

NOVATO SANITARY DISTRICT

ORDINANCE NO. 42 AND AMENDMENTS

SEWER SERVICE CHARGES

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ORDINANCE NO. 42

AN ORDINANCE PRESCRIBING RATES AND CHARGES FOR SEWAGE
DISPOSAL SERVICE AND PROVIDING PROCEDURES AND
PENALTIES FOR ITS ENFORCEMENT

NOVATO SANITARY DISTRICT

SEWER SERVICE CHARGE ORDINANCE

The Sanitary Board of Novato Sanitary District, Marin County,
California, does ordain as follows:

ARTICLE I. GENERAL PROVISIONS

1. Short Title. This ordinance may be cited as "Novato
Sanitary District Sewer Service Charge Ordinance."

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

(a) "District" means the Novato Sanitary District.

(b) "Board" is the Sanitary Board of said District.

(c) "Sewer service charges" mean fees, tolls, rates, rentals
or other charges for services and facilities furnished by District
in connection with its sanitation or sewerage system.

(d) "Premises" means any house, habitation or other structure
connected to the sewerage system of the District.

(e) "Person" is any human being, firm company, partnership,
association, and private, public and municipal corporation, the
United States of America, the State of California, districts and all
political subdivisions, governmental agencies and mandatories
thereof.

(f) "Outside service connection" means any premises located
outside boundaries of District connected to District facilities
pursuant to specific agreement between District and the property
owner.

(g) "Report" means the report referred to in Section 5473 of
the Health and Safety Code of the State of California.

3. Alternate Procedure. The Board hereby declares that the
procedure established herein for the collection of sewer service

charges is an alternative procedure which shall be in addition to the authority provided in Ordinance 14, adopted September 27, 1954, as heretofore amended, and in addition to the authority granted to such District pursuant to any other law. If for any reason any premises against which a sewer service charge is prescribed does not appear on the tax roll of the County of Marin, District shall collect said charge by any other procedure available to District pursuant to ordinance by law.

4. Separability. The Board hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, causes or phrases be declared unconstitutional. If any provision of this ordinance or application thereof to any person or circumstance, is held invalid, the remainder of the ordinance or the application of such provision to other persons or circumstances shall not be affected thereby.

5. Publication. Upon adoption this ordinance shall be entered in the minutes of the Board, and shall be published once in the Novato Advance, a weekly newspaper of general circulation, printed and published in the District, within one (1) week following its passage and adoption, and shall take effect and be in force upon the conclusion of the hearing held pursuant to Section 5473 of the Health and Safety Code of the State of California.

ARTICLE II. SEWER SERVICE CHARGES

10. Rate Schedule and Regulations. Sewer service charges and regulations are hereby prescribed for all premises connected to the sanitation or sewerage system of District. The rates and regulations shall be as follows:

A. RATES. For all premises connected to the sewer system of the District, the rate per Service Unit shall be as follows:

<u>Fiscal Year</u>	<u>Rate</u>
2005-06	Three Hundred Two & 00/100 Dollars (\$302.00)
2006-07	Three Hundred Forty-Two & 00/100 Dollars (\$342.00)
2007-08	Three Hundred Eighty-Two & 00/100 (\$382.00)
2008-09	Four Hundred Twenty-Two & 00/100 (\$422.00)
2009-10	Four Hundred Sixty-Two & 00/100 (\$462.00)

Said rate shall be subject to modification and change, from time to time, as may be required to permit the 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. Service Units shall be calculated for various types of sewer users as described in the following paragraphs.

(a) Residential users. Each family unit shall be assigned Service Units based on its average actual or estimated water usage for an approximate four-month period during the last winter season (December 1 to April 30) for which water use records are available. A family unit is defined to mean and refer to a place of residence for a single family, and multiple family dwellings shall have the number of family units that the facilities thereon provide for single family residences, including trailer courts and mobile home parks. Hotels and motels shall be considered commercial establishments and, as such, shall be classed as non-residential users.

For metered users, the water use for each residential user shall be compared with the weighted average residential water use for all residential users for the same winter season to determine the Service Units to be assigned. Residential users whose water usage during the base winter period was equal to or less than twenty-five percent (25%) of the weighted average residential water use shall be assigned 0.6 Service Units per family unit. Residential users whose water usage during the base winter period was equal to or greater than two hundred percent (200%) of the weighted average residential water use shall be assigned 1.8 Service Units per family unit.

Non-metered residential users shall be assigned one (1) Service Unit for each family unit.

All other residential users shall be assigned one (1) Service Unit for each family unit.

(b) Non-Residential Users. All non-residential users, including all government or other non-taxed or tax-exempt properties connected to the District's sewerage system, shall be assigned Service Units based on their average actual or estimated water usage for an approximate four-month period during the last winter season (December 1 to April 30) for which water use records are available. For metered users, the water use for each non-residential user shall be divided by the average residential water use for all residential users for the same winter season to determine the Service Units to be assigned. For non-metered users, the water use for a two month winter period shall be estimated by the District Manger-Engineer and the Service Unit assignment shall otherwise be calculated in the same manner as for metered users.

A minimum of one (1) Service Unit shall be assigned for each non-residential premises.

Because certain types of non-residential users discharge sewage having significantly greater strength characteristics thereby requiring a disproportionate use of the sewage treatment facilities of the District, the total Service Unit assignment for the users listed in the following table shall be determined by multiplying the

Service Units calculated as above provided for other types of users by the Strength Factor shown.

