

**GOLETA WEST SANITARY DISTRICT
ORDINANCE NO. 63**

**AN ORDINANCE ESTABLISHING FEES AND CHARGES
FOR SEWER SERVICE IN THE GOLETA WEST
SANITARY DISTRICT**

The Board of Directors of the Goleta West Sanitary District does hereby ordain as follows:

Section 1. The following ordinance is adopted.

TABLE OF CONTENTS

ARTICLE I. FEES AND CHARGES	1
1.01. Fees and Charges, Schedule of Fees and Charges.....	1
1.02. Annexation Charge.....	1
1.03. Permit Processing Fee.	2
1.04. Capacity Charge.	2
1.05. Inspection Fees.....	2
1.06. Plan Check Fees.....	2
1.07. Industrial Wastewater Permits Fees.....	3
1.08. Costs of Laboratory Analysis	3
1.09. Annual Sewer Service Charges.....	3
1.10. Sewer Service Charges For Connections Not In District.	4
ARTICLE II. BILLING.....	4
2.01. Collection of Sewer Service Charges on Tax Roll.	4
2.02. Not on County Assessment Roll.	4
2.03. Manual Billings.	4
2.04. Filing of Report.....	4
2.05. Disposition of Fees.....	4
ARTICLE III. REFUNDS.....	5
3.01 Refunds.....	5

ARTICLE I. FEES AND CHARGES

1.01. Fees and Charges, Schedule of Fees and Charges.

All fees, connection charges, and other charges imposed by the District shall be paid and complied with in the manner provided in this ordinance. The Board may by ordinance approved by a two-thirds vote of the members of the Board adopt and, from time to time, amend a schedule of fees and charges setting forth current fees and charges.

1.02. Annexation Charge.

(a) *Annexation Charge.* Any person who seeks to have land annexed into the District by requesting annexation is required to pay an annexation charge. The amount of the fee is as set forth in the District’s schedule of fees and charges. The Board shall not annex the property into the District until the appropriate annexation fee is paid.

(b) *Terms and Conditions.* The payment of the annexation charge shall be fixed by the Board as a condition upon which such annexation shall be made, in the manner provided by law. However, nothing contained in this section shall be construed to limit such additional terms

and conditions that may be imposed on annexations as are now or may hereafter be authorized by law.

(c) *Special or Unusual Factors.* At the time of hearing upon the proposed terms and conditions of any annexation, the Board may, upon finding that there are special or unusual factors involved in the pertinent annexation, increase, decrease, or defer payment of all or a portion of the annexation charge to an amount or time or event that will in the discretion of the Board properly compensate the District and properly charge the land to fit those special or unusual factors.

1.03. Permit Processing Fee.

Any person who applies for any permit from the District shall pay a permit processing fee in the amount set forth in the District's schedule of fees and charges. The fee shall be paid at the time of application.

1.04. Capacity Charge.

(a) Any person who seeks to connect to the District's sewer facilities by applying for a sewer connection permit is required to pay a capacity charge. A sewer connection permit shall not be issued until the appropriate capacity charge has been paid. The following capacity charges are hereby established and imposed on the issuance of a connection permit.

(1) *Single-Family Residential.* The capacity charge for each single-family residence shall be as set forth in District's schedule of fees and charges.

(2) *Multiple-Family Residential.* The capacity charge for each multiple family residence shall be as set forth in District's schedule of fees and charges.

(3) *Commercial, Industrial, Institutional, Dormitory, and Miscellaneous.* The capacity charge for each commercial, industrial, institutional, dormitory, and miscellaneous connection shall be as set forth in the District's schedule of fees and charges.

1.05. Inspection Fees.

Any person who seeks to connect to the District's sewer facilities by applying for a sewer connection permit is required to pay an inspection fee in accordance with the District's schedule of fees and charges. A sewer connection permit shall not be issued until the inspection fee has been paid.

1.06. Plan Check Fees.

(a) *Construction of Public Sewer.* Persons who seek to construct public sewers by applying for a public sewer construction permit are required to pay plan check fees in accordance with the District's schedule of fees and charges.

(b) *Connection to Public Sewer.* Persons who seek to connect to the District's sewer facilities by applying for a sewer connection permit, or who otherwise submit plans to the District for its review shall pay a plan check fee in accordance with the District's schedule of fees and charges.

1.07 Industrial Wastewater Permits Fees.

(a) *Fee.* Any person who applies for an industrial wastewater discharge permit, pursuant to Ordinance No. 61, shall pay the appropriate industrial wastewater discharge permit fee as set forth in the District's schedule of fees and charges. An Industrial Wastewater Permit shall not be issued until the appropriate fees have been paid.

(b) *Use of Proceeds from Fees.* Revenues derived from permits required by this ordinance shall be used to defray the District's cost of conducting the source control program and Industrial Wastewater Discharge Permit System.

1.08. Costs of Laboratory Analysis

The costs of laboratory analysis to establish a user's compliance with its discharge limits under its industrial wastewater discharge permit shall be billed to the user sampled.

