

CHAPTER 10. FEES AND CHARGES

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10.010 Administrative and Miscellaneous Fees - Purpose. The purpose of administrative and miscellaneous fees is to defray the costs incurred by the district in the processing of applications, plan approvals, and all other administrative tasks involved in the connection or disconnection of properties to the sewer system, or substantial alteration to the use of an existing connection. The revenue from said fees may not exceed the reasonable costs to the district for providing these services.

(Adopted by Ord. 10, Aug. 28, 1957; Amended by Ord. 25, June 8, 1965; Amended by Ord. 46, July 23, 1975; Amended by Ord. 60, July 27, 1977; Amended by Ord. 71, Aug. 27, 1980; Amended by Ord. 107, September 12, 1990; Amended by Ord. 112, December 11, 1991; Amended by Ord. 119, September 8, 1993; Amended by Ord. 127, May 26, 1999; Amended by Ord. 133, August 23, 2006; Amended by Ord. 149, April 10, 2019)

10.020 Administrative and Miscellaneous Fee Schedule. The following administrative and miscellaneous fees are established:

(A) Annexation Fee.

(1) The annexation fee is one thousand one hundred dollars (\$1,100) per annexation application, to be paid at the time of filing the application with the district.

(2) The property-owner(s) to be annexed are responsible for all fees payable to other public agencies and for the preparation of all necessary documents required by the district and other agencies, including application forms, maps, legal descriptions, environmental documents and other information. Special arrangements may be made with the district manager to assess the annexation fee at the time of issuance of a permit to connect.

(B) Fee for Approval of Public Sewer Plans. The fee for approval of public sewer plans is seven hundred seventy dollars (\$770) or two percent (2%) of the total estimated project cost, whichever is greater, payable at the time of application. For the purposes of estimating the project cost, the district will assume an average cost of two hundred dollars (\$200) per lineal foot of installed sewer. In no event shall this fee exceed the district's reasonable costs of providing the approval service.

(C) Fee for Permit to Connect to the Public Sewer Requiring Television Inspection. The fee for a permit to connect to the public sewer requiring a television inspection is four hundred twenty-five dollars (\$425), payable prior to issuance of the permit.

(D) Fee for Permit to Connect to the Public Sewer Not Requiring Television Inspection. The fee for a permit to connect to the public sewer not requiring a television inspection is two hundred fifty dollars (\$250), payable prior to issuance of the permit.

(E) Fee for Inspection of a Public Sewer. The fee for inspection of a public sewer is one thousand dollars (\$1,000) or three percent (3%) of the total estimated project cost, whichever is greater, payable at the time of application. For the purposes of estimating the project cost, the district will assume an average cost of two hundred dollars (\$200) per lineal foot of installed sewer. In no event shall this fee exceed the district's reasonable costs of providing the inspection service.

(F) Fee for Disconnection from a Public Sewer. The fee for disconnection from a public sewer is one hundred thirty-five dollars (\$135) payable prior to issuance of the disconnection permit.

(G) Fee for Television Inspection of Existing Lateral Sewers in the Public Right of Way (with cleanout access). The fee for television inspection of existing lateral sewers in public right of ways is one hundred seventy-five dollars (\$175), payable prior to commencement of the inspection.

(H) Fee for Inspection of a New Sewer Lateral Installation in the Public Right of Way. The fee for inspection of a new single sewer lateral installation in the public right of way is five hundred fifty dollars (\$550), payable prior to commencement of the inspection.

(I) Fee for Re-inspection. A re-inspection fee at district's actual incurred costs may be assessed for any repeated call backs due to work not meeting district design standards.

(Adopted by Ord. 10, Aug. 28, 1957; Amended by Ord. 46, July 23, 1975; Amended by Ord. 71, Aug. 27, 1980; Amended by Ord. 99, May 25, 1988; Amended by Ord. 127, May 26, 1999; Amended by Ord. 133, August 23, 2006; Amended by Ord. 146, June 14, 2017; Amended by Ord. 147, December 13, 2017; Amended by Ord. 149, April 10, 2019)

10.030 Review of Processing Fees. The district manager shall review the processing costs for the fees described in Section 10.020 periodically and shall recommend to the board of directors modifications in the amount, or application of any, and all, such processing fees based upon the district's reasonable costs of providing the services.

(Adopted by Ord. 14, Nov. 12, 1959; Amended by Ord. 46, July 23, 1975; Amended by Ord. 79, June 23, 1982; Amended by Ord. 127, May 26, 1999; Amended by Ord. 133, August 23, 2006; Amended by Ord. 147, December 13, 2017; Amended by Ord. 149, April 10, 2019)

10.040 Repealed by Ord. 127, May 26, 1999.

10.050 Repealed by Ord. 127, May 26, 1999.

10.060 Sewer Service Rate Schedule. There is hereby levied and assessed upon each premises within the district having any connection with the district sanitary sewer system , a sewer service rate which shall be used only for the acquisition, construction, reconstruction, maintenance and operation of the district’s sanitary sewer system, to repay principal and interest on any bonds issued for the construction or reconstruction of sanitary sewerage facilities, and to repay federal or state loans, or advances made to the district for the construction or reconstruction of sanitary sewerage facilities. However, the 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. The amount of said charge for each premises shall be determined as hereinafter provided, and shall be payable and collected as hereinafter provided.