TABLE OF STRENGTH FACTORS

<u>User</u>	<u>Strength Factor</u>
Markets with garbage disposals	2.17
Mortuaries	2.17
Restaurants	2.19

(c) Collection Fee. In addition to the rate per Service Unit as above specified, all users whose service charges are collected on the Marin County tax roll, as provided in Article III, thereof, shall pay an annual collection fee amounting to Two Dollars (\$2.00) per County Assessor's parcel billed.

B. OUTSIDE SERVICE CONNECTIONS. Sewer service charge rates for outside service connections shall be those prescribed in the outside service agreement between the District and the property owner.

C. NEW CONNECTIONS. For new connections to the sewerage system of the District, sewer service charges shall become effective at the time the records of the Marin County Assessor indicates such property is within the boundaries of the District and is classified as improved property. This determination shall be made once a year in July for the following fiscal year and no back charges will be levied.

D. VACANT PREMISES. No credit, adjustment or refund will be made to any property owner because the premises or any part thereof are vacant unless said premises are disconnected from the sewerage system.

E. REFUNDS. When any refund becomes due and owing by virtue of action of the District Board or by virtue of any error made in ascertaining the charge applicable to any property owner, the District Manger-Engineer is authorized to make refunds payable from moneys in the specific fund established for the deposit of sewer service charges.

F. ADJUSTMENT. It is the intent of the provisions of this ordinance in establishing different sewer service charges for different categories of sewer users, to reflect the benefit from such service to each user so that those receiving greater benefits or those who impose heavier burden upon the system because of higher flow, or the quality of the discharge, pay a higher charges. If, in respect to any user, the District Board should find the charge is

inequitable, or unfair because of unusual circumstances, it may establish a special service charge for such user differing from those otherwise established which will bear a closer relationship between the benefit received from use of the District's sewerage system. Such special charge may be established by resolution or agreement, but may be revoked at any time by the District Board whenever it finds that continuation thereof would be inequitable or unfair under the circumstances then prevailing.

The owner or occupant of any premises who by reason of special circumstances finds that the applicable rates are unjust or inequitable as applied to his premises, may make written application to the District Board, stating the circumstances and requesting a different basis of charges for such premises. If such application be approved, the District Board may, by resolution, fix an 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.

G. PERSONS RESPONSIBLE. The owner of any premises is and shall be responsible for payment of any and all sewer service charges applicable to premises owned by him or her. It shall be and is hereby made the duty of each such owner to ascertain from the District Manager-Engineer the amount and due date of any such charge applicable to the premises owned by him and to pay such charges when due and payable. It also shall be and is hereby made the duty of all owners of all premises to inform the District Manager-Engineer immediately of all circumstances, and of any change or changes in circumstances, which will in any way affect the applicability of any charge to premises owned by him or her in the amount of any such charge.

H. NON-RETROACTIVE SERVICE CHARGES. Each property owner is responsible for the correctness of the sewer service charges applicable to premises owned by him or her. Corrections or revisions due to changed circumstances shall not entitle a property owner to repayment by the District for prior years' service charges. Similarly, the District shall not back-charge a property owner for underpayment of service charges due to errors or omissions in the assignment of Service Units or the calculations of sewer service charges.

ARTICLE III. COLLECTION

15. Election to Collect on Tax Roll. The District, does hereby elect, pursuant to Section 5473 of the Health and Safety Code of the State of California, to have the sewer service charges for the fiscal year 2005-2006, established by said District pursuant to its Ordinance No. 42 passed and adopted by the Sanitary Board of the District on June 12, 1978, as amended, collected on the tax roll of

the County of Marin, State of California, in the manner provided pursuant to Sections 5471 through 5473.11 of the Health and Safety Code of the State of California and said Ordinance No. 42 of said District, as amended.

16. Report. A written report shall be prepared and filed with the Secretary, which shall contain a description of each parcel of real property located within or outside of District upon which is situated a premises receiving such services and facilities and the amount of the charge for each parcel for said year, computed in conformity with the charges prescribed by this ordinance.

17. Hearing on Report. Monday, the 1st day of August, 2005, at the hour of 4:30 p.m. at the regular meeting place of said District, the Novato Treatment Plant, 500 Davidson Street, Novato, California, are hereby fixed as the time and place for hearing on the sewer service charge report filed with the Secretary of this District, pursuant to law, and the Secretary shall publish notice of said hearing and of the filing of said report once a week for two successive weeks with at least five days intervening between the respective publication dates, with the first publication being at least fourteen days prior to the date set for said hearing, in the Independent Journal, a newspaper of general circulation printed and published in the County.

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

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

20. 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 of March in the year in which said sewer service charges are fixed. The Tax Collector of the County of Marin shall include the amount of the charges on bills for taxes levied against the respective lots or parcels of land as they appear on the current assessment roll.

21. 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 to the same time and thereafter be subject to the same penalties for delinquency.

22. 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.

23. Compensation of County. The Tax Collector may, in his/her 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.

24. 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 bonds issued for the construction of such sanitary or sewerage facilities and to repay federal or state 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.

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Passed and adopted at a regular meeting of the Board of Directors of the Novato Sanitary District, Marin County, California, duly held on the 1st day of August, 2005.