

SANITARY DISTRICT NUMBER 1

OF MARIN COUNTY

ORDINANCE NO. 31

AN ORDINANCE ESTABLISHING SEWER USER SERVICE CHARGES.

THE BOARD OF DIRECTORS OF SANITARY DISTRICT NO. 1 OF MARIN COUNTY DO ORDAIN as follows:

SECTION 1. Definitions.

(a) Agent. An agent means any person specifically authorized to act on behalf of the engineer for Sanitary District No. 1.

(b) Assessors Use Code. Assessors Use Code means the number coding and classification of property in use by the Marin County Assessor.

(c) Connection. Connection means any physical connection between any type of piping not owned by the District to any other type of piping which is directly or indirectly connected to the District sewer system.

(d) District. District means SANITARY DISTRICT NO. 1 OF MARIN COUNTY.

(e) District Sewer System. District sewer system means any sewer which is part of the sewage facilities owned and operated by the District.

(f) Dwelling Unit. Dwelling unit means any residence, portion of apartment house, or other habitation occupied by a single person or single family and requiring sewage disposal services.

(g) Engineer. Engineer means the engineer appointed, employed or retained and designated by the Board of Sanitary District No. 1

to perform the District's engineering and administrative work.

(h) Owner. Owner means the person holding fee title to any premises as shown by the official records of the County Recorder of Marin County.

(i) Person. Person means any person, firm, company, corporation, partnership, association, any public corporation, political, subdivision, city, county, district, the State of California, or the United States of America, or any department or agency of any thereof. The singular in each case shall include the plural.

(j) Premises. Premises means any lot, piece or parcel of real property improved or unimproved within the territorial limits of the District.

(k) Sewer User Unit. Sewer user unit means any dwelling unit or any building, commercial establishment, industry, or other improvement which discharges a sewage flow equivalent to one dwelling unit.

SECTION 2. Free Services. No facilities or services of the sewer system shall be furnished to any premises or to any owner or other person free of charge, provided, however, that premises which are exempt from real property taxation, pursuant to the California Revenue and Taxation Code, shall not be subject to sewer user service charges for 1978-79. It is the intention of the District that such premises shall pay the sewer user service charges in future years.

SECTION 3. Minimum Monthly Sewer Service Charges.

For each premise connected or required by the District to be connected to the sewer system, the minimum monthly sewer service

charge shall be established by resolution of the District Board adopted and amended from time to time.

SECTION 4. Sewer Service Charge as Minimum. As used herein, the minimum monthly sewer service charge shall be construed to mean the minimum chargeable for said sewer service; however, for any of the classifications listed herein, the monthly service charge may be more than that adopted by the District Board pursuant to Section 3 when it is determined by the District Engineer that because of certain facts involved, it is uneconomical for the District to supply sewer services to the user for the minimum sewer service charge.

SECTION 5. Sewer User Description.

The following sewer user classes are as defined by the Marin County Assessor. Future changes or additions by the Marin County Assessor may be included by the District.

Assessors Use Code	Assessors Use Code Descriptions	Sewer User Unit Assignments
00	Vacant	One per dwelling unit
10	Single Family Residential-Unimproved	One per dwelling unit
11	Single Family Residential-Improved	One per dwelling unit
20	Multiple Residential-Unimproved	One per dwelling unit
21	Multiple Residential-Improved	One per dwelling unit
36	Open Space-Unimproved	One per dwelling unit equivalent thereof
40	Industrial-Unimproved	One per dwelling unit equivalent thereof
41	Industrial-Improved	One per dwelling unit equivalent thereof

50	Commercial-Unimproved	One per dwelling unit equivalent thereof
51	Commercial-Improved	One per dwelling unit equivalent thereof
60	Subject to Exemption-Unimproved (churches, schools, etc.)	One per dwelling unit equivalent thereof
61	Subject to Exemption-Improved	One per dwelling unit equivalent thereof
80	Non-Taxable-Unimproved/Improved	One per dwelling unit equivalent thereof
90	Public Entity-Unimproved/Improved	One per dwelling unit equivalent thereof

SECTION 6. Assignment of Sewer User Units.

