

**NOVATO SANITARY DISTRICT**

**ORDINANCE NO. 111**

**SEWER SERVICE CHARGES**

*Adopted August 6, 2007*

NOVATO SANITARY DISTRICT

Ordinance No. 111

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**ORDINANCE NO. 111**

**AN ORDINANCE OF THE  
NOVATO SANITARY DISTRICT REPEALING DISTRICT ORDINANCE NO. 42,  
AND PRESCRIBING RATES AND CHARGES FOR SEWAGE DISPOSAL  
SERVICE AND PROVIDING PROCEDURES AND PENALTIES FOR ITS  
ENFORCEMENT**

**The Board of Directors of the Novato Sanitary District does ordain as follows:**

**Section 1. Findings and purposes.**

- A. The Board finds and determines that the protection of the environment is of the highest priority and that it is necessary and desirable to aid in the protection of that environment by building improved sewerage facilities for the collection, treatment, recycling and disposal of sewage in the Novato Sanitary District area.
- B. Pursuant to California Health & Safety Code Section 6520.5, the District is authorized to adopt fees and charges for services and facilities furnished by it. This Ordinance is intended to provide for an annual service charge to ensure that sufficient revenues are collected to adequately acquire, construct, reconstruct, maintain, and operate the District's needed sewerage facilities and recycling facilities, to repay principal and interest on bonds issued for the construction of such sanitary or sewerage facilities, and to repay federal or state loans or advances made to the District for the construction or reconstruction of sanitary or sewerage and recycling facilities; provided, however, that such revenue shall not be used for the acquisition or construction of new local street sewers or laterals, as distinguished from main trunk, interceptor and outfall sewers.
- C. To accomplish these basic aims, the Board finds and determines that it is necessary to establish a sewer service charge in the manner set forth in this ordinance.
- D. The District and its consultants have developed budgets, cost of service projections and a revenue program to ascertain the funding needs of the District. The Board finds that the information developed and provided to it provides a reasonable projection of costs, and uses an appropriate and legal methodology for apportionment of these costs. The fees expected to be generated from the sewer service charges will not exceed the total of all actual costs reasonably allocable to the services and facilities needed to serve all users. The allocation of costs to categories of users and the fee developed for individual users reasonably reflect the cost of service attributable to users.
- E. The District's costs are divided into those that are independent of daily wastewater flow, or "fixed," and those that vary with wastewater flow and strength. The fixed costs include operation and maintenance of the sewers and treatment facilities, laboratory analysis, regulatory reporting, and capital investment. The costs that vary with wastewater flow and strength are primarily energy and chemical costs plus some portion

of the operation and maintenance costs. For residential users, reasonable costs of service can best be recovered by use of a baseline charge covering the fixed costs, with adjustments for extremely high or low flows. For non-residential users, the charges will best reflect the actual cost of service if the District charges an amount to cover fixed costs based on the exterior square footage of the user's structure and the use type, and a variable amount representing the costs of a user's wastewater strength and flow.

## **Section 2. Definitions.**

- A. "Benefited User" (User) is defined as an owner of improved property connected to the public sewer system
- B. "Governmental or public improved properties" is defined as properties which are owned, controlled or used by (a) the United States government or any department or agency thereof, (b) the state of California or any department or agency thereof, (c) any city, county, town or city and county or any of their departments or agencies, (d) any school district, (e) any other governmental or public entity.
- C. "Residential occupancy unit" is defined to mean and refer to any place of residence which has a kitchen sink, stove, and bathroom facilities. An occupancy unit includes individual apartments or units in multi-family residential buildings, provided they meet the above definition.
- D. "Service Unit" or "SU" is defined as the basic unit charge established in this ordinance by the District that is necessary to recover the total system and plant operation, maintenance, and replacement costs, and general administration and accounting costs for providing service to an average occupancy unit.
- E. "Square Footage" is defined as external building floor areas, which will be obtained from assessor's records or field measured as necessary.

