

ORDINANCE NO. 12

**ORDINANCE AND ORDER OF THE GOVERNING BOARD
OF THE CARPINTERIA SANITARY DISTRICT
ADOPTING A GENERAL REGULATION PROVIDING FOR
SEWER SERVICE RATES AND CHARGES;
FIXING SEWER SERVICE RATES AND CHARGES;
AUTHORIZING THE COLLECTION OF SAID RATES AND CHARGES
ON THE TAX ROLL OF THE COUNTIES
OF SANTA BARBARA AND VENTURA;
AND REPEAL OF INCONSISTENT ORDINANCES**

**Be It Ordained By The Governing Board
Of The Carpinteria Sanitary District
As Follows:**

RECITALS

WHEREAS, the Board of Directors (“Board”), in accordance with applicable law (including but not limited to Sections 5471 and 6520.5, respectively, of the California Health and Safety Code), desires to amend and update its ordinance(s) pertaining to the adoption and collection of sewer service rates and charges;

WHEREAS, the Board desires to repeal prior sewer service charge ordinances and specific sections of the District Code which are inconsistent with the provisions herein;

NOW, THEREFORE, BE IT ADOPTED as follows:

**ARTICLE I
General Provisions**

Section 1. Enabling Authority. This Ordinance, Order, and General Regulation (herein sometimes called “Ordinance”) is established and adopted under authorization of the Sanitary District Act of 1923, being Article 4, Chapter 6, Part 3 of Division 6 of the Health and Safety Code commencing at Section 5470 and Part 1 of Division 6 of the Health and Safety Code commencing at Section 6400.

Section 2. Application. This Ordinance shall apply to any person or persons, including corporations, partnerships, governmental entities, non-profit organizations and others connected to the Carpinteria Sanitary District sewage disposal facilities.

Section 3. Severability. If any portion of this Ordinance or the application thereof is held to be unconstitutional or for any reason invalid, the validity of all remaining portions and application shall be unaffected, and they shall remain in full force.

Section 4. Purpose. The purpose of this Ordinance is the fixing of rates and charges for the usage of the District's sanitary sewer facilities (as distinguished from the fees charged for connecting to said facilities, permit processing, annexation, etc.).

Section 5. Basis For Rates and Charges. This Ordinance fixes rates and charges that have been determined to be equitable and consistent with the actual cost of providing service through preparation of a Wastewater Rate and Fees Study Report and associated financial model, dated March 2011. Said report was prepared by a qualified, independent financial consultant in coordination with District staff and the District Board of Directors.

ARTICLE II

Repeal of Prior Inconsistent Sewer Service Charge Ordinances

Section 1. Repeal of Ordinance No. 10. Ordinance No. 10, dated June 29, 2004 is hereby repealed in its entirety.

Section 2. Ordinance No. 2: No Intended Repeal. All provisions of Ordinance No. 2 dated October 2, 1975, which are not inconsistent with or contrary to the terms of this Ordinance shall remain unchanged and in full force and effect.

ARTICLE III

Definitions

Section 1. Calendar Year. For the purposes of this ordinance, a calendar year is the period from January 1st through December 31st, inclusive, of any given year.

Section 2. User Class Designation. There are two (2) basic user classes. The two (2) classes are designated herein as either "Residential" or "Non-Residential."

Section 3. Residential User Class. Residential users shall include all of those buildings (structures) suitable and intended for use as a dwelling unit. Such buildings shall include, but are not limited to, single family dwellings, residential

condominiums, multi-family (apartments and duplexes) dwellings, mobile homes, granny flats, and similar residential dwelling units.

Section 4. Non-Residential User Class. Non-Residential use is defined to be any use which is either not defined in Section 3 of this Article or does not fit within the definition of the residential uses as set forth in this Ordinance.

Section 5. Building. A structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any person (or property).

