

ORDINANCE NO. 16

SUNNYSLOPE COUNTY WATER DISTRICT

AN ORDINANCE ESTABLISHING RATES AND CHARGES  
FOR SEWAGE DISPOSAL SERVICE AND PROVIDING  
PROCEDURES FOR ITS ENFORCEMENT

BE IT ORDAINED, by the Board of Directors of the Sunnyslope County Water District, San Benito County, California, as follows:

ARTICLE I. GENERAL PROVISIONS

1. Short Title. This ordinance may be cited as "Sunnyslope County Water District Sewer Service Charge Ordinance".
  2. Enabling Statutes. This ordinance is adopted pursuant to Article 4, Chapter 6, Part 3, Division 5 of the Health and Safety Code and pursuant to Articles 1 and 6, Chapter 1, Part 5, Division 12 of the Water Code.
  3. Application. This ordinance shall apply to all sewer facilities of the District.
  4. Separability. It is hereby declared that District would have passed this ordinance and each section, sub-section, sentence, clause or phrase hereof, irrespective of the fact that any one or more of the sections, sub-sections, sentences, clauses, or phrases be declared invalid.
  5. Relief on Application. When any person by reason of special circumstances is of the opinion that any provision of this ordinance is unjust or inequitable as applies to his premises, he may make written application to the Board stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his premises.  
  
If such application be approved, the Board may, by resolution, suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the application and continuing during the period of the special circumstances.
  6. Relief on Own Motion. The Board may, on its own motion, find that by reason of special circumstances any provision of this regulation and ordinance should be suspended or modified as applied to a particular premise and may, by resolution, order such suspension or modification for such premises during the period of such special circumstances, or any part thereof.
10. Definitions contained in Article I of Ordinance No. 15, the Sunnyslope County Water District Sewer Regulation Ordinance, shall govern for all purposes of this ordinance.
- ARTICLE II. DEFINITIONS
20. Billing. The regular billing period will be for each calendar month, or as determined by the Board.
21. Opening and Closing Bills. Opening and closing bills for less than the normal billing period shall be for not less than one month.
22. Billing Time. Bills for sewer service shall be rendered at the beginning of each billing period and are payable upon presentation.

23. Penalties. If the bill is not paid within 15 days from the due date, a basic penalty of ten percent will be added thereto and on the first day of each calendar month thereafter a penalty of one-half of 1% of the amount of the delinquent bill shall also be added and become due.

24. Collection by Suit. As an alternative to any of the other procedures herein provided, District may bring an action against the person or persons who occupied the premises when the service was rendered for the collection of the amount of the delinquent rate and all penalties and costs of collection including a reasonable attorney's fee.

#### ARTICLE IV. COLLECTION WITH OTHER UTILITY CHARGES

30. With Utility Charges of District. Where the person charged is a user of another utility owned and operated by District, the charges shall be collected together with and not separately from the charges for the other utility service rendered by it. They shall be billed upon the same bill and collected as one item.

31. Discontinuance of Service Upon Delinquency. Upon delinquency, the other utility service shall be discontinued until full payment of the dual charges and penalties thereon and the charges for recontinuance of service.

32. Id. - Time. The time for the discontinuance of such other service shall not exceed forty-five (45) days from the date the sewer charges are provided to become delinquent.

#### ARTICLE V. COLLECTING ON TAX ROLL

40. Sewer Service Charges. The District may, by ordinance approved by two-thirds vote of the members of the Board, elect to have sewer service charges for the forthcoming fiscal year collected on the tax roll on which its general taxes are collected, in the same manner, by the same persons, and at the same time, together with and not separately from, its general taxes.

41. Delinquencies. The District may, by such ordinance, elect to have delinquent charges only collected on the tax roll on which its general taxes are collected, in the same manner by the same persons, and at the same time as, together with and not separately from its general taxes.

42. Connection Fees or Charges. The District may, by such ordinance, provide for the payment of sewer connection fees or charges prior to connection or in installments over a period not to exceed 15 years; for the rate of interest, not to exceed 6 per cent per annum, to be charged on the unpaid balance of such fees or charges; and for the collection of such fees or charges and the interest thereon on the tax roll on which its general taxes are collected, in the same manner, by the same persons, and at the same time as, together with and not separately from, its general taxes.

