

ORDINANCE NO. 17

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; AND AUTHORIZING THE COLLECTION OF RATES AND CHARGES ON THE TAX ROLL OF THE COUNTIES OF SANTA BARBARA AND VENTURA

The Governing Board Of The Carpinteria Sanitary District Does Ordain As Follows:

SECTION 1: *Recitals.* The Board of Directors finds and declares as follows:

A. The Board of Directors (“Board”), in accordance with applicable law (including, without limitation, Health and Safety Code §§ 5471 and 6520.5) desires to amend and update its ordinance(s) governing the adoption and collection of sewer service rates and charges;

B. The Board desires to supersede inconsistent regulations in previously adopted sewer service charge ordinances and specific sections of the District Code;

ARTICLE I General Provisions

Section 1. Enabling Authority. This Ordinance is adopted pursuant to Health and Safety Code §§ 5470, *et seq.* and Health and Safety Code §§ 6400, *et seq.*

Section 2. Application. This Ordinance applies to all natural and corporate persons utilizing the Carpinteria Sanitary District’s wastewater facilities.

Section 3. Purpose. The purpose of this Ordinance is to establish rates and charges for using the District’s wastewater facilities (as distinguished from the fees charged for connecting to said facilities, permit processing, annexation, etc.).

Section 4. Basis For Rates and Charges. This Ordinance relies upon the calculations and assumptions set forth in a report entitled “Wastewater Rates and Fees Study Report,” dated March 2022, which is incorporated by reference as if fully set forth.

ARTICLE II Supersession of Previous Ordinance

Section 1. Supersession of Ordinance No. 15. Ordinance No. 15, dated June 6, 2017, is superseded in its entirety.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 remain unchanged and in full force and effect.

ARTICLE III
Definitions

Section 1. Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this Ordinance. Words and phrases not defined by this Ordinance have the meaning set forth in applicable law or common usage.

“Calendar year” means the period from January 1st through December 31st, inclusive, of any given year.

“Residential use” means all buildings (structures) suitable and intended for use as a dwelling unit. Such buildings include, without limitation, single family dwellings, residential condominiums, multi-family (apartments and duplexes) dwellings, mobile homes, junior accessory dwelling units, accessory dwelling units and similar residential dwelling units. Residential uses do not include boarding houses, lodging houses, hotels, motels, retirement homes, hospitals, nursing facilities, or any publicly owned (State, City, County, or District) parks.

“Non-Residential” use means any use not defined as “residential use.”

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

“Dwelling unit” means any structure meeting any of the following criteria:

- 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.

“Low Pressure User” means a customer within a neighborhood served by a low pressure sewer system whose parcel has a District-owned grinder pump, tank, control panel, valve kit and other appurtenances necessary for conveyance of wastewater from the property to the public sewer system. These facilities are generally located within an easement on the parcel and the property owner is subject to the terms of a mandatory user agreement.

“Kitchen” means a room, all or part of which is designed, built, equipped, used, or intended to be used for the cooking of food.

“Parcel” means a portion of real property identified by the Santa Barbara or Ventura County Assessor’s office, is assigned an Assessor's Parcel Number, and is connected directly or indirectly to the District's facilities.

“Water Use Data” means the average potable water use calculated by using the most recent three full calendar years of water use history as measured by the water utility providing potable 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 Data are determined as follows:
 1. If less than one full calendar year of water use history is available, the Water Use Data may 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 Data are 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 Data are determined by calculating the average annual water use from the two full calendar years of water use history available.
- b. Should land use on a parcel change and the District expects the new land use to use significantly less water, the Water Use Data will be adjusted once a minimum of one full calendar year of water history is available for the new user, or at the reasonable 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 Data.
- 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 Data may be adjusted once a minimum of one full calendar year of water history is available for the new user, or at the reasonable discretion of the District General Manager based on actual water use data.

“Return rate” means the percentage of total water used by a parcel that is discharged into the District's wastewater 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 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 will 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. The District General Manager may exercise reasonable discretion in determining whether to approve such a calculation based evidence provided. The District may require flow monitoring, sub-metering or other appropriate methods of determining the applicable return rate, and such activities must be conducted at the user’s sole expense. If approved, the District will apply an adjustment factor to reflect a return rate lower than 90 percent.

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

“Strength Class” means a category of relative wastewater strength determined from expected concentrations of biochemical oxygen demand (“BOD”) and total suspended solids (“TSS”) as explained below. Strength Class is assigned to non-residential users based on the sum of expected BOD and TSS concentrations in milligrams per liter (mg/L) in wastewater for a particular use type, and is determined 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, City of Los Angeles and Los Angeles County Sanitation District 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 imposed upon all users utilizing the wastewater facilities of the District or which otherwise discharge wastewater 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 established by the District. Sewer Service

Charges are recomputed annually for each parcel. The rate system utilizes actual water use data and strength 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, including a surcharge for low pressure sewer users, and 2) non-residential rates based on water use and strength class. (See *Table A*, attached and incorporated by reference)
- 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 and incorporated by reference)

District staff will annually establish the "Strength Class" designation for all users during the rate computation process. A user may request that the designation be modified. No modifications to the designation assigned by staff may be considered by the District after June 1 for designations to be in effect for the following fiscal year. All requests must follow the same process as established above.

