

**ORDINANCE NO. 124**

**AN ORDINANCE OF THE NOVATO SANITARY DISTRICT  
ESTABLISHING REMEDIES FOR NONPAYMENT OF FEES AND CHARGES**

**WHEREAS**, Article VII of the Sanitary Code of the Novato Sanitary District, as adopted by Ordinance No. 70 and thereafter amended ("Sanitary Code"), establishes certain fees and charges for services and facilities furnished by the Novato Sanitary District ("District"); and

**WHEREAS**, Health and Safety Code Section 5470 *et seq.* and the Sanitary District Act of 1923, Health and Safety Code Section 6400 *et seq.*, authorize the District to assess penalties for nonpayment of such fees and charges, to secure the unpaid fees and charges with penalties by recording a lien against property, and to collect delinquent fees and charges with penalties on the tax roll with property taxes; and

**WHEREAS**, the Board of Directors of the District now desires to amend the Sanitary Code to authorize or otherwise clarify the District's authority to implement such remedies for the nonpayment of fees and charges.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Directors of the Novato Sanitary District as follows:

**Section 1.** Ordinance No. 70, Sanitary Code of the Novato Sanitary District, as amended, is hereby amended to add Section 722, "Delinquent Fees and Charges," to read as follows:

Sec. 722. Delinquent Fees or Charges.

(a) Pursuant to Health and Safety Code Section 5473.10, a penalty may be assessed by the District in any case in which a fee or charge for services or facilities furnished by the District, including a fee or charge required by Article VII, herein, has become delinquent. The penalty shall be ten percent (10%) of the delinquent fee or charge plus an additional one and one-half percent (1½ %) for each month that all or a portion of the fee or charge remains delinquent. The penalty shall be assessed to the person or persons obligated to, but who did not pay, the fee or charge within the time provided. Delinquent fees and charges, together with penalties assessed pursuant to this Section, may be collected in any manner authorized by law. Unless otherwise provided, a fee or charge is delinquent if not paid within sixty (60) days of the date the payment obligation was incurred.

(b) District may collect any delinquent fee or charge for services or facilities furnished by the District, together with penalties, on the tax roll in the same manner as property taxes pursuant to the procedures provided for delinquent sewer service charges in Ordinance No. 111, as may be amended, and may secure any unpaid fee or charge, together with penalties, by recording a lien against property in accordance with sections 5473.11 or 6520.12 of the Health and Safety Code or other applicable law.

**Section 2.** In accordance with Health and Safety Code Section 5470 *et seq.*, this Ordinance was adopted by a two-thirds vote of the Board of Directors.

**Section 3.** If any section, subsection, sentence, clause or phrase of this Ordinance or the application thereof to any person or circumstance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or the application of such provision to other persons or circumstances. The Board hereby declares that it would have passed this ordinance or any section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared to be unconstitutional.

**Section 4.** This Ordinance is effective seven days after the date of publication of a summary of the Ordinance in the Marin Independent Journal, a newspaper of general circulation published in the District, in the manner prescribed by Health and Safety Code Section 6490.

**PASSED AND ADOPTED** this 8<sup>th</sup> day of August, 2022, by the Board of Directors of the Novato Sanitary District by the following vote:

AYES:           Members:    Mariani, Peters, Long, Dillon-Knutson

NOES:           Members:    None

ABSENT:        Members:    Fuette

SIGNED:

**signature on file** \_\_\_\_\_

Tim Fuette,  
President of the Board of Directors  
Novato Sanitary District

COUNTERSIGNED:

**signature on file** \_\_\_\_\_

Sandeep Karkal  
Secretary, Novato Sanitary District  
County of Marin, State of California

Approved as to Form:

**signature on file** \_\_\_\_\_

Rachel Hundley  
Counsel for the District