## **Section 3. Basis of charge.**

- A. The basis of the sewer service charge is to provide a reasonable nexus between sewer system costs and sewer service charges to the Benefited Users of the sewer system as prescribed by the state and the United States Environmental Protection Agency. Annual sewer service charges shall be based on the proportional cost of providing sewer service to the Benefited User, and the Benefited User's use of the sewer system for the previous fiscal year. A Benefited User at a Residential occupancy unit will be charged one SU for average water use.
- B. Additional Residential Units. In the event a separate additional residential unit is constructed on a parcel with a Residential occupancy unit already on it, whether or not in compliance with applicable government regulations, separate and additional sewer service fees (as well as other applicable connection fees) for that additional residential unit shall become due. The creation of a dwelling space that accommodates an additional separate living area within a parcel, whether or not said additional separate living area is constructed within the original building or is a detached building, shall subject the parcel to assessment of an additional residential unit sewer service charge. An additional separate living area shall be defined as an area designed for the purpose of separate

habitation that 1) will be, or can be, physically separated by a wall or door from other residential units on the parcel, and 2) contains a bathroom, a kitchen, a multipurpose or bedroom area, and an exterior entrance.

- C. Non-Residential Charges: For non-residential Users a Service Unit or SU is equivalent to approximately 1,500 square feet of enclosed space and a wastewater flow approximately equal to average residential wastewater flow and strength, The flow and wastewater strength factors given in Tables 1 and 2 are used to adjust the charges to reflect the higher wastewater flows and strengths discharged by some categories of non-residential Users. The estimated SU equivalent of 1,500 square feet of enclosed non-residential space may be adjusted from time to time based on accumulated data of costs, flows and strengths. Temporary lodging, such as hotels, motels, RV parks, and convalescent hospitals shall be considered commercial establishments and, as such, shall be classified as non-residential Users.
- D. Other Charges: Certain other charges may be imposed by the District to recover capital costs. These capital improvement costs for plant and sewer system shall be financed in part from revenues derived from ad valorem taxes, fixture charges, agency contracts, and connection charges. The necessary other fees and charges to be collected by the District shall be established by resolution or ordinance of the Board of Directors of the District and reviewed periodically.
- E. All charges imposed by this ordinance are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15273(a)(1), (3) and (4) of the State CEQA Guidelines.

#### **Section 4. Rates.**

- A. The rates for the sewer service charge and the properties to be affected shall be established by ordinance of the District and reviewed periodically. The rates shall be computed in accordance with this Ordinance and the revenue program of the District.
- B. Residential Users Sewer Service Charge Rate Calculation.
  - (1) Each occupancy unit shall be assigned SUs based on its average water usage for an approximate four-month period during the last winter season (December 1 to April 30) for which water use records are available.
  - (2) For residential Users with an individual water meter, the number of SUs to be assigned shall be calculated as shown below:
    - (a) Weighted Average residential water use: Is equal to the sum of average of the water meter readings for residential customers divided by the total number of dwelling units.
    - (b) Low Water Use Charge: Individually metered residential Users whose water usage during the base winter period was equal to or less than twenty-five percent

(25%) of the weighted average residential water use shall be assigned 0.6 SU per occupancy unit.

(c) Average Water Use Charge: Individually metered residential Users whose water usage during the base winter period (December 1 to April 30) was greater than twenty-five percent (25%) and less than two hundred percent of the weighted average residential water use shall be assigned 1.0 SU per occupancy unit.

(d) High Water Use Charge: Individually metered residential Users whose water usage during the base winter period was equal to or greater than two hundred percent (200%) of the weighted average residential water use shall be assigned 1.8 SUs per occupancy unit.

(3) Non-metered and all other residential Users shall be assigned one (1) SU for each occupancy unit.

(4) The residential rates are shown in Table 1A below. All subsequent sewer service charge rates or amendments thereto shall be established by ordinance of the Board and kept on file with the District Secretary.