Section 6. Dwelling Unit. The following criteria shall be used in establishing a building as a dwelling unit. However, it is not necessary that all of the criteria be satisfied in order that a building be classified as a dwelling unit, nor does the existence of a criteria mean that a building will be classified as such:

- a. A building, or portion thereof, having a single kitchen and one or more bathroom facilities.
- b. A building designed for and occupied as a home or residence, either permanently or for a temporary period exceeding 30 days, by a single family, their guests, or servants.
- c. A portion of a building that has at least one direct access to the exterior and is isolated from other parts of a structure.
- d. A building, or portion thereof, that has a separate mailing address and/or water, electrical, telephone, gas, etc. utility services.

Section 7. Kitchen. A room, all or part of which is designed, built, equipped, used, or intended to be used for the cooking of food.

Section 8. Residential Exclusions. Residential uses shall not include boarding houses, lodging houses, hotels, motels, retirement homes, hospitals, nursing facilities, or any publicly owned (State, City, County, or District) parks.

Section 9. Parcel. A piece of land is considered a Parcel when it is delineated on the County Assessor's Parcel Maps, is assigned an Assessor's Parcel Number, and is connected directly or indirectly to the District's facilities.

Section 10. Water Use Datum. The Water Use Datum shall be determined by calculating the average annual water use from the latest three full calendar years of water use history as measured by the water agency providing water service to the parcel. The following are exceptions:

- a. In the event that a parcel has less than three full calendar years of water use history, the Water Use Datum shall be determined as follows:
 1. If less than one full calendar year of water use history is available, the Water Use Datum shall be estimated by the District using water consumption data from similar parcels or users, reduced to a volume per square foot of building area basis.
 2. If only one full calendar year of water use history is available, the Water Use Datum shall be equal to the actual annual water used in that prior calendar year.
 3. If two full calendar years of water use history are available, the Water Use Datum shall be determined by calculating the average annual water use from the two full calendar years of water use history available.
- b. In the event that the use on a parcel changes and the new user is expected to use significantly less water, the Water Use Datum will be adjusted once a minimum of one full calendar year of water history is available for the new user, or at the discretion of the District General Manager based on actual water use data. It is the responsibility of the user to request an adjustment to the Water Use Datum.
- c. In the event that the use on the parcel changes and the new user is expected to use significantly more water, the Water Use Datum may be adjusted once a minimum of one full calendar year of water history is available for the new user, or at the discretion of the District General Manager based on actual water use data.

Section 11. Return Rate. The return rate represents the percentage of total water used by a parcel that is discharged into the District's sewerage facilities. The return rate for non-residential users is uniformly assumed to be 90 percent. Non-residential sewer service charges are based on total water used by a parcel and they incorporate the assumed 90 percent return rate. Exceptions to the 90 percent return rate are only authorized as follows:

- a. In the event a landscape meter is installed at the parcel isolating all irrigation use and it can be presumed that all metered water use is discharged to the District's facilities, the District shall apply an adjustment factor to reflect a 100 percent return rate.

- b. The District may approve an alternate return rate of less than 90 percent for individual non-residential parcels if the user can provide sufficient evidence to show that a lower return rate is appropriate. Any such approval is discretionary and the District General Manager will consider all information available. The District may require flow monitoring, sub-metering or other appropriate methods of determining the applicable return rate, and such activities shall be conducted at the user's sole expense. If approved, the District shall apply an adjustment factor to reflect a return rate lower than 90 percent.

No other methods of establishing the return rate will be used or considered.

Section 12. Strength Class. Non-residential users, as defined in Section 4, are classified based upon the strength of wastewater discharged to the District facilities. Each user is assigned a "Strength Class" based on a combined concentration of biochemical oxygen demand ("BOD") and total suspended solids ("TSS") in milligrams per liter (mg/L) as follows:

- a. Low Strength. Users whose discharge has a combined BOD and TSS concentration less than 380 mg/L
- b. Medium Low Strength. Users whose discharge has a combined BOD and TSS concentration between 381 mg/L and 500 mg/L.
- c. Medium Strength. Users whose discharge has a combined BOD and TSS concentration between 501 mg/L and 710 mg/L.
- d. Medium High Strength. Users whose discharge has a combined BOD and TSS concentration between 711 mg/L and 1,100 mg/L.
- e. High Strength. Users whose discharge has a combined BOD and TSS concentration between 1,101 mg/L and 1,700 mg/L.
- f. Very High Strength. Users whose discharge has a combined BOD and TSS concentration greater than 1,700 mg/L.