(A) Rate for Single-Family Residential and Residential Condominium Premises. For each single-family premises and each residential condominium premises, the sewer service rate shall be as follows:

<u>Monthly Rate</u>	<u>Effective Dates</u>
\$ 46.25	July 1, 2018
\$ 48.87	July 1, 2019
\$ 51.63	July 1, 2020
\$ 54.56	July 1, 2021
\$ 57.65	July 1, 2022

(B) Rate for Multi-Family Premises. For each separate dwelling unit in multi-family premises, the sewer service rate shall be as follows:

<u>Monthly Rate</u>	<u>Effective Dates</u>
\$ 32.96	July 1, 2018
\$ 35.55	July 1, 2019
\$ 38.35	July 1, 2020
\$ 41.38	July 1, 2021
\$ 44.64	July 1, 2022

(C) Charge for Mobile Home Park Premises. For each separate mobile home within a mobile home park premises, the sewer service rate shall be as follows:

<u>Monthly Rate</u>	<u>Effective Dates</u>
\$ 31.53	July 1, 2018
\$ 32.54	July 1, 2019
\$ 33.58	July 1, 2020
\$ 34.65	July 1, 2021
\$ 35.76	July 1, 2022

(D) Accessory Dwelling Unit. For each separate accessory dwelling unit, the sewer service rate shall be as follows:

<u>Monthly Rate</u>	<u>Effective Dates</u>
\$ 31.53	July 1, 2018
\$ 32.54	July 1, 2019
\$ 33.58	July 1, 2020
\$ 34.65	July 1, 2021
\$ 35.76	July 1, 2022

(E) Rate for Commercial, Industrial or Miscellaneous Premises, and Commercial, Industrial or Miscellaneous Condominium Premises. The sewer service rate for each commercial, industrial or miscellaneous premises shall be the following amounts, as described in Schedule A below, for each one hundred (100) cubic feet (HCF), based on portable water consumption data to determine sanitary sewage discharge or direct measurement of sanitary sewage and industrial waste discharged from said premises into the district’s sanitary sewer system during the twelve (12) months of January through December immediately preceding the fiscal year for which the rate is being calculated:

Schedule A

Commercial Classes	<u>FY2018/19</u>	<u>FY2019/20</u>	<u>FY2020/21</u>	<u>FY2021/22</u>	<u>FY2022/23</u>
Restaurant	\$9.30	\$10.00	\$10.76	\$11.58	\$12.46
Hotel/Motel	4.78	5.11	5.45	5.82	6.22
Gas Station – Repair	5.03	5.30	5.59	5.88	6.20
Domestic Laundry	4.18	4.46	4.76	5.08	5.42
Retail/Office/Misc.	4.79	4.94	5.09	5.24	5.40
Institutional					
Hospitals	\$4.48	\$4.82	\$5.18	\$5.57	\$6.00

Schools	5.41	5.60	5.79	5.99	6.19
Grouped Industries					
Winery	\$14.22	\$15.08	\$15.99	\$16.95	\$17.97
Printing Works	6.46	6.72	7.00	7.28	7.57
Machinery Manufacturing	6.77	7.06	7.36	7.67	7.99
Electrical Equipment	4.56	4.75	4.94	5.14	5.35
Film Service	4.61	4.61	4.61	4.61	4.61
Plating Works	4.24	4.29	4.33	4.38	4.43
Industrial Laundry	9.03	9.34	9.65	9.97	10.31
Car Wash	3.77	4.02	4.29	4.57	4.88

(F) Rate for Commercial, Industrial or Miscellaneous Premises Omitted from Tax Roll for Reasons Other Than Application of an Alternate Charge. If the rate for any commercial, industrial or miscellaneous premises or commercial, industrial or miscellaneous condominium premises is not collected on the tax roll for any reason other than a decision to apply the alternate rate provided for in Section 10.060 (G) to such premises, the rate for such premises shall be the same as listed in Section 10.060 (E) for each one hundred (100) cubic feet of sanitary sewage discharged from commercial, industrial or miscellaneous premises and commercial, industrial or miscellaneous condominium premises into the district’s sanitary sewer system during each calendar month for which the rate is being calculated.

