

**VALLEJO FLOOD AND WASTEWATER DISTRICT  
ESTABLISHING FACILITIES AND ISSUANCE OF PERMITS TO CONNECT TO THE  
SANITARY SEWER SYSTEM  
ORDINANCE NO. 2018-70A**

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**AN ORDINANCE ESTABLISHING FEES TO PROVIDE FOR SANITARY SEWERAGE  
FACILITIES AND THE ISSUANCE OF PERMITS TO CONNECT TO THE DISTRICT  
SANITARY SEWER SYSTEM**

The Board of Trustees of the Vallejo Flood and Wastewater District does ordain as follows:

**SECTION 1.           PURPOSE**

The Board of Trustees recognizes that the District has made significant capital expenditures to prepare the sanitary sewer system for ultimate build-out conditions as per the City of Vallejo's General Plan. Most of these improvements have been debt funded, and the service on these debts is borne by the ratepayers. Accordingly, new users must pay a connection fee or capacity charge that offsets debt service made by other ratepayers up to the time of the new connections.

The Board of Trustees recognizes that capital reserves must be maintained to pay for unanticipated failures of parts of the sanitary sewer system. Capital reserves are also necessary to respond to changes in regulatory requirements in a timely fashion. Connection fees and capacity charges are required to maintain these reserves at appropriate levels.

The purpose of this Ordinance is to establish fees and charges to assure the fair and equitable distribution of costs between existing and future users served by the system, the construction and preservation of adequate sanitary sewer facilities, and the maintenance of appropriate capital reserves for the protection of the public health, safety, and welfare of the residents of the District.

**SECTION 2.           DEFINITIONS**

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance are applicable for this Ordinance only, and shall be as follows:

- A. **“Accessory Dwelling Unit (ADU)”** shall mean a dwelling unit as provided and described in California Government Code §65852.150 *et seq.*, and as may be described and regulated by the City of Vallejo or the County of Solano, as applicable. An ADU may be contained within the existing space of a single-family residence or accessory structure, or attached to a single-family residence adding additional floor area to the existing structure, or detached from the single-family dwelling unit but located on the same parcel as the existing dwelling. An ADU provides complete independent living facilities for one or more persons. It includes permanent facilities for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling unit is situated.
- A.1. **“Attached Accessory Dwelling Unit”** shall mean an Accessory Dwelling Unit that is attached to a single-family residence but not entirely contained within the living area space of the existing single-family residence. An Attached Accessory Dwelling Unit adds to the floor area of the existing Structure.
- A.2. **“Contained Accessory Dwelling Unit”** shall mean an Accessory Dwelling Unit that is entirely contained within the existing living area square footage or “footprint” of the existing single-family residence or accessory structure. Garages are not considered part of the living area of the singly-family residence.
- A.3. **“Detached Accessory Dwelling Unit”** shall mean an Accessory Dwelling Unit detached from the single-family residence but located on the same parcel as the existing dwelling.
- B. **“Begun Construction”** shall mean having fully completed grading and construction of the concrete slab(s) or the foundations(s) for all buildings and/or dwellings to be constructed on each individual lot or Parcel.
- C. **“Biochemical Oxygen Demand (BOD)”** shall mean the amount of dissolved oxygen needed by aerobic biological organisms to break down organic material present in a given water sample at certain temperature over a specific time period.

- D. **“Board”** shall mean the Vallejo Flood and Wastewater District Board of Trustees.
- E. **“Car Wash”** shall mean a single business in a building or buildings on a Parcel that provides automated car wash facilities or self-wash facilities.
- F. **“Charge”** shall mean the amounts assessed for sanitary sewer connection and capacity, and related fees.
- G. **“Church”** shall mean a building that is used as a place of worship for a congregation. If the building contains living quarters, these quarters shall be chargeable at the Single-Family Dwelling Unit or Hotel Unit rate, as applicable.
- H. **“Commercial Unit”** shall mean a single business in a building or buildings on a Parcel. A single business may be a sole proprietorship, a partnership, professional practice, corporation, etc. A building may contain several Commercial Units, and each separate business shall be counted as a Commercial Unit. A Commercial Unit shall be any retail store, office, medical office, dental office, barber or beauty shop, food service facility that uses disposable dishes and utensils to serve customers and that serves pre-packaged food or food that requires minimal preparations (such as assembly of sandwiches), or other business establishment in which one single business is conducted.
- I. **“Commercial/Warehouse”** shall mean a building open to general business customers for retail purposes, but which also serves as a Warehouse for goods. Such use is evidenced by aisles 8.5' or wider, by floors surfaced for Warehouse type vehicles, and by exposed beam ceilings.
- J. **“Develop or Development”** shall mean any Improvement to a Parcel on which no previous Improvements have been constructed.
- K. **“District”** shall mean the Vallejo Flood and Wastewater District.
- L. **“Equivalent Single-Family Dwelling Unit (EDU)”** shall mean each unit of sanitary sewer flow equivalent to that typically contributed by a Single-Family Dwelling Unit.
- M. **“Fee”** shall mean the amount collected to cover the cost of a specific activity.

