

CHAPTER 7

FEES, RATES, CHARGES AND OTHER FINANCIAL MATTERS

7.1 PURPOSE

This Chapter promulgates regulations governing fees, rates and charges imposed and collected by the District as authorized by the Act and other applicable provisions of law. This Chapter also makes provision for other related financial matters affecting the District and its constituents. Its purpose includes the provision for the recovery of costs from Users of the District's Wastewater disposal system. The applicable charges or fees shall be set forth in the District's Schedules of Charges and Fees which shall be reviewed annually and revised prior to July 1, unless otherwise determined by the Board. (Ord. No. 2010-103) (Ord. No. 2018-121)

7.2 SEWER SERVICE CHARGES

7.2.1 Authority.

Pursuant to California Health and Safety Code Sec. 6520.5, a provision of the Sanitary District Act of 1923, the District elects to impose charges for sewer use hereafter referred to as "Sewer Service Charges". (Ord. No. 2010-103) (Ord. No. 2013-111)

7.2.1.1 Collection of Sewer Service Charges on County Tax Bills.

Pursuant to Health & Safety Code Sec. 5473 et. seq. the District may elect to collect Sewer Service Charges annually through the County Tax Collector at the same time and by the same persons that collect ad valorem real property taxes. (Ord. No. 2010-102) (Ord. No. 2013-111)

7.2.1.2 Customers Subject to Charge.

The owners of all premises connected to the District's Wastewater system and of all premises that are able to connect to the system are subject to Sewer Service Charges. Owners of premises that are unable to be connected to the system are exempt from Sewer Service Charges. It is the sole responsibility of the premise's owner to notify the District in writing of the grounds for any claimed exemption. (Ord. No. 2010-103) (Ord. No. 2013-111)

7.2.2 Annual Charge.

The annual Sewer Service Charge shall be imposed on a fiscal year basis commencing on July 1 of the calendar year in which the fiscal year begins, and ending on June 30 of the next calendar year. (Ord. No. 2010-103)

7.2.3 Penalties for Delinquencies.

See Section 7.20. (Ord. No. 2010-103) (Ord. No. 2013-111)

7.2.4 Basis of Residential Sewer Service Charge.

According to the Final 2023 Sewer Service Charges Study prepared by Municipal Financial Services dated March 2023 (the “Sewer Service Charge Study”), the average flow and strength of the discharge from a single family residence within the District is as follows:

Flow	150 gallons per day (gpd)
BOD	287 milligrams per liter (mg/l)
TSS	287 mg/l

The average flow from an apartment within the District is 75% of this flow or 113 gallons per day. Average BOD and TSS for an apartment is approximately the same as for a single family residence.

It is fair, reasonable and lawful to charge single family residential users for Wastewater services based upon a flat rate because the differences in usage between one residential customer and another are relatively insignificant when consideration is given to the administrative burden and expense that would be required to conduct a usage-based system. Also, a flat-rate charge system for residential users is reasonable because there is no practical means to directly measure actual sewer use. Therefore, any usage-based system is at best an estimate of actual flows derived from factors which in a residential setting do not ensure that the usage-based charges will be significantly more accurate than a flat-rate charge. The flat-rate charge system achieves substantial proportionality of use on a District-wide basis. It is also reasonable according to the Sewer Service Charge Study to charge apartments a flat-rate equal to 75% of the flat-rate charge for single family residences. (Ord. No. 2010-103) (Ord. No. 2017-120) (Ord. No. 2018-121)

7.2.5 Basis of Non-Residential Sewer Service Charge.

Each non-residential Sewer Service Charge is based on Flow, Biological Oxygen Demand (BOD), and Total Suspended Solids (TSS) contribution in relation to the average flow discharged from a residential unit. (Ord. No. 2010-102).

7.2.5.1 Rate Based on Average Strength of Domestic Wastewater. Each User, not required to obtain a Wastewater Contribution Permit, shall pay the applicable charge as established by the District and set forth in the District’s schedule of Sewer Service Charges. This charge rate shall be determined by multiplying the User classification charge by the determined Wastewater volume. The District may elect to apply a fixed

unit charge as set forth in Table 7-1 Sewer Service Charges and Fees for certain User classifications based on Wastewater constituents and characteristics. For the purpose of determining Sewer Service Charge rates the minimum charge shall be based upon a typical average strength of domestic Wastewater, or:

Flow	150 gpd
BOD	287 mg/l
TSS	287 mg/l

(Ord. No. 93-69, Sec. 3.2.4, rev. Ord. No. 2013-111) (Ord. No. 2018-121___)

7.2.5.2 Highest Rate Governs.

Where multiple non- residential establishments with a different strength sewage are serviced by a single public meter and the User has not provided and obtained approval of the District with a report as described in Section 7.2.6.2 (c), or unless the Owner has entered into a Private Meter Agreement as set forth in Section 7.2.5.4, the District shall base the charge the highest fixed unit rate. (Ord. No. 2013-111)

7.2.5.3 Minimum Charge.

Users who are issued a Wastewater Contribution Permit under the provisions of this Ordinance shall pay a Sewer Service Charge determined by multiplying the charge for each Wastewater constituent and characteristic by the volume of water discharged. No User shall pay less than the minimum residential User charge. In addition, Users who are issued a Wastewater Contribution Permit shall pay the fees and charges of Section 7.15 of this Chapter. (Ord. No. 93-69, Sec. 3.2.4)

7.2.5.4 Private Meter Agreement.

When multiple non-residential establishments with different strength sewage are served by a single public potable water meter, the Owner may install at the Owner's expense, a submeter or meters of a type and at a location(s) approved by the District. Private meters shall be installed in such a manner as to clearly differentiate between or among the quantities discharged by each establishment according to strength of sewage and Sewer Service Charge rate. Such meter(s) shall be tested for accuracy at the expense of the User when deemed necessary by the General Manager. (Ord. No. 2013-111)

A Private Meter Agreement shall be entered into by property owner with the District in a form approved by the General Manager. The initial cost and minimum annual charge for development and annual administration of a Private Meter Agreement shall be the actual costs incurred by the

District. The District's annual charge to administer Private Meter Agreements shall not be less than the amount shown in Table 7-1. (Ord. No. 2010-102). The form of the agreement shall be prescribed by the General Manager. The Owner shall pay all costs required for the preparation and administration of the agreement and for reading, recording and submitting sub-meter readings in a form and frequency required by the General Manager. The Private Meter Agreement shall be recorded in the office of the County Recorder. (Ord. No. 2013-111)

7.2.6 Wastewater Volumes.

7.2.6.1 Non-Residential Wastewater Volume for Each Fiscal Year (July through June).

The Sewer Service Charge for each non-residential water user for each fiscal year shall be based on the volume of Wastewater that was determined for that user for the previous fiscal year. (Ord. No. 2010-103)

7.2.6.2 Users With Metered Source Water Supply.

Sewer Service Charges and Fees for Non-Domestic waste discharges shall be applied against the total amount of water used from all sources unless, in the opinion of the District, significant portions of water received are not discharged to a Community Sewer. The total amount of water used from public and private sources will be determined by means of public meters or by private meters as described in Section 7.2.6.2 (a). (Ord. No. 93-69, Sec.3.2.1) (Ord. No. 2013-111)

a) Agreement for Diverted Water based on Private Meters.

