

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 of providing these services.

(Adopted by Ord. 10, Aug. 28, 1957; Amended by Ord. 25, June 8, 1965; Readopted, as modified, 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)

#### 10.020 Administrative and Miscellaneous Fee Schedule

The following Administrative and Miscellaneous fees are established:

1) Annexation Fee

The annexation fee is \$500 per annexation application, to be paid at the time of filing the application with the District. For complex annexation applications which require substantial District resources, District staff may adjust this fee based on the number of equivalent dwelling units (EDUs) included on the application, with one EDU being the equivalent of 200 gallons per day of expected flow, with each EDU being charged \$500.

The owner(s) of the property 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 and Engineer for a refund of the annexation fee where such fee is to be included in the costs of a residential building conversion from a septic tank disposal system (SDS) to a district sewer connection.

2) Fee for approval of public sewer plans

The fee for approval of public sewer plans is \$500 or 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 \$150 per lineal foot of installed sewer. In no event shall this fee exceed the District's reasonable costs of providing the approval service.

3) Fee for permit to connect to the public sewer requiring inspection

The fee for a permit to connect to the public sewer requiring a television inspection is \$510, payable prior to issuance of the permit.

4) Fee for permit to connect to the public sewer not requiring inspection

The fee for a permit to connect to the public sewer not requiring a television inspection is \$335, payable prior to issuance of the permit.

5) Fee for inspection of a public sewer

The fee for inspection of a public sewer is 3% of the total estimated project cost, payable at the time of application. For the purposes of estimating the project cost, the District will assume an average cost of \$150 per lineal foot of installed sewer. In no event shall this fee exceed the District's reasonable costs of providing the inspection service.

6) Fee for disconnection from a public sewer

The fee for disconnection from a public sewer is \$135 payable prior to issuance of the disconnection permit.

7) Fee for television inspection of existing lateral sewers in public right of ways (with cleanout access)

The fee for television inspection of existing lateral sewers in public right of ways is \$175, payable prior to commencement of the inspection.

(Adopted by Ord. 10, Aug. 28, 1957; Readopted, as modified 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)

10.030 Annual Review of Processing Fees.

The District Manager and Engineer shall review the processing costs for the fees described in §10.020 on an annual basis 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; Readopted, as modified, 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)

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

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

10.060 Sewer Service and Use Charge Schedule. There is hereby levied and assessed upon each premises within the district having any connection with the sewerage system of the district, or which is discharging sewage which ultimately passes through the sewerage system of said district, a sewer service and use charge which shall be used only for the acquisition, construction, reconstruction, maintenance and operation of the sanitary sewer system of the district, to repay principal and interest on any bonds which may hereafter be issued for the construction or reconstruction of sanitary sewerage facilities and to repay federal or state loans or advances which may hereafter be made to the district for the construction or reconstruction of sanitary sewerage facilities provided; however, no such revenue shall 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.

(1) Charge for Single-Family Residential and Residential Condominium Premises. For each single-family premises and each residential condominium premises, the sewer service and use charge shall be as follows:

<u>Monthly Charge</u>	<u>Effective Dates</u>
\$22.05	July 1, 2006 – June 30, 2007
\$23.35	July 1, 2007 and thereafter

(2) Charge for Two-Family and Multi-Family Premises. For each separate dwelling unit in two-family premises, and each separate dwelling unit in multi-family premises, the sewer service and use charge shall be as follows:

<u>Monthly Charge</u>	<u>Effective Dates</u>
\$15.35	July 1, 2006 – June 30, 2007
\$16.30	July 1, 2007 and thereafter

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

Monthly Charge

Effective Dates

\$15.35

July 1, 2006 – June 30, 2007

\$16.30

July 1, 2007 and thereafter

(4) Charge for Commercial, Industrial or Miscellaneous Premises, and Commercial, Industrial or Miscellaneous Condominium Premises. The sewer service and use charge for each commercial, industrial or miscellaneous premises shall be the following amounts as described in Schedule A described below for each 100 cubic feet (HCF) of sanitary sewage and industrial waste discharged from said premises into the District’s sanitary sewer system during the twelve months of January through December immediately preceding the fiscal year for which the charge is being calculated:

Schedule A

USER CLASSIFICATION	2006 - 2007	2007 – 2008 (and thereafter)
Plating Works	2.11	2.24
Wineries	6.74	7.15
Electrical Equip. Manufacturers	2.20	2.34
Film Service Laboratories	2.32	2.46
Softwater Service	2.03	2.15
Machinery Manufacturers	3.27	3.47
Industrial Laundries	4.39	4.66
Car Washes	1.78	1.88

Printing Plants	3.12	3.31
Restaurants	4.35	4.61
Hotels and Motels	2.26	2.39
Hospitals & Convalescent Homes	2.10	2.22
Retirement Homes	2.10	2.22

Schools, Colleges and Universities	2.63	2.79
Repair Shops and Service Stations	2.40	2.55
Domestic Laundries	1.98	2.09
Commercial, Industrial, or Misc.Premises & Commercial, Industrial & Misc. Condo. Premises not otherwise mentioned above	2.34	2.48

(5) Charge for Commercial, Industrial or Miscellaneous Premises Omitted from Tax Roll for Reasons Other Than Application of an Alternate Charge. If the charge 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 charge provided for in Section 10.060 (6) to such premises, the charge for such premises shall be the same as listed in Section 10.060 (4) for each 100 cubic feet of sanitary sewage discharged from commercial, industrial or miscellaneous premises and commercial, industrial or miscellaneous condominium premises into the sanitary sewer system during each calendar month for which the charge is being calculated.

(6) Alternate Charge for Commercial, Industrial or Miscellaneous Premises, and Commercial, Industrial or Miscellaneous Condominium Premises. Notwithstanding the foregoing provisions of Sections 10.060 (4) and (5), if more than 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 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 and Engineer deems it 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 sanitary sewer system, an alternate monthly sewer service and use charge shall be imposed in lieu of those described in Sections 10.060 (4) and (5) as described in Schedule B below:

USER CLASSIFICATION	2006 – 2007	2007 – 2008 (and thereafter)
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Elements of Charge		
Annual Charge Per Million Gallons/Day of Flow Capacity Required <i>Plus</i>	\$421,658	\$446,958
Annual Charge per 1000 lbs. per day of BOD capacity required <i>Plus</i>	\$72,039	\$76,361
Annual Charge for each 1000 lbs. per day of suspended solids capacity required <i>Plus</i>	\$49,473	\$52,441
Annual Charge for each 1000 lbs/day of Nitrogen capacity required <i>Plus</i>	\$212,080	\$224,804
Annual Charge for each 1 million gallons of sewage or waste discharged <i>Plus</i>	\$901	\$955
Annual Charge for each 1000 lbs. of BOD discharged <i>Plus</i>	\$61	\$65
Annual Charge for each 1000 lbs. of suspended solids discharged <i>Plus</i>	\$81	\$86
Annual Charge for each 1000 lbs. of ammonia discharged <i>Plus</i>	\$660	\$699

The decision by the District Manager Engineer as to whether to impose this alternate sewer service and use charge shall be made on or before July 1 of this fiscal year for which it is imposed.

(Adopted by Ord. 10, Aug. 28, 1957; Amended by Ord. 38, June 8, 1972; Readopted, as modified, 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)

(7) Hillside Zone Reserve Account Fee: A Hillside Zone Reserve Account Fee shall be paid by all connectors within the Hillside Zone as defined by District Ordinance Code Section 10.110,

to pay for repairs necessitated by land movement or erosion. The Board of Directors shall, in a district resolution, set forth the specific amount of the fee, describe the benefit and impact area upon which the fee is imposed, list the specific repair work to be financed, describe the estimated cost of these repairs, describe the reasonable relationship between this fee and the Hillside Zone, and set forth the time of payment. On an annual basis the Board of Directors shall review this fee to determine whether the fee amount is reasonably related to the impacts unique to the Hillside Zone area and whether the reserve account fund is still needed.