- N. **“Flows”** shall mean Flows as determined (typically in Gallons Per Day [GPD]) in accordance with the District Design Criteria. The terms “flow” and “flow rate” are used synonymously.
- O. **“Historic Public Building”** shall mean any building that is registered as an historic building by federal, state or local government or authorized agency thereof and is not used as a dwelling (except for a caretaker), rental Unit, or for any other purpose providing rental income.
- P. **“Hospital or Convalescent Home Unit”** shall mean a permanent bed space, which a hospital or convalescent home uses to accommodate patients, excluding bed spaces in recovery, surgical, emergency, or other rooms in which bed spaces are used for very short periods of time in a transitory manner.
- Q. **“Hotel or Motel”** shall mean sleeping quarters with or without kitchen facilities.
- R. **“Improvement”** shall mean any alteration of, or addition to, real property that changes the amount, quality or rate of sanitary sewer discharge from the property.
- S. **“Industrial Unit”** shall mean a building that is used primarily for the manufacturing, processing, or assembling of products or materials for sale or resale.
- T. **“Laundromat”** shall mean a business providing self-service laundry facilities. Businesses using washing machines of a type and size typically used in households or self-service laundries will be included in this definition for fees charged per machine.
- U. **“Laundry”** shall mean a single business in a building or buildings on a Parcel providing commercial laundry service including dry cleaning.
- V. **“Multiple-Dwelling Unit”** shall mean any building or buildings on a single legal Parcel, constructed for occupancy by more than one family. Each of the separate living quarters shall be referred to as a Unit.
- W. **“Original Structure”** shall mean a Structure with an existing connection to the sanitary sewer system that has been permitted under the terms of this or a previous ordinance.
- X. **“Parcel”** shall mean an assessor’s Parcel.

- Y. **“Public Facility”** shall mean any facility serving the general populace of an area and operated at the expense of a public utility or government agency. In addition to the typical facilities such as city halls, office buildings, libraries and maintenance yards, this definition also includes facilities that are typically not work sites for extended periods of time, such as pump stations, water reservoirs, and parking lots.
- Z. **“Recreational Facility”** shall mean a public or private Parcel or Parcels used for recreational or camping purposes, which may include spaces for parking of recreational vehicles that are temporarily occupied for periods of time typically less than three weeks for a given occupant.
- AA. **“Redeveloped or Redevelopment”** shall mean either the construction of any Improvement where existing Structures have been removed or will be removed from the property to allow the Improvement, or a change in the use category, number, or size of a Structure or for fee purposes; e.g., Single-Family Dwelling Unit to Commercial Unit.
- BB. **“Residential Care Facility”** shall mean any family home, group care facility, or similar facility, which provides twenty-four (24) hour non-medical care of persons in need of personal services to sustain the activities of daily living, and is occupied by five or more persons not related by blood. The Community Care State Licensing Board, the Vallejo Planning Department, or the County of Solano shall have determined that the facility is a Residential Care Facility.
- CC. **“Restaurant”** shall mean a facility that prepares and serves food and beverages, is open to the public, and charges for the food provided on an item or meal basis.
- DD. **“Schedule”** shall mean the current Schedule of Fees and Charges, adopted by resolution of the board, and available on the District’s website.
- EE. **“School”** shall mean any public, private, or commercial institution for teaching or educational purposes, including business or occupational Schools operating for a profit.