Table 1A

Residential Rates	Charge		
	2007/08	2008/09	2009/10
1 SU (Average Water Use)	\$382	\$422	\$462
Low Water Use	\$229	\$253	\$277
High Water use	\$688	\$760	\$832

C. Non-Residential Users Sewer Service Charge Calculation. In order that the rates appropriately allocate costs among Users, the service charge is comprised of two factors: square footage of enclosed space adjusted for flow, and water use in the winter period (December 1 to April 30) adjusted for wastewater strength. The type of non-residential improvement affects both the square footage rate and the wastewater strength rate. The two factors are used to calculate the two components of the charge: a fixed component based on the equivalent floor area of various categories of non-residential improvements which stays the same from year-to-year, and a variable component determined by winter water consumption and strength of wastewater which will vary from year to year.

(1) Fixed Portion of the Non-residential Sewer Service Charge. The fixed portion of the non-residential charge is based on building square footage and industry-standard flow factors. The charge per square foot of floor area for the different types of non-residential uses is given in Table 1.

*Example:* For a 1000 square foot restaurant, the fixed portion of the charge for 2007/08 would be:

$$(1,000 \times \$0.30) = \mathbf{\$300}$$

(2) Variable Portion of the Non-residential Sewer Service Charge. The balance of the non-residential charge is based on both water usage and industry-standard strength factors. The charge per hundred cubic feet (HCF) for different categories of non-residential Users is given in Table 2. The average water use for the year is projected based on water meter readings taken between December and April of the previous year. The variable charge will be calculated by multiplying the annual water use in hundred cubic feet by the charge per hundred cubic feet for the particular use type.

*Example:* if the water meter reading for the above restaurant averaged 20 HCF for a two month period, the variable component of the charge for 2007/08 would be:

$$20 \times 6 \times \$4.53 = \mathbf{\$543.60}$$

(Note: the 20 HCF is multiplied by 6 in the above calculation to convert the bimonthly water use to the annual water use. See Table 2.)

(3) Calculation of the Total Charge: The total annual charge would be the total of the fixed and variable components of the charge. For the above restaurant the total charge would be:

$$\$300 + \$543.60 = \mathbf{\$843.60}$$

D. Mixed Non-residential Users Sharing One Meter. In order to calculate the service charge when two or more Users share one water meter, the District shall take into account tenant floor areas for each tenant, User type of each tenant, and metered water use.

(1) Fixed component for mixed use: The fixed charge for mixed use buildings will be obtained by multiplying the square footage for each use type by the charge per square foot for that use type and summing the charges for the building.

*Example:* A building that contains a 1000 square foot restaurant and a 4000 square foot retail space, at 2007/08 rates would be charged the following:

$$(1,000 \times \$0.30) + (4000 \times \$0.15) = \$300 + \$600 = \mathbf{\$900}$$

(2) Variable component for mixed use: In order to allocate water use to different strength categories of Users on one water meter, the District uses a three step process.

**Step One.** First, the floor area flow factor given in Table 1 is used to estimate the proportional amount of the total flow attributed to each tenant. The following formula is used:

W = Annual Water Use

T<sub>1</sub> = Floor area of Tenant 1

$T_2$  = Floor area of Tenant 2  
 $T_n$  = Floor area of Tenant n  
 $F_1$  = Floor area flow factor for Tenant 1  
 $F_2$  = Floor area flow factor for Tenant 2  
 $F_n$  = Floor area flow factor for Tenant n  
 $E$  = Total equivalent floor area  
 $E = T_1 \times F_1 + T_2 \times F_2 + T_n \times F_n$   
 Flow for Tenant n( $W_n$ )=  $W \times T_n \times F_n / E$

**Step Two.** The variable portion of the charge for each tenant is then calculated by multiplying the flow for each tenant by the charge per hundred cubic feet (HCF) for the User type of the tenant in Table 2.

$V_n$ = Variable Charge  
 $W_n$ = Flow for Tenant n.  
 Charge<sub>n</sub>= charge per HCF for User type (found in Table 2)

$$V_n = W_n \times \text{Charge}_n$$

**Step Three.** The total variable portion of the charge is the sum of variable charges for each tenant as shown in the example below.