For Users where, in the opinion of the General Manager, a significant portion of the water received from any metered source does not flow into the Community Sewer because of the principal activity of the User or removal by other means, the Sewer Service Charges and fees will be applied against the volume of water discharged from such premises into the Community Sewer. (Ord. No. 93-69, Sec.3.2.1)

Written notification and proof of the diversion of water must be provided by the User to avoid the application of the Sewer Service Charges against the total amount of water used from all sources. The User may install a meter or meters at the User's expense of a type and at a location approved by the District. Such meter or meters may measure either the amount of sewage discharged or the amount of water diverted. Such meter(s) shall be tested for accuracy at the expense of the User when deemed necessary by the General Manager. (Ord. No. 93-69, Sec. 3.2.2)

The owner may enter into a Private Meter Agreement with the District. The Private Meter Agreement shall be approved by District Board and recorded with the County Recorder. All costs associated with the installation of the private meters, preparation of the Agreement and Exhibits, reading and recording of meter readings and annual administration of the Agreement shall be paid by the Owner. At the Owner's request the District's cost to prepare and administer the Agreement may be added to the annual Sewer Service Charge collected with the County Taxes. The District's minimum annual charge to administer Private Meter Agreements shall be the actual costs incurred by the District or the amount shown in Table 7-1, whichever is greater. (Ord. No. 2013-111)

- b) Agreement for Diverted Water based on Engineer's Report.
For Users who, in the opinion of the General Manager, divert a significant portion of their flow from a community sewer, the Sewer Service Charge may be based upon a written report prepared by a licensed California professional engineer acceptable to the District and retained by the Owner containing an estimate of the Wastewater volume. The report must include the method and calculations used to determine the Wastewater volume and may consider such factors as the number of fixtures, seating capacity, population equivalents, annual production of goods and services, or such other determinations of water use necessary to estimate the Wastewater volume discharged. The report is subject to approval by the District Board upon the recommendation of the District Engineer. Subject to approval of the report, the Owner shall be required to enter into an Agreement with the District which establishes the requirements for the Engineer's Report and for submitting annual updates to the District Engineer. The Agreement shall be recorded at the discretion of the District. (Ord. No. 93-69, Sec. 3.2.3) (Ord. No. 2013-111)
- c) Unmetered Water.
For Users where, in the opinion of the General Manager, it is unnecessary or impractical to install meters, the quantity of Wastewater may be based upon an annual report prepared by a licensed professional engineer retained by the Owner and approved by the District Board upon the recommendation of the District Engineer which sets forth an estimate of Wastewater volume discharge. The report must be submitted on or before June 1 of each year. This estimate shall be based upon a rational determination of the Wastewater discharged and may consider such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services or such other determinants of water use necessary estimate the Wastewater

volume discharged. (Ord. No. 93-69, Sec. 3.2.3, rev. Ord. No. 2013-111)

7.2.7 Schedule of Sewer Service Charges And Fees.

The Sewer Service Charges are set forth in Table 7-1 are described as follows:

7.2.7.1 Residential Sewer Service Charge.

Each single family residential dwelling unit (includes a duplex, triplex, fourplex, combination single and a double, accessory dwelling unit) shall pay the pre-established monthly Sewer Service Charge established by the District's Board of Directors for an EDU. Each apartment shall pay the pre-established annual Sewer Service Charge established by the District's Board of Directors for an "Apartment". (Ord. No. 2010-102, rev. Ord. No. 2013-111) (Ord. No. 2018-121) (Ord. No. 2018-125)

7.2.7.2 Commercial Charge.

Types of commercial uses are shown with their pre-established charge rates per hundred cubic feet of water use. (Ord. No. 2010-102, rev. Ord. No. 2013-111)

7.2.7.3 Industrial Charge.

Upon application, as determined by the District Engineer, based upon Flow, Bio-Chemical Oxygen Demand and Suspended Solids Contribution in relation to the average flow discharged from a residential unit. (Ord. No. 2010-102)

7.2.7.4 Institutional Charge.

Types of institutional uses are shown with their pre-established charge rates per hundred cubic feet of water use. (Ord. No. 2010-102, rev. Ord. No. 2013-111)

7.2.7.5 Minimum Charge.

No User shall pay less than the minimum annual residential user charge. (Ord. No. 2010-102, rev. Ord. No. 2013-111)

7.2.7.6 Private Meter Agreement Fee.

The minimum charge for the District's cost incurred in the administration of a private or other meter agreement shall be the actual costs incurred by the District or the minimum amount established by the District's Board of Directors, whichever is greater. (Ord. No. 2010-102, rev. Ord. No. 2013-111)

7.2.7.7 Vacancies.

No credit, adjustment or refund shall be made to any customer because the premises or any portion of them are vacant, unless the premises are disconnected from the District's Wastewater System. (Ord. No. 2010-103)

7.2.7.8 No Subsidized Users.

No premises or customers shall be provided District Wastewater services without charge or at a reduced charge. (Ord. No. 2010-103)

7.2.7.9 Person Responsible.

The Owner is responsible for payment of all Sewer Service Charges applicable to the property. It is the duty of the Owner to ascertain from the District the amount and due date of any charge applicable to the property and to pay the charge when due. It is also the duty of the Owner to inform the District immediately of all pertinent circumstances and/or change in any circumstances which will affect the applicability of a charge to the Owner's property or the amount of any such charge. (Ord. No. 2010-103)

7.2.7.10 Swimming Pools, Spas and Fountains.

The draining of water from swimming pools, spas and/or fountains to the sanitary sewer shall be conducted in accordance with Wastewater contribution permit issued by the District. The discharge shall be controlled with a valve and/or the use of an approved temporary connection such as a hose into a sanitary sewer clean-out. See Table 7-1 for any applicable Fee. (Ord. No. 2012-107, rev. Ord. No. 2013-111)

7.2.8 Collection of Sewer Service Charges on Tax Roll.

7.2.8.1 Collection with Property Taxes.

Pursuant to the provisions of Sec. 5473.5 through 5473.11 of the Health and Safety Code, but subject to the provisions of this Section, the District elects, as the primary procedure for the collection of Sewer Service Charges prescribed or imposed by the provisions of this Code, to have Sewer Service Charges for each fiscal year collected on the tax roll of the County of Contra Costa in the same manner, by the same persons and at the same time as property taxes, assessments and other charges collected in that manner. (Ord. No. 2010-103)

7.2.8.2 Sewer Service Charge Report.

At the beginning of the District's fiscal year, a written report shall be prepared and filed with the District Secretary setting forth a description of each parcel of real property, inside or outside the District, upon which are situated premises that receive Wastewater services of the District and the amount of the charge for each parcel for that year, computed in conformity with the charges prescribed by this Code. (Ord. No. 2010-103)

7.2.8.3 Public Hearing.

The District Secretary shall cause notice of the filing of the report and of the time and place for a public hearing to be published in a newspaper of general circulation within the District. The publication of notice shall be once a week for two successive weeks. Publications shall be made with at least five days intervening between the respective publication dates not counting the publication dates. A minimum of two public notices shall be published in a newspaper circulated more than once a week. In newspapers, which circulate once a week, the public notice shall be published in each circulation for two successive weeks. The period of notice commences on the first day of publication and terminates at the end of the 14th day, including in that period the first day of publication. (Ord. No. 2010-103)

7.2.8.4 Protests and Objections.

At the time stated in the notice, the District Board shall hear and consider all objections or protests, if any, to the report and may continue the hearing from time to time. If the District Board finds that protest is made by a majority of separate parcels of property described in the report, the report shall not be adopted and the charges shall be collected separately from the tax roll and shall not constitute a lien against any parcel or parcels of land. (Ord. No. 2010-103)

7.2.8.5 Board Determinations.

Upon the conclusion of the hearing, the District Board may adopt, revise, change, reduce or modify any charge or overrule any or all protests and/or objections, excepting protests or objections from a majority as described above in Section 7.2.10.4, and the Board shall make its determination upon each charge as described in the report, which determination is final. (Ord. No. 2010-103)

