

## **ORDINANCE NO. 9**

### **ORDINANCE AND ORDER OF THE GOVERNING BOARD OF CARPINTERIA SANITARY DISTRICT ADOPTING CERTAIN FEES AND CHARGES AND FURTHER ADOPTING CHAPTER 7 OF THE DISTRICT'S ORDINANCE CODE**

#### **RECITALS**

**WHEREAS**, the Board of Directors wishes to formally adopt certain fees and charges, in accordance with applicable law, including but not limited to Sections 5471 and 6520.5, respectively, of the California Health and Safety Code; and

**WHEREAS**, the Board of Directors desire to ultimately approve and establish a District Code, consisting of ordinances pertaining to all District operations; and

**WHEREAS**, Chapter 7 of the District Code attached hereto represents the first chapter of the District Code to be approved by the Board of Directors;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Directors of the Carpinteria Sanitary District as follows:

#### **ARTICLE I**

##### **ADOPTION OF CHAPTER 7**

Chapter 7 of the District Code, as set forth in the form attached hereto and incorporated herein, is hereby approved and adopted as a District Ordinance.

#### **ARTICLE II**

##### **NO INTENDED REPEAL OF DISTRICT ORDINANCE NOS. 6 AND 8; REPEAL AND RATIFICATION OF ORDINANCE NO. 2**

This Ordinance is not intended to modify, alter, or repeal District Ordinance No. 6 dated July 1, 1996 (Sewer Service Fees and Charges), or District Ordinance No. 8 dated June 15, 1999 (Development Impact Fee). Each of these two Ordinances shall remain unchanged and in full force and effect, and are referenced in Chapter 7 for purposes of convenience.

Other than Ordinance Nos. 6 and 8, all Ordinances or portions thereof, including Ordinance No. 2 dated October 2, 1975 which are inconsistent or contrary to this Ordinance are hereby repealed and declared to be of no further force or effect. Except as herein amended or repealed, Ordinance No. 2 is hereby ratified and confirmed, and except as may be otherwise set forth in this Ordinance, all of its terms and conditions shall be applicable to this Ordinance.

**ARTICLE III**

**FEEES AND CHARGES DO NOT EXCEED COSTS**

With regard to those fees and charges set forth in Chapter 7 (other than as contained in Ordinance Nos. 6 and 8, respectively, which contain their own findings), the Board of Directors finds that the fees and charges therein do not exceed the estimated reasonable cost of providing the service for which the fees or charges are charged.

**ARTICLE IV**

**EXEMPTION FROM CEQA**

The Board of Directors finds that the adoption of fees and charges as set forth in Chapter 7 is exempt from the provisions of the California Environmental Quality Act, in accordance with Public Resources Code Section 2180(b)(8) and 14 Cal. Code Regs. Section 15273(a), and further finds that the fees and charges adopted hereby are for the purposes set forth in the above-cited provisions.

**ARTICLE V**

**SEVERABILITY**

If any portion of this Ordinance or the application thereof is held to be invalid or unenforceable by a court of competent jurisdiction, the validity of all remaining portions and application shall remain unaffected and in full force and effect.

**ARTICLE VI**

**PUBLICATION AND EFFECTIVE DATE**

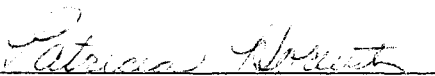
This Ordinance shall be published or posted in accordance with California Health and Safety Code Section 6490 and shall be effective as of the expiration of the week of publication or posting as established either by a proof of publication from the newspaper in which this ordinance or a summary or advertisement thereof was published, or by a subsequent order of the Board of Directors that publication or posting has been properly made.


**PASSED AND ADOPTED** by the Board of Directors of the Carpinteria Sanitary District this 13th day of August 2001, by the following vote:

AYES: Directors Damron, Graf, Horwitz, Treloar, and Moorhouse.

NAYS: None.

ABSTAIN: None.