- (3) *Example.* A building contains a 1000 square foot restaurant and a 4000 square foot retail space and has a water meter reading for a two month period of 30 HCF, or 180 HCF/year, at 2007/08 rates.

Fixed portion of charge:

$$(1,000 \times \$0.30) + (4000 \times \$0.15) = \$300 + \$600 = \mathbf{\$900}$$

Variable portion of charge:

$$\text{Equivalent floor area (E)} = (1000 \times 2) + (4000 \times 1) = 6000$$

$$\text{Restaurant flow} = 180 \times (1000 \times 2) / 6000 = 60 \text{ HCF}$$

$$\text{Retail flow} = 180 \times (4000 \times 1) / 6000 = 120 \text{ HCF}$$

$$\text{Variable portion of charge} = (60 \times \$4.53) + (120 \times \$2.08) = \mathbf{\$521.40}$$

Total Charge:

$$\text{Fixed Charge} + \text{Variable Charge} = \text{Total Charge}$$

$$\mathbf{\$900 + 521.40 = \$1,421.40}$$

Table 1  
 Fixed Charge Per Square Foot  
 Including flow factors

User Type	Floor Area Flow Factor	Charge Per Square Foot		
		2007-08	2008-09	2009-10
Base Charge/square foot	1.0	\$0.15	\$0.17	\$0.19
Office	1.0	\$0.15	\$0.17	\$0.19
Retail	1.0	\$0.15	\$0.17	\$0.19
Public office buildings	1.0	\$0.15	\$0.17	\$0.19
School classrooms/administration	1.0	\$0.15	\$0.17	\$0.19
Churches	1.0	\$0.15	\$0.17	\$0.19
Meeting halls with kitchens	1.0	\$0.15	\$0.17	\$0.19
Auto service stations	1.0	\$0.15	\$0.17	\$0.19
Supermarkets	1.0	\$0.15	\$0.17	\$0.19
Auditoriums theaters	1.0	\$0.15	\$0.17	\$0.19
Gymnasium w/showers	1.0	\$0.15	\$0.17	\$0.19
Hotels/motels, not incl. restaurant	1.0	\$0.15	\$0.17	\$0.19
Mortuary	1.0	\$0.15	\$0.17	\$0.19
Medical offices	1.3	\$0.20	\$0.23	\$0.25
Veterinary offices	1.3	\$0.20	\$0.23	\$0.25
Dental offices	1.3	\$0.20	\$0.23	\$0.25
Hospitals	1.3	\$0.20	\$0.23	\$0.25
Cafeteria/dining area	2.0	\$0.30	\$0.34	\$0.38
Restaurants/cafes	2.0	\$0.30	\$0.34	\$0.38
Bakeries	2.0	\$0.30	\$0.34	\$0.38
Ice cream/yogurt shops	2.0	\$0.30	\$0.34	\$0.38
Delicatessens	2.0	\$0.30	\$0.34	\$0.38
Laundry and Laundromats	3.0	\$0.45	\$0.51	\$0.57

Note: Ministorage buildings and other storage buildings not connected to the sewers are not charged for sewer use.

Table 2  
Variable Charge  
(water use and strength factors)