7.2.8.6 Filing of Report.

By August 10th of each year following the Board's final determination, the District Secretary shall file with the Controller of the County of Contra Costa a copy of the report with a statement endorsed over the Secretary's signature stating that the report has been finally adopted by the District in order that the Controller of the County of Contra Costa shall be able to enter the amounts of the charges against the respective lots or parcels of land as they appear on the current assessment roll and in order that the charges may be collected on the tax roll in accordance with the provisions of Section 5473.5 through 5473.11 of the Health and Safety Code. (Ord. No. 2010-103)

7.2.8.7 Creation of Lien.

Except as provided in Sec. 5473.8 of the Health and Safety Code, the amount of the charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of the lien date prescribed by law for property taxes. (Ord. No. 2010-103)

7.2.9 Collection of Sewer Service Charges by Direct Billing.

7.2.9.1 General.

If the full amount of any Sewer Service Charge is, for any reason, not collected on the tax roll, the Sewer Service Charges, or the portion of them not appearing on the tax roll, shall be collected by direct billing of the property owner as provided in this Section. (Ord. No. 2010-103)

7.2.9.2 Billing.

The District shall ascertain the amount of each Sewer Service Charge applicable to each premise and shall mail to the owner and/or owner and occupant, within sixty (60) days from the date any Sewer Service Charges become due and payable, a bill for the Sewer Service Charges which are then due and payable. The bill shall be mailed to all persons listed as the Owner(s) on the last equalized assessment roll of the County of Contra Costa at the address shown on the assessment roll, or to the successor in interest of the Owner and/or occupant, if known. Each bill shall contain a statement that a delinquency in payment for sixty (60) days shall constitute a lien against the lot or parcel against which the charge is imposed and that when recorded it shall have the force, effect and priority of a judgment lien for three (3) years unless sooner released or otherwise discharged. Failure of the District to mail a sewer service charge bill or failure of the owner to receive a Sewer Service Charge bill, shall not excuse the Owner from the obligation of paying any Sewer Service Charge for any premises owned. (Ord. No. 2010-103)

7.2.9.3 How Payable.

Each Sewer Service Charge to be collected by direct billing shall be due and payable in full at the time of billing; provided, however, if in any fiscal year, a Sewer Service Charge is payable for a period covering eight (8) months, or more, of the fiscal year, the Sewer Service Charge shall be billed in two installments with the first installment covering the period for which a sewer service charge is owed during the first six (6) months of the fiscal year, and the second installment covering the remaining six (6) months of the fiscal year. (Ord. No. 2010-103)

7.2.9.4 Delinquency Date of Sewer Service Charges.

Each Sewer Service Charge shall be delinquent if not paid on or before the thirtieth (30th) day of the month following the date upon which such Sewer Service Charge becomes due and payable. (Ord. No. 2010-103)

7.2.9.5 Where Payable.

Sewer Service Charges collected by direct billing shall be payable at the administrative office of the District. (Ord. No. 2010-103)

7.2.9.6 Penalties for Non-Payment of Sewer Service Charges.

Whenever a delinquency shall occur for non-payment of Sewer Service Charges, the provisions of Sec. 7.2 apply. (Ord. No. 2010-103)

7.3 INTERIM USE FEE

A fee collected with a Connection Permit for the use of the District's Sanitary Sewer System which covers the number of full months between the time of connection and the beginning of the next fiscal year. (Ord. No. 2008-98)

7.3.1 Residential Fee.

A fee computed from Table 7-3 by multiplying by the number of full months remaining in the fiscal year by the annual residential charge by the monthly residential fee rate.

7.3.2 Non-Residential Fee.

A fee computed from Table 7-3 by multiplying the number of full months remaining in the fiscal year by the estimated number of hundred cubic feet (HCF) per months by the appropriate fee rate per HCF. (Ord. No. 2012-107)

7.4 PLAN REVIEW FEE

7.4.1 Deposit Required for Plan Review.

The Applicant shall furnish a deposit for review of all improvement plans by the District Engineer. The minimum amount of the Deposit for each category of plan review service shall be as established in Table 7-3 for the following:

7.4.1.1 Review of Sewer Mains and Collectors.

The Deposit provide for the estimated cost of a single review of the following:

- Tentative Map or Development Plan
- Sewer Construction Plans
- Permit Fee Calculation
- Sewer Construction Cost Estimate
- Subdivision or Improvement Agreement
- Bond

and other documents involving extension, modification or addition to the District's collection system or connecting private sewers. (Ord. No. 2010-102) (Ord. No. 2012-107) (Ord. No. 2013-111) (Ord. No. 2018-121) (Ord. No. 2018-121)

7.4.1.2 Document Review.

The review of Easements, Rights of Way, and/or Agreements, Annexations, Environmental Reports. Documents or for the review or other items not included above in 7.4.1.1 shall be charged to the applicant at the hourly rates of the District's consulting engineer or the District's staff engineer. The minimum Deposit for document review shall be as established by the District Board and is intended to provide for a single review. (Ord. No. 2010-102 rev. Ord. No. 2013-111) (Ord. No. 2018-121) (Ord. No. 2018-121)

7.4.1.3 The minimum Deposit for the review of Private Building Sewers and Laterals when required shall be computed as the number of side sewers multiplied by the rate per unit as established by the District Board. (Ord. No. 2013-111)

7.4.1.4 Review of plot plans for residential building sewers with direct access to a sewer main will be performed by the District Engineer only after the mainline improvements have been accepted by the District Board. The minimum Deposit shall be calculated as the number of building sewers for the number of buildings to be served times the rate provided for the review of building sewers established by the District Board. (Ord. No. 2010-102, rev. Ord. No. 2013-111)

7.4.1.5 Review of building plans for new Drainage Fixtures within new or existing buildings.

The minimum Deposit for review of non-residential tenant improvement plan or remodeling plan for new Drainage Fixtures shall be as shown in Table 7-3. The amount of the Deposit computed based upon the rate per Drainage Fixture unit established by the District Board and shall provide for the estimated cost for a single review of the following: (Ord. No. 2010-102, rev. Ord. No. 2013-111)

Plumbing Plan for Fixture Unit Count Monthly Sewer Service Charge Determination

When fixtures are to be added and removed, the Deposit for plan review will be based upon the total number of fixture units reviewed (fixture units added plus fixture units removed).

7.4.1.6 Review of Grease Interceptors, Trash Enclosures or other devices subject to a Wastewater Contribution Permit.

Review of Grease Interceptors and trash enclosures shall be charged at the rates of the District Engineer. The minimum Deposit shall be the rate on Table 7-3 established by the District Board. (Ord. No. 2010-102, rev. Ord. No. 2013-111) (Ord. No. 2018-121) (Ord. No. 2018-121)

7.4.1.7 Review of Short and Long Repairs.

Engineering review for “Short Repairs” and “Long Repairs” as defined in Chapter 1 of this Code when required shall be performed at hourly rates. The minimum deposit established in Table 7-3 shall provide for a single review of the proposed repair. (Ord. No. 2018-121) (Ord. No. 2018-121)

7.4.1.8 Manholes or Mainline Repairs or Alterations.

The cost to review proposed new manholes or repairs, or alterations to District mainlines or private collectors shall be performed at hourly rates. The minimum deposit shall be the amount indicated for “Manholes” on Table 7-3. (Ord. No. 2018-121) (Ord. No. 2018-121)

