

Title 5 – Rates and Charges

5.01 Sewer Service Charges

5.01.010 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:

Fiscal Year	Sewer Service Charge per EDU
2016-2017	\$554.88
2017-2018	\$638.10
2018-2019	\$676.38
2019-2020	\$710.20
2020-2021	\$738.62

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. The Board of Directors may lower the Sewer Service Charge per EDU stated above upon enactment of a Resolution, based on findings that there is sufficient revenue projected to meet the long-term financial plan of the District based on the lower sewer service charge.

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.

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

5.01.020 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.

5.01.030 Water Metered Commercial, Public Utilities and Public Agency Facilities

Using a single-family dwelling as a standard, the following designated premises in the following table 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 Section 5.01.060.

Business Category	Strength Factor
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

5.01.040 For Non-Tourist Impacted Facilities with Extensive Landscaping or Other Non-Sewered Water Use

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 5.01.030 of this Code.

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.

5.01.050 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:

Elementary	1 service unit per 48 students
Secondary	1 service unit per 17 students
Other	1 service unit per 10 employees/occupants

5.01.060 Industrial User Waste Charges

Except as provided in Section 5.01.061, the monthly industrial user waste charges for each industry shall be determined by using the formula in the following table.

Industrial User Sewer Service Unit Assignment Formula *		
Parameter	Cost Allocation	Assumed Loading (1.0 Unit)
Flow	50%	210 gal/day
BOD	25%	175 mg/L
TSS	25%	200 mg/L
Step 1		
Flow Factor	=	Daily Flow ÷ 210 gals/day or Annual Flow ÷ 76,650 gals/year
Step 2		
Strength Factor	=	0.50 + (BOD ÷ 175 x 0.25) + (TSS ÷ 200 x 0.25)
Step 3		
Equivalent Dwelling Units (EDUs)	=	(Flow Factor) x (Strength Factor)
Step 4		
Monthly Sewer Service Charge	=	(EDUs) x (Current Rate per EDU) ÷ 12

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

5.01.061 Industrial User Waste Charges for Winery-Related Operations That Do Not Measure Flow and Strength

Sewer service charges for Winery-Related Operations that have not yet installed, or receive a waiver from installing, flow meters and samplers to measure their facility’s industrial wastewater flow and strength pursuant to District Code 4.04.170(D), shall be based on a fixed strength factor of 11.25, which is based upon an assumed BOD of 7,000 mg/L and TSS of 600

mg/L, multiplied by a flow factor based upon monthly flow date measured from the municipal potable water meter, after an adjustment to account for domestic waste. Monthly sewer service charges shall then be calculated using Step 4 in Section 5.01.060.

Notwithstanding the provisions above, the General Manager may determine, based upon specific circumstances of the Winery-Related Operation, to either (a) require the Industrial User to pay sewer service charges based on Section 5.01.060 or (b) adjust the fixed strength factor to reflect the specific circumstances.

5.01.070 Special Outside Agreement

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.

5.01.075 Delinquent Sewer Service and Other Charges

A) Enforcement. In the event any owner or user fails to pay when due any sewer service or other charges applicable to the premises, the District may enforce payment of such delinquent charges in any of the following manners:

- 1) The General Manager may have such premises disconnected from the sanitary sewer system in accordance with Section 4.04.180(A)(10) and no reconnection shall be made until all such charges are paid.
- 2) The General Manager may institute an action in any court of competent jurisdiction to collect any charges which may be due and payable in the same manner as any other debts owing to the District may be collected.
- 3) Any and all delinquent charges may be placed on the tax roll, and collected in the same manner, by the same persons and at the same time as property taxes in accordance with the procedures set forth in California Health and Safety Code section 5473 *et seq.* and any amendments thereto.
- 4) Such other action may be taken as may be authorized by law and by the District Board of Directors.

B) Lien for Delinquent Charges and Penalties.

- 1) Delinquent sewer service charges, penalties and other charges, when recorded in accordance with the procedures set forth in California Health and Safety Code section 5473 *et seq.* and any amendments thereto, shall constitute a lien upon the real property served and such lien shall continue until the charge and all penalties thereon are fully paid or the property is sold therefor. Any such lien shall have the same force, effect, and priority as a judgment lien.
- 2) Enforcement of Lien. As a separate, distinct, and cumulative remedy for the collection of charges and penalties thereon, the District Counsel may bring an action in the name of the District to enforce the lien of the charges and penalties.
- 3) Discharge of Lien. Property may be discharged from the lien by payment of all delinquent charges and penalties.

