THE BOARD OF TRUSTEES OF THE VALLEJO SANITATION AND FLOOD CONTROL DISTRICT DOES ORDAIN AS FOLLOWS:

SECTION 1. PURPOSE

A. The Board of Trustees recognizes that there have been 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 that offsets debt service made by other ratepayers up to the time of connections.

B. 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 are required to maintain these reserves at appropriate levels.
C. The purpose of this chapter is to provide for the establishment of fees and charges to assure the fair and equitable distribution of costs between existing and future entities 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, as established by the Board of Trustees of the District.

SECTION 2. DEFINITIONS

For purposes of this ordinance, the following definitions shall apply:

1. **BEGUN CONSTRUCTION** is defined as 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.

2. **CAR WASH** means a single business in a building or buildings on a PARCEL that provides automated car wash facilities or self-wash facilities.

3. **CHURCH** means 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 or HOTEL UNIT rate, as applicable.

4. **COMMERCIAL UNIT** means 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, because 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 service 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
(1) single business is conducted.

5. COMMERCIAL /WAREHOUSE is 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.

6. CURRENT LEVEL OF DEVELOPMENT is the level of development of the
land area, or any portion thereof, served by the District at the time of
application by a developer or landowner for connection to either the sanitary
sewer or storm drain system.

7. DEVELOPMENT means any IMPROVEMENT to a PARCEL on which no
previous IMPROVEMENTS have been constructed.

8. DRIVE IN/TAKE OUT RESTAURANT is a facility that uses disposable dishes
and utensils to serve customers. It is characterized by food service methods
emphasizing minimal on-site food preparation. It will not typically have an on-
site garbage disposal, food preparation materials such as pots, pans and mixing bowls, or other equipment that discharges waste from food preparation directly into the sanitary sewer.

9. **EQUIVALENT SINGLE FAMILY DWELLING UNIT (EDU)** shall be determined by dividing the wastewater FLOW from the DEVELOPMENT by the wastewater FLOW from a SINGLE FAMILY DWELLING UNIT.

10. **FLOWS** refers to flows as determined in accordance with the District Design Criteria. The terms capacity, flow, and flow rate are used synonymously.

11. **GOVERNMENTAL SERVICES** shall mean the provision of public good and toll services under the direct control of a municipal or public entity.

12. **HISTORIC PUBLIC BUILDING** is any building that is registered as an historic building by federal, state or local government or authorized agency thereof and (except for a caretaker) is not used as a dwelling, rental unit, or any other purpose providing income for profit.

13. **HOSPITAL OR CONVALESCENT HOME UNIT** means permanent bed space, which a hospital or convalescent home uses to accommodate patients, excluding bed space in recovery, surgical, or other bed spaces used for short periods of time in a transitory manner, and similar rooms.
14. **HOTEL OR MOTEL** means sleeping quarters without cooking facilities. If the hotel or motel contains UNITS with cooking facilities, each such UNIT shall be charged the fee applicable to a MULTIPLE DWELLING UNIT.

15. **IMPROVEMENT** shall refer to any alteration of, or addition to, property that changes the amount, quality or rate of sanitary sewer discharge from the property.

16. **INDUSTRIAL UNIT** means a building that is used only for the manufacturing, processing, or assembling of a product or material for sale or resale.

17. **LAUNDROMAT** means 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.

18. **LAUNDRY** means a single business in a building or buildings on a PARCEL providing commercial laundry service.

19. **MULTIPLE DWELLING UNIT** means any building or buildings on a single legal land PARCEL, constructed for occupancy by more than one (1) family. Each of the separate living quarters shall be referred to as a UNIT.

20. **ORIGINAL STRUCTURE** is a STRUCTURE whose use has been permitted under the terms of this or a previous ordinance.

21. **PARCEL** shall mean an assessor’s PARCEL.
22. **PUBLIC FACILITY** is 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, the definition also includes facilities that are typically not work sites for extended periods of time, such as pump stations, water reservoirs, and parking lots.

23. **RECREATION FACILITY** is a public or private area utilized for recreational or camping purposes, which may include spaces for parking of recreational vehicles that are temporarily occupied for a period of time that is typically less than three weeks.

24. **REDEVELOPMENT** means 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.

25. **RESIDENTIAL CARE FACILITY** means 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 (5) 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.

26. RESTAURANT is a facility that prepares and serves food and beverages, is
open to the public, and makes charges specifically for the food provided on
an item or meal basis. Non-disposable utensils are used to serve the food,
and a garbage disposal and a substantial amount of food preparation utensils
are used in the operation.