User Type	Strength Factor	Charge Per Hundred Cubic Feet <sup>1</sup>		
		2007-08	2008-09	2009-10
Base Charge/square foot	1.0	\$2.08	\$2.30	\$2.52
Office	1.0	\$2.08	\$2.30	\$2.52
Retail	1.0	\$2.08	\$2.30	\$2.52
Public office buildings	1.0	\$2.08	\$2.30	\$2.52
School classrooms/administration	1.0	\$2.08	\$2.30	\$2.52
Churches	1.0	\$2.08	\$2.30	\$2.52
Auto service stations	1.0	\$2.08	\$2.30	\$2.52
Auditoriums theaters	1.0	\$2.08	\$2.30	\$2.52
Gymnasium w/showers	1.0	\$2.08	\$2.30	\$2.52
Hotels/motels, not incl. restaurant	1.0	\$2.08	\$2.30	\$2.52
Medical offices	1.0	\$2.08	\$2.30	\$2.52
Veterinary offices	1.0	\$2.08	\$2.30	\$2.52
Dental offices	1.0	\$2.08	\$2.30	\$2.52
Hospitals	1.0	\$2.08	\$2.30	\$2.52
Laundries and laundromats	1.4	\$2.92	\$3.22	\$3.53
Meeting halls with kitchens	1.4	\$2.92	\$3.22	\$3.53
Cafeteria/dining area	2.2	\$4.53	\$5.01	\$5.48
Restaurants/cafes	2.2	\$4.53	\$5.01	\$5.48
Supermarkets	2.2	\$4.53	\$5.01	\$5.48
Bakeries	2.2	\$4.53	\$5.01	\$5.48
Ice cream/yogurt shops	2.2	\$4.53	\$5.01	\$5.48
Delicatessens	2.2	\$4.53	\$5.01	\$5.48
Mortuary	2.2	\$4.53	\$5.01	\$5.48

1. The annual volume of water use in hundred cubic feet/year is calculated based on the average winter water use. (Winter bimonthly water use x 6 = annual volume of water use.)

**Section 5. Adjustments pursuant to special studies.**

A. It is the intent of the provisions of this ordinance, in establishing different sewer service charges for different categories of properties, to reflect the benefit from such service to each property. If an individual User believes that the applicable sewer service charges as determined by use of established units of measure and SU factors is unreasonably high based on the User's site-specific wastewater flow and strength, that User may request that a special study be conducted by District staff to determine the appropriate sewer service charge. Such study shall be undertaken upon payment by the User of the cost for such study. If the District independently believes that an applicable sewer service charge is

inaccurate, it may conduct a special study. Studies voluntarily undertaken by the District shall be at the District's expense.

- B. All special studies, whether voluntarily undertaken by the District or pursuant to a User request, shall be based upon an engineering application of the principles set forth in this ordinance and to the particular wastewater flow and strength factors of the User subject to the special study. Any calculation of a revised charge will use the same methodology as set forth elsewhere in this ordinance.
- C. If the special study is completed sufficiently in advance of when payment is due, or when the sewer service charge is submitted to the County, the amount of the charge may be adjusted based on the results of the special study and the District may in its discretion provide a separate bill for the charges. However, if the special study cannot be completed prior to the time such charges are due or must be submitted to the County, the User shall pay sewer service charges determined by application of the units of measure and SU factors included in Section 3. If the subsequently completed special study results in a sewer service charge that exceeds the charge actually paid, or billed on the tax roll, by more than ten percent, the User shall be responsible, and will be billed separately for the difference. If the special study results in a sewer service charge that is more than ten percent less than the charge actually paid, or billed on the tax roll, the District will refund the difference to the parcel owner by separate payment.

**Section 6. Refunds.**

When any refund becomes due and owing by virtue of action of the Board or by virtue of any error made in ascertaining the charge applicable to any customer, the Manager-Engineer is authorized to make payable such moneys from the specific fund established for the deposit of sewer service charges.

**Section 7. Non-retroactive service charges.**

Each property owner is responsible for the correctness of the sewer service charges applicable to premises owned by him or her. Corrections or revisions due to changed circumstances shall not entitle a property owner to repayment by the District for prior years' service charges.

**Section 8. Effective date of charges.**

The abovementioned sewer service charges shall become effective on July 1, 2007, as to all premises in the District.

**Section 9. New connections.**

For new connections to the sewerage system of the District, sewer service charges shall become effective at the time the records of the Marin County Assessor indicates such property is within the boundaries of the District and is classified as improved property. This determination shall be made once a year in July for the following fiscal year. The District

may send a supplemental bill to cover pro-rated charges due for the period of time service was provided before the annual billing cycle.