- FF. **“Senior Living Center”** shall mean a residential facility for senior citizens that provides independent living quarters and may have on site any combination of eating, laundry, recreation, and other joint use areas.
- GG. **“Sewage Facilities”** shall mean the complete sewerage system including pipelines, pumps, treatment plant, outfalls, and all appurtenances or portions thereof.
- HH. **“Single-Family Dwelling Unit”** shall mean any building constructed for occupancy by one single family.
- II. **“Structure”** shall mean a building or an Improvement.
- JJ. **“Total Suspended Solids (TSS)”** shall mean all particles suspended in wastewater which will not pass through a filter.
- KK. **“Temporary Facility”** shall mean any facility, such as a construction or sales trailer, which is meant to be removed from a Parcel upon the completion of a limited and specifically defined task. Residential uses and uses associated with expansion of a permanent use are not considered temporary facilities.
- LL. **“Trailer or Mobile Home Unit”** shall mean a permanent trailer or mobile home space in a trailer court or mobile home park with plumbing hookup.
- MM. **“Unit”** shall mean the method of measurement (*e.g.*, square foot, room, student, etc.) used when fees or other numerical determinations are involved. It may mean a use classification when describing a type of facility.
- NN. **“Vallejo Central Redevelopment Area (VCRA)”** shall mean the area designated by the City of Vallejo Planning Commission and approved by the City Council, more particularly described and platted on a map on file in the District’s office.
- OO. **“Warehouse”** shall mean a building where goods, merchandise, or wares are stored before being distributed for sale to retailers or business customers.

### **SECTION 3. PERMIT TO CONNECT**

A sanitary sewer connection permit is required to Develop or Redevelop any Parcel, property, and/or Structure within the District’s boundary. The District’s issuance of a permit shall be contingent upon submitting an application to the District; the applicant’s payment of

connection fees and other applicable fees; the applicant's submission and the District's approval of any required plans; and submission of properly prepared and executed rights of entry and easement documents, if required.

A sanitary sewer connection permit shall be considered a sanitary sewer encroachment permit when District resolutions, rules, or ordinances require an encroachment permit. All connections to District sanitary sewer facilities shall be performed by individuals or firms holding a valid California contractor's A or C-42 license. The District shall have the discretion to specify the point of connection to the District's sanitary sewer system.

A permit to connect to the District's sanitary sewer system shall be valid for one (1) year from the date of issuance. The sanitary sewer permit shall become null and void if the permittee has not, before the end of the one (1) year period, (a) connected to the sanitary sewer, (b) Begun Construction, or (c) obtained an extension of the period to connect. All extensions of permits shall be valid for a period one (1) additional year. The permittee may request either an extension of time in which to comply or a partial refund of the connection fees paid, in accordance with Sections 15 and 16 of this Ordinance.

#### **SECTION 4. REQUIREMENT TO MAINTAIN PERMIT REQUIREMENTS**

All permittees shall comply with wastewater pretreatment requirements, storm water best management practices, and any other conditions or requirements of the District unless specifically relieved of such conditions or requirements by a written notice by the District Manager. Failure to maintain the permit requirements may result in permit revocation.

#### **SECTION 5. RIGHT OF ENTRY**

All property owners, as a condition to the issuance of a sanitary sewer connection permit, shall agree to grant to the District a Right of Entry for purposes of testing, inspecting, and repairing the upper sewer lateral. The Right of Entry shall be binding on all heirs, successors, and assigns of the permittee.

#### **SECTION 6. INSPECTION AND PROCESSING FEE**

The permittee, in addition to paying the connection fee, shall pay a permit request processing fee and an inspection fee with respect to each permit applied for, for construction or



installation of facilities exterior to a Structure, pretreatment devices, or measurement devices within a Structure. The permit request processing fee and the inspection fee shall be pursuant to the current Schedule. If the application is for determination of both a sanitary sewer connection fee and a storm drain connection fee, the applicant shall pay only one processing fee and one inspection fee.

**SECTION 7. SANITARY SEWER CONNECTION FEES**

In order to provide required sewage facilities within the District, the following fees and charges are established and shall be paid to the District before the District approves a permit to connect a Structure to the sanitary sewer collection system maintained by the District, or to Redevelop an existing Structure in a manner that will increase the intensity of use with respect to sewage generated or the number of Units.

If the type of connection is not specified herein, or if the sewage flow characteristics of the proposed connector are not typical, the fee shall be determined using Unit fees and the estimated average sewerage characteristics of the proposed connector. If standard published data or historical records, as approved by the District Manager, are not available, then an estimate shall be made and the connection fee shall be charged based on that estimate. The estimate shall be verified one (1) year after the connection is made for possible adjustment in the fee.

Unit fees shall be as described below and approved pursuant to the current Schedule.