7.4.2 Collection of Additional Fees or Issuance of Refunds for Plan Review.

Fees for Plan review shall be the actual cost to the District based upon the hourly rates of the District's consulting engineer or the District's staff Engineer. The deposit is required following the review of the permit application and prior to commencement of Plan Review. This Deposit covers the estimated cost of plan review. Should the expenses exceed the amount of the Deposit an additional Deposit will be required. The Plan Review may be held in abeyance pending receipt of the additional deposit. Should the expenses be less than the Deposit the balance will be refunded to the applicant within 90 days of receipt of a request from the applicant, except that no refund will be made when the Deposit is indicated to be a “Minimum” in Table 7-3. Any unpaid expenses relating to a plan review for previous developments on a property shall be collected at the time of application for a new development on the property. The unpaid expenses shall be added to the required Deposit. The District Engineer will not stamp the plans with the final review stamp until all fees for plan review have been received. (Ord. No. 2013-111) (Ord. No. 2018-121) (Ord. No. 2018-121)

7.5 MAPPING FEE

The cost of revising and updating the District's Maintenance Maps as shown in Table 7-3 shall be required whenever there is a revision or addition to the District's public facilities or when there is a division of land or an adjustment to lot lines or the addition of a commercial building within the District. The deposit for inspection services shall include compensation for the District Engineer's cost to revise and update District Maps. The deposit collected at the time of issuance of a Construction Permit shall include the

estimated cost of this service. (Ord. No. 2012-107) (Ord. No. 2013-111) (Ord. No. 2018-121) (Ord. No. 2018-121)

7.6 INSPECTION FEE

7.6.1 Deposit Required.

A Deposit for inspection of sewer mains and appurtenances, private collection systems, grease interceptors, laterals, building sewers, repairs to sewers, and televising shall be required by this Section. The estimated cost of the District Engineer to map new collection facilities or properties when required shall be included in the Inspection Fee Deposit as set forth in Section 7.5 and indicated on Table 7-3. (Ord. No. 2013-111) (Ord. No. 2018-121) (Ord. No. 2018-121)

7.6.1.1 Inspection of Sewer Mains and Private Collectors.

A Deposit shall be paid to the District by the Applicant prior to the issuance of a Construction Permit. The minimum amount of the Deposit shall be calculated as estimated total cost to construct mainline and/or private collector system facilities times the percentage established by the District Board. The Deposit shall include but not be limited to the District's estimated costs to perform inspections of sewer mains and private collectors including closed circuit video inspections. Fees for services shall be the actual cost to the District. (Ord. No. 2013-111)

7.6.1.2 Plot Plans and Cut Sheets and Engineering Review.

The Construction and/or Connection Permit Deposit shall also provide for the District Engineer's estimated cost to review plot plans, cut sheets, attend preconstruction meetings, attend final inspection of each phase of Engineering costs and also includes preparation of staff report, resolution for acceptance of mainline improvements, recording of documents, if any and mapping as required under Section 7.5. (Ord. 2012-102) (Ord. No. 2013-111) (Ord. No. 2018-121) (Ord. No. 2018-121)

7.6.1.3 Inspection of new Laterals, Building Sewers, Grease Interceptors, and Trash Enclosures.

A Deposit for inspection of new laterals, building sewers, grease interceptors and trash enclosures shall be required as set forth in Table 7-3. (Ord. No. 2012-107) (Ord. No. 2013-111) (Ord. No. 2018-121) (Ord. No. 2018-121)

7.6.1.4 Inspection of Sewer Repairs.

A Deposit for the inspection of repairs to building sewers (Short Repairs) and Laterals (Long Repairs) shall be as shown in Table 7-3. (Ord. No. 2012-107) (Ord. No. 2013-111) (Ord. No. 2018-121) (Ord. No. 2018-121)

7.6.1.5 Television Inspection.

A Non Refundable Deposit for Television Inspection of Public Sewer Mains and Private Sewer Collectors shall be as shown in Table 7-3. (Ord. No. 2012-107) (Ord. No. 2013-111) (Ord. No. 2018-121) (Ord. No. 2018-121)

7.6.2. Refund or Collection of Additional Fees for Mapping and Inspection.

The Deposit for inspection services including the District Engineer’s cost to revise and update District Maps shall be sufficient to reimburse the District for all costs related to the project and shall be collected at the time prior to acceptance of the mainline improvement by the Board. Should District expenses exceed the amount of the Deposit an additional Deposit will be required. At the end of the project and prior to acceptance by the District Board, if required the District Engineer will prepare a final accounting of the District’s total expense. If the total expenses exceed the Deposit the Owner shall make payment of the amount due prior to acceptance by the Board. Should the expenses be less than the Deposit, the balance will be refunded to the applicant within 90 days of acceptance. (Ord. No. 2012-107) (Ord. No. 2013-111)

7.7 ANNEXATION FEE

The Board of Directors finds that the District incurs substantial administrative and related costs associated with the processing of petitions for annexation of new parcels to the District. The Board of Directors further finds that it is necessary to impose a fee for annexation upon the owners of parcels when such parcels are annexed to the District in order to recover the administrative and related costs resulting from the annexation. (Ord. No. 2013-111)

7.7.1 Annexation Fee.

The owner of real property which is annexed to the District shall as a condition of annexation, pay to the District the Annexation Fee set forth in Table 7-3 to cover the administrative and related costs incurred by the District which are associated with the annexation of the new territory, including but not limited to any costs or charges incurred by the District in processing of the petition, conducting of the annexation proceeding, corresponding, communicating or interacting with the Local Agency Formation Commission having jurisdiction over the annexation or any other state or local government agency regarding the annexation and the costs of any necessary inspections. (Ord. No. 2013-111)

7.7.2 Determination of Annexation Fee.

7.7.2.1 Large Annexations and Reorganizations.

When a petition for annexation is processed as a reorganization (two or more changes of organization initiated in a single proposal), or where the petition for annexation is for a property proposed to be developed into ten or more subdivision lots, the property owner shall be charged an Annexation Fee equal

to the District's actual administrative and related costs to process the annexation. An initial deposit shall be due and payable upon the property owner's submittal of a petition for annexation to the District. Additional costs that exceed the initial deposit amount shall be due and payable within forty-five days of the date of the District's invoice mailed to the property owner by first-class mail, which billing may be on a monthly or less frequent basis at the District's discretion. (Ord. No. 2013-111)

7.7.2.2 Other Annexations.

The Board of Directors shall from time to time, after conducting a public hearing, adopt by ordinance a flat Annexation Fee for the recovery of the District's average costs associated with standard annexations of real property. A standard annexation is defined as one involving a parcel or parcels other than those processed as large annexations or reorganizations under subsection 7.7.2.1 of this section. Fees for annexation of territory to the Sanitary District shall be computed at the rate shown in Table 7-1. (Ord. No. 2010-103) (Ord. No. 2013-111)

7.7.3 Time of payment of Annexation Fee.

For large annexations or reorganizations, the Annexation Fee shall be due when a petition to annex the parcel(s) is submitted to the District. For standard annexations, the District shall collect annexation charges at the time a permit to connect to the public sewer is issued. (Ord. No. 2013-111)

7.7.4 Inclusion of Annexation Fee in special assessments.

The Annexation Fee may be collected by or included in a special assessment upon the property benefited. (Ord. No. 2013-111)

7.8 CAPACITY FEES

7.8.1 Purpose and Need.

7.8.1.1 Purpose.

The purpose of the Wastewater Capacity Fee is to provide for each new user, by payment of a capacity charge at the time of initial connection of a building or facility on their property to the District's sewer system or, subsequently, when creating an added burden, to equalize their investment with the investment of other existing users in the value of all District assets.

