

**SANITARY DISTRICT NO. 1 OF MARIN COUNTY  
ORDINANCE NO. 63  
An Ordinance Repealing Ordinances  
No. 58 adopted August 1, 2006  
No. 59 adopted June 5, 2007  
and  
Enacting this Ordinance Relating to  
Sewer Service Charges**

**WHEREAS**, the Board of Directors of Sanitary District No. 1 of Marin County ("Board") desires to amend its existing Sewer Ordinance; and

**WHEREAS**, in compliance with Section 6 of Article XIID of the California Constitution, on July 20, 2011, the Board adopted sewer service charges; and

**WHEREAS**, on May 10, 2012, the Board determined that it would not increase sewer service charges on July 1, 2012, and that sewer service charges in effect will remain imposed as adopted on July 20, 2011; and

**WHEREAS**, this Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended.

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

**SECTION 1. Definitions:**

1. **Agent.** An agent means any person specifically authorized to act on behalf of the District.
2. **Assessors Use Code.** Assessors Use Code means the number coding and classification of property in use by the Marin County Assessor.
3. **Board.** Board means the Board of Directors of Sanitary District No. 1 of Marin County.
4. **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.
5. **District.** District means Sanitary District No. 1 of Marin County.
6. **District Engineer.** District Engineer means the engineer receiving direction from the General Manager and shall be a registered civil engineer.
7. **District Sewer System.** District sewer system means any part of the sewage facilities owned and operated by the District.

8. 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.

9. General Manager. General Manager means the person appointed by the Board to administer and enforce the rules, regulations, and ordinances of the District.

10. 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 of Marin County and the City of Larkspur.

11. 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.

12. 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.

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

14. Sewer User Unit. Sewer user unit means sewage discharge equivalent to one dwelling unit.

SECTION 2. Free Service. 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. Sewer Service Charge Imposed. Pursuant to Health and Safety Code section 5471 et seq., there is imposed upon each parcel connected to the sewer system an annual sewer service charge.

SECTION 4. 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 Board.

SECTION 5. Maximum Annual Sewer Service Charges. The Maximum Annual Sewer Service Charges shall be as follows:

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

(1) Effective July 1, 2012 and shall continue thereafter in effect on July 1 each subsequent year until further action by the Board:

- (a) Ross Valley Service Area \$638
- (b) Larkspur Service Area \$864

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.

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 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  |

| Assessor Use Code | Assessors Use Code Description | Sewer User Unit Assignment       |
|-------------------|--------------------------------|----------------------------------|
| 90                | Public Utility — Non-taxable   | One per equivalent dwelling unit |
| 91                | Public Utility — Taxable       | One per equivalent dwelling unit |

\*A sewer service charge is not levied until a dwelling unit or equivalent dwelling unit is established on the premises.

**SECTION 7. Assignment of Sewer User Units.** The assignment of Sewer User Units shall be as follows:

1. **One Unit Minimum.** All premises connected to the District sewer system will be assigned a minimum of one sewer user unit.

2. **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.

3. **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.

4. **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 nonresidential 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.

5. **High Strength Factor.**

a. 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 (d) above by a strength factor of 2.34, which applies to the following users: Market with garbage disposals; Mortuaries; Restaurants; and Bakeries.

b. For any other users discharging high strength sewage, the strength shall be as determined by the General Manager, confirmed by testing, and approved by the Board.

c. Inquiries regarding the assignment of sewer user units must be submitted to the General Manager in writing before changes in unit assignment will be made.

**SECTION 8. Refund of Sewer Service Charges.** Refund of Sewer Service charges shall be in accordance with the following procedures: 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. Nothing in this section shall be deemed to preempt any other requirements for the recovery of refunds imposed by State or local law.

**SECTION 9. Person Responsible for Payment.** The person responsible for payment of all charges shall be the owner of such premises.

**SECTION 10. Effective Date of Sewer Service Chagres.** Sewer service charges shall become effective against all premises immediately upon connection to the District sewer system.

**SECTION 11. 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 General Manager receives a written statement from such owner that such premises have been disconnected from the District sewer system.

**SECTION 12. Election to Collect on Tax Rolls.** The District continues its election to collect the sewer service charges set forth in this Resolution on the County tax roll at the same time and manner as general taxes pursuant to Health and Safety Code section 5471 et seq.

**SECTION 13. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part of provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Ordinance are severable. The Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid, or unenforceable.

**SECTION 14. Effective date of Sewer Service Charges.** The sewer service charges and other provisions contained in this Ordinance shall remain effective July 1, 2012, and shall continue thereafter in effect until further action by the Board.

**SECTION 15. Repeals.** As of the effective date of this Ordinance, the following ordinances of this District are hereby repealed in their entirety: Ordinance No. 58 and Ordinance No. 59. This Ordinance supersedes and replaces Resolution Nos. 12-1434 and 11-1410.

**SECTION 16.** This Ordinance is declaratory of, clarifies and affirms existing law.

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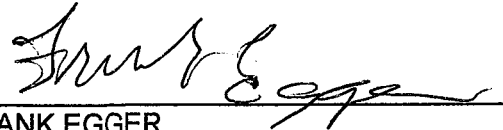
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**SECTION 17. Effective Date of this Ordinance.** This Ordinance shall be published once in the Marin Independent Journal, a newspaper of general circulation published in the District.

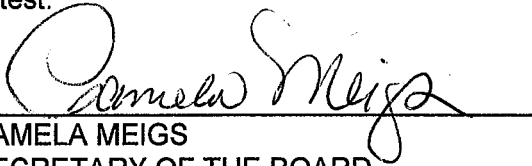
PASSED AND ADOPTED this 28<sup>th</sup> day of November 2012 by the following vote:

AYES: Egger, Guasco, Meigs, Sullivan, Sylla  
NOES: None  
ABSTAIN: None  
ABSENT: None



FRANK EGGER  
PRESIDENT OF THE BOARD

Attest:



PAMELA MEIGS  
SECRETARY OF THE BOARD