

**SANITARY DISTRICT NO. 1 OF MARIN COUNTY
ORDINANCE NO. 59**

**An Ordinance Amending Ordinance No. 58 adopted August 1, 2006
Enacting this Ordinance Relating to Sewer Service Charges
Amends Section 5(a) to read and Adds Section 5 (d) to read as follows:**

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.

(j) Larkspur Sanitation Area. Larkspur Sanitation Area means the portion of the City of Larkspur defined in Exhibit "A" of the Annexation Agreement dated January 6, 1993, by and between Sanitary District No. 1 and the City of Larkspur.

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

(l) 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.

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

(n) Sewer User Unit. Sewer user unit means sewage discharge equivalent to one dwelling unit.

SECTION 2. Free Services. No facilities or services of the District sewer system shall be furnished to any premises or to any owner or other person free of charge.

SECTION 3. Annual Establishment of Sewer Service Charge. The sewer service charge for each sewer user unit to be levied each fiscal year for each premises connected, or required by the District to be connected, to the District sewer system shall be established annually by resolution of the District Board.

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

SECTION 5. Maximum Annual Sewer Service Charges.

(a) The annual sewer service charge per sewer user unit shall be as follows:

1. Effective July 1, 2006 and shall continue thereafter in effect until further action by the Board of Directors
 - i. Ross Valley Service Area \$ 270
 - ii. Larkspur Service Area \$ 342

(b) The actual sewer service charge per sewer user unit to be levied in any year shall be established by the District Board pursuant to Section 3 of this Ordinance.

(c) Penalties for non-payment of the appropriate sewer service charge shall be assessed in the same amount and in the same manner as penalties on County of Marin ad valorem taxes.

(d) The District does hereby elect, pursuant to Section 5473 of the Health and Safety Code of the State of California, to have the sewer service charges, established by said District pursuant to its Ordinance No. 58 passed and adopted by the Board of Directors of the Sanitary District No. 1 of Marin County on August 1, 2006, as amended in Ordinance 59, collected on the tax roll of the County of Marin, State of California, in the same manner as its general taxes provided and pursuant to Sections 5471 through 5473.11 of the Health and Safety Code of the State of California and said Ordinance No. 58 of said District, as amended Ordinance 59.

SECTION 6. Sewer User Classes. 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.

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. This Ordinance shall take effect and be in full force on July 1, 2007.

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 5th day of June, 2007 by the following vote:

AYES: BURKE, GUASCO, VANNI, BROWN

NOES: NONE

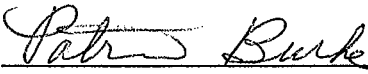
ABSTAIN: NONE

ABSENT: NONE



SUE BROWN
PRESIDENT OF THE BOARD

Attest:



PATRICIA BURKE
SECRETARY OF THE BOARD