- 1. Accessory Dwelling Units:
  - a. Contained Accessory Dwelling Units: The District will not charge a connection fee or capacity charge for Contained Accessory Dwelling Units.
  - b. Attached Accessory Dwelling Units: The District will not charge a connection fee or capacity charge for Attached Accessory Dwelling Units where the floor area added to the existing single-family residence is 500 square feet or less. Where the added floor area is greater than 500 square feet, the District shall charge a connection fee or capacity charge pursuant to the current Schedule.

- c. Detached Accessory Dwelling Units: The District shall charge a connection fee or capacity charge for Detached Accessory Dwelling Units pursuant to the current Schedule.
2. Car Washes/Soft Water Service shall be charged pursuant to the current Schedule for each Structure draining wash water to the sewer. If a building also contains another commercial business, that business shall be regarded as a separate Unit chargeable as a Commercial Unit.
3. Churches shall be classified as All Other Commercial and charged pursuant to the current Schedule for each Structure containing toilet facilities.
4. Combination of different types of Units such as commercial and dwelling within the same Structure: each Unit shall be charged the fee for that type of Unit. The aisle space for a Commercial/Warehouse use area shall be treated as Commercial Unit space, and the remaining area shall be treated as Warehouse space.
5. Commercial Units shall be charged pursuant to the current Schedule. Each Commercial Unit facility shall be assumed to have a minimum of one thousand (1,000) square feet. A special study may be required to determine the connection fee, depending upon the proposed facilities to be constructed.
6. Historical Public Buildings shall be classified as Office Buildings and charged pursuant to the current Schedule.
7. Hospitals, Convalescent Homes, and Residential Care Facility Units shall be charged pursuant to the current Schedule.
8. Hotel or Motels shall be charged pursuant to the current Schedule for each dwelling Unit with or without kitchen facilities, as applicable.
9. Industrial Unit charges shall be determined by the District using the applicable Unit fees for BOD, TSS and/or flow (GPD) pursuant to the current Schedule.
10. Laundries and Laundromats shall be charged pursuant to the current Schedule.

11. Multiple Dwelling Units shall be charged the Multiple Family Dwelling with Kitchen fee pursuant to the current Schedule, for each Unit with kitchen facilities (as in the case of apartments), and the Multiple Family Dwelling without Kitchen fee pursuant to the current Schedule for each Unit without kitchen facilities (as in the case of dormitories).
12. Public Facilities are not exempt from fees and shall be charged based on the applicable use type, pursuant to the current Schedule. .
13. Recreational Facilities shall be classified as All Other Commercial and charged pursuant to the current Schedule for each Structure containing toilet facilities and for each recreational vehicle space provided with sewer facilities, a holding tank emptying facility, or other plumbing facilities connecting to the sanitary sewer system.
14. Restaurants shall be charged pursuant to the current Schedule.
15. Schools shall be charged pursuant to the current Schedule.
16. Senior Living Center fees shall be established based on a combination of the fees for the various independent and joint-use areas, e.g., the Laundromat fee for a laundry area, Senior Living Unit without Kitchen fee for Units without kitchens, and the Senior Living Unit with Kitchen fee for Units with kitchens.
17. Single-Family Dwelling Units shall be charged pursuant to the current Schedule for each Unit.
18. Temporary Facilities only applies to facilities in use for less than one (1) year.  
Connection fees shall be calculated by multiplying the percentage of year in use by the connection fee for the category of connection, pursuant to the current Schedule. Uses longer than one (1) year are subject to the connection fee for the category of connection, pursuant to the current Schedule.
19. Trailer or Mobile Home Units shall be charged pursuant to the current Schedule for each space.
20. When a Parcel located in VCRA is already connected to the public sewer system and undergoes Redevelopment or Development, then Section 12 of this Ordinance shall apply. (The VCRA will expire in 2023.)

21. Warehouses shall be charged pursuant to the current Schedule for each Structure containing toilet facilities.

## **SECTION 8. ADJUSTMENT**

The rates, fees and charges for services described within this Ordinance shall be included in the Schedule adopted by resolution of the Board, and adjusted as needed. The adjustment shall, at a minimum, be made by multiplying each fee included in the Schedule by a fraction, the numerator of which is the ENR Construction Cost Index for San Francisco for the most recent October, and the denominator of which is the ENR Construction Cost Index for San Francisco for the next preceding October, as reported by Engineering News-Record, the McGraw-Hill Construction Weekly. The result of that multiplication shall be rounded to the nearest five dollar (\$5.00) increment to become the fee amount for the ensuing year, effective upon adoption of the revised Schedule. Additional increases in the connection fees necessary to recover costs of projected capital improvements shall be at the discretion of the Board.