27. SECOND-FAMILY RESIDENTIAL UNIT shall mean a second DWELLING
UNIT constructed or adapted within, onto, or apart from an existing SINGLE-
FAMILY DWELLING UNIT on a single residential lot.

28. SENIOR LIVING CENTER is 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.

29. SEWERAGE FACILITIES means the complete sewerage system including
pipelines, pumps, treatment plant, outfalls, and all appurtenances or any
portion thereof.

30. SINGLE-FAMILY DWELLING UNIT means any building constructed for
occupancy of one single family.

31. STRUCTURE means a building or an IMPROVEMENT.

32. TEMPORARY FACILITY means 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.

33. TRAILER OR MOBILE HOME UNIT means each permanent trailer or mobile home space in a trailer court or mobile home park with plumbing hookup.

34. 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.

35. ULTIMATE LEVEL OF DEVELOPMENT is the level of development generally described as the developmental build-out of the land area, or any portion thereof, served by the District and as defined in the most recent update of the City of Vallejo’s General Plan.

36. VALLEJO CENTRAL REDEVELOPMENT AREA is 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.

37. WAREHOUSE means 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. Permits will be issued by the District upon proper
application at the District’s office and upon payment of all appropriate fees. Evidence of all necessary rights and easements to properly convey flows to the District’s facilities shall be presented prior to obtaining a permit. A sanitary sewer connection permit shall be considered a sanitary sewer encroachment permit when the District resolutions, rules, and ordinances require such a permit. All connections to District sanitary sewer facilities shall be performed by individuals or firms holding a valid 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 public sanitary 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, prior to the end of the one (1) year period, connected to the sanitary sewer, or begun construction or obtained an extension of the period to connect prior to the end of the period during which the permit is valid. All extensions of permits shall be valid for a period (1) one additional year.

The permittee may request either an extension of time in which to comply or a refund of the connection fees paid, in accordance with Section 14 and Section 15 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 for the issuance of a sanitary sewer permit, shall grant to the District a Right of Entry for purposes of testing, inspection, and repairing of the upper sewer lateral. Said Right of Entry shall be binding on all heirs, successors, and assignees 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 determined in accordance with Ordinance No. 2011.70A.1.
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 (1) processing fee and one (1) inspection fee.

SECTION 7. SANITARY SEWER CONNECTION FEES

A. In order to provide required SEWERAGE FACILITIES within the District, the following fees are established and shall be paid to the Vallejo Sanitation and Flood Control District prior to the approval of 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.

B. Issuance of a permit shall be contingent upon approval of any required plans, and recorded maintenance agreement, and submission of properly prepared and executed Right-of-Entry and easement documents, payment of connection fees and other applicable fees, and the physical proximity of an approved connection point (see Section 9) to the existing sanitary sewer collection system.

C. 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 costs 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 (1) one year after the connection is made for possible adjustment in the fee. Unit costs shall be as shown in Ordinance No. 2011-70A.1.

1) **CAR WASH** shall be charged as shown in Ordinance No. 2011-70A.1 for each STRUCTURE draining wash water to the sewer. If a car wash building also contains another commercial business, that business shall be regarded as a separate UNIT chargeable as a COMMERCIAL unit.

2) **CHURCH** shall be charged as shown in Ordinance No. 2011-70A.1 for each STRUCTURE containing toilet facilities.

3) **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.

4) **COMMERCIAL UNITS** shall be charged the commercial fee as shown in Ordinance 2011-70A.1. Each COMMERCIAL UNIT facility shall be assumed to have a minimum of one thousand (1000) square feet. A
special study may be required to determine the connection fee, depending upon the proposed facilities to be constructed.

5) **DRIVE-IN OR TAKE-OUT RESTAURANTS (ONLY)** shall be charged as shown in Ordinance 2011-70A.1.

6) **HISTORIC PUBLIC BUILDING** shall be charged the commercial fee as shown in Ordinance 2011-70A.1.

7) **HOSPITAL, CONVALESCENT HOME, RESIDENTIAL CARE FACILITY** shall be charged the hospital fee as shown in Ordinance 2011-70A.1.

8) **HOTEL OR MOTEL** shall be charged the single family dwelling fee as shown in Ordinance 2011-70A.1 for each dwelling UNIT with kitchen facilities, and the multiple dwelling fee as shown in Ordinance 2011-70A.1 for each dwelling unit without kitchen facilities.