**Section 10. Collection of charges on tax roll.**

- A. Pursuant to the provisions of Division 5, Part 3, Ordinance 6, Article 4 of the Health and Safety Code of the State, and subject to the exceptions set forth in this ordinance, the District elects, as an alternative procedure for the collection of sewer service charges prescribed or imposed by the provisions of this ordinance to have all such sewer service charges for each fiscal year from and after July 1, 2007, collected on the tax roll in the same manner, by the same persons and at the same time as, and together with and not separately, from its general taxes.
- B. The Manager-Engineer is directed to annually prepare and file with the District Secretary before the first day of August, a report containing a description of each and every parcel of real property receiving the sewer services hereinabove mentioned and the amount of the sewer service charge for each parcel for the forthcoming fiscal year, in conformity with the charges prescribed herein. Providing and excepting that: the sewer service charges for any and all governmental or public improved properties or for any improved properties which are not subject to taxation on the tax roll shall not be included in the report, but shall be collected in accordance with other provisions of this code. The parcels of real property included in the report may be described by reference to maps prepared in accordance with Section 327 of the Revenue and Taxation Code of the state and on file in the office of the county assessor, or by reference to plats or maps on file in the office of the District.
- C. The District Secretary shall cause notice of the filing of the report and of a time and place of hearing thereon to be published prior to the date set for hearing in a newspaper of general circulation printed and published within the District. The publication of the notice shall be once a week for two successive weeks. Two publications in a newspaper published once a week or more often, with at least five days intervening between the respective publication dates not counting publication dates, are sufficient. The period of notice commences upon the first day of publication and terminates at the fourteenth including therein the first day.
- D. The District Secretary shall also cause a notice in writing of the amount of the charge, of the filing of the first report hereunder proposing to have such charge for the forthcoming fiscal year collected on the tax roll, and of the time and place of hearing thereon, to be mailed to each person to whom any parcel or parcels of real property described in the report is assessed on the last equalized assessment roll available on the date the report is prepared, at the address shown on the assessment roll or as known to the District Secretary, in accordance with Division 5, Part 3, Chapter 6, Article 4 of the Health and Safety Code.
- E. If the Board adopts the report for the forthcoming year, July 1, 2007, to June 30, 2008, inclusive, then the requirements for notice in writing to the persons to whom parcels of

real property are assessed shall not apply to hearings on reports prepared in subsequent fiscal years, but notice by publication as hereinabove provided shall be adequate.

- F. At the time stated in the abovementioned notice, the Board shall hear and consider all objections or protests, if any, to the report referred to in the notice and may continue the hearing from time to time. If the District finds that protest is made by owners of a majority of separate parcels of property described in the report, then 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, except as provided in Section 15.
- G. Upon the conclusion of the hearing, the Board may adopt, revise, change, reduce or modify and change or overrule any or all objections, and shall make its determination upon each charge as described in the report, which determination shall be final.
- H. On or before the tenth of August of each year following such final determination, the District Secretary shall file with the auditor of the county a copy of the report with a statement endorsed thereon over his or her signature that it has been finally adopted by the Board, and the auditor of the county shall enter the amounts of the charges against the respective lots or parcels of land as they appear on the current assessment roll.
- I. 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 date prescribed by law as the lien date for general property taxes.
- J. The tax collector of the county shall include the amount of the charges on bills for taxes levied against the respective lots and parcels of land.
- K. Thereafter the amount of the charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the District and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties.
- L. All laws applicable to the levy, collection and enforcement of general taxes of the District, including but not limited to, those pertaining to matters of delinquency, collection, cancellation, refund and redemption, are applicable to such charges.
- M. The tax collector may in his or her discretion issue separate bills for such charges and separate receipt for collection on account of such charges. The county shall be compensated for services rendered in connection with the levy, collection and enforcement of such charges in an amount to be fixed by agreement between the Board of Supervisors of the County and the Board of Directors of the Sanitary District.
- N. If any premises within the District are omitted from the abovementioned report or the tax roll, either because the charge therefor shall not have yet been ascertained by the Manager-Engineer as of the date of the report or for any other reason, the sewer service charge for each improved property shall be collected in the manner provided elsewhere in

this ordinance. If the charge for any improved property, as shown on the report for the forthcoming fiscal year should be less than that which should be the charge therefor under the provisions of this ordinance, the balance of the charge shall be collected in the manner provided elsewhere in this ordinance.