- (a) Limited Use of Funds: The revenues raised by payment of these fees shall be budgeted within a special Hillside Zone Reserve Account and such revenues shall be used solely for the repair of sewer lines within the Hillside Zone area resulting from land movement or erosion.
- (b) Fee Adjustment: Any property owner within the Hillside Zone area may apply to the Board of Directors for a reduction or adjustment of the reserve account fee, or a waiver of that fee, based upon the absence of any reasonable relationship or nexus between the likelihood and severity of potential repairs to sewers which serve this property in the Hillside Zone area and the amount of fee to be charged. Such an application shall be made in writing and filed with the District Manager during the fiscal year in which the fee is imposed. The application shall state in detail the factual basis for the claim of waive, reduction or adjustment. The Board of Directors shall consider the application at a public hearing held within 60 days after the filing of the application. The decision of the Board of Directors shall be final.

(Adopted by Ord. No. 104, May 9, 1990)

(8) Annual Review of Sewer Service and Use Charges; Reduction or Suspension of Increase. Prior to the effective date of any automatic increase in the sewer service and use charges described in Sections 10.060(1), (2), (3), (4), (5) and (6), 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 and use charge 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. No. 132, October 9, 2002)

10.061 Required Installation of Measurement and Sampling Devices. The District Manager and Engineer may, by written order, direct the owner 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 person or persons listed as the owners 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 owner if the name and address of such successor in interest is known to the District Manager and Engineer.

Within 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 and Engineer or his authorized representatives, whenever sanitary sewage and/or industrial wastes are being discharged into the 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 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 50 samples per day. Other control variations will be acceptable if it can be demonstrated to District Manager and Engineer 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 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 39° Fahrenheit, plus or minus 5 degrees.

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

The owner of the premises shall keep flow records as required by the district and shall make such records available to the District Manager and Engineer 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 1 year.

If any person fails to install the required measuring and sampling facilities within 60 days from and after the date of the mailing of the written order, the District Manager and Engineer 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)

10.062 Methods of Measurement and Analysis of Sanitary Sewage and/or Industrial Wastes. The

District Manager and Engineer, on the basis of standard methods, standard engineering practices and applicable provisions of this Chapter 10, 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 sanitary sewer system for the purpose of computing the sewer service and use charges pursuant to Section 10.060 (6) hereof. The District Manager and Engineer on the basis of standard methods, standard engineering practices, applicable provisions of this Chapter 10, applicable State and Federal regulations and guidelines, records of past water consumption, biological oxygen demand concentration, suspended solids concentration and ammonia nitrogen 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 nitrogen and the annual amount of sewage, biological oxygen demand,

suspended solids and ammonia nitrogen 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 (6). 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 and Engineer 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)

10.063 Collection of Charges Based on Section 10.060 (6); Billing. The District Manager and Engineer shall, within 15 days after the beginning of each calendar quarter (the first calendar quarter being in April of each year), prepare a detailed statement showing the quarterly charge. Said quarterly charge shall be based on the monthly average of the water consumption (with allowances for landscaping and other non-sewer terminating waters) of the 12 calendar months of January through December preceding the fiscal year for which the charge is being calculated. The procedure shall apply for each commercial, industrial or miscellaneous premises and for commercial, industrial or miscellaneous condominium premises for which the alternate charge provided for in Section 10.060 (6) has been applied on July 1 of the fiscal for which the charge is to be applied and the volume of discharge is not measured. Such statement shall contain the basis of the calculations, the location of the premises and other relevant information.

The District Manager and Engineer shall mail said bill or invoice to the person or persons listed as the 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 owner if the name and address of such successor in interest is known to the District Manager and Engineer. Failure to mail any such bill or invoice, or failure of any owner to receive any such bill or invoice shall not excuse the owner of any premises from the obligation of paying any sewer service and use charge for any premises owned by him. The interested owner may, at any reasonable time, review the detailed statement prepared by the District Manager and Engineer.