- C) **Relief from Charges, Fees or Levies.** If the Board finds that a charge, fee or levy is unjust or inequitable because of special circumstances, it may, upon its own motion or written application of an owner or occupant of a premise, pursuant to Sections 4.01.050 and 4.01.060, fix a fair and equitable charge, fee or levy.

5.01.080 Claims for Sewer Service Overcharges

A) Date of Claim

That any claim for correction or refund of sewer service charges must be filed with the Secretary of the Board of the Napa Sanitation District within four (4) years from the date of the original payment.

B) Investigation

That all requests for correction or refund of sewer charges will be investigated and confirmed by Staff prior to presentation to the General Manager or the Board as provided below.

C) Interest on Approved Claims

That interest will accrue only on those claims for which written demand for refund is made and approved by the Board.

D) Interest Accrual Date

That interest will begin to accrue on the date the written demand for refund is made.

E) Interest Rate

That interest shall be calculated at the lesser of the rate of interest currently in effect as provided by state statute or seven percent (7%) per annum.

F) Authority to Approve Claims

All claims for refund of overpayments totally \$2,000 or less may be approved by the General Manager and all claims for refund of overpayments totaling more than \$2,000 shall be submitted to the Board of Directors.

5.02 Capacity Charges

5.02.010 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.

5.02.020 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.

- A. **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.
- B. **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.

5.02.030 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.

A. Residential

Capacity Charge Fee	Single Family Dwellings	Senior Dwellings / Residential Care Facilities single room occupancy – per unit	Multiple Family Dwellings – Per Unit
Prior to Jan. 1, 2012	\$5,660	\$3,396	\$5,660
As of Jan. 1, 2012	\$6,000	\$3,600	\$6,000
As of July 1, 2012	\$7,000	\$4,200	\$7,000
As of July 1, 2013	\$8,300	\$4,980	\$8,300
As of July 1, 2014	\$8,723	\$5,234	\$8,723
As of July 1, 2015	\$8,950	\$5,370	\$8,950

B. Commercial

1) General. This section sets out the methodology for establishing capacity charges for commercial uses, other than industrial uses. The amount of the capacity charge is determined first by determining the Equivalent Dwelling Units (EDUs) as specified in this section (by reference to the square footage of the use, number of units, or both) and second by multiplying the number EDUs by the then-current rate for single family dwellings established in 5.02.030.A.

2) Food Service Establishments.

a) **Charge Methodology.** Food service establishments shall be assessed capacity charges based square footage of the entire unit, including any exterior space that will be used for sit down dining. The charge shall be based on 3.25 EDU for the first 2,000 square feet, and 3.25 EDU for each 1,000 square feet thereafter, prorated.

b) **Payment Over Time.** Food service establishments requiring 3.0 EDU or greater may elect to pay capacity charges over time in accordance with this Section. In such event, the General Manager shall require the applicant to pay a capacity charge equal to at least one EDU shall be due prior to the issuance of a building permit by the City of Napa or the County of Napa, pursuant to 5.02.020 and in conjunction therewith to enter into an agreement with the District that obligates it to pay the additional capacity charges. The agreement shall require the applicant to pay the additional capacity charges within three years, with a minimum annual payment equal to one (1) EDU, plus interest at a rate not to exceed five percent (5%). The General Manager may include other provisions to ensure payment and protect the interests of the District.

3) Car Washes. Car washes shall pay capacity charges based on actual water usage the prior year. The car wash may estimate water usage for the first year of operation, with a “true up” of capacity charges at the end of the first year based on actual water usage. The fee shall be calculated using the formula in Code Section 5.02.030.C with zero values used for BOD and TSS. The District may require the installation of a secondary

water meter to measure car wash flow. Annually, the car wash facility is subject to paying additional capacity charges at the then current rate if the amount of capacity used exceeds the capacity previously purchased.