  
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Patricia Horwitz, President  
Board of Directors

**ATTEST:**  
  
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Lin Graf, Secretary  
Board of Directors

# CHAPTER 7

## FEEES AND CHARGES

Article 1	Overview
Article 2	Annexation
Article 3	Sewer Construction

## CHAPTER 7

### FEE AND CHARGES

#### ARTICLE 1- OVERVIEW

<b>Sections</b>
7.1.100 Introduction
7.1.110 Authority
7.1.120 Cost of Service
7.1.130 Severability

#### 7.1.100 INTRODUCTION

**7.1.110 Authority.** The Board will, from time to time, after a public hearing, establish and revise by ordinance and in accordance with applicable law, fees to be charged by the District for such things as annexation, construction permits (including development impact fees), sewer service charges, and other fees related to obtaining and for providing sewer service.

The fee/rate ordinance will set forth in an exhibit the full text of the schedule of fees/rates to be charged, as Table A.

The fees and charges established by the District are authorized by applicable law, including but not limited to Article 4 of Chapter 6 of Part 3 of Division 5 of the Health and Safety Code, commencing at Section 5470 et.seq. (And specifically Section 5471 thereof); Article 1 of Chapter 4 part 1 of Division 6 of the Health and Safety Code, commencing at Section 6400 et.seq. (And specifically Section 6520.5 thereof).

**7.1.120 Cost of Service.** The Board finds and declares that the amounts of fees and charges set forth in this Chapter 7 do not exceed the estimated reasonable cost of providing the service for which the fees or charges are charged. The rationale and justification for the Development Impact Fee and the Sewer Service Charge are as set forth in existing District ordinances codifying these fees and charges.

**7.1.130 Severability.** Should any part of this Chapter 7 be held invalid or unenforceable by a court of competent jurisdiction, the remainder of the provisions herein shall not be invalidated and shall remain in full force and effect.

## ARTICLE 2- ANNEXATION

### Sections

- 7.2.100 Annexation Process
- 7.2.110 Purpose
- 7.2.120 Process
- 7.2.130 Other Agency Fees
- 7.2.140 Out of Agency Agreement

### 7.2.100 ANNEXATION PROCESS

**7.2.110 Purpose.** Fees are collected from the applicant for the process of modifying the District's service boundaries through the change of the District's sphere of influence and the formal annexation process. The fees defray the costs incurred by the District to:

- 1.) cover administrative costs involved in processing petitions for annexation, and
- 2.) equalize or with other District landowners the capital investment in the District's existing system made by the owner of annexed real property.

**7.2.120 Process.** The District is the lead agency for all boundary adjustment requests, regardless of the applicant. The annexation/sphere of influence application process is initiated by the District with all fees paid by the prospective applicant. Generally, the process path is as follows:

- 1.) The applicant formally requests the annexation of property to the District for the purposes of obtaining sanitary service.
- 2.) The applicant is responsible for submitting all of the required documentation to the District before the issue is addressed by the District Board of Directors.
- 3.) After the approval by the District Board the application package and accompanying agreement will be forwarded to Local Agency Formation Commission (LAFCO) for their review and final approval. LAFCO will process the application and will be responsible for obtaining the approvals from the other related agencies.

**7.2.130 Other Agency Fees.** The applicant making a request to annex into the District shall pay all costs associated with processing the request. This would include costs incurred by the District and any other agency involved in the process, including LAFCO, County of Santa Barbara, State Board of Equalization, etc. The costs for the District and payment due date are set forth in Table A.

**7.2.140 Out of Agency Agreement.** Special circumstances occasionally exist that warrant the District providing sanitary sewer service directly to a property without the benefit of property annexation. Under these circumstances the District and LAFCO may consider the approval of an out of agency sewer service agreement. The District is the lead agency responsible for processing the request but the prospective applicant is responsible for paying all of the applicable agency fees.