9) **INDUSTRIAL UNIT** shall be determined by using UNIT costs in accordance with Section 7.

10) **LAUNDRY** shall be charged the laundry fee as shown in Ordinance 2011-70A.1, and **LAUNDROMATS** shall be charged the LAUNDROMAT fee as shown in Ordinance 2011-70A.1.

11) **MULTIPLE DWELLING UNITS** shall be charged the single family dwelling fee as shown in Ordinance 2011-70A.1, for each UNIT with kitchen facilities, as in the case of apartments, and the multiple dwelling fee as
shown in Ordinance 2011-70A.1 for each UNIT without kitchen facilities.

12) **PUBLIC FACILITY** fee shall be determined by the District in accordance with subsection C of this Section 7.

13) **RECREATIONAL FACILITY** shall be charged the multiple dwelling fee as shown in Ordinance 2011-70A.1 for each STRUCTURE containing toilet facilities and for each recreational vehicle space provided with sewer facilities, holding tank emptying facility, or other plumbing facilities connecting to the sanitary sewer system.

14) **RESTAURANTS** shall be charged the restaurant fee as shown in Ordinance 2011-70A.1.

15) **SCHOOL—PUBLIC OR PRIVATE** shall be charged the school fee as shown in Ordinance 2011-70A.1. Business or occupational schools operating for a profit shall be subject to the COMMERCIAL UNIT rate.

16) **SECOND-FAMILY RESIDENTIAL UNIT** shall be charged the single family dwelling fee as shown in Ordinance 2011-70A.1, for each UNIT with kitchen facilities. A second family residential unit without a kitchen shall be considered the same as a building addition or remodel for purposes of determining fees for connection to the sanitary sewer system.

17) **SENIOR LIVING CENTER** fee shall be established based on a combination of the fees for the various independent and joint-use areas,
the LAUNDROMAT fee for a laundry area, multiple dwelling fee for living UNITS without kitchens, and the single family dwelling fee for living UNITS with kitchens.

18) **SINGLE FAMILY DWELLING UNIT** shall be charged the single family dwelling fee as shown in Ordinance 2011-70A.1 for each UNIT.

19) **TEMPORARY FACILITY** shall be subject only to the service fee provided the use is less than one (1) year. Uses longer than one (1) year are subject to 10% per year of the connection fee for the category of connection.

20) **TRAILER OR MOBILE HOME** shall be charged the single family dwelling fee as shown in Ordinance 2011-70A.1 for each space.

21) **VALLEJO CENTRAL REDEVELOPMENT AREA (VCRA)** when a PARCEL located in VCRA is already connected to the public sewer system and undergoes REDEVELOPMENT or DEVELOPMENT, then Section 11 of this ordinance shall apply. (The VCRA will expire in 2023.)

22) **WAREHOUSE** shall be charged the warehouse fee as shown in Ordinance 2011-70A.1 for each STRUCTURE containing toilet facilities.

**SECTION 8. 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 subdivision B, of this Section 8 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 30 days after the District receives the application. The Board in its discretion may defer connection fees for a period not to exceed 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 9. SEWER CONNECTION MANDATORY

A. Every parcel occupied by 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 there from will deliver sewage by gravity. No house connection sewer 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, and a house connection sewer exists or
can be constructed through the adjoining yard, court or
driveway, the house connection sewer 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 said PARCEL may be connected to the
same house connection sewer.

3. This Section 9 A 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 STRUCTURE, dwellings, or establishments on Mare
Island from and after said 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 the foregoing subsection
A in this Section 9 to be connected to the sanitary sewer system of the
District shall be discharged to said sewer system and it is hereby declared
that maintenance or use of cesspools, septic tanks or other local means of
sewage disposal on any PARCEL located as above described shall
constitute a public nuisance and the District shall have the right to invoke any legal means or police power to abate the same.

SECTION 10. 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 11. 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 due will be calculated pursuant to Section 7 less a credit for the ORIGINAL STRUCTURE. The minimum 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 subdivision A.1 of this Section 11.

3. When a STRUCTURE is REDEVELOPED in the
VALLEJO CENTRAL REDEVELOPMENT AREA, then the fees
shall be charged at eighty percent (80%) of the fees in Section
7, subdivisions 1 through 21.

