

**GOLETA WEST SANITARY DISTRICT
ORDINANCE NO. 20-92**

**AN ORDINANCE OF THE GOLETA WEST SANITARY DISTRICT
RELATING TO FEES AND CHARGES
AND REPEALING AND REPLACING ORDINANCE NO. 18-90**

Recitals

- A. The Goleta West Sanitary District (“District”) has the authority to impose fees and charges on its customers for services the District provides pursuant to its enabling act, including, but not limited to, Sections 6520.2 and 6520.5 of the Health and Safety Code and Sections 57330 and 66000 *et seq.* of the Government Code.
- B. The District is authorized to amend its fees and charges from time to time by a two-thirds vote of the Board of Directors.
- C. On April 23, 2020 the District received a Wastewater Connection and Miscellaneous Fees Report prepared by Raftelis Financial Consultants, Inc. (“Study”). The District Board of Directors accepted the Study.
- D. This Ordinance does not make changes to the District’s annual sewer service charges or any property-related fees, nor shall any provision of this Ordinance be construed as extending, imposing, or increasing the District’s sewer service charges or property-related fees.
- E. The Board of Directors desires to adopt this Ordinance to implement the recommendations of the Study.

NOW, THEREFORE, the Board of Directors of the Goleta West Sanitary District ordains as follows:

Section 1. The Board of Directors finds and determines that each of the above recitals are true and correct and are each relied upon independently by the Board in connection with its adoption of this Ordinance.

Section 2. The Board of Directors of the Goleta West Sanitary District hereby ordains as follows:

FEES AND CHARGES; BILLING; REFUNDS

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ARTICLE I: FEES AND CHARGES

1.01 Fees and Charges, Schedule of Fees and Charges.

All fees, connection charges, and other charges imposed by the District shall be paid and complied with in the manner provided in this ordinance. The Board may, from time to time, amend the fees and charges set forth herein by complying with applicable state laws and by adopting an ordinance by a two-thirds vote of the members of the Board.

1.02 Plan Check Fees.

(a) Requirement. Any person who seeks to connect any improvement or structure to the District's collection system, or to otherwise construct facilities related to that system, shall submit plans for review and approval by the District and the payment of a plan check fee in accordance with the Plan Check Fee table below.

(b) Construction of Public Sewer. Any person who seeks to construct a public sewer shall apply to the District for a public sewer construction permit and shall pay a plan check fee deposit in the amount equal to two percent (2%) of the General Manager's estimate of the costs of the public sewer improvements to be constructed. Following the District's final inspection of the construction of the sewer facilities, the District shall calculate the plan check fee owed by determining the number of hours expended by District staff in reviewing plans and related activities, and applying a fee of \$68 per hour. The difference between the plan check fee deposit and the plan check fee owed shall be refunded to the applicant, or collected from the applicant, as the case may be.

| Category | Plan Check Fee |
|---|--------------------------------|
| Single Family Residential | \$153 |
| Multi-family Residential/per ERU, New/Remodel | \$68 per hour \$153 Minimum |
| Commercial/Industrial New/Remodel/Tenant Improvements | \$68 per hour \$153 Minimum |
| Special Facility Installations (Pump Stations, Manholes, Grease interceptors | \$68 per hour \$153 Minimum |
| Construction of public sewers – Deposit | 2% of engineer's cost estimate |
| Accessory Dwelling Units | \$153 |

1.03 Annexation Charges.

(a) Requirement. Any person who seeks to have real property annexed into the District is required to pay to the District an annexation charge in accordance with this section 1.03. The Board shall not consent to annexation of the real property into the District until the appropriate annexation fee is paid.

(b) Terms and Conditions. The payment of the annexation charge shall be fixed by the Board as a condition upon which such annexation shall be made, in the manner provided by law. However, nothing contained in this section shall be construed to limit such additional terms and conditions that may be imposed on annexations as are now or may hereafter be authorized by law.

(c) Special or Unusual Factors. At the time of hearing upon the proposed terms and conditions of any annexation, the Board may, upon finding that there are special or unusual factors involved in the pertinent annexation, increase, decrease, or defer payment of all or a portion of the annexation charge to an amount or time or event that will in the discretion of the Board properly compensate the District and properly charge the land to fit those special or unusual factors.