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. 58, May 12, 1977; Amended by Ord. 92, May 14, 1986)

10.064 Collection of Charges Omitted From Tax Roll and for Governmental and Public Premises;

Billing. The District Manager and Engineer or his authorized representatives shall quarterly prepare a detailed statement containing the basis of the calculations, the location of the premises and other relevant information, showing the total monthly charge for the succeeding 3 months 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 the charge for which is collected pursuant to Section 10.060 (5).
- (b) any governmental or public premises, or any premises which are not subject to taxation on the tax roll.

On the basis of the statement, the District Manager and Engineer shall prepare a bill or invoice showing the total charge for such 3 months or less, and shall mail said bill or invoice to the person or persons listed as the 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 owner if the name and address of such successor in interest is known to the District Manager and Engineer. Failure to mail any such bill or invoice, or failure of any owner to receive any such bill or invoice shall not excuse the owner of any premises from the obligation of paying any sewer service and use charge for any premises owned by him.

The interested owner may, at any reasonable time, review the detailed statement prepared by the District Manager and Engineer.

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)

10.065 Adjustments. It is the intent of the provisions of this Chapter, in establishing different sewer service charges 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 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 taxes which may be paid by 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 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 taxes 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 said board whenever it finds that continuance of the same would be unfair or inequitable in the circumstances.

(Adopted by Ord. 55, May 26, 1976)

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 (6) 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, and prepared on or after October 1<sup>st</sup> for the preceding 6 months from July to December during which a discrepancy between the amount collected and the correct charge is discovered, and on or after April 1<sup>st</sup> for the preceding 6 months from January to June during which such a discrepancy is discovered. The District Manager and Engineer shall mail said bill or invoice to the person or persons listed as the 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 owner if the name and address of such successor in interest is known to the District Manager and Engineer. Failure to mail any such bill or invoice, or failure of any owner to receive any such bill or invoice, shall not excuse the 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 owner may, at any reasonable time, review the detailed statement prepared by the District Manager and Engineer.

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)

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 40<sup>th</sup> day immediately following the date upon which such sewer service and use charge became due and payable.

(Adopted by Ord. 55, May 26, 1976)

10.068 Persons Responsible for Payments. The 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 owner to ascertain from the District Manager and Engineer 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 owners of all premises to inform the District Manager and Engineer 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, an owner of any premises shall immediately inform the District Manager and Engineer of any sale or transfer of such premises by or to such owner.

(Adopted by Ord. 55, May 26, 1976)

10.069 Enforcement. In the event of the failure of any 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 and Engineer may have such premises disconnected from the 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 and Engineer 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 Board of Directors.

(Adopted by Ord. 55, May 26, 1976)

10.070 Unmetered Wastes. Where the sewer service and use charge specified in Section 10.060 is to be based on the quantity of sanitary sewage and industrial waste discharged from a unit or premise, and it is not possible or practical for the district to measure the discharge from a unit or premise, the District Manager and Engineer shall make a reasonable estimate of the discharge to be used for calculating the charge. The amount of water delivered to the unit or premise 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; Readopted, as modified, by Ord. 46, July 23, 1975)

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 and Engineer, in the manner and at the time as determined by the board. Billings will be issued by the District Manager and Engineer. 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; Readopted, as modified, by Ord. 46, July 23, 1975)

10.090 Sewer Connection Fee.

(1) 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.

(2) Residential connections

The connection fee to connect a residential property to the sewer system can be calculated one of two ways:

- (a) 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 and Engineer 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 1<sup>st</sup> following the date of the filing of the report, using the change in the Engineering News Record Cost Index (ENR) for the San Francisco area.