Nothing in this Ordinance shall preclude the Board from adopting fees other than those as provided herein to be effective on any other date.

## **SECTION 9. DEFERMENT OR WAIVER OF FEES**

- A. There shall be no waiver of sanitary sewer connection fees, in whole or in part. At the discretion of the District Manager or the Board, as provided in subsection B of this Section 9, connection fees may be deferred with regard to property owned by local governmental entities or by organizations that are qualified as exempt from income taxation under Section 501(c) of the Internal Revenue Code of 1986 as amended, or any successor statute, and which shall have been organized and operated exclusively for charitable or educational purposes; provided, however, that the property is used for such governmental, charitable or educational purposes. The amount of the deferred connection fees shall be evidenced by a promissory note that provides for the accrual and collection of interest on the unpaid balance of the deferred connection fees, at a rate approximating the average interest rate earned by the District on its investment accounts at the time the promissory note is executed. The District may require such

security for the payment of the deferred connection fees as the District deems necessary or prudent. Should the property cease to be owned by the local governmental entity or by the charitable or educational organization, or cease to be used for such governmental, charitable or educational purposes, the unpaid balance of the deferred connection fee, along with accrued interest, shall immediately become due and payable to the District, and the promissory note and any security instrument may so provide.

- B. Sanitary sewer connection fees may be deferred at the discretion of the District Manager for a period not to exceed three (3) years. If an applicant desires a deferment of more than three (3) years, the applicant must apply in writing to the Board, which shall consider the request at a regular meeting held within thirty (30) days after the District receives the application. The Board in its discretion may defer connection fees for a period not to exceed a total of five (5) years.
- C. Fees for any direct charges incurred by the District for inspection, connection, or other labor and materials shall not be deferred.

**SECTION 10. SEWER CONNECTION MANDATORY**

- A. Every Parcel containing a dwelling, Structure or establishment used for residential or commercial purposes, and having plumbing facilities therein, shall be connected to the sanitary sewer system where such system exists in a public street, alley or easement within one hundred fifty (150) feet of the Parcel on which such dwelling, Structure or establishment is located, and at such elevation that sewage lines will deliver sewage by gravity. No sewer lateral may serve more than one dwelling, Structure or establishment with the following exceptions:
  - 1. Where one Structure stands in the rear of another Structure on the same Parcel, and both are the property of one owner, the sewer lateral serving the front Structure may be extended to the rear Structure.
  - 2. Where a Parcel is occupied by a trailer park or motel all the dwelling units on that Parcel may be connected to the same sewer.

3. Subsection A of this Section 10 shall not apply to any sewer system(s) in or on that certain area of the District known as Mare Island, existing at the time of the annexation of Mare Island to the District, effective September 8, 2003. Any construction involving new Structures, dwellings, or establishments on Mare Island from and after that date, or the Improvement of existing Structures which adds sanitary sewer facilities, shall not, except at the sole discretion of District staff, be entitled to this exception.

B. All sewage from every Parcel required under subsection A of this Section 10 to be connected to the sanitary sewer system of the District, shall be discharged to the District's sewer system; and it is hereby declared that maintenance or use of cesspools, septic tanks or other local means of sewage disposal on any such Parcel shall constitute a public nuisance and the District shall have the right to invoke any legal remedies or police power to abate the nuisance.

#### **SECTION 11. CHANGES AND/OR ADDITIONS**

If an existing Structure is Redeveloped and additional Units used to calculate the sanitary sewer connection fee, for various types of uses, are added, an additional sanitary sewer connection fee as established in Section 7 will be payable for each additional Unit.