(d) Annexation Administrative Fee. Any person who seeks the District's consent to have real property annexed into the District shall reimburse the District for the time expended by District staff in processing the annexation application at a rate of Seventy-Five Dollars (\$75) per hour. The District is authorized to require an applicant to deposit with the District a sum of money equal to the estimated Administrative Fee that the District calculates will be required to be paid, which deposit shall be credited against the Administrative Fee the applicant is determined to owe. The following fees shall be paid by the applicant.

| Category | Annexation Fee |
|-------------------------------|------------------|
| Annexation Fee | \$5,331 per acre |
| Annexation Administrative fee | \$75 per hour |

1.04 Permit Processing Fees.

Any person who applies for any permit from the District shall pay a permit processing fee. The following fee shall be paid at the time of application.

| Category | Permit Fee |
|------------|------------|
| Permit Fee | \$100 |

1.05 Connection Fees.

(a) Purpose; Definitions. The purpose of the sewer connection fee is (a) to provide revenue to acquire, construct, install and replace capital facilities and other assets required for the District's wastewater system, and (b) to contribute to the cost of acquisition, construction, installation and replacement of the District's wastewater facilities and other capital assets so that the owner of each parcel connected to the District's system pays a proportionate share of those costs. Payment of the applicable connection fee allows discharges of wastewater to be made from the respective parcel in an amount that corresponds to the amount of the charge established by this Ordinance. For purposes of this Ordinance, "connection fee" has the same meaning as "capacity charge" or "capacity fee".

(b) Requirement to Pay Connection Fee. Any person who seeks to connect to the District's sewer facilities shall obtain a sewer connection permit and pay a connection fee as set forth below. No connection may be made to the District Sewer System, or to any sewer flowing into the Sewer System, until the applicable sewer connection fee has been paid to the District. The connection fee shall be in addition to fees for permits, inspections or other requirements of the District.

(c) Single Family Residential Structures. The estimated capacity demand for a single family residential structure is one (1) Equivalent Residential Unit (ERU) per dwelling unit. A dwelling unit is defined as a room or group of rooms having interior access between all habitable rooms, including permanent provisions for living, sleeping, eating, cooking, bathing and sanitary facilities, constituting a separate and independent housekeeping unit, occupied or intended for occupancy by one or more persons on a non-transient basis and having not more than one kitchen.

(d) Multiple-Family Residential Structures. The estimated capacity demand for a multiple-family residential structure is one (1) ERU per dwelling unit.

(e) Commercial, Industrial, Institutional, Dormitory, and Miscellaneous Structures. The estimated capacity demand for each commercial, industrial, institutional, dormitory, and miscellaneous structure, including boarding or lodging houses, dormitories, and hotels, is one (1) ERU per twenty-five (25) drainage fixture unit count per Uniform Plumbing Code (2015 Edition), Chapter 7, Table 702.1.

(f) Accessory Dwelling Unit (ADU). For purposes of this Ordinance, the following terms have the following meanings:

"Accessory Dwelling Unit" means an attached or detached dwelling unit. "Dwelling unit" shall have the same meaning as provided by the zoning code for the local jurisdiction with authority to issue building permits for the structure.

"Attached Accessory Dwelling Unit" means an Accessory Dwelling Unit that is constructed to be attached to an existing single family residence or accessory structure on the same parcel and that has an independent exterior access.

“Detached Accessory Dwelling Unit” means an Accessory Dwelling Unit that is not physically connected to any other structure on the parcel.

“Junior Accessory Dwelling Unit” means an Attached Accessory Dwelling Unit that does not exceed 500 square feet in size and is contained entirely within an existing single family residence.

