on the first Monday in March immediately preceding the date of levy.
- 3) 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, corrections, cancellation, refund and redemption's, are applicable to such charges, except that if any real property to which such charges relate has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by Section 909 (3) shall not attach to such real property and the charges relating to such property shall be transferred to the unsecured roll of collection.

Sec. 910                    **Fees: Plan Check, Inspection and Demolition.**

**A. Single Family Units, Multiple Dwellings, Commercial, Industrial, Public and Other Uses.**

**(1) Plan Check Fees**

New Subdivisions.....\$40.00 per living unit  
Lots with no new sewer mains..\$25.00 per living unit  
Apartments..... \$25.00 per living unit  
Commercial, Industrial,  
Shell Structures.....\$40.00 per building

**(2) Inspection Fees**

The schedule of charges for the inspection of all side sewers, lateral sewers, house and trunk and main sewers, shall be as follows:

\$35.00 per street lateral  
\$35.00 per house lateral  
\$ 1.25 per foot for house laterals 6"  
diameter or larger  
\$ 1.25 per foot for main line installation

**(3) Tapping Fees**

Sliplined mains only.....\$150.00 per tap

NOTE: Excavation and preparation of the tapping pit shall be performed by a properly licensed contractor. (Amended by Ordinance 72 - 7/13/94)

**(4) Demolition Permits.....\$35.00 per lateral**

**B. Alteration of Existing Sewer Installation.** A permit fee shall be paid to the District for issuing a permit and inspecting any work adding to, altering or extending an existing building sewer installation.

**C. Failure to Obtain Permit.** In the event any part of the side sewer is installed without the issuance of a permit and the inspection of said sewer, the fee for the issuance of said permit and the inspection of said sewer shall be double the amounts herein provided, plus an additional fee of \$100.00.

Sec. 911                   **Performance Guarantee - Public Sewer Construction.** The applicant shall post a surety bond, cash or other security satisfactory to the District to guarantee the faithful performance of any agreement for public main extension entered into with the Board. Said surety bond, cash or security shall be in the sum of one hundred percent (100%) of the estimated costs of the work, or in such other sum as may be fixed by the Board, and shall in addition to guaranteeing the faithful performance of the work, guarantee the maintenance of the sewer main for a period of one year following the completion and acceptance of the work by the District.

Sec. 912                   **All Work to be Inspected.** All sewer construction work shall be inspected by an inspector acting for the District to insure compliance with all requirements of the District. No sewer shall be covered at any point until it has been inspected and passed for acceptance.

No sewer shall be connected to the District's public sewer until the work covered by the permit has been completed, inspected and approved by the inspector.

For public sewer construction, the owner or owners and/or contractor shall deposit with the General Manager a sum to be fixed by the General Manager prior to commencement of work. Said sum shall be estimated to equal the cost of inspecting said work and other expenses regularly incurred in connection therewith. The amount to be charged for inspection shall be on a lineal footage basis on all lines of 6" diameter or more and a flat fee for 4" street laterals established by resolution adopted by the Board of Directors of the District. Should the amount of the deposit be insufficient to pay such costs incurred by the District, the owner or owners and/or contractor shall advance such additional sums as shall be necessary to pay said costs prior to the final inspection of work.

Sec. 913                **Notification.** It shall be the duty of the person doing the work authorized by permit to notify the District that said work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours, Saturdays, Sundays and Holidays excluded, before the work is ready to be inspected. It shall be the duty of the person doing the work to make sure that the work will pass the tests required by the District before giving the above notification.

Sec. 914                **Condemned Work.** When any work has been inspected and the work condemned, a written notice to that effect shall be given instructing the owner of the premises, or the agent of such owner, to repair the sewer or other work authorized by the permit in accordance with the ordinances, rules and regulations of the District.

Sec. 915                **All Costs Paid by Owner.** All costs and expenses incident to the installation and connection of any sewer or other work for which a permit has been issued shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the work.

Sec. 916                **Contractor Requirements.** Contractors working in the public right-of-way or District easements or on facilities that will be dedicated to the District upon completion, are required to have a valid Class A California contractor's license, an active Cal-OSHA T-1 annual trench/excavation permit, and shall be bonded with the District. The bonding requirement may be waived by the District for projects bonded for by an owner or developer.

Sec. 917                **Public Right-of-Way Excavation Permit.** A separate permit must be secured from the County and/or City or any other agency having jurisdiction thereover by owners or contractors intending to excavate in a public Right-of-Way for the purpose of installing sewers or making sewer connections.

Sec. 918                **Liability.** The District and its officers, agents and employees shall not be answerable for any liability or injury or death to any person or damage to any property arising during or growing out of the performance of any work by such applicant. The applicant shall be answerable for, and shall save the District and its officers, agents and employees harmless from any liability imposed by law upon the District or its officers, agents or employees, including all costs, expenses, fees and interest incurred in defending same or in seeking to enforce this provision. Applicant shall be solely liable for any defects in the performance of his work or any failure which may develop therein.

**ARTICLE X**  
Outside Sewers

Sec. 1001     **Special Outside Agreements.** Where special conditions exist relating to any outside sewer, they shall be the subject of special contract between the applicant and the District, and applicant shall be charged for sewage service in the same degree and manner as others now within the District Boundaries.

**ARTICLE XI**  
Miscellaneous Provisions

- Sec. 1101     **Protection from Damage.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the District sewerage works. Any person violating this provision shall be subject to the penalties provided by law.
- Sec. 1102             **Powers and Authorities of District Employees.** Any duly authorized employee of the District shall carry evidence establishing their position as an authorized representative of the District and upon exhibiting the proper credentials and identification shall be permitted to enter in and upon any and all buildings, industrial facilities and properties for the purposes of inspection, reinspection, observation, measurement, sampling, testing and otherwise performing such duties as may be necessary in the enforcement of the provisions of the ordinances, rules and regulations of the District. All contractors shall be held strictly responsible for any and all acts of agents or employees done under this ordinance. Upon being notified by the General Manager of any defect arising therefrom in any sewer or of any violation of this ordinance, the person or persons having charge of said work shall immediately correct the same.
- Sec. 1103     **Separability.** If any section, subsection sentence, clause or phrase of this ordinance or the application thereof to any person or circumstance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance or the application of such provision to other persons or circumstances. The Board hereby declares that it would have passed this ordinance or any section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, clauses or phrases be declared to be unconstitutional.