Typical BOD and TSS concentration values for various types of non-residential users, based on guidelines from the California State Water Resources Control Board, are set forth in *Table B* and are the basis for assigning Strength Classes.

ARTICLE IV
Sewer Service Rates And Charges

Section 1. Imposition of Rates. A Sewer Service Charge is hereby imposed upon all parcels, and the owners thereof, connected to the sanitary sewer facilities of the District or which otherwise discharge sewage which ultimately passes through any part of the District's facilities.

Section 2. Sewer Service Charge Calculation Description. Sewer Service Charges are set through application of criteria and formulas derived by the District. Sewer Service Charges are annually recomputed for each parcel. The rate system utilizes actual water use data and loading parameters to compute an equitable fee for service based upon the actual cost to provide that service. Tables used to compute the Sewer Service Charge include:

- a. **"Sewer Service Rate Table."** This table provides comprehensive rate information including: 1) residential rates per dwelling unit; and 2) non-residential rates based on water use and strength class. (See *Table A*, attached)
- b. **"Sewer Service User Class Table."** This table provides relevant loading parameters used in determining the "Strength Class" assigned to each non-residential user. (See *Table B*, attached)

District staff shall annually establish the "Strength Class" designation for all users during the rate computation process. A user may request that the designation be modified; however, no modifications to the designation assigned by staff will be considered by the District after June 1 for designations to be in effect for the following fiscal year. All requests shall follow the same process as established in Article VI, Section 2.

The attached *Table A* and *Table B* are used in the calculation of the Sewer Service Charge and are made a part of this Ordinance.

Section 3. Residential and Non-Residential Sewer Service Charge Computation. Residential and Non-Residential Sewer Service Charges shall be computed in accordance with this section.

- a. The **Residential Sewer Service Charge** shall be the product of the Residential Rate shown on *Table A* and the total number of residential dwelling units served. The number of dwelling units shall be in whole

numbers only and determined in accordance with Section 6 of Article III herein.

- b. **The Non-Residential Sewer Service Charge** shall be the product of the parcel-specific Water Use Datum and the applicable non-residential unit rate per 1,000 gallons of water used, as shown on *Table A*. Unit rates are a function of the “Strength Class” assigned to the parcel occupant based on loading parameter criteria shown on *Table B*.

For individual parcels with multiple non-residential occupants of varying strength classes, an overall Strength Class shall be determined by calculating the parcel’s flow-weighted average combined strength. A pro-rata apportionment of actual or estimated water use for each occupant, together with combined strength values for each occupant set forth in *Table B*, shall be used in the calculation.

If the calculated Sewer Service Charge for an individual parcel is less than the minimum annual charge shown on *Table A*, the minimum annual charge shall apply.

- c. **The Mixed-Use Sewer Service Charge** for parcels that have both residential and non-residential uses (mixed-use parcels) shall be the sum of the sewer service charges calculated for all residential and non-residential users. If separate water meters are not available, estimates of residential and non-residential water use may be used to calculate the applicable non-residential charges.

In the event that the District determines that the Sewer Service Charge for an individual non-residential or mixed-use parcel (calculated using the methodologies set forth in this Section 3) is not consistent with the actual wastewater volume or strength characteristics discharged, an alternate method may be used to calculate the appropriate Sewer Service Charge for that parcel.

ARTICLE V **Collection of Fees**

Section 1. Where applicable, and permitted by law, and if the Board elects to do so by resolution, the sewer service charge for each parcel may be placed on the County Tax Roll and collected with the County tax statements. If such an election is made and if an application for a connection to the District facilities is made after June 30th in any given year so as to be too late to be placed on next fiscal year tax

roll, then the applicable sewer service charge for the prorated balance of the fiscal year must be paid in full in advance at the time of making application.