**Section 11. Billing.**

Except in circumstances where charges are collected on the tax roll, the Manager-Engineer shall ascertain the amount of each sewer service charge applicable to each Benefited User in the District, and shall mail to each Benefited User in the District, within sixty days from and after July 1st of each year, a bill for the sewer service charges which are then due and payable. Such bills shall be mailed to the person or persons listed as the owners on the last equalized assessment roll of the county at the address shown on such assessment roll, or to the successor in interest of such owner, if the name and address of such successor in interest is known to the Manager-Engineer. Each bill so mailed shall contain a statement that a delinquency in payment for sixty days shall constitute a lien against the lot or parcel against which the charge is imposed and that when recorded shall have the force, effect and priority of a judgment lien for three years unless sooner released or otherwise discharged. Failure of the Manager-Engineer to mail any such bill or failure of any owner to receive any such bill, shall not excuse the owner of any premises from the obligation of paying any sewer service charge for any premises owned by him or her.

Except as otherwise provided in this ordinance for collection of sewer service charges through general tax law, whenever a delinquency charge shall occur for nonpayment, penalties shall accrue at a rate of 10% per annum, or the highest rate allowed by law, whichever is lower. After delinquency for sixty days, such unpaid charge and penalties shall constitute a lien upon the lot or parcel of land against which the charge was levied.

Except in circumstances where charges are collected on the tax roll, all sewer service charges shall be payable at the office of the Novato Sanitary District, at 500 Davidson Street, Novato, CA 94945, or as otherwise noted on the billing.

**Section 12. Due date of charges.**

The initial payment of sewer service charges shall be made at the time of the District's issuance of a permit to connect to the public sewer. Except in circumstances where charges are collected on the tax roll, subsequent sewer service charges shall become due and payable as of the date of mailing of the billing as provided in Section 11.

**Section 13. Delinquency date.**

Except as otherwise provided elsewhere in this ordinance, each sewer service charge shall be delinquent if not paid on or before the thirtieth day immediately following the date upon which such charge became due and payable.

**Section 14. Persons responsible.**

The Benefited User is and shall be responsible for payment of any and all sewer service charges applicable to improved properties owned by him or her. It shall be and is the duty of each such owner to ascertain from the Manager-Engineer the amount and due date of any such charge applicable to improved properties owned by him or her and to pay such charge when due and payable. It also shall be and is the duty of all owners of all improved properties to inform the Manager-Engineer immediately of all circumstances, and of any change or changes in any circumstances, which will in any way affect the applicability of any charge to improved properties owned by him or her or the amount of any such charge. In particular, but not by way of limitation, an owner of any improved property shall be responsible to inform the Manager-Engineer of any sale or transfer of such property by or to such owner.

**Section 15. Government or public premises.**

The provisions of this ordinance shall apply to governmental or public improved properties as well as to improved properties which are not governmental or public.

**Section 16. Outside service connections.**

Sewer service charge rates for outside service connections, that is, for premises located outside boundaries of the District and connected to District facilities pursuant to specific agreement between the District and the property owner, shall be those prescribed in the outside service agreement between the District and the property owner. Outside service connections will generally require the consent of the Marin County LAFCO.

**Section 17. Annual industrial permit fees.**

- A. The Board shall from time to time, after a public hearing, establish by ordinance the annual industrial permit fee to be charged by the District for the purpose of partially recovering the industrial pretreatment program costs from industries which are permitted in the program as set forth in Ordinance No. 70 and amendments.
- B. The annual industrial permit fee shall be collected separate from and in addition to the charges set forth in this ordinance.