(b) Other Residential Properties - For other residential properties connecting to the District sewer system for which sewers have previously been made available and for which no Engineer's Report determining or allocating the cost of said sewers at the time of their construction, the sewer connection fee shall be \$6,630 per building site. Said sewer connection fee shall be automatically adjusted annually using the change in the Engineering News Record Construction Cost Index (ENR) for the San Francisco area.

(3) Non-Residential Connections

(a) 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 and Engineer or other designated staff shall, on the basis of standard engineering practices and methods, estimate wastewater flows (in gallons per day) for the new connection and multiply those flows by a unit cost of \$10.31 per gpd to arrive at the total fee. The report determining this unit cost shall be kept on file at the District and updated as necessary. In no case shall a non-residential connection fee be less than the residential connection fee.

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.

(b) Demolition/renovation – If, in the judgment of the District Manager/Engineer 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 (a), 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; Readopted, as modified, 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)

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

10.110 District Service Area Defined.

(1) Repealed by Ord. 129, October 27, 1999.

(2) "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 and Engineer. 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; Readopted, as modified, by Ord. 46, July 23, 1975; Amended by Ord. 104, May 9, 1990.)

10.115 Storm Drainage Zones. "Zone A," "Zone B," and "Zone C" means and refers to all that territory situated within Zone A, Zone B, and Zone C of the District as shown and delineated by a report entitled "Establishment of Storm Drainage Management Zones within the West Valley Sanitation District, " dated May 27, 1992, which is kept at the District Office and is signed by the District Manager/Engineer. The delineation of the territory comprising the Storm Drainage Management Zone areas and the number of Zones established are subject to change annually, upon a noticed public hearing.

(Adopted by Ordinance No. 115, May 27, 1992)

## 10.120 Treatment Plant Capacity Fee.

### (1) 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.

### (2) Residential connections

New single family residential connections shall pay a one-time treatment plant capacity fee of \$1,288. Multi-family residences and mobile homes shall be charge a one-time fee of \$1,120 per unit.

(a) 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.

### (3) 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.

(a) The District Manager or Engineer, 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 peak 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 or Engineer as needed.

(b) 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.

Source: Section 5474, Health and Safety Code.

(Adopted by Ord. 25, June 8, 1965; Amended by Ord. 39, Dec. 14, 1972; Readopted, as modified, 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)

#### 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; Readopted, as modified, 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)

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

10.150 Collection of Sewer Service Charges. Fees and charges described in this ordinance code shall be collected on the tax roll in the same manner, by the same persons, and at the same time as, together with, and not separately from its general taxes.

Source: Section 5473, Health and Safety Code

(Adopted by Ord. 20, Feb. 27, 1963; Readopted, as modified, by Ord. 52, May 13, 1976; Amended by Ord. 86, Feb. 22, 1984; Amended by Ord. 109, January 9, 1991)

10.160 Collection of Delinquent Fees and Charges. Delinquent fees and charges may be collected either pursuant to Section 10.150 of this ordinance code or pursuant to the procedure as set forth in Section 10.170 of this ordinance code, or both.

(Adopted by Ord 109, January 9, 1991)

10.170.A 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 owner of the real property at the time such list is recorded and may be enforced in like manner. A list of all such delinquent charges shall be recorded at least once every six months.

(Adopted by Ord. 109, January 9, 1991)

10.170.B Procedure for Claiming Lien. At least once every six months, 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. All such property owners shall be notified, in writing, at least 30 days before the date on which the Board of Directors shall determine the matter.

At the hearing the owner of the real property 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.

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 County Recorder with respect to all such affected properties, stating the amount of each charge and the penalty 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)

10.170.C 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.

(Adopted by Ord. 109, January 9, 1991)

10.170.D Discharge of Lien. Property may be discharged from the lien within one year from the date of recording by the payment of all delinquent charges.

(Adopted by Ord. 109, January 9, 1991)

10.180 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, fix a fair and equitable charge, fee or levy.

(Adopted by Ord. 46, July 23, 1975; Readopted by Ord. 130, October 27, 1999)

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