#### **SECTION 12. REDEVELOPMENT**

A. When a Parcel which has been connected to the sanitary sewer system, undergoes Redevelopment or an abandoned structure is reactivated, resulting in re-established service, new service, change in use category, building size, or number of Structures, and a sanitary sewer connection permit for a Structure is applied for, the following rules will apply:

1. The connection fees or capacity charges due will be calculated pursuant to Section 7 less a credit for the Original Structure. The fee credit for the Original Structure shall be the fee in effect five (5) years prior to the current fee, or the fee in effect when the monthly sewer service charge was last paid, whichever is greater. No refunds of previously paid fees shall be made.
  2. No refund will be paid in any case in which the original fee exceeds the current fee as calculated in accordance with subsection A.1 of this Section 12.
  3. When a Structure is Redeveloped in VCRA, then the fees shall be charged at a reduced percentage of the applicable fee type pursuant to the current Schedule.
- B. When a Structure is Redeveloped, a connection fee shall be payable for all new Units in the Structure. Credit will be given for all existing Units in the Structure if they are replaced by new Units. Credits will be determined in the manner described in subsection A.1 above. No refund of fees previously paid will be made by the District.
- C. A connection fee shall not be payable when the Redevelopment or remodel results in a reduced load on the sanitary sewer system (e.g., conversion of a Restaurant to a Warehouse). Only inspection fees as applicable shall be payable. This shall be the rule even if a connection fee would otherwise be due under subsections A and B of this Section 12 for the new use. A connection permit must still be obtained from the District for the Redevelopment or remodel and the applicant must comply with the permit conditions specified.

### **SECTION 13. AREAS ANNEXING INTO THE DISTRICT**

The developer(s)/owner(s) of an area to be annexed into the District shall pay connection fees pursuant to the current Schedule, per EDU. The developer(s)/owner(s) shall also pay an annexation fee pursuant to the current Schedule per EDU. The number of EDU's subject to the annexation fee shall be the same as the number subject to the sanitary sewer connection fees. The annexation fee shall be paid at the same time as the connection fee.

### **SECTION 14. INTERPRETATION OF FEES**

In case of disagreement as to the interpretation of the sanitary sewer connection fees, the decision of the District Manager shall be the final staff decision, subject to the right of the applicant to appeal the decision to the Board. All appeals to the Board shall be in writing and shall be served on the District within thirty (30) days after the District Manager has issued a written decision. Failure to submit a written appeal within thirty (30) days shall eliminate any future appeal rights of the applicant, and the District Manager's decision will stand as the final decision. Appeals received at least seven (7) days prior to a District Board meeting shall be submitted to the Board at the next regular meeting. Appeals received less than seven (7) days prior to a Board meeting will be heard at the second regular meeting of the Board following submission.

### **SECTION 15. REFUND OF FEES**

In the event the District revokes a permit for failure to abide by District conditions or requirements, the permittee shall not be entitled to a refund or reimbursement of fees paid. Partial refunds will be made where the permitted work is not commenced, in accordance with the following procedures:

- A. The District will maintain a chronological listing of sanitary sewer connection permits issued. The record will be maintained by the Engineering Department and will be reviewed once a month to determine which permits are within six weeks of the one-year expiration deadline based on the requirements in Section 3 above.



- B. As a courtesy, the District will send a letter to all permit holders whose permits are identified in subsection A of this Section 15 as being subject to expiration, informing the permit holder of the expiration date and conditions for extension, and requesting the permit holder to inform the District of his or her intention on a form provided. Failure to receive a letter does not relieve the permit holder of his or her obligation to pay the current fees, or extend the date of expiration of the permit.
- C. If the permit holder returns the form indicating the permit is to be canceled, the District will process a refund equal to the permit fee, less an administrative refund processing fee pursuant to the current Schedule, and inspection fees.
- D. If the District receives no information from the permit holder on or before thirty (30) days prior to the expiration date of the permit, the Engineering Department will initiate an inspection of the property to determine if the condition of Begun Construction has been met.
- E. If upon inspection, the District determines that construction has not begun, the District will send a "No Activity" letter to the permit holder, by certified mail, informing him or her of the pending expiration.
- F. Upon expiration of the permit, the District will process a refund check equal to the amount of the permit fee less the inspection fees and the administrative fee for refunds, and forward it to the person or party who paid for the permit or that person's designee. The Engineering Department will close the permit file once the refund check has been issued.