## ARTICLE 3- SEWER CONSTRUCTION

Sections	
<b>7.3.100 In General</b>	
7.3.110 Purpose	
7.3.120 Permits Required	
7.3.130 Time of Payment	
7.3.140 Penalties	
<b>7.3.200 Permits</b>	
7.3.210 Sewer Connection Permit	
7.3.220 Sewer Construction Permit	
<b>7.3.300 Mainline Construction</b>	
7.3.310 Plan/Project Review Fee	
7.3.320 Project Inspection Fees	
7.3.330 Performance Bond	
7.3.340 Maintenance Bond	
<b>7.3.400 Lateral Connections</b>	
7.3.410 Existing Connection Inspection Fee	
7.3.420 New Connection Inspection Fee	
7.3.430 Performance Deposit	
<b>7.3.500 Other Fees and Charges</b>	
7.3.510 Development Impact Fee	
7.3.520 Initial Sewer Service Charge	
7.3.530 Sewer Service Charge	

### 7.3.100 IN GENERAL

**7.3.110 Purpose.** Permits are required for the connection of new sewer facilities as well as for the alteration, repair or abandonment of existing sewer services. Fees are collected by the District for:

- 1.) reviewing applications, establishing conditions of service, and establishing customer records;
- 2.) reviewing and approving plans;
- 3.) inspecting new sewer connections or the alteration of existing facilities;
- 4.) insuring performance and quality of work; and
- 5.) defraying costs of capital improvements, which are required to upgrade existing facilities in order to provide new service.

**7.3.120 Permits Required.** No sewer connected or to be connected to the District sewerage facilities, shall be installed, altered, or repaired until a permit for the work is obtained from the District and all fees required under District regulations have been paid. Fees for such activities are found in Table "A" of this chapter.



**7.3.130 Time of Payment.** Each fee prescribed in this article is due at the time of permit issuance or as indicated. The District reserves all rights not to issue a permit until all the appropriate fees are paid in full.

**7.3.140 Penalties.** Failure to obtain a required permit, as required under this Code, prior to start of work will be subject to penalties and additional charges as determined by the District up to and including the cessation of all construction work.

### **7.3.200 PERMITS**

**7.3.210 Sewer Connection Permit.** A permit is issued for all new sewer service connections, the abandonment of an existing sewer service or any other work that does not include sewer main construction. The fee defrays the District's costs for updating District records and other minor related administrative costs. This fee is non-refundable.

**7.3.220 Sewer Construction Permit.** A permit is issued when any sewer construction (lateral or mainline) project is being proposed by an applicant. The fee defrays the District's costs incurred for reviewing conceptual plans, administrative fees, and normal on site inspection services including all District overhead charges.

### **7.3.300 MAINLINE CONSTRUCTION**

**7.3.310 Plan/Project Review Fee.** The Plan/Project Review Fee is collected when a sewer mainline construction project is being proposed by an applicant. The fee defrays costs incurred with project processing, plan review and approval process. This fee is non-refundable.

**7.3.320 Project Inspection Fee.** An Inspection Fee is required when any sewer main construction is required and collected before any construction activity is allowed to commence. This fee defrays the District's costs for on site inspection during all sewer construction activities. The final charges will be calculated on a time and material basis.

**7.3.330 Performance Bond.** A bond or other secure instrument issued by a surety admitted in California and acceptable to the District is collected as a method of ensuring the quality and timely completion of any sewer mainline installation project. The cost and method of calculating the bond is found in Table "A" of this chapter. The District in its discretion may also require an applicant to post a labor and materials bond.

The Performance Bond is collectable at the time of the initial permit issuance and will not be returned until the sewer installation project is completed and approved by the District. This bond may be converted into a Maintenance Bond (**Section 7.3.340**).

**7.3.340 Maintenance Bond.** A bond or other secure instrument issued by surety admitted in California and acceptable to the District is collected as a method of ensuring the quality of the workmanship for a period of twelve months after the successful completion of any sewer mainline extension project. Final acceptance by the District will release this bond back to the applicant. All unsatisfactory conditions will be corrected by

the applicant or a contractor hired by the District using the bond as payment. The District may consider a maintenance bond of lesser value if, in the sole discretion of the District, the justification warrants.

### **7.3.400 LATERAL CONNECTIONS**

**7.3.410 Existing Connection Inspection Fee.** This fee applies when an existing sewer lateral is being replaced with a new one and the applicant is using the existing wye connection at the mainline sewer. If the existing sewer wye connection is determined to be sound and reusable the District will allow the connection of a new lateral onto the structure. The fee is non-refundable and is found in Table "A" of this chapter.