43. Lien Against the Land. Following the preparing and filing of a written report, where required, the giving of notice of such report or of such schedule of fees and charges and the hearing thereon, the amounts of such fees, charges and interest shall constitute a lien against the lot or parcel of land against which levied or imposed as of noon of the first Monday in March immediately preceding the date of levy or entry.

44. Law Applicable. The provisions of Article 4, Chapter 6, Part 3, Division 5 of the Health and Safety Code, as now or hereafter

amended, as to collection of fees, charges and interest on the tax roll shall apply.

ARTICLE VI. DISCONNECTION

50. Connections Mandatory. The further maintenance or use of cesspools or other local means of sewage disposal constitutes a public nuisance. All buildings inhabited or used by human beings which are not more than 300 feet from the sewerage system of District or any extension hereafter made thereto, and in which any sewage is produced shall be connected with the sewerage system of District not more than 90 days from the time when such connection can be made.

51. Disconnection. Premises as to which charges have become delinquent may be disconnected. The sewer superintendent shall estimate the cost of disconnection of such premises from the enterprise and the cost of reconnecting it thereto, and such user shall deposit the cost as estimated of disconnection and reconnection before such premises are reconnected to the sewer system. The amount of the cost of disconnection and reconnection over the deposit shall constitute a charge and be collected as such. The amount of the deposit not used shall be repaid or applied as a credit.

52. Abatement. During the period of non-connection or disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the Board shall cause proceedings to be brought for the abatement of the occupancy of said premises by human beings. In such event, a reasonable attorney's fee shall become due as a penalty for non-payment.

ARTICLE VII. CONNECTION CHARGES AND FEES

60. Connection Charges and Fees. All connection charges and fees established by the Sunnyslope County Water District pursuant to Ordinance No. 15, the Sunnyslope County Water District Sewer Regulation Ordinance, and all other rules and regulations of the District shall be collected at the time application for sewer service is made.

ARTICLE VIII. SEWER SERVICE CHARGES

70. Rate Schedule. Sewer service charges are hereby established as follows:

<u>Service Charges</u>	<u>Charge Per Month</u>
1. Multiple family dwelling.	\$1.00
2. Multiple family dwellings, duplexes, flats, and apartments.	1.00/unit
3. Auto courts, motels, trailer parks.	.50/unit
4. Office buildings, hotels, rooming house: First unit Each additional unit	1.00 .40
5. Commercial houses, schools, churches: First fixture Each additional toilet, urinal, shower, launderette unit, restaurant, sink, dishwasher, wash rack, etc.	1.00  .40

Service Charges

Charge Per Month

6. Industrial, business, laundries, laundrettes, restaurants, bars, theatres, service stations, garages, chemical plants.
- \$1.00 min. plus  
.12 per 100 cu.  
ft. of water used  
in excess of 1000  
cu. ft.

The District shall have the option of charging all large users on the basis of volume of sewage discharged into the sewer system.

The metered discharge from those pumps having a final discharge into the sewer system shall be charged on the same basis as metered water furnished by the District.

For any business or occupancy not listed the charge shall be in such amount as may be established by District, by motion, resolution or ordinance.

District shall have the option of providing sewer service outside the boundaries of District on the basis of charges to be established by special sewer service agreement.

ARTICLE IX. ALTERNATIVE PROCEDURE

80. Sewer Service Charges Not Otherwise Collected. The Board of Directors of the District hereby declares that the procedures established herein for the collection of sewer service charges are alternative, and in addition to the provisions contained herein the District shall have the power to collect charges against properties which would otherwise escape payment of said charges by virtue of connection to the District facilities during the course of a fiscal year or by virtue of the fact that the properties do not appear on the tax roll of the County of San Benito. District may utilize any of the procedures contained herein or authorized by law to collect such charges.