7.8.1.2 Need.

The capacity charges required by this Section are necessary to ensure that new users contribute their appropriate share of the necessary funding for needed upgrades, replacements, renovations and improvements of existing District wastewater collection, treatment, recycling, reuse and disposal facilities and

environmental habitat to maintain their capacity (together the “Facilities”), and to add to and/or expand these facilities in the future when needed or as required to meet legal and regulatory requirements and for equitable adjustment of capital contributions as between new, current and contractual users. (Ord. No. 2010-103) (Ord. No. 2018-121) (Ord. No. 2018-121)

7.8.2 Asset Valuation.

The study report entitled Wastewater Capacity Charges Study, dated July 2017, prepared for the District by Municipal Financial Services (hereafter the “MFS Study”), describes existing wastewater system facilities including sewage collection lines, sewage pump stations (lift stations), wastewater treatment plant, marshes (Moorhen Marsh and McNabney Marsh), buildings, equipment and vehicles and establishes an estimated value of these assets and an amount of prior developer contributions which offset the cost of these assets. (Ord. No. 2010-103) (Ord. No. 2018-121)(Ord. No. 2018-121)

7.8.3 Wastewater System Capacity and Discharge Characteristics.

The capacity of the District’s wastewater system and characteristics are based on design flow and loadings associated with average dry weather influent wastewater flow (ADWF). Values for ADWF, Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS) are estimated to be as follows:

Category	Unit of Use	Units [1]
Flow	<i>gpd</i>	2,400,000
BOD	<i>lbs/day</i>	6,005
TSS	<i>lbs/day</i>	6,005

Notes:

1 Wastewater system capacity for flow is based on a 2011 System Reliability Evaluation.
Wastewater system capacity for BOD and TSS (in lbs/day) are based on the concentrations shown below.

Flow	2.40	million gallons per day (mgd)
BOD	300	milligrams per liter (mg/l)
TSS	300	milligrams per liter (mg/l)

(Ord. No. 2010-103) (Ord. No. 2018-121) (Ord. No. 2018-121)

7.8.4 Allocation to Flow, BOD and TSS.

The value of the wastewater system is allocated among flow, BOD and TSS constituents to facilitate the development of capacity charge unit costs. The unit costs can be used to develop capacity charges for any new connection. The cost to construct the wastewater collection components of the wastewater system is proportionate to flow. The cost to construct the wastewater treatment components of the wastewater system is proportionate to flow, BOD and TSS. Developer contributions are allocated evenly between treatment and collection components. (Ord. No. 2010-103) (Ord. No. 2018-121) (Ord. No. 2018-121)

7.8.5 Customer Wastewater Discharge Characteristics.

The MFS Study identifies residential and non-residential characteristics for flow, entering the District’s Wastewater Treatment Plant and representing the approximate amount of volume and pounds of BOD and TSS generated by each customer or customer class connected to the District’s wastewater system as follows:

Residential.

Residential Category	Single Family Res.	Apartments
Flow	150 gpd	112.5 gpd
BOD	287 mg / l	287 mg / l
TSS	287 mg / l	287 mg / l

Non-residential.

All other nonresidential customer classes with active accounts are aggregated into groups with the groups based on the combined strengths of BOD and TSS (as measured in mg/l). The adopted nonresidential customer class groups and prior nonresidential customer classes are summarized below.

Group	Prior Customer Classes	Number of Accounts	Adopted Customer Groups			BOD + TSS Range for Customer Class
			BOD mg/L	TSS mg/L	BOD + TSS, mg/L	
Group 1	Churches, Car wash, General commercial/office, Medical/dental, Public Agency, Schools	242	287	287	574	0 to 600
	Hospital/nursing/clinics - I, Laundromat, Wheeled vehicle temp res/office	4	300	275	575	
Group 2	Café/limited on-site cooking, Hospital/nursing/clinics	12	350	350	700	601 to 1000
Group 3	Café/Fast Food-I-NG, Markets/Fast Food-I-NG, Restaurants/Fast Food-I-NG	11	600	500	1100	1001 to 1200
Group 4	Café/Fast Food-NI-NG	5	800	480	1280	1201 to 1500
Group 5	Markets/Fast Food-NI-NG, Restaurants/Fast Food-NI-NG	4	1000	600	1600	1501 to 1800

(Ord. No. 2010-103) (Ord. No. 2018-121) (Ord. No. 2018-121)

7.8.6 Capacity Fees by Type of Connection.

Capacity Fees for Residential and Non-residential use, based upon the estimated total cost District facilities less developer contributions and allocated in the MFS Study according to flow, BOD and TSS are set forth in Table 7-2. (Ord. No. 2010-103)

7.8.7 Capacity fees for Accessory Dwelling Units (ADU).

Capacity fees for ADUs, as defined by California Government Code Section 65852.2, shall conform to the requirements therein, and are set forth in Table 7-2. (Ord. No. 2018-125)

7.8.8 Combined Residential and Non-Residential Connection Fees.

In the event a parcel has combined residential and non-residential uses, the total fee shall be the sum of the applicable residential and non-residential fees. (Ord. No. 2010-103)

7.8.9 Credit for Contributed Facilities.

In the case of any person who constructs Wastewater Facilities that are then dedicated to the District for public use and accepted by the District, and to the extent the value of those facilities has been taken into account in the District's establishment of capacity fee rates imposed pursuant to this Ordinance, the person shall be allowed an appropriate credit against the capacity fees otherwise payable by that person. The credit shall be calculated by the District, consistent with the manner in which the capacity fee rate was established by the District. (Ord. No. 2010-103) (Ord. No. 2018-125)

7.8.10 Persons Responsible for Payment.

The owner of the property is responsible for payment of all capacity fees applicable to the property. It is the duty of each property owner to ascertain from the District the amount and due date of any capacity fee applicable to the property and to pay the fee when due and payable. Each property owner shall be responsible to inform the District within a reasonable period of time of any changes in circumstances that might result in a change in the amount of the fee. (Ord. No. 2010-103) (Ord. No. 2018-125)

7.8.11 Increased Use of Sewers Consent of District Required.

No person shall cause or permit an increase in the number of residential units in any residential property without prior consent of the District and the payment of additional sewer capacity fees. No person shall cause or permit an increase in the number of Drainage Fixture units in any non-residential property without prior consent of the District and the payment of additional sewer capacity fees. (Ord. No. 2010-103) (Ord. No. 2018-125)

7.8.12 Discontinuation of Use.

When use of the sewer system is discontinued the owner must either get a District permit to disconnect the side sewer, or continue to pay the annual Sewer Service Charge. (Ord. No. 2010-103) (Ord. No. 2018-125)

7.8.13 Requirements for Resumption of Use.

When use is to be resumed the owner must get a permit from the District for the inspection of an air test of the existing side sewer. If the side sewer passes the test the owner shall pay for another inspection for the reconnection of the existing side sewer to the District's sewer system. If the side sewer fails the air test, the owner must replace the side sewer and pay for the District's inspection. (Ord. No. 2010-103) (Ord. No. 2018-125)

7.8.14 Allowance for Credits.

Credit shall then be given for any residential or nonresidential units that were previously legally connected to the District's sewer system. (Ord. No. 2010-103)

7.8.15 Administration of Capacity Fees.

7.8.14.1 Annual Review.

The District Board shall review sewer capacity fees annually to determine whether the capacity fee rates should be adjusted. Adjusted sewer capacity rates shall take effect on July 1, unless otherwise determined by the Board. (Ord. No. 2010-103)

7.8.14.2 Collection Remedies.

Nothing contained in this Section shall be deemed to limit any rights or remedies of the District to collect sewer capacity fees. In addition to any other rights and remedies which are available, the District Board may, if it determines to do so, employ the procedures established in the California Health & Safety Code Sec. 5474, et seq. (Ord. No. 2010-103) (Ord. No. 2018-125)

7.8.14.3 Delinquencies.

Any amount which becomes delinquent shall be subject to penalties.