(G) Alternate Rate for Commercial, Industrial or Miscellaneous Premises, and Commercial, Industrial or Miscellaneous Condominium Premises. Notwithstanding the foregoing provisions of Sections 10.060 (E) and (F), if more than fifty thousand (50,000) gallons of sanitary sewage or industrial waste per operating day are discharged into the district’s sanitary sewer system from a commercial, industrial, or miscellaneous premises or a commercial, industrial or miscellaneous condominium premises during three (3) or more calendar months, or if the strength, the amount, or nature of the sewage or waste discharged daily into the sanitary sewer system is intermittent or irregular, and if, in either of the above situations, the district manager deems it’s feasible from an economic and/or engineering standpoint, to measure the amount of biochemical oxygen demand, (BOD) suspended solids and ammonia discharged from said premises into the district’s sanitary sewer system, an alternate monthly sewer service rate shall be imposed in lieu of those described in Section 10.060 as described in Schedule B below:

Schedule B

<u>Elements of Rate</u>	<u>FY2018/19</u>	<u>FY2019/20</u>	<u>FY2020/21</u>	<u>FY2021/22</u>	<u>FY2022/23</u>
Annual Rate for each 1 million gallons of sewage or waste discharged <i>Plus:</i>	\$4,324	\$4,576	\$4,844	\$5,127	\$5,427
Annual Rate for each 1000 lbs. of BOD discharged <i>Plus:</i>	\$543	\$574	\$606	\$641	\$677
Annual Rate for each 1000 lbs. of suspended solids discharged <i>Plus:</i>	\$485	\$547	\$618	\$697	\$787
Annual Rate for each 1000 lbs. of Ammonia discharged	\$2,929	\$3,481	\$4,136	\$4,914	\$5,839

The decision by the district manager as to whether to impose this alternate sewer service rate shall be made on or before July 1 of this fiscal year for which it is imposed.

(H) Hillside Zone Additional Sewer Rate: A hillside zone additional sewer rate shall be paid by all connected parcels within the hillside zone as defined by District Code Section 10.110. The hillside zone additional sewer rate is necessary to recover the additional costs to serve parcels within the hillside zone. The costs in the hillside zone are higher than the remainder of the district because sanitary sewers in the hillside zone are subject to failure due to land subsidence or erosion and therefore have a shorter life cycle than the pipelines outside of the zone. The amount of the hillside zone additional sewer rate is based on recovering required capital cost for repair or replacement of systems within the hillside zone. For each parcel in the hillside zone that is served by the district's facilities, the hillside zone additional sewer rate shall be as follows:

<u>Monthly Rate</u>	<u>Effective Date</u>
\$8.33	July 1, 2018

(1) The revenues raised by the hillside zone additional sewer rate shall be allocated to a special hillside zone reserve account. The revenues in the hillside zone reserve account shall be used solely for the repair and replacement of sewer facilities within the hillside zone.

(2) The board of directors shall, from time to time, review hillside zone rate to determine whether the charge will be reasonably necessary to cover the costs of sewer lines repair within the hillside zone area. If the board of directors determines that the revenue derived from the hillside rate will exceed the amount of revenue required to repair of sewer lines, then the board

shall by ordinance reduce or suspend the amount of hillside rate imposed on premises in the hillside zone area.

(I) Repeal by Ord 144, May 8, 2013.

(J) Annual Review of Sewer Service Rates; Reduction or Suspension of Increase. Prior to the effective date of any automatic increase in the sewer service rates described in Sections 10.060(A), (B), (C), (D), (E), (F), and (G), the board of directors shall review such increase to determine whether the resulting new charge will be reasonably necessary to cover the costs of providing sanitary sewer service to the premises to be charged. If the board of directors, based upon evidence presented at a public hearing, determines that the revenue derived from the increased sewer service rates will exceed the amount of revenue required to provide sanitary sewer service to any premises, then the board shall by ordinance reduce or suspend the amount of any such increase imposed on any such premises to an amount equal to the reasonable cost of providing said sanitary sewer service to said premises.

(Adopted by Ord. 10, Aug. 28, 1957; Amended by Ord. 38, June 8, 1972; Amended by Ord. 46, July 23, 1975; Amended by Ord. 55, May 26, 1976; Amended by Ord. 58, May 12, 1977; Amended by Ord. 61, Jan. 25, 1978; Amended by Ord. 63, May 10, 1978; Amended by Ord. 68, May 14, 1980; Amended by Ord. 74, May 27, 1981; Amended by Ord. 77, May 27, 1982; Amended by Ord. 88, May 23, 1984; Amended by Ord. 89, May 22, 1985; Amended by Ord. 92, May 14, 1986; Amended by Ord. 99, May 25, 1988; Amended by Ord. 103, May 10, 1989; Amended by Ord. 105, May 23, 1990; Amended by Ord. 110, May 8, 1991; Amended by Ord. 113, April 22, 1992; Amended by Ord. 118, May 26, 1993; Amended by Ord. 122, May 11, 1994; Amended by Ord. 132, October 9, 2002; Amended by Ord. 141, June 9, 2010; Amended by Ord. 144, May 8, 2013; Amended by Ord. 146, June 14, 2017; Amended by Ord. 148, May 9, 2018; Amended by Ord. 149, April 10, 2019)

10.061 Required Installation of Measurement and Sampling Devices. The district manager may, by written order, direct the operator of commercial, industrial, or miscellaneous premises, and each commercial, industrial, or miscellaneous condominium premises to install and maintain measurement and sampling facilities as hereinafter specified for the purpose of computing sewer service and use charges for such premises. Such written order shall be mailed to the operator, and/or person or persons listed as the property-owner(s) on the last equalized assessment roll of the County of Santa Clara at the address shown on such assessment roll, or to the successor in interest of such property-owner if the name and address of such successor in interest is known to the district manager.