- 4) Transient Lodging Facilities.** Bed and breakfast facilities, hotels, motels, recreational vehicle parks, and campgrounds shall be assessed a capacity charge at the rate of 0.75 Equivalent Dwelling Unit (EDU) for each unit, unless any of the units include kitchens, in which case the units with kitchens shall instead be charged at the rate of 1.0 EDU for each unit. In addition, common areas in such facilities, such as meeting rooms and restaurants, shall be subject to the per-square-foot capacity set forth in this Section.
- 5) Structures Without Plumbing.** Structures without plumbing pay capacity charges based upon building use, as provided in this Section.
- 6) Other Commercial Units.** Applicants for commercial units, other than Food Service Establishments, shall be assessed capacity charges based square footage of the entire unit, or as otherwise noted in the table below. The charge shall be based on the current capacity charge (Single Family Dwelling) rate per Equivalent Dwelling Unit (EDU), multiplied by the EDU factor per 1,000 square feet table below, times the number of square feet:

EDU for Commercial Users

Type of User	EDU Factor/ 1,000 SF
Bakery	1.90
Bar, Tavern, Cocktail Lounge	1.00
Barber	0.20
Beauty Salon	0.28
Bowling Alley	0.70
Church	0.31
Convenience Store	0.75
Day Care Facility	0.80
Drug Store	0.26
Dry Cleaners (no laundry)	0.25
Funeral Home/Mortuary	2.00
Garage (vehicle repair)	0.60
Grocery w/ disposal	0.76
Grocery w/o disposal	0.49
Gym, Health Club	1.00
Hall, Lodge, Meeting Rooms	0.47
Hospital	7.00
Laundromat	3.00
Laundry, Commercial	4.00
Medical/Dental Office	0.80
Nightclub w/ Dance Floor	0.70
Office (e.g., Bank, legal, accounting, government building, etc.)	0.22
Pet Grooming Shop	0.30
Pool Hall	0.60
Prison, Jail	1.60
Restroom building (rest stops, etc)	5.00
Retail stores (w/o dining)	0.22
Schools (public and private)	0.50
Service Station w/o Food Sales	0.90
Service Station w/ Food Sales	1.00
Theater	0.52
Veterinarian Hospital/Clinic	0.50
Warehouse/Storage Facilities	0.05

Capacity Charge = Rate for Single Family Dwelling x square feet ÷ 1,000 x EDU Factor

There is a minimum capacity charge of 1.0 EDU.

Mixed use facilities are charged as a composite of the charge for the square footage of each use. For example, Warehouse/storage facility fees are charges

as a composite of the charge for the square footage of office space (0.22 EDU/1,000 SF) and the charge of the square footage of warehouse/storage space (0.05 EDU/1,000 SF).

- C. 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, with a minimum of 1.0 EDU for an industrial facility. The data shall be provided to the District. These three parameters will be applied to the following formula in the following table to determine the number of Sewer Service Units (Equivalent Dwelling Units - EDU)

Industrial User Capacity Charges Assignment Formula		
Parameter	Cost Allocation	Assumed Loading (1.0 Unit)
Flow	50%	210 gal/day
BOD	25%	175 mg/L
TSS	25%	200 mg/L
Step 1		
Flow Factor		= $\frac{\text{Average Daily Flow}}{210 \text{ gals/day}}$
Step 2		
Strength Factor		= $0.50 + (\text{BOD} \div 175 \times 0.25) + (\text{TSS} \div 200 \times 0.25)$
Step 3		
Equivalent Dwelling Units (EDUs)		= (Flow Factor) x (Strength Factor)
Step 4		
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 its 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, unless the industry is eligible for and elects to lease capacity as described under District Code Section 5.02.070.

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.

5.02.040 Change of Use

- A. Residential.** If a residential building is modified, which results in additional living units, capacity charges are due as listed above for residential units in Code Section 5.02.030(A).
- B. Commercial Expansion.** If additional commercial units and/or commercial space is created by increasing the square footage, capacity charges are due with respect to the additional square footage at the rate listed in Section 5.02.030.B.
- C. Change in Commercial Categories.** If a commercial use changes to another commercial category with a higher EDU factor, then capacity charges are due at the increased rate specified in Section 5.02.030.B, less the credit specified in Subdivision E of this Section.
- D. Commercial to Industrial.** If the use of a building changes from commercial to industrial, then capacity charges are due as listed in Code Section 5.02.030.C.
- E. Credit for Prior Use.** Notwithstanding anything to the contrary in Section 5.02, when a building changes from one use to another use and additional capacity charges are due, the

building will receive credit for the capacity, as measured by Equivalent Dwelling Unit, that have been previously purchased for or allocated to that building.

5.02.050 Demolition Credits

Upon request for demolition permit, applicant must make an election regarding the treatment of the credit for the capacity from the to-be-demolished structure or structures. Once the permit is issued, the election is irrevocable. The applicant shall elect one of the following methods of treatment:

Method 1 – Capacity charge credits would be valid for a period of two years from the date the demolition permit is issued by the District, and would 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. If a building permit is not obtained within two years, the capacity charge credit will expire. During the period between issuance of the demolition permit and issuance of a building permit, no sewer service charges would be assessed.

Method 2 – Capacity charge credits would not expire provided the applicant agrees to remain subject to sewer service charges after issuance of the demolition permit, acknowledging that the District would be assessing sewer service charges to the parcel during periods of no sewer flow from the parcel.

The value of the capacity allocation credits shall be based on the capacity, as measured by Equivalent Dwelling Unit, that have been previously purchased for or allocated to that building.

5.02.060 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 connection fees herein set forth by adoption of the appropriate resolution.

All fees collected under Section 5.02.030 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.

5.02.070 Leased Capacity in Lieu of Purchased Capacity

- A. Eligibility.** Winery-Related Operations may, at the request of the industrial user, may choose to lease capacity rather than pay for additional capacity when the facility does not stay within the capacity limits defined in Code Section 5.02.030(C). Winery-related Operations that have purchased at least 5 EDU of capacity are eligible for the Lease Program.
- B. Lease Program – Defined.** At the request of the Winery-Related Operation, the District will not require the user to purchase additional capacity when their capacity limits are exceeded. Instead, the user will be charged a surcharge on their monthly sewer service charge invoices. Payment of the leased capacity charge would supersede the requirements to pay full capacity charges for exceeding capacity.
- C. Calculation of Charge for Leased Capacity.** The amount of the monthly capacity charge lease shall equal the greatest exceedance by the user of its purchased capacity during the prior 12 month period (as calculated in Code Section 5.02.030(C)), measured in Equivalent Dwelling Units, multiplied by the capacity charge for Single Family Dwellings in effect during the invoice period, divided by 240.
- D. Leased Capacity Does Not Accrue to Parcel.** Capacity charge lease payments do not increase the amount of capacity that is allocated to the parcel.
- E. Recorded as Capacity Charges.** All revenues collected under this Section shall accrue to the District’s Expansion Fund and be recognized as capacity charge revenue.

5.02.080 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.

5.02.090 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.

5.02.100 Non-payment of Capacity Charges

Should any capacity charge not be paid prior to issuance of a building permit as required by Section 5.02.020, the amount of the unpaid capacity charge shall be charged as a lien against the land that benefits from the sewer connection.

- A. 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:
- 1) The schedule of fees or charges to be imposed;
 - 2) 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;
 - 1) The time or times at which the fees or charges shall become due;
 - 2) The number of installments in which the fees or charges shall be payable;
 - 3) The rate of interest, not to exceed 12 percent per annum, to be charged on the unpaid balance of the fees or charges;
 - 4) 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;
 - 5) 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.
- B. Except as provided in Section 5.02.100(C), 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.
- C. 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

5.02.100(C) shall not attach to such real property and the charges relating to such property shall be transferred to the unsecured roll of collection.

5.03 Waste Hauler Fees

5.03.010 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:

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%

Example Domestic Septic Wastewater Fee for 2,500 gallons of waste:

$$\frac{((2,500 \text{ gallon domestic waste}) \times (\text{Current Annual Sewer Service Charge Rate}) \times (0.70))}{1,500}$$

5.03.020 Fats, Oils and Grease Hauler Fees

- A. Fees for the acceptance of hauled FOG shall be invoiced to permitted haulers monthly and shall be subject to the District's policies for collection of revenues and delinquent accounts receivable.
- B. The fee shall be charged based on the maximum carrying capacity of the truck making delivery of the FOG to the District.
- C. The fees shall be calculated as follows:
 - 1) From the initial date of facility operations through June 30, 2013, the fee shall be 10.0 cents per gallon.
 - 2) The per-gallon fee shall increase annually on July 1, starting in 2013, based on the annual percentage increase in the Sewer Service Charges as calculated by Section 801 of the Sewer Use Ordinance, or at any other rate approved by the Board of Directors in a resolution.
 - 3) The per-gallon fee shall be rounded to the nearest one-tenth of a cent.
 - 4) The minimum charge for any delivery shall be equivalent to a 500 gallon truck delivery.

5.04 Development Fees

5.04.010 Plan Check Fees

The District shall charge a plan check fee to recover the costs of engineering, legal and administrative services provided to evaluate building or development actions that may add, alter or extend a connection to any component of District infrastructure. The following fee schedule establishes a plan check charge for each type of development action.

The General Manager is authorized to establish administrative rules and procedures for collecting modified plan check fees as needed to recover the full costs of engineering, legal, and administrative services.

The Plan Check Fee includes two submittals for plan check. If additional submittals are required for approval, then fee is assessed again, and an additional two submittals are allowed.

Development Type	Plan Check Fee
Residential Subdivision Subdivision Review Residential Lot Review	\$402.00 per subdivision plus \$101.00 per lot
Residential Lot without Mains	\$101.00 per lot
Apartment Building	\$803.00 per building
Hotel Building	\$1,204 per building
Commercial Building	\$402 per building
Tenant Improvements – Food Service	\$301.00 per tenant unit
Tenant Improvements – Non-Food Service	\$201.00 per tenant unit
Mainline Extensions – not part of a subdivision	\$101.00 per 100 linear feet of mainline extension, or portion thereof
Public Easement – not included in recorded map	\$101.00

5.04.020 Inspection Fees

The District shall charge an inspection fee to recover the costs of engineering, legal and administrative services associated with the inspection of building or development actions that add, alter or extend a connection to any component of District infrastructure. The following fee schedule establishes an inspection fee for each type of development action.

The General Manager is authorized to establish administrative rules and procedures for collecting modified inspection fees as needed to recover the full costs of engineering, legal and administrative services.

The Inspection Fee includes one inspection and one re-inspection. If additional inspections are required for approval, then fee is assessed again for each additional inspection.

Development Type	Inspection Fee
Public Lateral - Residential	\$179.00 per lateral
Private Lateral - Residential	\$179.00 per lateral
Public/Private Lateral - Commercial	\$357.00 per lateral
Mainline	\$357.00 per 100 linear feet of mainline, or portion thereof

5.04.030 Demolition Fee

The District shall charge a demolition fee to recover the costs of engineering, legal and administrative services associated with the review, permitting and inspection of demolitions that may add, alter or extend a connection to any component of District infrastructure. The following fee schedule establishes a fee for each type of demolition.

The General Manager is authorized to establish administrative rules and procedures for collecting modified demolition fees as needed to recover the full costs of engineering, legal, and administrative services.

Development Type	Demolition Fee
Interior Demolition Only – fixtures within building	\$190.00 per demolition
Public and Private Lateral – with or without internal fixtures - External Lateral Failed Inspection	\$438.00 per demolition
Private Lateral - with or without internal fixtures - External Lateral Passed Inspection	\$264.00 per demolition

5.04.040 Annexation Charges

The District shall collect a minimum annexation charge prior to the commencement of proceedings by the Board on the proposed annexation. The following fee schedule sets forth the minimum charge.

The General Manager is authorized to establish administrative rules and procedures for collecting modified annexation charges as needed to recover the full costs of engineering, legal and administrative services.

Development Type	Annexation Charge
Annexation Request	\$1,204.00 per request

5.04.050 Agreement Fees

The District shall charge an agreement fee to recover the costs of engineering, legal and administrative services associated with the research, drafting, negotiation, review and execution of development-related agreements, including improvement agreements, indemnification agreements, deferred improvement agreements, private main agreements, and easements, that may add, alter or extend a connection to any component of District infrastructure, or impact District operations, physical assets or a financial condition. The following fee schedule establishes a fee for each type of agreement.

The General Manager is authorized to establish administrative rules and procedures for collecting modified agreement fees as needed to recover the full costs of engineering, legal and administrative services.

Development Type	Agreement Fee
Agreement Request – Standard Agreement	\$301.00 per request
Agreement Request – Non-Standard Agreement	\$1,202.00 per request

5.04.060 Annual Increase in Fees

Effective on July 1, 2016, and annually on July 1 thereafter, the fees identified in Section 5.04.010 through Section 5.04.050 shall increase by the annual increase factor calculated in 5.01.010 for Sewer Service Charges, with the fees rounded up to the nearest whole dollar.

5.05 Recycled Water Rates

5.05.010 CPI Defined

For use in calculating recycled water rates under this section, the Consumer Price Index (CPI) shall be defined as the Consumer Price Index for All Urban Consumers, San Francisco-Oakland-San Jose Metropolitan Area (1982-84 = 100), published by the U.S. Department of Labor’s Bureau of Labor Statistics, comparing the current December to the prior year December index, or the most comparable index if this index is no longer published by the Bureau.

