

NOVATO SANITARY DISTRICT

ORDINANCE NO. 75

AN ORDINANCE AMENDING ORDINANCE NO. 70, THE
SANITARY CODE OF THE NOVATO SANITARY DISTRICT
ADOPTED APRIL 22, 1991

The Board of Directors of Novato Sanitary District of Marin County, California, does ordain as follows:

Section 1. Sections 603, 707, 708(b), 708(c) and 708(d) of Ordinance No. 70, the Sanitary Code of the Novato Sanitary District, adopted April 22, 1991, shall be, and said sections are hereby, amended to read as follows:

"Sec. 603. Subdivisions. For purposes of this Ordinance, a subdivision shall be defined as improved or unimproved land or lands divided for the purpose of sale or lease, whether immediate or future, into two (2) or more lots or parcels.

The requirements of Sections 601, 602 and 611 of this Ordinance shall be fully complied with and all fees and connection charges required under Article VII hereof, excepting connection permit and inspection fees required under Section 709(a) through (d), shall be paid before any final subdivision map shall be approved by the District and before any permit to install sewerage facilities to serve the subdivision is issued. The final subdivision map shall provide for the dedication for public use of all streets, easements or rights-of-way in which public sewers are to be constructed.

In the case of larger subdivisions which at full development will require major expansion of District facilities, the District Board of Directors may, in its discretion, require that a special service agreement be entered into between the District and the developer, providing for payment of increased connection charges, or increased prepayment of otherwise applicable connection charges, at the time the subdivision final map is approved, and before any permit is issued to connect the subdivision to District sewerage facilities."

"Sec. 707 Special Equalization Charges and Benefit Zones. In addition to any other fees and charges established by the ordinances, rules and regulations of the District, there shall be collected, prior to the

issuance of a permit for connection to the sanitary sewerage system of the District, such Special Equalization Charges as may be specified by the District Board in order to establish conditions of equality between the installers of downstream sewerage facilities and those benefiting from but not participating in the cost of these facilities.

In the case of subdivisions, any Special Equalization Charges required under this section shall be paid to the District before any final subdivision map is approved in the same manner as partial prepayment of connection charges as provided in Section 708(d) of this Ordinance.

When Special Equalization Charges are deemed necessary and appropriate by the District Board, a Special Benefit Zone shall be established which shall define the area of properties that may reasonably be expected to benefit from the construction of specific sewerage facilities which have been or are to be constructed. The boundaries of each Special Benefit Zone and the amount of Special Equalization Charges to be levied therein shall be established by regulation of the District Board. The amount of the Special Equalization Charges to be levied within a given Special Benefit Zone will generally be determined as follows:

(a) Where the sewerage facilities have been financed through special assessment proceedings or a District-approved cooperative project, the amount of the special Equalization Charges shall be the equivalent of the assessment to similar properties within the assessment district or cooperative project area which paid for said facilities.

(b) Where the sewerage facilities have been privately financed and the District has entered into a reimbursement agreement with the installer pursuant to Section 615 of this Ordinance, the amount of Special Equalization Charges shall be computed by the District based upon the cost of installation of the facilities, including all expenses incidental thereto, and all engineering, legal, inspection and other charges, and based upon the relative benefit derived by properties within the Special Benefit Zone."

"Sec. 708 Connection Charges.

(b) Connection Charge. A connection charge of Three Thousand Dollars (\$3,000.00) per family unit shall be paid to the District by each person desiring connection to the public sewer. Payment of said connection charge shall be

made prior to the issuance of a connection permit and shall be in addition to all other fees and charges required to be paid under District rules and regulations.

(c) Annual Increase of Connection Charge. On July 1, 1994, and each July 1st thereafter, the connection charge required under Section 708(b) shall be increased by five percent (5%) rounded upward to the nearest Ten Dollars (\$10.00); provided that the District Board may, at its option, determine by resolution adopted prior thereto that such increase shall not be effective for the next succeeding fiscal year.

(d) Partial Prepayment - Subdivisions. A partial prepayment of the connection charges required under this section, amounting to twenty percent (20%) - rounded upward to the nearest Ten Dollars (\$10.00) - of the applicable connection charge per family unit, shall be paid to the District for each family unit before any final subdivision map is approved by the District and before any permit to install sewerage facilities to serve the subdivision is issued. However, the amount of the required partial prepayment of connection charges may be increased in the event that a special service agreement has been required as provided in Section 603 hereof. Subdivisions involving a type of development such that the number of family units to be connected cannot be accurately determined at the time of subdivision, shall make a partial prepayment of connection charges based on one (1) family unit for each subdivision lot."

Section 2. 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 3. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Section 4. Upon adoption this Ordinance shall be entered in full in the minutes of the District Board, shall be published once in the MARIN INDEPENDENT JOURNAL, a daily newspaper of general circulation published in the

District, within one (1) week following its passage and adoption, and shall take effect on September 1, 1993.

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PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Novato Sanitary duly held on the 14th day of June, 1993, by the following vote:

AYES, and in favor thereof, Members: Knutson, Quesada, Renati, Silveira, York

NOES, Members:

ABSENT, Members:

signature on file

President

ATTEST:

signature on file

Secretary