**7.3.420 New Connection Inspection Fee.** This fee applies when a new sewer lateral and service are being constructed and connected to a District mainline sewer. This fee is non-refundable and is found in Table "A" of this chapter.

**7.3.430 Performance Deposit.** Any construction that includes the excavation in a public right of way for the purpose of connecting to the District's sewer mainlines will require a cash performance deposit prior to permit issuance. This deposit is retained by the District until such time that the applicant has completed the project to the satisfaction of the District. Any unsatisfactory work will be corrected by the applicant or by the District using the funds from the deposit. All unexpended deposit funds will be returned, interest free, to the applicant after final acceptance by the District is determined.

### **7.3.500 OTHER FEES AND CHARGES**

**7.3.510 Development Impact Fee.** The Development Impact Fee, which purchases a portion of the District's existing capacity, is collected prior to the issuance of any sewer construction permit(s). This one time fee is charged for all new sewer connections, or the addition, expansion or enlargement of an existing sewer connection. The fee funds future sewer capital improvements that are required to accommodate the expansion of the District's facilities. The fee is currently codified in District Ordinance No. 8, adopted on June 15, 1999, and referenced in Table "A" of this chapter.

**7.3.520 Initial Sewer Service Charge.** As set forth in Section 7.3.530, a Sewer Service Charge is billed on an annual basis for sewer usage. The initial charge is calculated and levied prior to the issuance of any permits utilizing known information at that time. The initial charge will be readjusted, based upon the amount of months remaining in that particular fiscal year as determined by the date of the signed Certificate of Occupancy as issued by the City of Carpinteria. The applicant is solely responsible for submitting this certificate to the District. The pro-rated sewer service charge will be placed on County Tax Roll and collected as part of the County property tax statements.

**7.3.530 Sewer Service Charge.** The District's current Sewer Service Charge is codified in District Ordinance No. 6, adopted July 1, 1996, and referenced in Table "A" of this chapter.

# Carpinteria Sanitary District Fees and Charges

## Table A to Chapter 7

<b>Sewer Connection Permit</b> -----	\$25.00
<b>Plan Check</b> -----	\$300.00 plus 1.5% of project cost* estimate
<b>Inspection</b> (Mainline Extension/Construction)-----	3.5% of project cost* estimate ✓
<b>Inspection</b> (New Lateral Connection, existing wye)-----	\$100.00
<b>Inspection</b> (New Lateral Connection, wye installation)-----	\$150.00
<b>Performance Cash Deposit</b> (New lateral)-----	\$500.00
<b>Performance Bond</b> (Mainline Extension)-----	100% of project cost* estimate
<b>Maintenance Bond</b> (Mainline Extension)-----	100% of the Performance Bond
<b>Development Impact Fee (DIF)</b> -----	as per Ordinance #8 (6/15/99)
<u>Development Impact Fee</u> -----	currently \$2400 per EDU**
<b>Sewer Service Charges (SSC)</b> -----	as per Ordinance #6 (7/1/96)
<u>Residential Users</u> (annual)	
Residential (per dwelling unit)-----	\$398.00
Mobile Home in park-----	\$386.00
<u>Non-Residential Users</u> (annual)	
Base Rate (per parcel)-----	\$173.69
Sewer Flow (per 1000 gal/yr)-----	\$2.69
Biochemical Oxygen Demand (per 100 lbs/yr)-----	\$62.03
Total Suspended Solids (per 100 lbs/yr)-----	\$51.53
<u>Industrial Discharge Surcharge</u> -----	
	Included in SSC (when applicable)
Categorical Users (per user)-----	up to \$6,688.02
Industrial/Commercial (Prop 65, gal/day of water flow)-----	\$0.4261
Restaurant/Grease Generators (gal/day of water flow)-----	\$0.2155
Minimum Service Charge-----	\$173.69
<b>Annexation</b>	
Application Fee-----	\$900.00
Annexation (per acre)-----	\$1,200.00

\* Project cost = The applicant's engineer estimate of the dollar amount to construct the sewer portion of the project *including* building sewers from the cleanout (two feet outside of the structure). This cost estimate is subject to verification and approval by the District's Engineer.

\*\* EDU = Equivalent Dwelling Unit