(g) Connection Fees. The following connection fees are hereby established and shall be paid prior to issuance of a connection permit.

| Category | Connection Fee |
|---|--|
| Single Family Residential | \$4,060 |
| Multi-family Residential | \$4,060 per ERU |
| Commercial/Industrial/Institutional/ Dormitory & Miscellaneous | \$4,060 per ERU |
| Attached ADUs | No Charge |
| Detached ADUs | Formula: ADU size (in square feet) divided by 1747 square feet (average size of a single family residence in the District), multiplied by \$4060 (SFR connection fee). |
| Junior ADUs | No Charge |

1.06 Frontage Fees.

A frontage fee is imposed on any person who is able to use an existing collector line (i.e., a public sewer line less than 12-inches in diameter) and therefore has no need to install a collector line. It is a charge to utilize unused capacity in a collector sewer line calculated so the owner of each parcel connected to the District’s collector sewers pays a proportionate share of costs associated with that collector line’s construction. The following frontage fees are hereby established and shall be paid prior to issuance of a connection permit.

| Category | Frontage Fee |
|---|--|
| Single Family Residential | \$1,375 |
| Multi-family Residential | \$1,375 per ERU |
| Commercial/Industrial/Institutional/ Dormitory & Miscellaneous | \$1,375 per ERU |
| Attached ADUs | No Charge |
| Detached ADUs | Formula: ADU size (in square feet) divided by 1747 square feet (average size of a single family residence in the District), multiplied by \$1375 (SFR frontage fee). |
| Junior ADUs | No Charge |

1.07 Inspection Fees.

(a) Requirement. Any person who seeks to connect to the District’s sewer facilities by applying for a sewer connection permit is required to pay an inspection fee in the amount specified below. A sewer connection permit shall not be issued until the inspection fee has been paid. A connection of any category in the table below requires the payment of an inspection fee.

(b) Public Sewer Construction. A connection permit applicant proposing to construct a public sewer shall pay an inspection fee deposit with the application in an amount determined by the General Manager per the following table. Upon issuance of the permit, the inspection fee shall be calculated by determining the number of hours expended by District staff, multiplied by an hourly rate of \$85, except as provided in Subsection (c). The fee shall be compared to the deposit and (i) any excess deposit returned to the applicant, or (ii) any fee owed in excess of the deposit shall be paid to the District, as the case may be.

(c) Additional Fees. All inspection fees for inspections that the applicant requests to take place on Saturdays, Sundays, holidays or after working hours shall be at the hourly rate specified in the following table.

| Category | Inspection Fee |
|---|--|
| Single Family Residential | \$177 |
| Multi-family Residential/per ERU, New/Remodel | \$105 per ERU |
| Building Sewer Repair & Replacement | \$177 |
| Commercial/Industrial New/Remodel/Tenant Improvements | \$285 |
| Special Facility Installations (Pump Stations, Manholes, Grease interceptors) | \$285 |
| Construction of public sewers – fee Construction of public sewers -- deposit | \$85 per hour of District staff time 5% of engineer’s cost estimate |
| Accessory Dwelling Units | \$177 |

1.08 Industrial Wastewater Permits Fees.

(a) Fee. The District is required to comply with the administrative provisions of the Federal Clean Water Act and water quality requirements set by the California Regional Water Quality Control Board. Therefore, the District imposes an industrial wastewater permit fee on customers as a regulatory measure on the activity of discharging industrial waste into the sewer system in order to protect the public health, safety and welfare. Any person who applies for an industrial wastewater discharge permit pursuant to the District’s Industrial Waste and Pretreatment Ordinance shall pay the appropriate industrial wastewater discharge permit fee as set forth below. An Industrial Wastewater Permit shall not be issued until the appropriate fee has been paid.

| Customer Class | Industrial Waste Discharge Permit Fee | |
|----------------|---------------------------------------|------------|
| | Permit Issuance Fee** | Annual Fee |
| Class I | \$800 | \$855 |
| Class II | \$885 | \$1,195 |
| Class III | \$965 | \$1,830 |
| Class III-R | \$965 | \$1,830 |
| Class IV | \$1,135 | \$3,340 |

**Note: in addition to the Permit Issuance Fee, the Annual Fee shall be charged to the applicant on a pro-rated quarterly basis from the time the permit is issued. For example, if the permit¹ is issued in the first calendar quarter of the year, the applicant shall pay an Annual Fee equal to seventy-five percent (75%) of the annual fee for that Customer Class for that year.

(b) Use of Proceeds from Fees. Revenues derived from permits required by this ordinance shall be used to defray the District’s cost of the regulatory program including the costs for facility inspections, equipment, wastewater sample collection, permit preparation, required reporting, annual Environmental Protection Agency audits and all permit program related requirements.

1.09 Costs of Laboratory Analysis. The costs of laboratory analysis to establish a user’s compliance with its discharge limits under its industrial wastewater discharge permit shall be billed to the user sampled.