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. Credit will be determined in the manner described in subdivision
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 applicable fee
determinations made under subdivisions A and B of this Section 11 for
the new use indicate a fee is due. However, a permit must still be
obtained from the District for the REDEVELOPMENT or remodel and the applicant must comply with the permit conditions specified.

SECTION 12. AREAS ANNEXING INTO THE DISTRICT

The developer(s)/owner(s) of an area to be annexed shall pay connection fees, as determined in accordance with Ordinance 2011-70A.1 per EDU. The developer(s)/owner(s) shall also pay an annexation fee as determined in accordance with Ordinance 2011-70A.1 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 will be in addition to the sanitary sewer and storm drain connection fees and will be paid at the time of payment of the connection fee.

SECTION 13. 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 of Trustees.

All appeals to the Board of Trustees shall be in writing and shall be served on the District within thirty (30) days after the District Manager has issued a decision. A 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 14. REFUND OF FEES

Revocation of a permit by the District for failure to abide by District
conditions or requirements shall not entitle the permittee a refund or
reimbursement of fees paid.

The following is the procedure established for refunding of connection fees:

A. The District will maintain a chronological listing of sanitary sewer
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 (6) weeks of the one (1) year expiration deadline
based on the requirements in section 3 above.

B. As a courtesy, a letter will be sent to all permit holders whose
permits are identified in subdivision A of this Section 12 as being subject
to expiration. The letter will inform the permit holder of the expiration
date and conditions for extension, and will request information be
returned on a form provided to confirm the permit holder’s intention. 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 administrative and inspection costs.

D. If no information is received 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 from the inspection, the District determines that construction has not begun, a “No Activity” letter informing the applicant of the pending expiration will be forwarded to the permit holder by certified mail.

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 is issued.
SECTION 15. EXTENSION OF PERMITS

If the permit holder returns the form provided in subdivision B of Section 14 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 improvement plans shall be revised by the developer to incorporate said 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 cost established for processing extension requests in accordance with Ordinance 2011-70A.1. The Engineering Department will calculate the new fees and maintain the permit file. Extensions shall be for a period not to exceed one year.
C. If the extension is not granted and the permit holder accepts the District’s decision, a refund will be issued and the file closed in accordance with subdivision F of Section 14, except that the administrative fee for processing extension request shall also be deducted from the refund.

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 of Trustees 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 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.

E. The Board of Trustees’ decision on extension is final. If granted an extension, the permit holder shall pay the additional fee established by the Board of Trustees. If the Board denies the extension, a refund in accordance with subdivision C of this Section 15 will be issued.

**SECTION 16. ESTABLISHING ADMINISTRATIVE FEES**

The Board of Trustees 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 17. FUNDS COLLECTED

All fees collected from the issuance of sanitary sewer connection permits shall be deposited in the District’s “Wastewater Capital Improvement Fund” and such funds shall be expended from time-to-time upon authorization of the Board of Trustees solely for the purpose of acquisition, construction, reconstruction, or extension of sanitary sewers, treatment plant, and sewer pump stations of for the District as indicated in studies or as shown on maps on file in the District office or as otherwise directed by the Board of Trustees. No part of said 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 of land, buildings, or improvements to which said fees apply.

SECTION 18. 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 facilities (sanitary sewer or storm drain) without a valid connection permit.

B. Use of the District’s 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 facilities by a facility which has been permitted by the District but not cleared for occupancy.

SECTION 19. 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 of Trustees of the Vallejo Sanitation and Flood Control District hereby declares that it would have passed this ordinance, and each section, subsection, 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 20. 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.

SECTION 21. EFFECTIVE DATE

The Board of Trustees shall, at the meeting at which this ordinance is introduced, set a time and place for at least one public hearing on this ordinance, at which time the public may appear for the purpose of discussing the provisions of this ordinance, and this hearing may be continued from one meeting to another. Notice of the hearing setting forth the proposed schedule or rates shall be given by one publication in a newspaper of general circulation in the District. The notice shall be published and mailed to interested parties at least fourteen (14) days before the date fixed in the notice for the hearing. The hearing may be adjourned from time to time.

This ordinance shall become effective sixty (60) days after adoption.

Adopted by the Board of Trustees on the 11th day of January, 2011 by the following vote:
Ayes: President Davis, Trustees Wilson, Sunga, Schivley, Hannigan, Brown and Kondylis
Noes: None
Absent: Trustee Gomes
Abstain: None

WITNESS my hand and Seal of said District this 11th day of January, 2011.

CATHERINE C. SPARKS, District Clerk