

ORDINANCE NO. 37

AN URGENCY ORDINANCE OF THE UKIAH VALLEY SANITATION DISTRICT AMENDING SECTION 6-4 OF ORDINANCE NO. 6 AND OF ORDINANCE NO. 35 PERTAINING TO TIME OF PAYMENT OF SEWER CONNECTION FEES

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

1. Section 6-4, Time of Payment, of Ordinance No. 6 adopted on December 3, 1973 and of Ordinance No. 35 adopted on July 21, 2011 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). For non residential projects and with the approval of the Board, 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 maximum period of twenty years. 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 owner of the parcel shall notify the District of such occurrence and the remaining amount of the connection fee 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 unless the owner of the parcel elects otherwise. The equivalent sewer service units that have been paid for shall remain with the parcel for use by the property owner for future or modified businesses on that parcel. The entire amount of the interest surcharge that is due

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pursuant to paragraph (V) of Section 1 of Ordinance No. 27 and of Ordinance No. 35 shall be paid as set forth in paragraph (I) above.

2. This ordinance shall become effective immediately after adoption.

PASSED AND ADOPTED by the Board of Directors of the Ukiah Valley Sanitation District, County of Mendocino, State of California, on this 18th day of August, 2011, by the following roll call vote:

AYES: Directors Ronco, McNerlin, Pallesen, Porter, and Marshall

NOES:

ABSENT:

ABSTAIN:

James Ronco, Board Chair

ATTEST:

APPROVED AS TO FORM:

Rick Kennedy
District Manager/Board Clerk

Ross Walker
Deputy County Counsel