All other sewer charges, the collection of which is not specifically prescribed in this Article, shall be due for payment for each fiscal year on the respective first day of July, but in no case shall payment be later than the date of December 10th of that Fiscal Year.

Section 2. The powers authorized by this Article shall be in addition to all other powers of the District authorized by the applicable provisions of the Health and Safety Code for the collection of Sewer Service Charges, none of which other powers are waived hereby.

Section 3. As an alternative to any other procedure provided for herein, the District may collect any delinquent sewer service charges and penalties thereon either by way of the County Tax Roll or by suit, in which event judgment for the District shall include the cost of suit and reasonable attorney's fees arising from such action.

ARTICLE VI **Relief**

Any person, who by reason of special circumstances, believes that the application of this Ordinance and regulations, as to that person, is unjust or inequitable, may make written application to the General Manager for relief. Said application shall set forth all of the special facts and circumstances and shall request the specific relief or modification desired. The General Manager, upon receipt of such application and after any investigation or analysis deemed necessary, may take action to grant relief. Said relief may be as requested by the applicant or in a form determined by the General Manager to be fair and equitable. The District may require an applicant to perform monitoring, sampling, analysis or other activities, at applicant's sole expense, to support or justify any requested relief.

If the applicant is not satisfied with the General Manager's determination, a hearing before the District Governing Board may be requested. The Board on its own motion and without an application, may, when special circumstances make the application of these rules and regulations a hardship or unjust or inequitable, modify or suspend the rules and regulations for the period during which the special circumstances exist.

ARTICLE VII

Lien

Section 1. The amount of unpaid sewer service charges plus penalties thereon shall constitute a lien upon the real property upon which such charges have been imposed as of noon on the first Monday in March of each year, and such lien shall continue until the charges and all penalties thereon are fully paid or the property sold therefore.

ARTICLE VIII

Findings and Determinations

Section 1. Based on the information presented to the Governing Board during the hearing at which this Ordinance is adopted, the Governing Board finds and determines as follows:

- a. The revenues derived from the sewer service rates and charges provided in this Ordinance do not exceed the amount required to provide the service for which the rates and charges are imposed.
- b. The revenues derived from the sewer service rates and charges shall be used in accordance with laws governing the District and shall not be used for any purpose other than that for which the rates and charges are imposed.
- c. The amount of the sewer service rates and charges imposed upon any parcel do not exceed the proportional cost of the service attributable to the parcel.
- d. Sewer service is actually used by or immediately available to the owners of parcels upon which the sewer service rates and charges are imposed.
- e. The sewer service rates and charges are imposed for the use of the District's sanitary sewer facilities and not for general governmental services.
- f. The District has complied with the procedural requirements of Section 6 ("Property Related Fees and Charges") of Article XIII D. of the California Constitution on enacting this Ordinance.

ARTICLE IX
Exemption From CEQA

Section 1. Pursuant to Section 21080(b)(8) of the Public Resources Code and 14 Cal. Code Regs. Section 15273(a), the Board finds and determines that: (a) the establishment of the charges, rates and fees imposed by this Ordinance are exempt from the requirements of the California Environment Quality Act (CEQA) for the reasons set forth in Section 21080 of the Public Resources Code; and (b) the charges, rates and fees adopted hereby are for the purposes set forth in the above-cited provisions.