**SECTION 16. EXTENSION OF PERMITS**

If the permit holder returns the form described in subsection B of Section 15 requesting extension of the permit, it must be received by the District prior to the expiration date of the permit. The following procedure will be followed:

- A. The District will review the information provided by the permit holder regarding the basis for an extension. The District Manager will consider without limitation, any District or governmental regulatory requirements that have been adopted or implemented since the most recent issuance or extension of the permit. If required, the developer shall revise the Improvement plans to incorporate the new regulatory requirements. The revised plans shall be submitted for the review, comment, and approval of the District prior to the extension of the permit.
- B. If the District grants an extension, the permit holder shall pay an additional connection fee equal to the difference between the amount of the connection fee in effect at the time the original permit was issued and the connection fee in effect at the time the permit extension is granted, plus the administrative fee established for processing extension requests, pursuant to the current Schedule. The Engineering Department will calculate the new fees and maintain the permit file. Only one extension shall be allowed for a period of one (1) year.
- C. If the extension is not granted and the permit holder accepts the District's decision, the District's file will be closed and a refund will be issued in accordance with subsection F of Section 15, less the administrative fee for processing the extension request, and the inspection fee.
- D. If the permit holder disagrees with the District Manager's decision to deny the permit extension, the permit holder may appeal, in writing, to the Board within ten (10) days from receipt of written notice of the District Manager's decision. Appeals received at least seven (7) days prior to a District Board meeting shall be submitted to the Board at its next regular meeting. Appeals received less than seven (7) days prior to a Board meeting will be heard at the second regular meeting of the Board following submission.
- E. The Board's decision on extension is final. If the Board grants an extension, the permit holder shall pay the fees required in subsection B of this Section 16. If the Board denies the extension, a partial refund in accordance with subsection C of this Section 16 will be issued.

**SECTION 17. ESTABLISHING ADMINISTRATIVE FEES**

The Board shall, from time to time, establish by resolution, the administrative fees for connection fee refund, connection fee extension, inspection fees, processing fees, annexation fees, etc.

**SECTION 18. FUNDS COLLECTED**

All fees collected from the issuance of sanitary sewer connection permits shall be deposited in the District's "Wastewater Connection Fees Fund" and such funds shall be expended from time to time upon authorization of the Board solely for the purpose of acquisition, construction, reconstruction, or extension of sanitary sewers, treatment plant, and sewer pump stations. No part of the funds shall be used for payment of operation and maintenance costs of the District. The District shall keep accurate records concerning the collection of the sanitary sewer connection fees under this Ordinance. Such records shall set forth the amount of fees paid as to each Parcel, Structure, or Improvement to which the fees apply.

**SECTION 19. VIOLATIONS**

Whenever the District Manager determines that any user has violated or is in violation of this Ordinance, the District Manager shall, by certified mail, notify the user to remedy the violation within thirty (30) days from receipt of the written notice or such lesser period as may be specified by the District. The user shall be responsible for all costs incurred by the District due to the violation. Violations of this Ordinance shall include, without limitation, the following:

- A. Use of the District's sewage facilities without a valid connection permit.
- B. Use of the District's sewage facilities in a manner not permitted.
- C. Change in use category of a permitted facility without obtaining a permit for the new use.
- D. Modification (added Units, space, etc.) of a permitted facility without obtaining a permit covering the change.
- E. Use of the District's sewage facilities by a facility which has been permitted by the District but not cleared for occupancy.

**SECTION 20. SEVERABILITY**

If any section, subsection, sentence, clause, and/or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, and/or phrases be declared unconstitutional or invalid.

**SECTION 21. REPEAL OF CONFLICTING AUTHORITY**

Upon the effective date of this Ordinance, any and all ordinances, resolutions, or rules or regulations of this District in conflict with it, shall be repealed and shall have no further force or effect. This Ordinance supersedes all prior ordinances of the District to the extent that such ordinances established the amounts of sanitary sewer connection fees and related permit and inspection fees.

**SECTION 22. PUBLICATION AND MINUTE ENTRY/EFFECTIVE DATE**

This Ordinance shall be published once in a newspaper of general circulation, printed and published in the District within 15 days from and after its adoption. It shall take effect and be in full force and effect on May 10, 2018. The passage of this Ordinance shall be entered into the minutes of the District. Each year the District will evaluate the financial need for any rate increase and will adopt a revised Schedule by resolution accordingly.

**ADOPTED** by the Board of Trustees of the Vallejo Flood and Wastewater District on the 10<sup>th</sup> day of April, 2018 by the following vote:

- AYES:** President Sampayan; Trustees Dew-Costa; Hannigan; McConnell; Miessner; Sunga and Verder-Aliga
- NOES:** None
- ABSENT:** Trustee Malgapo
- ABSTAIN:** None

**WITNESS** my hand and Seal of said District this 10<sup>th</sup> day of April, 2018.

  
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**HOLLY M. CHARLEY**  
 Clerk of the Board