

SEASIDE COUNTY SANITATION DISTRICT
ORDINANCE NO. 11

AN ORDINANCE ESTABLISHING A SEWER USER FEE, ESTABLISHING THE RATES THEREFORE, PROVIDING FOR METHOD OF COLLECTION AND PENALTIES FOR LATE PAYMENT, AND PROVIDING FOR FUTURE INCREASES

THE BOARD OF DIRECTORS OF THE SEASIDE COUNTY SANITATION DISTRICT DOES ORDAIN AS FOLLOWS:

Section 1. Sewer User Fee. There is hereby established and assessed against every user of the sanitary sewer system of the Seaside County Sanitation District a fee for the use of said sanitary sewer system, in the amount set forth herein.

Section 2. User Defined. User shall mean any person, firm, or corporation who makes or maintains a connection to the sanitary sewer system of the Seaside County Sanitation District. For the purpose of establishing liability for payment of said fees, the user shall rebuttably be presumed to be the person, firm, or corporation who has contracted with the servicing public utility for water service.

Section 3. Fees. The sewer user fee shall be fifteen percent (15%) of the current sewer service charge established by the Monterey Regional Water Pollution Control Agency pursuant to their Ordinance Nos. 79-2, 81-1, 84-3 and subsequent amendments thereto. Where said fees for commercial users are established by the Monterey Regional Water Pollution Control Agency based upon water usage, such finding by the Agency shall determine the fee. The sewer user fee will be imposed on a staged basis. Effective May 1, 1985 the initial fee will be eight percent (8%) of the Monterey Regional Water Pollution Control Agency service fee, and will increase to fifteen percent (15%) effective May 1, 1986.

Section 4. Increased Fees. Should the Monterey Regional Water Pollution Control Agency increase or decrease its service charge, the Seaside County Sanitation District fee shall be fifteen percent (15%) of said increased or decreased fee.

Section 5. Collection of Fees/Delinquencies. Fees charged pursuant to this ordinance shall become due and payable at the same time and in the same manner as the Monterey Regional Water Pollution Control Agency fee. Any fee shall become delinquent if not paid within thirty (30) days after mailing or delivery of notice thereof. Any fee that becomes delinquent shall have added to it a penalty charge equal to ten percent (10%) of the fee that became delinquent.

Section 6. Monterey Regional Water Pollution Control Agency Authorized to Collect Fees. The Monterey Regional Water Pollution Control Agency is hereby authorized to collect the fees assessed by this ordinance. The Seaside County Sanitation District Manager is authorized to execute an agreement with Monterey

Regional Water Pollution Control Agency to collect said fees and to pay the Monterey Regional Water Pollution Control Agency its cost of collection.

Section 7. Implementation Date. In order to allow Monterey Regional Water Pollution Control Agency sufficient time to prepare to collect the Seaside County Sanitation District user fee, the sewer service charge shall be charged from and after the first day of May 1985 and shall be billed at the next regular billing cycle of the Monterey Regional Water Pollution Control Agency.

Section 8. Severability. It is hereby declared to be the intention of the Board of Directors that the sections, sentences, clauses and phrases of this ordinance are severable, and if any section, sentence, clause or phrase is held to be unconstitutional by valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remaining sections, sentences, clauses or phrases of this ordinance.

Section 9. Declaration of Urgency. This ordinance is declared to be an urgency measure and is for the immediate preservation of the public health and safety. The facts constituting the urgency are these: The sewer user fees specified herein are needed to meet the current and future financial obligations of the District, including capital improvements and ongoing maintenance and operation costs for the current and forthcoming fiscal year, and it is therefore necessary that this ordinance become effective immediately.

Section 10. Effective Date. This ordinance shall take effect and be in force immediately upon the passage and adoption hereof.

Public Hearing held at a regular meeting on the 9th day of October 1984 and continued to a special meeting on the 23rd day of October 1984.

The foregoing ordinance was introduced, passed and adopted at a special meeting of the Board of Directors of the Seaside County Sanitation District held the 23rd day of October, 1984, by the following vote:

AYES: Directors McClair, Lewis, Benson

NOES: none

ABSENT: none



Chairman, Board of Directors

Attest:



Secretary, Board of Directors