Within sixty (60) days from and after the date of the mailing of the written order, the person or persons to whom such notice is mailed shall install or cause to be installed at his expense, and maintain in proper operating condition at all times, and make accessible to the district manager or his authorized representatives, whenever sanitary sewage and/or industrial wastes are being discharged into the district's sanitary sewer system, flow measurement and sampling facilities as is hereinafter provided. The flow measurement device can be a parshall flume, weir, venturi nozzle, magnetic flow meter, or any other type of device providing accurate and continuous flow indication. Pump timers or other indirect measurement devices will not be acceptable.

The flow measuring facilities shall be suitable for indicating and totalizing the flow in millions of gallons per day through the measuring facilities, with an error not exceeding plus or minus five percent (5%). The instrument shall be equipped with a set of electrical contacts arranged to momentarily close a circuit to energize a process timer and sampling device for every fixed quantity of flow. This quantity should be selected so as to insure a minimum of fifty (50) samples per day. Other control variations will be acceptable if it can be demonstrated to district manager that the sampling procedure will result in a sample of sanitary sewerage and/or industrial wastes which is proportional to and representative of the sanitary sewage and/or industrial wastes flow. The length of operation of the sampling device shall be dependent on the type of sampling arrangement used, but in no case shall the daily composite sample be less than two (2) quarts in volume.

The method of sampling used can be by continuous pumping past a solenoid-operated valve, direct pumping into the sample container, continuous pumping past a sampler dipper calibrated to remove a constant sample, by a proportional dipper sampler operating directly in the sanitary sewage and/or industrial waste flow, or by any other approved means. All samples must be continuously refrigerated at a temperature of thirty-nine degrees Fahrenheit (39° F), plus or minus five degrees (5°).

The flow measurement and sampling station shall be located and constructed in a manner acceptable to the district manager. Complete plans on all phases of the proposed installation including all equipment proposed for use, shall be submitted to the district manager for approval prior to construction.

The operator of the premises shall keep flow records as required by the district and shall make such records available to the district manager or his authorized representatives upon request, and shall provide qualified personnel to properly maintain and operate the facilities. Said records need not be kept for more than one (1) year.

If any person fails to install the required measuring and sampling facilities within sixty (60) days from and after the date of the mailing of the written order, the district manager or his authorized representatives shall make such tests from time to time of sanitary sewage and/or industrial wastes being discharged from such premises into the sanitary sewer system as he deems necessary to make an estimate of the sewer service and use charge due and shall prepare a bill or invoice on the basis of such estimate and shall mail said bill or invoice in the same manner and within the time provided for in Section 10.063.

(Adopted by Ord. 55, May 26, 1976; Amended by Ord. 146, June 14, 2017; Amended by Ord. 149, April 10, 2019)

10.062 Methods of Measurement and Analysis of Sanitary Sewage and/or Industrial Wastes. The district manager, on the basis of standard methods, standard engineering practices and applicable provisions of this chapter, shall determine the adequacy and appropriateness of methods employed to measure the volume of sanitary sewage, industrial wastes, amount of biochemical oxygen demand, the amount of suspended solids, and the amount of ammonia discharged into the district's sanitary sewer system for the purpose of computing the sewer service and use charges pursuant to Section 10.060 (G) hereof. The district manager on the basis of standard methods, standard engineering practices, applicable provisions of this chapter, applicable state and federal regulations and guidelines, records of past water consumption, biological oxygen demand concentration, suspended solids concentration and ammonia concentration, shall determine the characteristic sewage strength and the sewage treatment plant capacity required to accommodate the flow and treat the biological oxygen demand, suspended solids, and ammonia and the annual amount of sewage, biological oxygen demand, suspended solids and ammonia concentration for purposes of computing the charge for sewage treatment plant capacity and charges for discharging sewage into the sanitary sewer system pursuant to the provisions of Section 10.060 (G). Laboratory procedures used in the examination of sanitary sewage and/or industrial wastes to determine the pounds of biochemical oxygen demand, of suspended solids and of ammonia being discharged into the sanitary sewer system shall be those set forth in "standard methods." However, in the discretion of

the district manager or his authorized representatives, and with the consent of the interested owner of the premises involved, alternative methods for certain analyses of sanitary sewage and/or industrial wastes may be used as long as they reflect the nature and quality of the sanitary sewage and/or industrial wastes being discharged into the sanitary sewer system.

(Adopted by Ord. 55, May 26, 1976; Amended by Ord. 146, June 14, 2017; Amended by Ord. 148, May 9, 2018; Amended by Ord. 149, April 10, 2019)

10.063 Repeal by Ord. 149, April 10, 2019.

10.064 Collection of Charges Omitted from Tax Roll and for Governmental and Public Premises:

Billing. The district manager or his authorized representatives shall prepare a detailed statement containing the basis of the calculations, the location of the premises and other relevant information, showing the total charge for:

(A) Any premises which should be collected on the tax roll pursuant to Section 10.150, but was omitted from the tax roll or premises which is collected pursuant to Section 10.060 (F).

(B) Any governmental or public premises, or any premises which are not subject to taxation on the tax roll.