7.8.16 Unless otherwise prohibited by law, fees for interim use, capacity, and building sewer connection inspection shall be paid to the District prior to permit issuance. Mainline facilities shall have been completed and accepted and building foundation shall be in place prior to connection. If not previously paid, fees shall be paid prior to connection inspection, occupancy or use, whichever occurs first.

7.9 SEWER SERVICE POLICY FOR MOBILE HOME/RECREATIONAL VEHICLE /RESIDENTIAL TRAILER, AND FOR TEMPORARY MOBILE HOME USED AS A HOME OR OFFICE

7.9.1 Except for temporary mobile home or office connections as described below, a service connection for a mobile home/recreational vehicle/residential trailer shall be limited to approved mobile home parks and recreational vehicle parks. (Ord. No. 2010-102)

7.9.2 Mobile home parks and recreational vehicle parks will be allowed to connect to the Mt. View Sanitary District sewer system upon payment of applicable connection fees, permit and inspection fees on the basis that each mobile home space is a dwelling unit. Once a connection fee is paid for a mobile home space, no subsequent connection fees need to be paid should there be a change of mobile homes. (Ord. No. 2010-102)

7.9.3 Temporary mobile homes or offices which are given a temporary use permit by Contra Costa County or the City, will be allowed to connect to the Mt. View Sanitary District sewer system upon payment of the fee shown in Table 7-3 for each of two inspections, one when connecting and one when disconnecting, plus an Annual Plant Capacity Lease Payment (APCLP) of the amount shown in Table 7-2 in lieu of a connection fee, in addition to the regular monthly residential Sewer Service Charge. The inspection charge may be paid one half on application and one half with the second year's lease payment. When the total of the annual lease payments for a mobile home park equals the current connection charge, no further annual plant lease payment is due. The fees described for mobile homes shall not be subject to pro-ration or refund, unless otherwise approved by the Board. (Ord. No. 2010-102)

7.10 SEWER PERMIT APPLICATION AND EXTENSION FEES

Developers or Owners desiring to add to or modify the public or private wastewater collection system shall prepare the District's standard permit application and pay the application fee set forth in Table 7-3. An application fee is necessary to initiate a review of plans. Upon review of the application, the Engineer will prepare an estimate of the cost to review the plans based upon the rates established in Table 7-3. A Sewer Construction or Connection Permit may be issued upon completion of Plan Review and payment of fees for Construction and/or Connection including any Capacity Charges that may apply. Once issued, a sewer permit is valid for the period of one (1) year following the date of issuance. If at the time of expiration of the permit, no sewer main or building sewer construction has commenced, a permit may be renewed for one (1) year by payment of a sewer permit extension fee as shown in Table 7-3. There will be no charge for sewer permit extensions if sewer construction has significantly, in the opinion of the District Engineer, progressed at the time of expiration of the permit. (Ord. No. 2010-102) (Ord. No. 2018-121)

7.11 SECURITY FOR MAINLINE SEWER CONSTRUCTION

7.11.1 General.

Mainline construction requires the posting of security in the form of An Owner's Sewer Improvement Agreement and an Agreement for Sewer Improvement Security Bond to guarantee workmanship, materials, and completion of the work.

Mainline work also requires the posting of a Deposit for the District to use for any emergency fix that may be required. Table 7-3 shows the amount of the Deposit, and indicates that the security is 100% of the District Engineer's Estimate. (Ord. No. 93-68, Sec. 6.12)

7.11.2 Form.

The security for the performance of the work shall be one of the following:

- a) A Cashiers Check payable to the order of the District
- b) Certificate of Deposit, or A Corporate Surety Bond.

(Ord. No. 93-68, Sec. 11.03)

7.11.3 Amount.

Security for performance of the terms of the sewer improvement agreement shall be in the amount of one hundred percent (100%) of the estimated or bid cost of all sanitary sewer work which will become a part of the public sewer system. (Ord. No. 93-68, Sec. 11.03)

7.11.4 Disposition of Security in the Form of Cash or Check Deposit.

The District shall place cash or check deposited as security in a trust account. The District shall give the depositor a receipt for such deposit. No interest is payable to depositor on a cash or check deposit. (Ord. No. 93-68, Sec. 11.04)

7.11.5 Condition of Security.

The condition of the security is that the owner shall comply with each term of the owner's sewer improvement agreement. The deposit shall guarantee the owner's faithful performance of the agreement, the diligent completion of the construction of the sewer improvements in accordance with plans and specifications approved by the District and as required by this ordinance and shall guarantee the payment of all sums and amounts due persons performing and/or furnishing labor and materials for the construction of the work. The deposit shall additionally guarantee the correction of faulty workmanship and the replacement of defective materials for a period of one year after the work is certified by the General Manager to be satisfactorily completed and finally accepted. (Ord. No. 93-68, Sec. 11.05)

7.11.6 An applicant for a permit for the construction, installation, alteration or repair of a public sewer shall be properly licensed for the work by the State and shall deposit Security with the District in an amount established by the District. (Ord. No. 93-68, Sec. 9.02)

7.11.7 Security Required Before Permit.

An applicant shall provide the security before receiving a permit or performing any work. A permit issued before the security is provided is void for all purposes. (Ord. No. 93-68, Sec. 9.03)

7.11.8 Condition of Security.

The condition of the security is that the applicant shall comply with each term of the permit. The security shall guarantee the correction of faulty workmanship and the replacement of defective materials for a period of one (1) year after the work is certified by the General Manager as satisfactorily completed. (Ord. No. 93-68, Sec. 9.04)

7.11.9 Forfeiture of Security.

If the applicant violates any term of the permit and the General Manager so certifies to the Board, the Board may declare a forfeiture of the security. (Ord. No. 93-68, Sec. 9.05)

7.11.10 Notice and Hearing of Forfeiture and Order to Correct Work.

When the General Manager certifies to the Board that the applicant has violated the permit, the Secretary shall give the applicant written notice that the District intends to declare forfeiture ten (10) days in advance of the date the matter will be heard. If, after the hearing the Board that it is necessary to correct faulty workmanship or replace defective materials or both, it shall notify the permit holder to correct the work. (Ord. No. 93-68, Sec. 9.06)

7.11.11 District May Correct Work and Deduct Cost From Security.

If the applicant fails to correct the work within ten (10) days after the District gives notice to do so, the District may proceed with the work and deduct the reasonable cost of doing it from the security. If the security is not sufficient to complete the corrective work, the District shall advise the applicant and direct him to deposit an additional sum necessary to cover the cost of the work. (Ord. No. 93-68, Sec. 9.07)

7.11.12 District May Correct Work if Permit Violation Creates Emergency.

If in the opinion of the General Manager, the applicant's violation of a permit creates an emergency which should be corrected immediately, the General Manager may order the applicant to correct the work within a specified period of time. If the applicant fails to correct the work within this time, the District may proceed with the work and deduct the reasonable cost of doing it from the security. (Ord. No. 93-68, Sec. 9.08)

7.11.13 Return of Security.

Upon acceptance of the work the District may reduce the amount of the security to 10 percent of the full amount for the one year warranty period after acceptance. However, the General Manager may require that the full amount of the security be kept for a period not exceeding one (1) year after acceptance if he considers it necessary to protect the District. (Ord. No. 93-68, Sec. 9.10)