1.10 Equivalent Residential Unit. One Equivalent Residential Unit (“ERU”) is defined as 74,600 gallons per year of water usage.

1.11 Annual Sewer Service Charges.

(a) Findings; Purpose. The average wastewater flow discharged from a typical residential dwelling in the District’s service area is presumed by the District to be 74,600 gallons per year (1 ERU). It is fair and reasonable to charge residential users for wastewater services based on a flat rate because (i) there is no practical means to directly measure sewer system usage, (ii) there is no calculable difference in the cost of service to various residential customers, even those with different levels of sewer system usage, and (iii) the cost of attempting to calculate the actual difference would be prohibitively expensive. Therefore, any usage-based system is at best an estimate of actual flows derived from factors which in a residential setting do not ensure that usage-based charges will be significantly more accurate than a flat-rate charge. The flat-rate charge system results in charges that substantially reflect proportionality of use.

(b) Charges Imposed. The following service charges are hereby established and shall be effective on July 1 following the effective date of this ordinance. Surcharges are imposed on each non-residential use and vary based on the strength of the wastewater.

| | | | \$/yr/ERU* |
|---|--|--|------------|
| All users | | | \$ 262.00 |
| Surcharges (per ERU) | | | |
| 1. Hospitals and convalescent homes | | | \$ 10.00 |
| 2. Service stations without trailer dump facilities, machine shops, auto repair | | | \$ 15.00 |
| 3. Hotels, motels, boarding, dorms, lodging house | | | \$ 26.00 |
| 4. Service stations with trailer dump facilities | | | \$ 84.00 |
| 5. Take out or drive-in, churches with food service facilities, factories, industrial plants, etc | | | \$ 136.00 |
| 6. Markets with garbage disposals, mortuaries | | | \$ 260.00 |
| 7. Restaurants, food service facilities | | | \$ 276.00 |

*One ERU is 74,600 gallons per year of water usage.

(c) Residential Uses. Sewer service charges for residential uses shall be determined by assigning one ERU to each dwelling unit, as that term is defined in Section 1.05(c) above. Residential uses include single family residences, condominiums, mobile home spaces, apartments, trailers, duplexes, triplexes, ADU's, Junior ADU's, and all other residential uses with sanitary facilities and one kitchen provided in the unit, but do not include boarding or lodging houses, dormitories, and hotels.

(d) Non-Residential Uses; Charges Based on Water Usage - Sewer service charges for non-residential uses shall be determined by calculating the water usage attributable to non-residential uses, and dividing the water usage by 74,600 to yield the number of ERU's for which charges are to be paid. "Water usage" shall be based on actual water consumption on the property during the most recent full year of water service. For premises with no water consumption history, the General Manager shall estimate water usage based on comparable uses on comparable properties. Where a parcel has several different uses and the uses are not individually metered for water service, the General Manager shall estimate water usage for each use based on comparable uses in the vicinity or, if there are no such similar uses, based on generally accepted studies of water usage for such uses. Where a parcel does not have a water meter, the General Manager shall estimate the water usage on the parcel based on comparable properties and uses.

(e) Special Circumstances. Where sewer service charges are based on water usage, the District recognizes that special circumstances, such as a customer's use of water for irrigation or cooling purposes, may justify the District's determination that a sewer service charge should be reduced. In making such a determination, the District will consider evidence presented by a customer that a portion of its water use is unrelated to discharges into the sewer system, along with other relevant information.

(f) Temporary Sewer Service Charges. In the event that the District permits a one-time discharge or temporary discharges into the District's sewer facilities, the District shall

impose a sewer service charge based on the General Manager's estimate of the amount of such discharge or discharges and his or her estimate of the strength of the discharge or discharges. The General Manger shall calculate such temporary or special sewer service charge or charges to be reasonably consistent with the amount of an increment of an annual sewer service charge with the same strength characteristics.

1.12 Sewer Service Charges For Connections Not In District.

The sewer service charge imposed upon connections to real property located outside of the boundaries of the District shall be as determined by agreement between the District and the owner of the real property.

1.13 Unauthorized Connection

The owner of any property on which is located a connection to the District's collection system which has not been authorized by the District shall be liable to pay to the District, on demand, a connection charge, plus a one hundred percent (100%) penalty. The District shall have the option to bill any such charges to the owner in the same manner as it bills sewer service charges for service provided through permitted connections.