ARTICLE X
Severability

Section 1. 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 XI
Publication and Effective Date

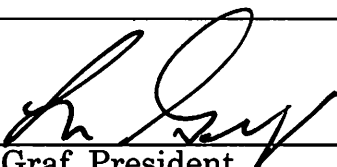
Section 1. This Ordinance shall be published or posted in accordance with California Health and Safety Code Section 6490 and shall be effective as of the expiration of the week of publication or posting as established either by a proof of publication from the newspaper in which this Ordinance or a summary 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 Governing Board of CARPINTERIA SANITARY DISTRICT this 7th day of June 2011 by the following vote:

AYES: Damron, Graf, Horwitz, Modugno, Moorhouse

NAYS: None

ABSENT: None



Lin Graf, President
Board of Directors
CARPINTERIA SANITARY DISTRICT



Jeff Moorhouse

Jeff Moorhouse, Secretary
Board of Directors

I, Jeff Moorhouse, Secretary of the CARPINTERIA SANITARY DISTRICT, hereby certify that the foregoing is a true copy of Ordinance No. 12 duly and legally adopted by the Governing Board of the District at a legal meeting of said body duly and specially held on June 7, 2011.

DATE CERTIFIED: June 7, 2011

**CARPINTERIA SANITARY DISTRICT
SEWER SERVICE RATE TABLE
TABLE A
ORDINANCE No. 12**

RESIDENTIAL SEWER SERVICE CHARGES					
	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16
Annual Charge Per Dwelling Unit	\$515.00	\$538.18	\$562.40	\$587.71	\$614.16

NON-RESIDENTIAL SEWER SERVICE CHARGES						
Strength Class	Combined BOD/TSS	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16
		Rate Per 1000 Gallons Water Used				
Low	< 380 mg/L	\$6.58	\$6.88	\$7.19	\$7.52	\$7.86
Medium Low	380 to 500 mg/L	\$7.23	\$7.56	\$7.91	\$8.27	\$8.65
Medium	501 to 710 mg/L	\$7.91	\$8.27	\$8.65	\$9.04	\$9.45
Medium High	710 to 1100 mg/L	\$8.51	\$8.90	\$9.31	\$9.73	\$10.17
High	1101 to 1700 mg/L	\$12.17	\$12.72	\$13.30	\$13.90	\$14.53
Very High	> 1700 mg/L	Individually Calculated				
MINMUM CHARGE PER PARCEL		\$515.00	\$538.18	\$562.40	\$587.71	\$614.16

NOTE: FY = fiscal year, from July 1 to June 30 of the subsequent year.

**CARPINTERIA SANITARY DISTRICT
SEWER SERVICE USER CLASS TABLE
TABLE B
ORDINANCE No. 12**

User Class	Description	BOD (mg/L)	TSS (mg/L)	Combined Strength (mg/L)
LOW STRENGTH USERS (<380 mg/L Combined Strength)				
G6	COMMERCIAL – Carwashes – Flat Rate	100	150	250
G3	COMMERCIAL – Laundromats	150	110	260
O9	INSTITUTIONAL – Public Assembly Facilities	130	200	330
P2	INSTITUTIONAL – Schools; Elementary/Jr. High	130	200	330
P4	INSTITUTIONAL – Schools; Colleges	130	200	330
P5	INSTITUTIONAL – Schools; Art/Trade	130	200	330
Q9	Miscellaneous Uses – Parking Lots	130	200	330
O2	INSTITUTIONAL – Nursing Homes	200	135	335
MEDIUM LOW STRENGTH USERS (380 to 500 mg/L Combined Strength)				
K1	COMMERCIAL - General Retail Stores	130	250	380
K2	COMMERCIAL - Retail Stores; Shopping Center	130	250	380
N1	INDUSTRIAL - Warehousing	130	250	380
O4	INSTITUTIONAL - Church/Lodges w/o Kitchens	130	250	380
O6	INSTITUTIONAL - Library/Museums	130	250	380
O7	INSTITUTIONAL - Public Building (Firehouse, Post Office)	130	250	380
O8	INSTITUTIONAL - Utility/Transportation Facilities	130	250	380
Q5	Miscellaneous Uses - Park & Open Spaces	200	200	400
G2	COMMERCIAL - Shoe/Appliance/Other	130	280	410
K7	COMMERCIAL - Auto/Boat Sales/Service	130	280	410
M2	ADMINISTRATIVE - Professional; Business Offices	130	280	410
M3	ADMINISTRATIVE - Professional; Financial	130	280	410
M4	ADMINISTRATIVE - Professional; Utility Offices	130	280	410
K3	COMMERCIAL - Heating/Plumbing/Welding Shops	130	300	430
K4	COMMERCIAL - Lumber/Hardware/Home Improvement	130	300	430
K5	COMMERCIAL - Major Appliance/Furniture	130	300	430
K6	COMMERCIAL - Retail Nursery/Gardener Shops	130	300	430
N3	INDUSTRIAL - Business Park	130	300	430
N5	INDUSTRIAL - Auto Assembly/Bodyshops	150	280	430
N6	INDUSTRIAL - Machine Shop	150	280	430
N8	INDUSTRIAL - Oil Related Industry	180	250	430
H1	COMMERCIAL - Bars w/o Food Service	200	240	440
L3	COMMERCIAL - Entertainment; Theaters	200	250	450
L4	COMMERCIAL - Entertainment; Health Club	200	250	450
P1	INSTITUTIONAL - Schools; Nurseries	200	250	450
G4	COMMERCIAL - Photo/Photo Finish	250	210	460
G5	COMMERCIAL - Service Station w/o Carwash	180	280	460

