

**SANITARY DISTRICT NO. 1 OF MARIN COUNTY
ORDINANCE NO. 58**

**An Ordinance Repealing Ordinances
No. 48 adopted June 16, 1998
No. 31 adopted June 28, 1978
No. 35 adopted April 19, 1988, and
No. 42 adopted February 1, 1994
and
Enacting this Ordinance Relating to
Sewer Service Charges**

THE BOARD OF DIRECTORS OF SANITARY DISTRICT NO. 1 OF MARIN COUNTY
DOES ORDAIN AS FOLLOWS:

SECTION 1. Definitions.

(a) Agent. An agent means any person specifically authorized to act on behalf of the District.

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

(c) Board. Board means the Board of Directors of Sanitary District No. 1 of Marin County.

(d) 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.

(e) District. District means Sanitary District No. 1 of Marin County.

(f) District Engineer. District Engineer means the engineer appointed by and acting for the Board and shall be a registered civil engineer.

(g) District Manager. District Manager means the person appointed by the Board to administer and enforce the rules, regulations and ordinances of the District.

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

(i) 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.

Assessor's Use Code	Assessors Use Code Description	Sewer User Unit Assignment
00	Vacant	One per dwelling unit*
10	Single Family Residential – Unimproved	One per dwelling unit*
11	Single Family Residential – Improved	One per dwelling unit
12	Mobile Home	One per dwelling unit
20	Multiple Residential – Unimproved	One per dwelling unit*
21	Multiple Residential – Improved	One per dwelling unit
30	Farm	One per equivalent dwelling unit
31	Rural Home	One per dwelling unit
32	Agricultural Preserve Contract – Unimproved	One per equivalent dwelling unit*
33	Agricultural Preserve Contract – Improved	One per equivalent dwelling unit
36	Open Space Contract – Unimproved	One per equivalent dwelling unit*
37	Open Space Contract – Improved	One per equivalent dwelling unit
40	Industrial Land – Unimproved	One per equivalent dwelling unit*
41	Industrial Land – Improved	One per equivalent dwelling unit
50	Commercial Land – Unimproved	One per equivalent dwelling unit*
51	Commercial Land – Improved	One per equivalent dwelling unit
60	Land Subject to Exemption – Unimproved (churches, schools, etc.)	One per equivalent dwelling unit*
61	Land Subject to Exemption – Improved (churches, schools, etc.)	One per equivalent dwelling unit
80	Non-taxable	One per equivalent dwelling unit
81	Tax Deeded	One per equivalent dwelling unit
90	Public Utility – Non-taxable	One per equivalent dwelling unit
91	Public Utility – Taxable	One per equivalent dwelling unit

*A sewer service charge isn't levied until a dwelling unit or equivalent dwelling unit is established on the premises.

SECTION 7. Assignment of Sewer User Units.

(a) One Unit Minimum. All premises connected to the District sewer system 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 premises.

(c) Non-Residential Premises. For premises other than dwelling units, sewer user units shall be assigned based on the equivalent dwelling units and strength factor of sewage discharge from the premises.

(d) Equivalent Dwelling Units. Equivalent dwelling units for non-residential premises are based on the most recent winter season water consumption records available and may be revised from time to time. The average monthly winter water consumption for each non-residential premises shall be divided by 1,000 cubic feet to determine the number of equivalent dwelling units to be assigned to said premises. Equivalent dwelling units thus calculated shall be rounded to the nearest integer (not less than one). Irrigation flows and other flows not discharging to the District sewer system are assigned zero equivalent dwelling units and zero sewer user units.

(e) High Strength Factor. For non-residential premises that discharge sewage having significantly greater strength characteristics than residential sewage, the total sewer user unit assignment shall be determined by multiplying the number of equivalent dwelling units determined in Section 6(d) above by the strength factor shown below:

User	Strength Factor
Market with garbage disposals	2.34
Mortuaries	2.34
Restaurants	2.34
Laundries	2.34
Bakeries	2.34
Prisons	2.34

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

(f) Inquiry Regarding Assessment of Sewer User Units. Inquiries regarding the assignment of sewer user units must be submitted to the District Manager in writing before changes in unit assignment will be made.

(g) Refund of Sewer Service Charges. Each owner is responsible for the correctness of the sewer service charges levied against their premises. Corrections or revisions due to changed circumstances shall not entitle the owner to repayment by the District for prior years' sewer service charges. Similarly, the District shall not backcharge the owner for underpayment of charges due to mistakes or omissions in the assignment of sewer user units. Refunds of charges paid for premises not connected to the District sewer system shall be made pursuant to Government Code Section 53082.

SECTION 8. Person Responsible for Payment. The person responsible for payment of all charges shall be the owner 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 sewer system.

SECTION 10. Termination of Service. If any premises shall become vacant, the applicable annual service charge shall continue to be charged and collected from the owner of such premises until the District Manager receives a written statement from such owner that such premises has been disconnected from the District sewer system.

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

SECTION 12. Repeals. As of June 30, 2006, the following ordinances of this District are hereby repealed: Ordinance No. 31 adopted June 28, 1978; Ordinance No. 35 adopted April 19, 1988; Ordinance No. 42 adopted February 1, 1994; and Ordinance No. 48 adopted June 16, 1998.

SECTION 13. Effective Date of this Ordinance. This Ordinance shall be published once in the Marin Independent Journal, a newspaper of general circulation published in the District.

Thereafter, it shall be effective July 1, 2006, provided that the District Board adopts a resolution that the Board has fully complied with the provisions of Section 6 of Article 13D of the California Constitution. If the District Board fails to adopt such a resolution by August 31, 2006, this Ordinance shall not go into effect and the above referenced Ordinances Nos. 31, 35, 42 and 48 shall remain in full force and effect.

SECTION 14. Challenge to Ordinance. Any person challenging the validity of any provision of this ordinance must do so within a court of competent jurisdiction not later than ninety (90) days from the effective date of this ordinance.


PASSED AND ADOPTED this 1st day of August, 2006 by the following vote:

AYES: BURKE, GUASCO, VANNI, BROWN

NOES: NONE

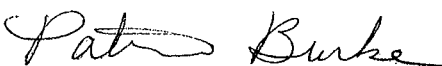
ABSTAIN: NONE

ABSENT: OLIVA



SUE BROWN
PRESIDENT OF THE BOARD

Attest:



PATRICIA BURKE
SECRETARY OF THE BOARD