Under the authority of California Code of Civil Procedure Section 338(a), the district manager may collect past due or missed payments for the current year and for up to the previous three (3) years, if applicable. On the basis of the statement, the district manager shall prepare a bill or invoice and shall mail said bill or invoice to the person or persons listed as the property-owners of the premises on the last equalized assessment roll of the County of Santa Clara at the address shown on such assessment roll or to the successor in interest of such property-owner if the name and address of such successor in interest is known to the district manager. Failure to mail any such bill or invoice, or failure of any property-owner to receive any such bill or invoice shall not excuse the property-owner of any premises from the obligation of paying any sewer service and use charge for any premises owned by him.

The interested property-owner may, at any reasonable time, review the detailed statement prepared by the district manager.

The sewer service and use charge for such premises shall be due and payable on the date the bill or invoice referred to in this section is mailed.

(Adopted by Ord. 55, May 26, 1976; Amended by Ord. 146, June 14, 2017; Amended by Ord. 148, May 9, 2018; Amended by Ord. 149, April 10, 2019)

10.065 Adjustments. It is the intent of the provisions of this chapter in establishing different sewer service rates for different classes of premises, to establish higher charges for those classes of premises which derive greater benefit from, or impose greater burdens upon, the district's sanitary sewer system because of the quantity, quality or rate of flow of sanitary sewage and industrial wastes which may be or is discharged by such class of premises into said sewer system, giving full consideration to other fees or charges which may be paid by property-owners of said premises for the operation, maintenance, expansion, extension or development of said sewer system. If, with respect to any of said premises, the board of directors of the district should find that the charge applicable thereof is unfair or inequitable, then in that event said board may by resolution, agreement or otherwise, establish a special sewer service rate and use charge for such premises, different from those above provided, and having a closer relationship to the benefit received, or burden placed, by such premises from or upon said sanitary sewer system, giving due consideration to other fees or charges paid by such premises for said sewer system. However, any such agreement and any such special sewer charge may at any time be revoked or changed by resolution of the board whenever it finds that continuance of the same would be unfair or inequitable in the circumstances.

(Adopted by Ord. 55, May 26, 1976; Amended by Ord. 148, May 9, 2018; Amended by Ord. 149, April 10, 2019)

10.066 Payment of Balance of Charge. If the charge for any premises to be collected on the tax roll, or for any premises collected under Section 10.060 (G) or Section 10.064 was less than what should be the charge, therefore, under the provisions of this chapter, the balance of said charge shall be collected by a bill or invoice based on a detailed statement showing the bases of the calculations, the location of the premises and other relevant information. The district manager shall mail said bill or invoice to the person or persons listed as the property-owners of the premises on the last equalized assessment roll of the County of Santa Clara at the address shown on such assessment roll or to the successor in interest of such property-owner if the name and address of such successor in interest is known to the district manager. Failure to mail any such bill or invoice, or failure of any property-owner to receive any such bill or invoice, shall not excuse the property-owner of any premises from the obligation of paying the balance of any sewer service and

use charge for any premises owned by him. The interested property-owner may, at any reasonable time, review the detailed statement prepared by the district manager.

The balance of the sewer service and use charge for such premises shall be due and payable on the date the bill or invoice referred to in this section is mailed.

(Adopted by Ord. 55, May 26, 1976; Amended by Ord. 146, June 14, 2017; Amended by Ord. 148, May 9, 2018; Amended by Ord. 149, April 10, 2019)

10.067 Delinquency Date. Except as otherwise provided elsewhere in this chapter, each sewer service and use charge shall be delinquent if not paid on or before the forty-fifth (45th) day immediately following the date upon which such sewer service and use charge became due and payable.

(Adopted by Ord. 55, May 26, 1976; Amended by Ord. 149, April 10, 2019)

10.068 Persons Responsible for Payments. The property-owner of any premises is and shall be responsible for payment of any and all sewer service and use charges applicable to premises owned by him. It shall be, and is hereby made the duty of each such property-owner to ascertain from the district manager, the amount and due date of any such charge applicable to premises owned by him, and to pay such charge when due and payable. It also shall be, and is hereby made the duty of all property-owners of all premises, to inform the district manager immediately of all circumstances, and of any change or changes in any circumstances, which will in any way affect the applicability of any charge to premises owned by him or the amount of any such charge. In particular, but not by way of limitation, a property-owner of any premises shall immediately inform the district manager of any sale or transfer of such premises by or to such property-owner.

(Adopted by Ord. 55, May 26, 1976; Amended by Ord. 149, April 10, 2019)

10.069 Enforcement. In the event of the failure of any property-owner to pay when due any sewer service and use charges applicable to premises owned by him, the district may enforce payment of such delinquent charges in any of the following manners:

(A) The district manager may have such premises disconnected from the district's sanitary sewer system in accordance with Section 13.060, and no reconnection shall be made until all such charges are paid.

(B) The district manager may institute 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.

(C) Any and all delinquent payments may be placed on the tax roll, and collected with property taxes, as hereinafter provided in this chapter.