(a) One Unit Minimum. All premises connected to the District's facilities will be assigned a minimum of one sewer user unit.

(b) Residential Dwellings. One sewer user unit shall be assigned to each single family residential dwelling unit, each dwelling unit of a multiple residential building and each dwelling unit contained in a commercial, industrial, or other improved premise.

(c) Non Residential Premises. For premises other than dwelling units, sewer user units shall be assigned based on the sewage discharge and strength of the premise. The winter water use for each non-residential user shall be divided by the average residential water use for the same winter season to determine the sewer user units to be assigned. Premises discharging residential strength sewage shall be assigned one sewer user unit for each 1000 cubic feet of average monthly water consumption as measured during the winter season of a base year. Sewer user units as calculated

above shall be rounded to the nearest integer (not less than one).

(d) Base Year Water Consumption. Sewer user unit assignments are based on the latest winter season water consumption records available at the time of the first adoption of this ordinance and may be revised from time to time. Irrigation flows and other flows not discharging to the sewerage system are assigned zero sewer user units.

(e) High Strength Sewage. For certain non-residential which discharge sewage having significantly greater strength characteristics than residential sewage, the total sewer user unit assignment shall be determined by multiplying the units determined in Section 6(c) above by the Strength Factor shown.

<u>User</u>	<u>Strength Factor</u>
Market with garbage disposals	2.0
Mortuaries	2.0
Restaurants	2.0

For other users, if any, discharging high strength sewage, the strength factor shall be as determined by the District Engineer.

(f) Inquiry Regarding Assignment of Sewer User Units. Questions or inquiries regarding the assignment of sewer user units must be submitted to the District in writing before changes in unit assignment will be made. Inquiry forms for such purposes are available at the District office.

(g) Non-Retroactive User Charges. Each property owner is re-

responsible for the correctness of their own sewer user charges. Corrections or revisions due to changed circumstances shall not entitle a premise to repayment by the District for prior years user charges. Similarly, the District shall not back charge a premise for underpayment of user charges due to mistakes or omissions in the assignment of sewer user units.

(h) Premises Using Septic Tanks. Premises using a septic tank and not connected to the District sewer system shall not be subject to a sewer service user charge provided the owner has given written notice to the District prior to August 1 of the current year pertaining to sewer user charges.

SECTION 7. Monthly Service Charge. For the fiscal year beginning July 1, 1978 and ending June 30, 1979 the sewer user service charge shall be \$2.00 per month per sewer user unit or such lesser amount as amended by the Board of Directors at a later date. Penalties for non-payment shall be assessed in the same amount and in the same manner as penalties on County ad valorem taxes.

SECTION 8. Person Responsible for Payment. The person responsible for payment of all charges shall be the owner of record of such premises.

SECTION 9. Effective Date of Sewer Service Charges. Sewer service charges shall become effective against all premises immediately upon connection to the District's facilities.

SECTION 10. Termination of Service. If any premises shall become vacant, the applicable minimum monthly service charge shall continue to be charged to and collected from the owner of such

premises, until the District Engineer receives a written statement or request from such owner to disconnect such premises from the sewer system.

SECTION 11. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, no other provision of this ordinance shall be affected thereby.

SECTION 12. Repeals. All parts of prior ordinances of this District which are inconsistent or in conflict with the constitutional enforcement of this ordinance are hereby repealed.

SECTION 13. Effective Date. This ordinance shall be published once a week in a newspaper published in the District if there is one, and if there is not, then it shall be posted for one week in three public places in the District. It shall be effective upon expiration of the week of publication or posting.

PASSED AND ADOPTED this 28th day of June, 1978,

by the following vote:

AYES: Ostaggi, Davison, Knoles, McDonald

NOES: Cronin

ABSENT: None