ARTICLE X. TIME OF TAKING EFFECT

90. This ordinance shall take effect immediately upon passage.

ATTEST:

  
Secretary

(SEAL)

  
President of the Board of Directors  
of Sunny Slope County Water District  
*problem*

\* \* \* \* \*

PASSED and ADOPTED at a regular meeting of the Board of Directors of the Sunnyslope County Water District, San Benito County, California, duly held on the 10th day of August, 1972, by the following vote:

AYES, and in favor thereof, Directors: Churchill, Hassler,

Loofbourrow, ~~Porteur~~, Renz

NOES, Directors: None

ABSENT, Directors: ~~None~~ *Porteur*

*Richard S. Dargatzis*  
Secretary

CERTIFICATE OF POSTING

ORDINANCE NO. 16

SUNNYSLOPE COUNTY WATER DISTRICT

Herbert W. Bengard, under penalty of perjury, certifies as follows:

That he is a citizen of the United States and over the age of twenty-one years and a resident of San Benito County, State of California.

That he is the Secretary of Sunnyslope County Water District and that he caused to be posted in three public places in the said District, to wit:

1. 1320 Hillcrest Road, Hollister, California.
2. Ridmark and Donald Drive Ridmark Corporation  
4348 Airline Hwy. Hollister, California.
3. 1220 Southside Road, Hollister, California

copies of Ordinance No. 16, "An Ordinance Establishing Rates and Charges for Sewage Disposal Service and Providing Procedures for its Enforcement". That said posting was duly completed on

the 12<sup>th</sup> day of August, 1972.

*Herbert W. Bengard*

Herbert W. Bengard

## CERTIFICATE OF POSTING

ORDINANCE NO. 16 20

## SUNNYSLOPE COUNTY WATER DISTRICT

Herbert W. Bengard, under penalty of perjury, certifies as follows:

That he is a citizen of the United States and over the age of twenty-one years and a resident of San Benito County, State of California.

That he is the Secretary of Sunnyslope County Water District and that he caused to be posted in three public places in the said District, to wit:

1. 1320 Hillcrest Road, Hollister, Cal
2. Ridgemark and Donald Drive Ridgemark Corporation  
4838 Airline Hwy.  
Hollister, Cal.
3. 1220 Southside Road, Hollister, Cal

copies of Ordinance No. 16, "An Ordinance Establishing Rates and Charges for Sewage Disposal Service and Providing Procedures for its Enforcement". That said posting was duly completed on the 12<sup>th</sup> day of August, 1972.

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 Herbert W. Bengard

*Randolph C. Churchill*

August 8, 1972

Sunnyslope County Water District  
1320 Hillcrest Road  
Hollister, California 95023

Attn: Mr. Herbert W. Bengard

Re: Sewer Ordinances

Dear Herb:

We have revised the sewer ordinances in accordance with the discussion had at the July meeting. We will have copies for Members of the Board and extra copies for future District use at the meeting Thursday night.

In providing the rate structure we were advised to utilize the City of Hollister rates. However, the Hollister rate structure has two separate sets of rates, one for services within the City and one for services outside the City. We have eliminated the outside service rates and have provided, in lieu thereof, that the District is to have the option of providing outside sewer services on the basis of charges to be established by special sewer service agreement.

In addition to the elimination of the outside service rate, we have eliminated the heavy industrial rate and have covered the industrial rates only under the standard industrial rate. We are sure that the District does not presently have or contemplate having heavy industrial uses within the area provided by sewer service.

Very truly yours,

for WILSON, JONES, MORTON & LYNCH

JTM:gl  
Enclosure

cc: Mr. Dan Weatherly



Sunny Slope County Water District  
1320 Hillcrest Road  
Hollister, California 95023

August 8, 1972

TO: Services in preparation of sewer service ordinances,  
including 100 copies for District use

Ordinance No. 15 - Sewer Regulation Ordinance	\$ 375.00
Ordinance No. 16 - Sewer Rate Ordinance	200.00

Cost for copies of sewer ordinances:

Clerical	\$ 35.47
Supplies	<u>6.68</u>

42.15

Total \$ 617.15