5.05.020 Rates Through 2015

For calendar year 2011, the rate shall be \$0.91 per 1,000 gallons of recycled water. For each subsequent calendar year, from 2012 through 2015, the rate shall automatically be adjusted as of the first day of January based on the changes in the CPI.

5.05.030 Peak Period Rates

Effective January 1, 2016, during the months of April through November, the rate shall be \$1.57 per 1,000 gallons of recycled water. For calendar years 2017 and 2018, the rate shall automatically be adjusted as of the first day of January based on the changes in the CPI.

Starting January 1, 2019 and for each subsequent calendar year, the rate shall automatically be adjusted as of the first day of January based on the changes in the CPI plus 2.0%.

5.05.040 Intermittent Non-Peak Period Rates

Effective January 1, 2016, during the months of January, February and December, the rate shall be \$1.20 per 1,000 gallons of recycled water. For each subsequent calendar year, the rate shall be set at 75% of the recycled water rate established per Section 5.05.030 "Peak Period Rates".

5.05.050 March Rates

Effective 2016, during the month of March, the rate shall be \$1.05 per 1,000 gallons of recycled water. For each subsequent calendar year, the rate during the month of March shall be set at 67% of the recycled water rate established per Section 5.05.030 "Peak Period Rates".

5.05.060 "Must Pay" Contracts Allowed

Effective January 1, 2016, the District may establish "must pay" contracts that include the following terms and conditions:

- A) Users agree to contract for a minimum of 150 acre feet of water during the Peak Period of April through November, whereby the user shall pay for the contracted amount of water, even if the user does not use that water during the Peak Period.
- B) Effective in 2016, the rate for recycled water used under a "must pay" contract shall be \$1.25 per 1,000 gallons. Starting in 2017 and for each subsequent year, the "must pay" contract rate shall be set at 80% of the recycled water rate established per Section 5.05.030 "Peak Period Rates".
- C) For recycled water used in excess of the amount of water contracted during the Peak Period, users shall pay at the rate established per Section 5.05.030 "Peak Period Rates".
- D) For recycled water used from December through March, users shall pay the rate established in Section 5.05.040 "Intermittent Non-Peak Period Rate" and Section 5.05.050 "March Rates". Any amount of recycled water used from December through March does not count as water used under the "must pay" contract.

5.05.070 Monthly Meter Charge

Effective January 1, 2016, the District shall establish a monthly meter charge of \$31.13 for the billing periods May through October. Starting January 1, 2017 and for each subsequent calendar year, the monthly meter fee shall automatically be adjusted as of the first day of January based on the changes in the CPI.

5.05.080 Rates Rounded

All recycled water rates and monthly meter charges shall be rounded to the nearest cent.

5.05.090 Authority to Waive Fees

The Director of Administrative Services is authorized to waive recycled water fees in sections 5.05.030, 5.05.040, and 5.05.050 when the total monthly amount due for recycled water usage is less than five dollars (\$5.00).

5.05.100 User Defined

For purposes of this Section, a user shall be defined as a person or legal entity that contracts with the District for the use of recycled water and assumes the financial and other responsibilities incurred from such use.

5.05.110 Recycled Water Shortage

- A) **Declaration of Recycled Water Shortage.** The Board of Directors may, by resolution, declare a shortage or anticipated shortage of water available to produce recycled water for customers for a specified period of time.
- B) **Public Notice Required.** A Declaration of Recycled Water Shortage may be passed by Resolution only after all then-current recycled users have been notified in writing of the potential Declaration and the impacts of such a Declaration, and only after a hearing by the Board of Directors on the Declaration.
- C) **Limit Usage.** Upon a Declaration of Recycled Water Shortage, the Board of Directors may, by Resolution, limit the recycled water made available to recycled water users, based on the anticipated availability of wastewater flowing into the Soscol Water Recycling Facility and the water stored by the District.
- D) **Temporary Rate Increase.** Upon a Declaration of Recycled Water Shortage, the Board of Directors may, by Resolution, set the price of recycled water higher than established in Sections 5.05.030 – 5.05.060, inclusive, up to ten (10) times the established rate, for a period of up to six (6) months, for the purpose of encouraging conservation during the period of the Recycled Water Shortage.