1.09. Annual Sewer Service Charges.

(a) *Establishment.* There is hereby established an annual service charge as set forth in the District's schedule of fees for use of the sewers of the District.

(b) *Residential Uses.* Sewer service charges for residential uses may be based on the number of dwelling units, as that term is defined in the Santa Barbara County Zoning Ordinance. Residential uses include single family residences, condominiums, mobile home spaces, apartments, trailers, duplexes, triplexes and all other residential uses with sanitary facilities and one kitchen provided in the unit, but do not include boarding or lodging houses, dormitories, and hotels.

(c) *Based on Water Usage.* Water usage figures shall be derived from the water consumption on the premises during the most recent full year of water service. For premises with no water consumption history, the General Manager shall estimate water usage based on similar uses of similar sizes. Where a parcel has several different uses and the uses are not individually metered for water service, the charge for the parcel shall be based on the use with the highest incremental charge. Where a parcel does not have a water meter, the General Manager shall estimate the water usage on the parcel based on similar properties and uses.

(d) *Special Circumstances.* Where sewer service charges are based on water usage, the District recognizes that special circumstances, such as a customer's use of water for irrigation or cooling purposes, may justify a District determination that a sewer service charge may require reduction. In making such a determination, the District will consider evidence presented by a customer that a portion of its water use is unrelated to discharges into the sewer system, along with other relevant information.

(e) *Temporary Sewer Service Charges.* In the event that the District permits a one-time discharge or temporary discharges into the District's sewer facilities, the District shall impose a sewer service charge based on the General Manager's estimate of the amount of such discharge or discharges and his or her estimate of the strength of the discharge or discharges. The General Manger shall calculate such temporary or special sewer service charge or charges to be reasonably consistent with the amount of an increment of an annual sewer service charge with the same strength characteristics.

1.10. Sewer Service Charges For Connections Not In District.

The sewer service charge imposed upon connections located outside of the boundaries of the District shall be as negotiated by each contract.

ARTICLE II. BILLING

2.01. Collection of Sewer Service Charges on Tax Roll.

The District hereby elects to have the sewer service charges set forth in Section 1.9 of this ordinance 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. This election shall remain in full force and effect so long as this provision of this ordinance remains in effect.

2.02. Not on County Assessment Roll.

The charge imposed upon each parcel of real property located within the boundaries of the District and attached to the facilities of the District, but not carried upon the County Assessment Roll for the purpose of ad valorem taxes, shall be calculated according to the District's schedule of fees and charges.

2.03. Manual Billings.

(a) *Bills Authorized.* Whenever an annual sewer service charge levied pursuant to Section 1.9 of this Ordinance cannot be collected by the County Tax Collector of Santa Barbara County, the Manager is hereby authorized to send a bill for the said charge to the owner of the property charged.

(b) *Delinquent and Unpaid Charges.* Charges are due on the date mailed and become delinquent when they remain unpaid for a period of 60 days.

(c) *Penalty for Nonpayment.* If charges are not paid when due, there shall be added thereto the same delinquency penalty and interest as charged by the County for delinquent taxes.

(d) *Collection.* Where charges remain delinquent and unpaid on July 1, delinquent and unpaid charges, penalties, and interest may be added to the following year's tax bill associated with the property. Such charges may also become a lien on the property. (*Authority:* Cal. Gov't Code, §§ 6520.10, 6520.11, 6520.11.)

2.04. Filing of Report.

The Manager of the District shall annually prepare a report in accordance with California Health and Safety Code Section 5473.1, 5473.2, and 5473.4 (as now in existence or as hereinafter amended), and file the same with the Auditor of the County of Santa Barbara as required therein.

2.05. Disposition of Fees.

All fees collected on behalf of the District shall be deposited with the proper authority provided by the District to receive such funds.

ARTICLE III. REFUNDS

3.01 Refunds.

The Board is authorized to approve a request for a refund submitted by any person who has paid a fee or charge to the District upon a finding that the fee or charge was not required to be paid under the District's ordinances, resolutions or rules and regulations. The Board may adopt procedures for the approval of refunds.

Section 2. Publication. Upon adoption, this ordinance shall be entered in the minutes of the Board and either posted for one week in three public places in the District or published as required by law, and shall take effect upon expiration of the week of such publication or posting. If published, the General Manager shall prepare a summary of the ordinance for publication; the summary shall include the names of those board members voting for and against the ordinance.

Section 3. Severability. If any section, sub-section, sentence, clause or phrase of this ordinance or the application thereof to any person or circumstance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance or the application of such provisions to other persons or circumstances. The Board hereby declares that it would have passed this ordinance or any section, sub-section, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared to be unconstitutional.

PASSED and ADOPTED by the Board of Directors of the Goleta West Sanitary District on the 22nd day of February 2000.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

Diane Powers, Secretary

(SEAL)

Kenneth Hendrickson, President