**Section 18. Power to inspect.**

In order to effect the powers of this section and pursuant to Section 6523.2 of the Health and Safety Code of the state, the District's Manager-Engineer and his or her authorized representatives are given the power and authority to enter upon private property for the purpose of inspection and maintenance of sanitary and waste disposal facilities, including, but not limited to, ascertaining the nature of such premises, the type of activities carried on therein, the number of plumbing fixtures situate therein, and any other facts or information reasonably necessary to ascertain the applicability of any charges to such premises, or the amount of such charges.

**Section 19. Vacant premises.**

No credit, adjustment or refund will be made to any property owner because the premises or any part thereof are vacant unless said premises are disconnected from the sewerage system.

**Section 20. Enforcement.**

In the event of the failure of any owner to pay when due any charges applicable to premises owned by him or her, the District may enforce payments of such delinquent charges in any of the following manners:

- A. The District may have such premises disconnected from the sanitary sewer system. In the event such disconnection should create a public hazard or nuisance, the Manager-Engineer or his or her representatives may enter upon the premises for the purposes of doing such things as may be reasonably necessary to alleviate or remove such hazard or menace. The owner of such premises shall have a duty to reimburse the District for all expenses incurred by District in disconnecting any such premises, or in doing other things authorized by this section, and no reconnection shall be made until all such charges are paid.
- B. The Manager-Engineer may institute action in any court of competent jurisdiction to collect any charges which may be due and payable in the same manner as any other debts owing to the District may be collected.
- C. Any and all delinquent payments may be placed on the tax roll, and collected with property taxes, as provided in this ordinance.
- D. Such other action may be taken as may be authorized by law and by the Board.

**Section 21. Severability.**

In the event any section or portion of this ordinance shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

**Section 22. Savings clause.**

All ordinances, and parts of ordinances in conflict with the provisions of this ordinance are repealed. The provisions of this ordinance, insofar as they are substantially the same as existing provisions relating to the same subject matter shall be construed as restatements and continuations thereof and not as new enactments. To the extent this ordinance or any portion or section of this ordinance is determined invalid or unconstitutional, such portions of Ordinance No. 42, as last amended shall remain in effect and such rates and charges due thereunder for any categories of users affected for fiscal year 2007-08 shall remain due and payable as if those portions of Ordinance No. 42 not been repealed.

With respect, however, to violations, rights accrued, liabilities accrued, or appeals taken, prior to the effective date of this ordinance, under any chapter, ordinance, or part of an ordinance shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceedings, with respect to any such violation, right, liability or appeal.

**Section 23. Updated Rates and Charges.**

From time to time, when rates and charges are updated but there is no modification of methodology, the Board may modify rates and charges by adopting new tables.

**Section 24. Effective date.**

Upon adoption, this Ordinance shall be entered in the minutes of the District Board, a summary shall be published once in a newspaper of general circulation published in the District, and shall take effect and be enforced seven days after publication.

\_\_\_\_\_  
James D. Fritz, President, Board of Directors  
Novato Sanitary District

ATTEST:

\_\_\_\_\_  
Beverly B. James  
Secretary

Passed and adopted at a regular meeting of the Board of Directors of the Novato Sanitary District, Novato, California, duly held on the 6th day of August, 2007, by the following vote:

AYES, and in favor thereof, Directors: Di Giorgio, Fritz, Knutson, Long

NOES, Directors: None

ABSENT, Directors: Quesada

\_\_\_\_\_  
Recording Secretary

With respect, however, to violations, rights accrued, liabilities accrued, or appeals taken, prior to the effective date of this ordinance, under any chapter, ordinance, or part of an ordinance shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceedings, with respect to any such violation, right, liability or appeal.

**Section 23. Updated Rates and Charges.**

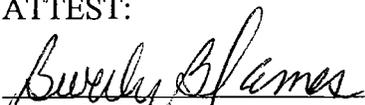
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James D. Fritz, President, Board of Directors  
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ATTEST:

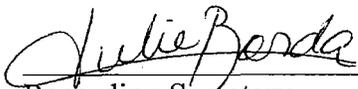
  
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