7.11.14 Continuing Deposit by Contractor Licensed Under State Law.

A person licensed under State Law to construct, install or repair sewers who regularly conducts his business in the District may make an initial deposit of the amount required and maintain this as a continuing deposit. Thereafter when the applicant applies for a permit he need not make a deposit with each application. In this case, the deposit is sufficient irrespective of the number of permits he may have at the same time. The General Manager may increase the amount of the deposit of a licensed contractor who has more than one permit outstanding up to the amount specified for each permit if he finds that this is necessary to protect the District. (Ord. No. 93-68, Sec. 9.11)

7.11.15 Disposition of Security.

The District shall retain construction security in a separate account. The District shall give the depositor a receipt for the security. No interest is payable to the depositor on security. (Ord. No. 93-68, Sec. 9.12)

7.12 DEPOSIT FOR CORRECTIVE OR EMERGENCY WORK

7.12.1 General.

A Deposit shall be required for all Mainline and Side Sewer Construction within the Public Right of Way or District Easements. (Ord. No. 2010-103)

7.12.2 Amount of Deposit.

The amount of the deposit required herein shall be established by Resolution of the Board and the current amount is shown in Table 7-3. (Ord. No. 93-68, Sec. 9.13) (Ord. No. 2013-111)

7.12.3 Increasing the Amount of the Deposit Part of the Security.

If the Board finds that the amount of the Deposit is inadequate, it may increase the amount of the deposit up to the estimated cost of the work covered by the permit. In increasing the deposit the board shall consider the following:

7.12.3.1 The effect of the Work on other District facilities and its proximity to them;

7.12.3.2 Knowledge and experience of the applicant in the field of sewer Construction;

7.12.3.3 Damage to the District and its facilities in case of faulty workmanship or defective material. (Ord. No. 93-68, Sec. 9.09)

7.12.4 Except as provided under Section 7.12.5 below, an applicant for a permit for the construction, installation, alteration or repair of private sewer shall be

properly licensed for the work by the State and shall make a deposit with the District in the amount shown in Table 7-3. (Ord. No. 93-68, Sec. 9.02)

7.12.5 Cash Deposit not Required for Building Sewer Construction by Owner.

The Deposit shall not be required for the construction, alteration, or repair of a building sewer on private property owned for occupation by the applicant when the applicant shall personally perform the work. Under these circumstances the applicant need not be licensed for work by the State. (Ord. No. 93-68, Sec. 9.02)

7.12.6 District May Correct Work and Deduct Cost from Deposit.

If the applicant fails to correct the work within ten (10) days after the District gives notice to do so, the District may proceed with the work and deduct the reasonable cost of doing it from the cash deposit. If the Deposit is not sufficient to complete the corrective work, the District shall advise the applicant and direct him to deposit an additional sum necessary to cover the cost of the work. (Ord. No. 93-68, Sec. 9.07)

7.12.7 District May Correct Work If Permit Violation Creates Emergency.

If in the opinion of the General Manager, the applicant's violation of a permit creates an emergency which should be corrected immediately, the General Manager may order the applicant to correct the work within a specified period of time. If the applicant fails to correct the work within this time, the District may proceed with the work and deduct the reasonable cost of doing it from the deposit. (Ord. No. 93-68, Sec. 9.08)

7.13 INSURANCE

7.13.1 Contractor's Insurance for Construction Permit.

7.13.1.1 Worker's Compensation Insurance.

The Contractor shall obtain and maintain Worker's Compensation Insurance coverage for all persons performing the work under the permit. This insurance shall be in strict accordance with the requirements of the most current California State Worker's compensation Insurance laws. The contractor shall provide and shall cause each Subcontractor to provide proof of adequate worker's compensation insurance for the protection of all subcontractor employees. (Ord. No. 93-68, Sec. 10.01)

7.13.1.2 Comprehensive General Liability Insurance.

The Contractor shall obtain and maintain for the duration of the project full Comprehensive General Liability Insurance coverage. This coverage will provide for both bodily injury and property damage including coverage for injury, sickness or disease, death, and destruction of property arising directly or indirectly out of or in connection with the performance

of work under the Contract, including explosion, collapse, underground exposure, and flooding, and will provide for limits in amounts satisfactory to the General Manager in his sole discretion. The policy shall provide the permit holder and the District are additional insureds and before the commencement of any work the contractor is required to provide the owner and the District with satisfactory evidence of compliance with this requirement. (Ord. No. 93-68, Sec. 10.02, rev. Ord. No. 2013-111)

7.13.1.3 Performance Insurance.

Any insurance bearing on adequacy of performance shall be maintained after completion of the project for the full guarantee period. None of the limits contained in this Ordinance shall be construed as limiting the extent of the Contractor's responsibility for payment of damages resulting from his operations. (Ord. No. 93-68, Sec. 10.03)

7.14 REBATE FEE

7.14.1 Procedures for Establishing Rebate Fees.

7.14.1.1 Rebate Tabulation.

Following receipt of the installer submittals, the District Engineer will prepare a rebate tabulation. The Rebate Tabulation will indicate the following:

- a) Engineering cost,
- b) Construction costs,
- c) Right of Way costs,
- d) Legal costs,
- e) District fees,
- f) Other eligible expense for permits, Licenses as determined by the District Engineer,
- g) Total Project cost,
- h) Amount to be deducted for installer's use,
- i) Maximum recovery amount,
- j) Parcels (property) subject to paying rebate fee, and
- k) A Connection Summary which indicates the rebate value assigned to each parcel proposed to be subjected to the rebate fee.

(Ord. No. 93-68, Sec. 12.07)

7.14.1.2 Determination of Rebate Fees.

7.14.1.3 A rebate fee will be proposed by the District Engineer based upon the actual cost of construction, the number of potential connections and the District Engineer's judgment as to the relative benefit to be received by the parcels of land which will connect to the project sewer.

7.14.1.4 The Rebate Tabulation and allocation of the rebate fee will be presented to the Board at a regular meeting thereof.

7.14.1.5 If the Board finds that the application for a rebate sewer is complete, it shall order a Public hearing and require at least fifteen (15) days written notice to all affected property owners.

7.14.1.6 The District Board will make the decision as to whether the establishment of the fee is in the best interest of the District and for the fair distribution of the amount to be apportioned to connecting properties.

7.14.1.7 The Rebate Fee shall be established by Resolution of the District Board. The determination of the Board shall be final. (Ord. No. 93-68, Sec. 12.07)

7.14.2 Rebate Agreement.

Once the rebate fees have been fixed by the Board, the installer shall enter into an agreement with the District. The rebate agreement shall among other things provide for the following:

7.14.2.1 The maximum amount the installer is eligible to receive from the properties which may connect to the rebate sewer line,

7.14.2.2 A maximum time not to exceed ten (10) years following approval by the Board after which the rebate fees shall cease to be collected by the District and will no longer be refunded to the installer.

7.14.2.3 How and to whom rebate payments are to be made.

7.14.2.4 A provision that the rebate agreement shall be recorded. (Ord. No. 93-68, Sec. 12.08)

7.14.2.5 Collection and Rebate of Fees By District to Installer as a condition to permitting connection to a rebate sewer.