(D) Such other action may be taken as may be authorized by law and by the district's board of directors.

(Adopted by Ord. 55, May 26, 1976; Amended by Ord. 146, June 14, 2017; Amended by Ord. 149, April 10, 2019)

10.070 Unmetered Wastes. Where the sewer service rates specified in Section 10.060 is to be based on the quantity of sanitary sewage and industrial waste discharged from a unit or premises, and it is not possible or practical for the district to measure the discharge from a unit or premises, the district manager shall make a reasonable estimate of the discharge to be used for calculating the charge. The amount of water delivered to the unit or premises after deducting the estimated quantity of water which is not discharged to a sanitary sewer, shall be used as a basis for the estimate.

(Adopted by Ord. 10, Aug. 28, 1957; Amended by Ord. 23, May 13, 1965; Amended by Ord. 43, June 26, 1974; Amended by Ord. 46, July 23, 1975; Amended by Ord. 146, June 14, 2017; Amended by Ord. 149, April 10, 2019)

10.080 When Sewer Service and Use Charges Are Due. All sewer service and use charges are due and payable in advance at the office of the district manager, in the manner and at the time as determined by the board. Billings will be issued by the district manager. The first advance sewer service and use charge shall be paid at the time of application for a sewer connection permit.

(Adopted by Ord. 10, Aug. 28, 1957; Amended by Ord. 46, July 23, 1975; Amended by Ord. 146, June 14, 2017; Amended by Ord. 149, April 10, 2019)

10.090 Sewer Connection Fee.

(A) Purpose. The purpose of the sewer connection fee is to allow the district to recover the costs associated with the provision of sewer collection lines in the district. The fee is payable at the time of application for connection.

(B) Residential connections. The connection fee to connect a residential property per each separate dwelling unit, to the sewer system shall be the following:

<u>Residential Category</u>	<u>FY2018/19</u>	<u>FY2019/20</u>	<u>FY2020/21</u>
Single-Family Residence	\$9,712	\$10,235	\$10,786
Townhouse/Condominium	\$9,712	\$10,235	\$10,786
Multiple Family Premises Unit	\$8,351	\$8,351	\$8,351
Mobile Home	\$6,727	\$6,727	\$6,727
Accessory Dwelling Unit	\$6,727	\$6,727	\$6,727

(1) Engineer’s report - Residential properties connecting to the district sewer system for which sewers have previously been made available and for which there exists an engineer’s report filed with the district secretary determining and allocating the cost of said sewers at the time of their construction, the sewer connection fee shall be calculated by the district manager for each such property as set forth in said engineer’s report. The calculation shall be done in the same manner as the procedure prescribed in Section 10204 of the Municipal Act of 1913 contained in Division 12 of the Streets and Highways Code of the State of California. The sewer connection fee set forth in the engineer report shall be automatically adjusted annually on each July 1st following the date of the filing of the report, using the change in the Engineering News Record Construction Cost Index (CCI) for the San Francisco area.

(2) The accessory dwelling unit (ADU) connection fee listed is a maximum for an ADU structure that exceeds thirteen (13) drainage fixture units. For an ADU with thirteen (13) drainage fixture units or less, the connection fee shall be five hundred eleven dollars and sixteen cents (\$511.16) per drainage fixture unit.

(C) Non-Residential Connections.

(1) New connections - For new non-residential connections on properties where sewers have previously been made available, the connection fee shall be proportional to the flows discharged by that connection to the collection system. The district manager or other designated staff shall, on the basis of standard engineering practices and methods, estimate average daily wastewater flows (in gallons per day) for the new connection and multiply those flows by the following unit costs to arrive at the total fee.

<u>All Non-Residential</u>	<u>FY2018/19</u>	<u>FY2019/20</u>	<u>FY2020/21</u>
Flow (per gallon per day)	\$12.83	\$15.97	\$19.88

The report determining this unit cost shall be kept on file at the district and updated as necessary.

If, as a direct result of a new connection, the district is required to upgrade the hydraulic capacity of any sewer collection line serving that connection, the connection will be responsible

for all direct and actual costs associated with that upgrade, in addition to its connection fee as calculated above.

(2) Demolition/renovation – If, in the judgment of the district manager or other designated staff, the use of a non-residential connection is substantially altered in size through demolition and reconstruction or renovation, the district may assess another connection fee to that property, in the same method as described in section (1), less a credit for any connection fee previously paid by that connection.