ARTICLE II: BILLING

2.01 Collection of Sewer Service Charges on Tax Roll.

The District hereby elects to have the sewer service charges set forth in Section 1.11 of this ordinance collected on the tax roll in the same manner, by the same persons and at the same time as, together with and not separately from, its general taxes. This election shall remain in full force and effect so long as this provision of this ordinance remains in effect.

2.02 Not on County Assessment Roll.

The charge imposed upon each parcel of real property located within the boundaries of the District and attached to the facilities of the District, but not carried upon the County Assessment Roll for the purpose of ad valorem taxes, shall be calculated as set forth herein.

2.03 Manual Billings.

(a) Bills Authorized. Whenever an annual sewer service charge levied pursuant to Section 1.11 of this Ordinance cannot be collected by the County Tax Collector of Santa Barbara County, the General Manager is hereby authorized to send a bill for the charge to the owner of the property charged. This authority also applies to sewer service charges accruing after a new connection to the District's wastewater facilities, in which case the annual charge shall be prorated over the period of time from the date of the new connection to the end of the fiscal year.

(b) Delinquent and Unpaid Charges. Charges are due on the date mailed and become delinquent when they remain unpaid for a period of sixty (60) days.

(c) Penalty for Nonpayment. If charges are not paid when due, there shall be added thereto the same delinquency penalty and interest as charged by the County for delinquent taxes.

(d) Collection. Where charges remain delinquent and unpaid on July 1, delinquent and unpaid charges, penalties, and interest may be added to the following year's tax bill associated with the property. Such charges may also become a lien on the property. (Authority: Cal. Health & Safety Code §§ 6520.10 – 6520.12)

2.04 Filing of Report.

The General Manager of the District shall annually prepare a report in accordance with California Health and Safety Code Sections 5473.1, 5473.2, and 5473.4, as amended, and file the same with the Auditor of the County of Santa Barbara as required therein.

2.05 Disposition of Fees.

All fees collected on behalf of the District shall be deposited with the proper authority provided by the District to receive such funds.

ARTICLE III: REFUNDS

3.01 Refunds.

The Board is authorized to approve a request for a refund submitted by any person who has paid a fee or charge to the District upon a finding that the fee or charge was not required to be paid under the District's ordinances, resolutions or rules and regulations. The Board may adopt procedures for the approval of refunds.

Section 3. Repeal. Ordinance No. 18-90 is hereby repealed.

Section 4. Publication. Upon adoption, this ordinance shall be entered in the minutes of the Board and either posted for one week in three public places in the District or published as required by law, and shall take effect upon expiration of the week of such publication or posting. If published, the General Manager shall prepare a summary of the ordinance for publication; the summary shall include the names of those board members voting for and against the ordinance.

Section 5. Effective Date. This Ordinance shall take effect on August 6, 2020.

Section 6. CEQA. The Board finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080(b)(8) ("rates, tolls, fares or other charges by public agencies"), State CEQA Guidelines sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), 15321(b) (an action by a regulatory agency to enforce a law, general rule, standard, or objective administered or adopted by the regulatory agency), and 15060(c)(3)

(this activity is not a project as defined in section 15378).

Section 7. Severability. If any section, sub-section, 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 provisions 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, sub-sections, sentences, clauses or phrases be declared to be unconstitutional.

PASSED and ADOPTED by the Board of Directors of the Goleta West Sanitary District on the 7th day of July, 2020.

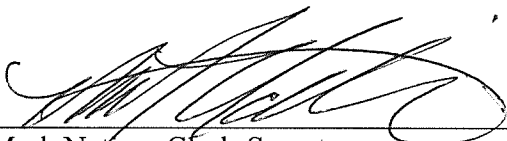
AYES: Lewis, Geyer, Turenchalk, Bearman

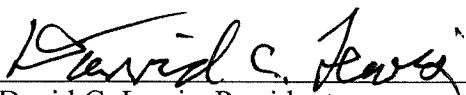
NOES:

ABSTENTIONS:

ABSENT: Meyer

ATTEST:


Mark Nation, Clerk-Secretary


David C. Lewis, President

(SEAL)