The District will collect funds from the owner (s) of properties identified in the Rebate Tabulation in the amounts specified therein. Funds so collected shall be deposited in a special account. At the first regular

meeting of the Board in February of each year or as soon thereafter as may be practical, upon written request of the installer, the District shall transmit to the installer rebate fees that have been received. The District does not have any obligation to transmit any rebate fee until it has collected funds as described herein. (Ord. No. 93-68, Sec. 12.09)

7.14.2.6 Payments to the installer shall cease when: The maximum recovery amount has been collected and paid, or (Ord. No. 93-68, Sec. 12.09) when the time limit specified in the agreement has expired, or (Ord. No. 93-68, Sec. 12.09) if the installer fails to submit a written request for five (5) consecutive years. (Ord. No. 93-68, Sec. 12.09)

7.14.2.7 Reduction of Payment by the District for Annual Administration Costs.

The District shall deduct from the amounts to be paid the installer the annual cost to administer the fund, not to exceed three percent (3%) of the amount collected. (Ord. No. 93-68, Sec. 12.10)

7.14.2.8 Payment for Rebate Fee A Condition Of Connection.

No person may connect to a rebate line installed pursuant to this ordinance unless the appropriate rebate fee has been paid. (Ord. No. 93-68, Sec. 12.11)

7.14.2.9 District Not Liable.

The District is not liable to any person for failure to collect rebate fees under this Ordinance. (Ord. No. 93-68, Sec. 12.12)

7.15 WASTEWATER CONTRIBUTION PERMIT FEE

7.15.1 Charges and Fees for Wastewater Contribution Permits.

In addition to the Sewer User Service Charge, the District may adopt charges and fees which may include the following:

7.15.1.1 Fees for reimbursement of costs of setting up and operating the District's Pretreatment Program.

7.15.1.2 Fees for monitoring, inspections and surveillance procedures.

7.15.1.3 Fees for reviewing accidental discharge procedures and construction.

7.15.1.4 Fees for permit applications.

7.15.1.5 Fees for filing appeals.

7.15.1.6 Fees for consistent removal by the District of pollutants otherwise subject to Federal Pretreatment Standards.

7.15.1.7 Other fees as the District may deem necessary to carry out the requirements contained herein. (Ord. No. 93-69, Sec. 3.3)

7.15.2 These Wastewater Contribution Permit fees relate solely to the matters covered under Chapter 3 and are separate from all other fees chargeable by the District. (Ord. No. 93-69, Sec. 3.3)

7.15.3 Payment of Fees, Charges, and Delinquencies.

Except as otherwise provided, all fees, charges and penalties made pursuant to the provisions of this Ordinance are due and payable upon receipt of notice thereof. All such amounts shall become delinquent forty-five (45) days after the date of invoice. A penalty for delinquent accounts shall be charged in accordance with the following:

7.15.3.1 Forty-six (46) days after the date of invoice, a penalty of ten percent (10%) of the base invoice amount, not to exceed a maximum of One Thousand Dollars (\$1,000).

7.15.3.2 Ninety (90) days after the date of the invoice, an additional penalty of ten percent (10%) of the base invoice amount shall be imposed; the cumulative total of the penalties will not exceed a maximum of Four Thousand Dollars (\$4,000).

7.15.3.3 Any invoice outstanding and unpaid after ninety (90) days shall be cause for immediate initiation for permit revocation proceedings.

7.15.3.4 Penalties charged under this section shall not accrue to those invoices successfully appealed, provided the District receives written notification of said appeal prior to the payment due date. Payment of disputed charges is still required during District review of any appeal submitted by Users. (Ord. No. 93-69, Sec. 3.4)

7.16 RATES FOR COLLECTION AND DISPOSAL OF REFUSE

7.16.1 The collection handling and disposed of Refuse within the Mt. View Sanitary District shall be as set forth in Chapter 8. (Ord. No. 50, Sec. 5)

7.16.2 It shall be unlawful for any person, firm or corporation: to charge for the service of collecting hauling and disposing Refuse any sum of money in excess of the rate or rates established in Chapter 8. (Ord. No. 50, Sec. 5)

7.16.3 Rates for the collection, hauling and disposal of Refuse may be established by agreement with a private company or companies. Such rates shall be subject to periodic review and approval by the District Board. (Ord. No. 50, Sec. 5)

7.17 AUTOMATIC ADJUSTMENTS

7.17.1 Requirements.

Pursuant to the provisions of Sec. 53756 of the Government Code, the District's Board of Directors may adopt a schedule of fees or charges authorizing automatic adjustments. The schedule of fees and charges may:

- a) Be adopted for a period not to exceed five years pursuant to Sec. 53755.
- b) Include a schedule of adjustments, including a clearly defined formula for adjusting for inflation. Any inflation adjustment to a fee or charge for a property-related service shall not exceed the cost of providing that service.
- c) Notice of any adjustment pursuant to the schedule shall be given pursuant to subdivision (a) of Sec. 53755, not less than 30 days before the effective date of the adjustment. (Ord. No. 2010-103)

7.17.2 Determination of Inflation Index.

For fiscal year 2011-2012 the increase was based upon the change in Consumer Price Index (CPI) as this index was established by the United States Department of Industrial Relations, all urban index for the San Francisco, Oakland and San Jose Region from April of 2010 through December 2010. Thereafter, unless otherwise determined by the Board, adjustments for inflation shall be the average annual increase in the CPI for the previous (January through December) calendar year. (Ord. No. 2010-103)

7.17.3 Exceptions.

If automatic increases are established for multiple future years, notwithstanding the automatic nature of those increases, the Board shall review scheduled increases at the beginning of each fiscal year and may, in its discretion, reduce the scheduled charges and rates for that fiscal year. Any such reduction for that fiscal year shall not affect the charges and rates established by this Code for the next fiscal year unless the Board independently acts to reduce the charges and rates for that fiscal year in accordance with this Section. Furthermore, any action by the Board to reduce charges and rates pursuant to this Section shall not affect the Board's ability to increase charges and rates in excess of the charges and rates specified in this Code so long as the Board complies with all notice, hearing and other requirements of law. (Ord. No. 2010-103)

7.18 ATTORNEY'S FEES

In the event that the District is required to bring a legal action to collect any lawful sewer service charge, any fees due, or any penalty or interest, the District shall in addition be entitled to recover its reasonable costs and attorney's fees in prosecuting the action. (Ord. No. 2010-103, rev. Ord. No. 2013-111)

7.19 MISCELLANEOUS CHARGES AND FEES

7.19.1 General.

Incidental Charges and Fees not stated in Tables 7-1, 7-2 or 7-3.

7.19.2 Duplication of Public Records.

Copies of records may be obtained upon payment of the direct cost of duplication, unless California laws have established a statutory fee. The direct cost of duplication includes, unless prohibited by any law, pro rata expense of the duplicating equipment and supplies utilized in making a copy of a record and, the pro rata expense of staff time (salary/benefits) required to produce the copy. A staff person's time in researching, retrieving and mailing the record is not included in the direct cost of duplication. (Ord. No. 2013-111)

7.19.3 District Costs.

Any Costs incurred by the district including Attorney's Fees and Engineering Fees will be reimbursed by the person or corporation requesting the service.

7.20 PENALTIES AND INTEREST CHARGES

Pursuant to Health and Safety Code Section 5473.10, a penalty may be assessed by the District in any case in which a fee or charge payable to the District has become delinquent. The penalty shall be ten percent (10%) of the delinquent fee or charge plus an additional one and one-half percent (1½%) for each month that all or a portion of the fee or charge remains delinquent. The penalty shall be assessed to the Person or Persons obligated to, but who did not pay, the fee or charge within the time provided in this code. Delinquent fees and charges, together with penalties assessed pursuant to this Section, may be collected in any manner authorized by law. (Ord. No. 2013-111)

7.21 SCHEDULE OF CHARGES AND FEES, TABLES

The schedules of District Charges and Fees are set forth in Tables 7-1, 7-2 and 7-3 as follows: