

ORDINANCE NO. 35

**AN ORDINANCE OF THE UKIAH VALLEY SANITATION DISTRICT
AMENDING SECTION 1 OF ORDINANCE NO. 27, REPEALING ORDINANCE
NO. 11 AND AMENDING SECTION 6-4 OF ORDINANCE NO. 6 PERTAINING
TO SEWER CONNECTION FEES**

The Board of Directors of the Ukiah Valley Sanitation District hereby ordains as follows:

1. Section 1 of Ordinance No. 27 adopted on October 25, 2006 is amended to read:

- (l) The following charges are hereby established for the connection of the plumbing of any building, structure, or facility which discharges to the sewer system of the Ukiah Valley Sanitation or when a building, structure, or facility which is already connected to the sewer system is remodeled, modified, or upgraded in a manner that will generate or have the potential to generate greater quantity and/or strength of sewer waste effluent. The charges hereby established are separate from any other charges presently levied or which may be levied in the future:

A. Residential Schedule:

(1) For Single Family Dwellings, Duplexes, Triplexes, Fourplexes, Condominiums, Townhouses, and Apartments, a base connection fee of twelve thousand two hundred forty dollars (\$12,240) for each equivalent sewer service unit (ESSU) associated with each dwelling unit connected to the wastewater system based on the number of bedrooms according to the following schedule:

1. One bedroom	\$11,016.00 (0.90 ESSU)
2. Two bedroom	12,240.00 (1.00 ESSU)
3. Three bedroom	13,464.00 (1.10 ESSU)
4. For each additional bedroom	1,224.00 (0.10 ESSU)

(2) When a dwelling unit is remodeled to provide an additional bedroom as bedroom is defined herein, a charge of \$1224.00 shall be levied for each bedroom added.

(3) For Mobile Home Parks, each space shall be assigned 0.60 ESSU. The base connection fee for one ESSU is twelve thousand two hundred forty dollars (\$12,240); therefore, the connection fee for 0.60 ESSU is \$7,344.00.

B. Commercial, Industrial and Public Facility Schedule

(1) A base connection fee of Twelve Thousand two hundred forty dollars (\$12,240) for each ESSU associated with commercial, industrial or public facility connections. The ESSU allocation shall be determined from the ESSU Allocation Table provided herein. If the type of facility is not included in the ESSU Allocation Table, the ESSU

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assignment shall be determined by the District based on average daily flow, biochemical oxygen demand (BOD), total suspended solids (TSS) of the discharged sewerage effluent, and any other sewage characteristics as the District deems appropriate. One (1) ESSU is shall be 210 gallons per day of effluent flow having BOD and TSS of 0.45 and 0.50 pounds per day, respectively.

ESSU ALLOCATION TABLE FOR COMMERCIAL, INDUSTRIAL, AND PUBLIC FACILITIES

Category	Unit of Measure	ESSU Per Unit of Measure
Animal Kennel excluding office	per cage	0.03
Appliance Repair	1000 sf	0.95
Art Gallery	1000 sf	0.95
Auditorium/Amusement	1000 sf	1.3
Auto Dealers/Sales w/Service Facilities	per connection	1.04
plus	add per service bay	0.21
Or, without service facilities	per connection	0.95
Auto Repair (includes small office)	per service bay	0.52
Bakery/Butcher	1000 sf	2.83
Barber Shop	per chair	.07
Beauty Salon	per chair	0.13
Bank/Credit Union/Financial institutions	1000 sf	0.65
Bars and Taverns	per seat	0.10
Bowling/Skating	1000 sf	0.99
Campground/Marina/RV Park w/ hookups	per site/slip/space	0.63
Without hookups	per site	0.38
Car Wash - Tunnel w/o recycling	1000 sf	13.78
Car Wash - Tunnel w/ recycling	1000 sf	10.15
Car Wash - Wand type/self serve	per stall	0.59
Church, Club & Lodge Halls	per seat	0.01
Or per	1000 sf	0.46
Coffee Shops	per seat	0.09
Commercial Kitchen/Cafeteria	1000 sf	8.06
Dry Cleaners	1000 sf	1.10
Fire Stations	1000 sf	0.95
Gas Station (includes small convenience store)	set of gas pumps (max of 4 per set)	2.09
Heath Spa/Gym (without showers)	1000 sf	1.12
Heath Spa/Gym (with showers)	1000 sf	2.24
Hotel/Motel/Rooming House	rooms	0.52
Horse Stables	stalls	0.15

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Category	Unit of Measure	ESSU per Unit of Measure
Hospitals		
Convalescent	per bed	0.57
General	per bed	0.80
Veterinarian excluding stables/kennels	1000 sf	0.38
Laundromat	per washing machines	1.92
Library	1000 sf	0.95
Lumber Yard	1000 sf	0.15
Machine Shop	1000 sf	0.84
Manufacturing - Domestic waste only	per employee per shift per day	0.10
non domestic shall be calculated		
Markets	1000 sf	0.57
Medical/Dental/veterinary Clinic	1000 sf	1.12
Mortuary/Funeral Home	1000 sf	0.89
Night Club	1000 sf	1.3
Nursery/Greenhouse	1000 sf	0.10
Office Building	1000 sf	0.75
Business	1000 sf	0.26
Dental	per exam room	0.65
Medical	per exam room	0.65
Open Storage	1000 sf	0.15
Post Office	1000 sf	0.65
Restaurants - Dine-in - limited hours		
w/ dishwasher & garbage disposal units	per seat	0.09
w/ dishwasher or garbage disposal unit	per seat	0.06
w/o dishwasher & garbage disposal units	per seat	0.03
Restaurant - Dine in (24 hour)	per seat	0.10
Restaurant - Take Out or Fast Food	1000 sf	2.30
Rest Homes	per bed	0.57
Retail Store	1000 sf	0.18
Schools		
Elementary	Per student day	.03
Junior High & High	Per student day	.05
Shoe Repair	1000 sf	0.95
Special Event Center	attendance	0.03
Theater (drive-in)	1000 sf	0.08
Theater (fixed seating)	per seat	0.01
Theater (open seating)	1000 sf	0.58
Warehousing	1000 sf	0.15

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Category	Unit of Measure	ESSU per Unit of Measure
Wholesale Outlet - excludes specialty departments such as bakeries/butcher shops	1000 sf	0.38

(2) When ESSUs are to be calculated, the following formula shall be used:

$$\text{ESSUs} = (\text{TSS mg/l} \times \text{FLOW in gal per day} \times 0.33) / (200 \text{ mg/l} \times 210 \text{ gal}) + (\text{BOD mg/l} \times \text{FLOW in gal per day} \times 0.33) / (200 \text{ mg/l} \times 210 \text{ gal per day}) + (\text{FLOW in gal per day} \times 0.34) / (210 \text{ gal per day}).$$

(3) If a discharger disagrees with the fee established by the District under subsection B(1) above, the discharger may file a written appeal with the Clerk of the Board within ten (ten) days of the notification of the charge. The appeal will then be heard by the Board of Directors at its next regularly scheduled meeting, occurring not sooner than 10 days following the receipt of the written request for appeal. At that time, the Board shall determine whether or not the charge is justified.

(4) When a plumbing fixture is added to an existing commercial, industrial, or public facility without the addition of square footage to the building or structure that can be occupied by a person and the use of the structure or building has not changed, it will be assumed that full connection fees were paid based on the units of measure for that structure prior to the proposed addition of the plumbing fixture, and new connection fees shall be due for the added plumbing fixture. For each fixture unit assigned to the type of plumbing fixture added (as assigned by the Plumbing Code), an ESSU allocation of 0.04 shall be made.

C. Future Amendments to Fees

The District Board of Directors may amend the connection fees, as set forth in subsections A and B, above, by resolution without further amendment of the District ordinances.

(II) The District Manager shall maintain a list of all the connections with a tabulated total of the ESSUs that have been allowed to connect to the District's sewer collection system for the purpose of determining the remaining ESSUs that can be allocated. This duty may be transferred to the City of Ukiah Engineering Department if the Department is performing plan check duties for the District.

(III) The term "equivalent sewer service unit (ESSU)" shall have the same meaning as the term "Sewer Service Unit" as that term is defined in Section 1.12 of Ordinance No. 12

(IV) The term "bedroom" as used herein shall include any lawful room under the current California Building Code that can be used as a bedroom, no matter how designated on the building plans; provided, however, that a residential dwelling unit

may have one living room, dining room, garage, kitchen, and family room that shall not be considered as a bedroom. Bathrooms shall not be considered as bedrooms.

(V) An interest surcharge of \$541.00 shall be added to the base connection fee for each ESSU of allocation to offset the interest expense for monies borrowed by the District at a rate of 4% from the existing rate payers as a result of the expected shortage in revenues needed to make the annual debt service payment associated with the expansion component of the 2005 Wastewater Treatment Plant Rehabilitation and Expansion Project. Should an ESSU allocation be a fractional unit of one ESSU, the interest surcharge shall be the same fractional unit of the interest surcharge of \$541.00 as the ESSU allocation carried to the one hundredth decimal point. The District Board of Directors may amend the interest surcharge, as set forth herein by resolution without further amendment of the District ordinances.

2. Ordinance No. 11 is hereby repealed.

3. Section 6-4, Time of Payment, of Ordinance No. 6 adopted on December 3, 1973 is amended to read:

6-4 Time of Payment

(I) The base sewer connection fees and interest surcharges applied to the connection fees, as set forth in this and future amended Ordinances or by resolution if the fees are permitted to be changed by resolution, shall be payable at or before the time a building permit is issued by the County of Mendocino or City of Ukiah for a proposed building or structure or for the addition or modification to an existing building and structure, except in the case when a Conditional Will Serve Letter is issued for a Project and the time and amount of payment is stipulated in the Conditional Will Serve Letter. If the County of Mendocino or the City of Ukiah do not have jurisdiction for issuing a permit for a Project, then the fees established herein shall be due prior to connecting the Project to a sewer under the jurisdiction of the District or due when stipulated in a Conditional Will Serve Letter.

(II) Pursuant to Section 5474 of the Health and Safety Code of the State of California, the amount of the fees and the interest surcharge applied thereon shall constitute a lien against the respective lots or parcels of land to which the facilities are connected at the time and in the manner specified in Sections 5473.5 and 5473.8 of said Health and Safety Code.

(III). At the applicant's option, the applicant may pay at the time the base connection fee is due and payable in accordance with paragraph (I) above a minimum of 25% of the base connection fee that is due and may pay the balance of the base connection fee on an annual basis at an annual interest rate of 5% over a twenty year period. The annual payment plus installment interest payment shall be collected on the tax roll as a special assessment. Should the business for which the base connection fee was calculated cease to be in business, the remaining amount owed will not be referred to the County Auditor for placement on the tax roll for the fiscal year that begins subsequent to the business failure. The entire

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amount of the interest surcharge that is due pursuant to paragraph (V) of Section 1 of this Ordinance shall be paid as set forth in paragraph (I) of this Section 3.

4. This ordinance shall become effective thirty (30) days after adoption.

Introduced by title only on January 20, 2011, by the following roll call vote:

AYES: Directors Porter, Pallesen, McNerlin, and Ronco

NOES:

ABSENT:

ABSTAIN:

PASSED AND ADOPTED by the Board of Directors of the Ukiah Valley Sanitation District, County of Mendocino, State of California, on this 21st day of July, 2011, by the following roll call vote:

AYES: Directors Ronco, Porter, McNerlin, and Marshall

NOES:

ABSENT: Director Pallesen

ABSTAIN:

WHEREUPON, the Chairman declared the Ordinance passed and adopted and **SO ORDERED**.

James Ronco, Board Chair

ATTEST:

APPROVED AS TO FORM:

Rick Kennedy
District Manager/Clerk of the Board

Ross Walker, Deputy County Counsel
District Legal Counsel