**CARPINTERIA SANITARY DISTRICT
SEWER SERVICE USER CLASS TABLE
TABLE B
ORDINANCE No. 12**

User Class	Description	BOD (mg/L)	TSS (mg/L)	Combined Strength (mg/L)
MEDIUM LOW STRENGTH USERS CONT. (380 to 500 mg/L Combined Strength)				
G7	COMMERCIAL - Photocopy/ Print Shops	250	210	460
G1	COMMERCIAL - Barber Shops/Beauty Salons	200	280	480
M1	ADMINISTRATIVE - Professional; Medical	200	280	480
K8	COMMERCIAL - Mixed Uses	200	300	500
K9	COMMERCIAL - Misc.	200	300	500
MEDIUM STRENGTH USERS (501 - 710 mg/L Combined Strength)				
N2	INDUSTRIAL - Research & Development	250	300	550
G8	COMMERCIAL - Dry Cleaners	450	110	560
I1	COMMERCIAL - Motels/Hotels 0-24 Rooms	250	400	650
I2	COMMERCIAL - Motels/Hotels 25-75 Rooms	250	400	650
I3	COMMERCIAL - Motels/Hotels 76-125 Rooms	250	400	650
I4	COMMERCIAL - Motels/Hotels Greater than 125 Rooms	250	400	650
Q6	Miscellaneous Uses - Recreational Vehicle Parks	310	400	710
MEDIUM HIGH STRENGTH USERS (711 to 1100 mg/L Combined Strength)				
N4	INDUSTRIAL - Manufacturing/Assembly	150	600	750
J1	COMMERCIAL - Retail Convenience Food Stores	250	640	890
O3	INSTITUTIONAL - Church/Lodges w/Kitchens	250	640	890
H2	COMMERCIAL - Bars w/ Food Service	450	640	1090
HIGH STRENGTH USERS (1101 to 1700 mg/L Combined Strength)				
J2	COMMERCIAL - Retail Food Stores w/ meat grinder < 5000 s.f.	600	900	1500
J3	COMMERCIAL - Retail Food Stores w/ meat grinder > 5000 s.f.	600	900	1500
J4	COMMERCIAL - Retail Food Stores w/o meat grinder	600	900	1500
H3	COMMERCIAL - Sit-down Restaurant < 1000 s.f.	825	775	1600
H4	COMMERCIAL - Sit-down Restaurant 1000-2000 s.f.	825	775	1600
H5	COMMERCIAL - Sit-down Restaurant > 2000 s.f.	825	775	1600
H6	COMMERCIAL - Fast Food Restaurant	825	775	1600
J5	COMMERCIAL - Retail Bakery	700	1000	1700

LEGEND

BOD = biochemical oxygen demand

TSS = total suspended solids

mg/L = milligrams per liter (parts per million)