(Adopted by Ord. 10, Aug. 28, 1957; Amended by Ord. 12, Dec. 18, 1957; Amended by Ord. 25, June 8, 1965; Amended by Ord. 35, May 27, 1970; Amended by Ord. 44, July 11, 1974; Amended by Ord. 46, July 23, 1975; Amended by Ord. 50, March 24, 1976; Amended by Ord. 56, July 8, 1976; Amended by Ord. 66, May 23, 1979; Amended by Ord. 69, May 28, 1980; Amended by Ord. 75, May 27, 1981; Amended by Ord. 85, Dec. 28, 1983; Amended by Ord. 87, April 25, 1984; Amended by Ord. 90, June 26, 1985; Amended by Ord. 99, May 25, 1988; Amended by Ord. 116, January 27, 1993; Amended by Ord. 129, October 27, 1999; Amended by Ord. 133, August 23, 2006; Amended by Ord. 146, June 14, 2017; Amended by Ord. 147, December 13, 2017; Amended by Ord. 149, April 10, 2019)

10.100 Repealed by Ord. 129, October 27, 1999.

10.110 District Service Area Defined. “Hillside sewer maintenance zone” means and refers to all that territory situated within the hillside zone area of the district as shown and delineated with a report entitled “Establishment of a Hillside Sewer Maintenance Zone within the West Valley Sanitation District”, dated April 4, 1990, which is kept at the district office and is signed by the district manager. The delineation of the territory comprising the hillside zone area is subject to change annually, upon a noticed public hearing.

(Adopted by Ord. 10, Aug. 28, 1957; Amended by Ord. 25, June 8, 1965; Amended by Ord. 46, July 23, 1975; Amended by Ord. 104, May 9, 1990; Amended by Ord. 149, April 10, 2019.)

10.115 Repealed by Ord. 152, February 12, 2020.

10.120 Treatment Plant Capacity Fee.

(A) Purpose. The purpose of the treatment plant capacity fee is to allow the district to recover its reasonable and actual costs of purchasing treatment capacity at the San Jose – Santa Clara Water Pollution Control Plant. The fee is payable at the time of application for connection.

(B) Residential connections. New residential connections shall pay a one-time treatment plant capacity fee per each separate dwelling unit, as follows:

<u>Residential Category</u>	<u>FY2018/19</u>	<u>FY2019/20</u>	<u>FY2020/21</u>
Single-Family Residence	\$1,397	\$1,514	\$1,642
Townhouse/Condominium	\$1,397	\$1,514	\$1,642
Multiple Family Premises Unit	\$1,168	\$1,219	\$1,271
Mobile Home	\$1,024	\$1,024	\$1,024
Accessory Dwelling Unit	\$1,024	\$1,024	\$1,024

(1) The treatment plant capacity fee applies to the use made of the treatment plant at the time the connection is made. If the use of the connection is changed and the change results in use of additional treatment plant capacity, an additional fee shall be imposed for the changed use. The amount of this fee shall be equal to the fee payable for the total of the original and additional use, less full credit for the fee paid for the original use.

(2) The accessory dwelling unit (ADU) capacity fee listed is a maximum for an ADU structure that exceeds thirteen (13) drainage fixture units. For an ADU with thirteen (13) drainage fixture units or less, the capacity fee shall be seventy-three dollars and fifty-three cents (\$73.53) per drainage fixture unit.

(C) Non-residential connections. New non-residential connections shall pay a one-time treatment plant capacity fee based on the strength and volume of wastewater flows expected to be generated by that connection. The fee is payable at the time of application for connection and is as follows:

<u>All Non-Residential</u>	<u>FY2018/19</u>	<u>FY2019/20</u>	<u>FY2020/21</u>
Flow (per gallon per day)	\$4.84	\$5.82	\$6.99
BOD (per pound per day)	\$331.45	\$365.78	\$403.66
SS (per pound per day)	\$223.39	\$246.51	\$272.03
NH3 (per pound per day)	\$1,205.93	\$1,330.83	\$1,468.66

(1) The district manager, on the basis of standard engineering methods and practices, and information supplied by the connector and relevant engineering studies, shall determine the per day expected average discharge of gallons of wastewater, pounds of biochemical oxygen demand, pounds of suspended solids, and pounds of ammonia to be discharged to the district sewer for the purpose of computing the treatment plant capacity fee. These discharge parameters will be multiplied by unit cost parameters developed by the district to arrive at the total treatment plant capacity fee. The unit cost parameters will be developed based on the most current engineering and cost allocation studies available to the district, and should allow the district to recoup its reasonable and actual costs associated with purchasing treatment capacity in the regional plant.

The unit cost parameters will be included in the yearly sewer service revenue program and will be updated by the district manager as needed.

(2) The treatment plant capacity fee applies to the use made of the treatment plant at the time the connection is made. If the use of the connection is changed and the change results in use of additional treatment plant capacity, an additional fee shall be imposed for the changed use. The amount of this fee shall be equal to the fee payable for the total of the original and additional use, less full credit for the fee paid for the original use.

Reference: Section 5474, Health and Safety Code.

(Adopted by Ord. 25, June 8, 1965; Amended by Ord. 39, Dec. 14, 1972; Amended by Ord. 46, July 23, 1975; Amended by Ord. 55, May 26, 1976; Replaced by Ord. 80, July 14, 1982; Amended by Ord. 81, Nov. 10, 1982; Amended by Ord. 133, August 23, 2006; Amended by Ord. 146, June 14, 2017; Amended by Ord. 147, December 13, 2017; Amended by Ord. 149, April 10, 2019)

10.130 Time of Payment of Sewer Connection and Treatment Plant Capacity Fees. All sewer connection and treatment plant capacity fees shall be paid either immediately prior to the recordation of any subdivision or tract maps with respect to the subject property or properties, or immediately prior to the issuance of a sewer connection permit, whichever event occurs first.