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 are computed in accordance with this section.

- a. The **Residential Sewer Service Charge** is the product of the Residential Rate shown on *Table A* and the total number of residential dwelling units served. The number of dwelling units must be in whole numbers only and calculated by dwelling unit.
- b. The **Non-Residential Sewer Service Charge** is the product of the parcel-specific Water Use Data 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 is calculated by 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*, is 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 applies.

- c. The **Mixed-Use Sewer Service Charge** for parcels that have both residential and non-residential uses (mixed-use parcels) is 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.

- d. The **Low Pressure Sewer User Surcharge** is applied on a per parcel basis to those residential properties that have a grinder pump, tank, control panel and related appurtenances that are owned and maintained by the District. The surcharge is intended to cover the higher cost of providing service to properties served by a low pressure sewer system versus those that have no District-owned facilities on private property.

In the event that the District determines that the Sewer Service Charge for an individual non-residential or mixed-use parcel 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, are due for payment for each fiscal year on the respective first day of July, but in no case may payment be later than the date of December 10th of that fiscal year.

Section 2. The powers authorized by this Article are 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 may include the cost of suit and reasonable attorney's fees arising from such action and interest at the statutory rate.

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 must set forth all of the special facts and circumstances and 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 dissatisfied 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 constitutes 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 continues until the charges and all penalties thereon are fully paid or the property sold therefore. The District General Manager is authorized to promulgate administrative policies and procedures allowing the District to collect a security deposit from tenants of real property utilizing wastewater services from the District or, upon written permission from the owner, require that tenants be placed on the owner's account in conformance with Public Utilities Code § 10009.6(b).

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 may be used in accordance with laws governing the District and may 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 wastewater facilities and not for general governmental services.
- f. The District 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
Miscellaneous

Section 1. CEQA. This Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and CEQA Guidelines (14 California Code of Regulations §§ 15000, et seq.) because it establishes fees and charges for the purpose of obtaining funds for capital projects necessary to maintain service within existing service areas. This Ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines § 15273.

Section 2. Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the Governing Board intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

Section 3. Validity of Previous Code Sections. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any supersession of a regulation by this Ordinance will be rendered void and cause such superseded provision or other regulation to remain in full force and effect for all purposes.

Section 4. Judicial Challenge. Any judicial action or proceeding to attack, review, set aside, void or annul this Ordinance must be commenced within the time and manner set forth in Government Code § 66022.

Section 5. Publication. This Ordinance will be published one time as required by Section 6490 of the Health and Safety Code and becomes effective as of the expiration of the week of publication as established either by a Proof of Publication from the newspaper in which this Ordinance was published, or by a subsequent Order of the Governing Board that publication was properly made.

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PASSED AND ADOPTED by the Governing Board of CARPINTERIA SANITARY DISTRICT this 7th day of June 2022 by the following vote:

AYES:

NAYS:

ABSENT:

Lin Graf, President
Board of Directors
CARPINTERIA SANITARY DISTRICT

ATTEST:

Michael Damron, Secretary
Board of Directors
CARPINTERIA SANITARY DISTRICT

I, Michael Damron, Secretary of the CARPINTERIA SANITARY DISTRICT, hereby certify that the foregoing is a true copy of Ordinance No. 17 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, 2022.

DATE CERTIFIED: June 7, 2022

**CARPINTERIA SANITARY DISTRICT
SEWER SERVICE RATE TABLE
TABLE A
ORDINANCE No. 17**

RESIDENTIAL SEWER SERVICE CHARGES					
	FY 2022/23	FY 2023/24	FY 2024/25	FY 2025/26	FY 2026/27
Annual Charge Per Dwelling Unit	\$754.72	\$777.37	\$800.70	\$824.73	\$849.48

LOW PRESSURE SEWER USER SURCHARGE					
	FY 2022/23	FY 2023/24	FY 2024/25	FY 2025/26	FY 2026/27
Annual Surcharge Per Parcel	\$265.31	\$273.27	\$281.47	\$289.92	\$298.62

NON-RESIDENTIAL SEWER SERVICE CHARGES						
Strength Class	Combined BOD/TSS	FY 2022/23	FY 2023/24	FY 2024/25	FY 2025/26	FY 2026/27
		Rate Per 1000 Gallons Water Used				
Low	< 380 mg/L	\$11.65	\$12.00	\$12.36	\$12.74	\$13.13
Medium Low	380 to 500 mg/L	\$12.61	\$13.00	\$13.39	\$13.80	\$14.22
Medium	501 to 710 mg/L	\$12.83	\$13.22	\$13.62	\$14.03	\$14.46
Medium High	711 to 1100 mg/L	\$14.40	\$14.84	\$15.29	\$15.75	\$16.23
High	1101 to 1700 mg/L	\$18.20	\$18.75	\$19.32	\$19.90	\$20.50
Very High	> 1700 mg/L	Individually Calculated				
MINMUM CHARGE PER PARCEL		\$754.72	\$777.37	\$800.70	\$824.73	\$849.48

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. 17**

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
User	Description	BOD	TSS	Combined

**CARPINTERIA SANITARY DISTRICT
SEWER SERVICE USER CLASS TABLE
TABLE B
ORDINANCE No. 17**

Class		(mg/L)	(mg/L)	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)