(Adopted by Ord. 10, Aug. 28, 1957; Amended by Ord. 25, June 8, 1965; Amended by Ord. 46, July 23, 1975; Amended by Ord. 73, April 22, 1981; Amended by Ord. 80, July 14, 1982; Amended by Ord. 99, May 25, 1988; Amended by Ord. 129, October 27, 1999; Amended by Ord. 146, June 14, 2017; Amended by Ord. 149, April 10, 2019)

10.140 Repealed by Ord. 129, October 27, 1999.

10.150 Collection of Sewer Service Charges.

(A) Pursuant to, and to the extent authorized by, Health and Safety Code Sections 5473 and 5473a, the district may collect delinquent fees or charges incurred under the district's code on the tax roll for collection by the Santa Clara County Assessor's Office.

(B) The district shall schedule a time, date and place for a public hearing regarding a report of delinquencies and any objections and protests to such report. Notice of the hearing shall be mailed to the property-owner of every premises listed on the report and known as the property-owner on the last equalized assessment roll of the County of Santa Clara at the address shown on such assessment roll or to the successor in interest of such property-owner if the name and address of such successor in interest is known to the district manager not less than ten (10) days prior to the

date of the hearing. Failure of any property-owner to receive any such hearing notice shall not prevent the district from assessing the delinquency and collecting the assessment as set forth in subsections (D) through (F) below.

(C) At the hearing, the board of directors shall hear any objections or protests of property-owners liable to be assessed for delinquent fees or charges. The board of directors may make revisions or corrections to the report as it deems appropriate, after which, by resolution, the report shall be confirmed.

(D) The delinquent fees and charges set forth in the report as confirmed shall constitute special assessments against the premises listed in the report and are a lien on said premises for the amount of the delinquent fees and charges, together with any associated penalties and/or interest thereon.

(E) A certified copy of the confirmed report shall be filed with the Santa Clara County Assessor's Office for the amounts of the respective assessments against the respective premises as they appear on the current assessment roll. The lien created attaches upon recordation, in the Office of the County Clerk-Recorder.

(F) The assessment may be collected at the same time and in the same manner as ordinary ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for those taxes.

Reference: Section 5473, Health and Safety Code.

(Adopted by Ord. 20, Feb. 27, 1963; Amended by Ord. 52, May 13, 1976; Amended by Ord. 86, Feb. 22, 1984; Amended by Ord. 109, January 9, 1991; Amended by Ord. 146, June 14, 2017; Amended by Ord. 149, April 10, 2019)

10.160 Collection of Delinquent Fees and Charges. Delinquent fees and charges, together with any associated penalties and/or interest thereon, may be collected pursuant to Section 10.150 of this ordinance or pursuant to the procedure as set forth in Section 10.170 of this ordinance, or both. (Adopted by Ord 109, January 9, 1991; Amended by Ord. 146, June 14, 2017; Amended by Ord. 149, April 10, 2019)

10.170 Lien for Delinquent Charges and Penalties. Delinquent charges and all penalties thereon, when recorded, 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, priority and duration as to the property described as would

the lien of an abstract of a judgment against the property-owner at the time such list is recorded and may be enforced in like manner.

(Adopted by Ord. 109, January 9, 1991; Amended by Ord. 149, April 10, 2019)

10.180 Procedure for Claiming Lien. At least once annually, the district manager shall compile a list of all property-owners whose fees or other charges are delinquent. All such property-owners shall be notified of the date and time at which the board of directors shall hear evidence as to whether or not the delinquent charges and all penalties thereon should be recorded as a lien upon the real property served or be collected on the tax roll. All such property-owners shall be notified, in writing, at least thirty (30) days before the date on which the board of directors shall determine the matter.

At the hearing, the property-owner or his or her representatives may present evidence as to whether or not the fees or any portion thereof are delinquent and whether or not the fees should be recorded as lien upon the property or be collected on the tax roll.

In the event that the board of directors finds that the delinquent fees and all penalties thereon should be recorded as a lien upon the property served, the district manager shall cause a Claim of Lien to be recorded with the Office of the County Clerk-Recorder with respect to all such affected properties, stating the amount of each charge and the penalty and interest thereon, a description of the real property upon which the lien is attached in the name of West Valley Sanitation District.

(Adopted by Ord. 109, January 9, 1991; Amended by Ord. 147, December 13, 2017; Amended by Ord. 149, April 10, 2019)

10.190 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 and interest.

(Adopted by Ord. 109, January 9, 1991; Amended by Ord. 146, June 14, 2017; Amended by Ord. 149, April 10, 2019)

10.200 Discharge of Lien. Property may be discharged from the lien within one (1) year from the date of recording by the payment of all delinquent charges.

(Adopted by Ord. 109, January 9, 1991; Amended by Ord. 149, April 10, 2019)

10.210 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 a property-owner or occupant of a premises, fix a fair and equitable charge, fee or levy.

(Adopted by Ord. 46, July 23, 1975; Amended by Ord. 130, October 27, 1999; Amended by Ord. 149, April 10, 2019)