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ORDINANCE NO. _____

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING CHAPTER 15 (WASTEWATER) OF THE SANTA ROSA CITY CODE SECTION 15-16.030 (B), TABLE 15-1, AND SECTION 15-16.050.

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. City Code Section 15-16.030 (B) of the Santa Rosa City Code is amended as follows:

(B) The wastewater demand fees shall be as follows:

(1) Residential:

Type of Connection Demand Fee

| | |
|--|---------|
| Very Large Lot SFD (over 1 acre) | \$7,040 |
| Large/Medium Lot SFD (6000 sf to 1 acre) | \$5,957 |
| Small Lot SFD (under 6000 sf) | \$5,776 |
| Duplex and Triplex Units | \$5,054 |
| Multi-Family Condominiums, Apartments, Mobile Homes | \$5,054 |
| Large ADUs, SROs, Senior Housing, and Small, High-Density Apartments Units | \$3,971 |

(2) The wastewater demand fee for nonresidential and industrial customers shall be based on:

(a) A nonresidential wastewater demand fee rate of \$1,805 per thousand gallons per month (TGM); and

(b) The estimated monthly wastewater flow quantity for the type of use based upon the factors in Table 15-1: Nonresidential or Industrial Demand Factors - Typical Parameters, with the following requirements: the minimum flow quantity that must be purchased for nonresidential uses is 1,000 TGM, and purchases must be made in increments of 1,000 TGM. The Director of Utilities/City Engineer may periodically review the water/wastewater usage of nonresidential and

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industrial customers. If the actual usage (flow quantity) exceeds the capacity purchased, the payment of additional demand fees at the rates currently in effect will be required.

Effective January 1, 2008 and continuing thereafter, demand fees shall be adjusted as follows: The dollar amounts shown in §15-16.030 (B) shall be increased (or decreased) on January 1 of each calendar year by a percentage equal to the percentage change in the “Engineering News Record 20 Cities Construction Cost Index” for the 12-month period ending November 30 of the prior calendar year.

(3) The fee per thousand gallons per month shall be adjusted annually on January 1 of each year based on the Engineering News-Record’s 20-City Construction Cost Index, excepting that the fee per thousand gallons per month will be reviewed at approximately every 5 years and be increased or decreased to take actual changes in the City’s General Plan or Department Master Plans into consideration.

Table 15-1: Nonresidential or Industrial Demand Factors—Typical Parameters

| Category | **Type of Uses | Average Monthly Flow (gallons per month per 1000 square feet) |
|-----------------|---|--|
| 1 | Warehouse | 130 |
| 2 | Retail; Schools; Office; Church; Playhouses; Gym without shower; Self-Serve Frozen Yogurt | 730 |
| 3 | Auto Repair | 670 |
| 4 | Dental Office | 2,950 |
| 5 | Auto Sales | 1,540 |
| 6 | Halls | 1,440 |
| 7 | Movie Theaters | 1,700 |
| 8 | Surgery Centers | 4,400 |
| 9 | Convenience Store; Grocery without food preparation; Gas Station (car wash calculated separately) | 2,730 |
| 10 | Barber; Beauty Salon | 3,970 |
| 11 | Bakery | 2,890 |
| 12 | Deli; Grocery with food preparation | 5,160 |
| 13 | Veterinary Clinic | 5,210 |
| 14 | Motels; Hotels (restaurant and conference center areas calculated separately) | 7,350 |
| 15 | Gym with showers | 8,250 |

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| | | |
|---|--|---|
| 16 | Hospital | 11,840 gallons per month per bed |
| 17 | Bar | 6,940 |
| 18 | Coffee shop | 9,460 |
| 19 | Restaurant | 9,900 |
| 20 | Skill Nursing; Assisted Living; Residential Care | 2,307 gallons per month, per bed |
| 21 | Commercial Laundry | 70% of water use based on comparable operations |
| 22 | Car wash | 40% of water use based on comparable operations |
| <p>** The usage for categories not shown in this table, such as coin laundry facilities, wineries, breweries and distilleries, will be determined based on comparable uses and data submitted by applicant.</p> | | |

(C) Except as provided below or by terms of an existing contract specifically approved by the City Council or the provisions of Title 21 adopted by City Council, the demand fees to be paid for a wastewater connection shall be as set forth in this title and shall be calculated and paid at or before the time a building permit is issued by the City.

(D) Demand fees may not be prepaid (credited as paid in full) for more than two years in advance of the actual commencement of permanent wastewater service. The two-year period shall begin to run on (and shall include) the day on which payment of the demand fees is received and shall expire at midnight on that day of the second calendar year which immediately precedes the second anniversary date of the payment. If the two-year period expires without permanent wastewater service having commenced, all fees received shall be considered as a credit against the actual fees that will have to be paid to acquire wastewater service. Alternatively, an expired prepayment of fees will be refunded upon the written request of the person making the payment.

For applications made for which payments were received prior to July 1, 1981, the two-year period shall not apply and fees paid will be good until connected, provided no changes in size or other recalculations are required. If changes in size or other recalculations are required, the demand fee due shall be recalculated based upon the demand fees currently in effect and the fee due shall be the difference between the prepaid fee and the current demand fee in effect for the size connection required; this provision shall remain in effect until the Council establishes a specific date terminating said grandfather provision. Should questions arise under this title the City's Director of Utilities shall make the determination as to whether permanent wastewater service has or has not commenced to a structure as of any given date.

Notwithstanding the two-year period under this section, once a building permit is issued within the two year expiration period for a project for which: (1) the appropriate wastewater demand fees have been paid, and (2) building construction above the foundation has commenced on the project; no additional wastewater demand fees will be due for the project irrespective of the date of completion of the project and the date that permanent wastewater service is established.

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(E) Demand fees shall only be collected for specific connections to the wastewater system and shall be valid only when the location and type of connection are described on an engineering drawing or other documentation approved by the City Engineer. Connection approvals are not transferable to any other property. Connection approvals cannot be transferred by sale, assignment or hypothecation to a new owner of the property to which they relate without the written consent of the City. (Ord. 3829 § 1, 2007; Ord. 3824 § 1, 2007; Ord. 3757 § 1, 2005; Ord. 3707 § 5, 2005; Ord. 3663 § 1, 2004; Ord. 3617 § 1, 2003; Ord. 3453 § 1, 1999; Ord. 3386 § 1, 1998; Ord. 3367 § 3, 1998; Ord. 3355 § 1, 1998; Ord. 3313 § 3, 1997; Ord. 3248 § 1, 1996; Ord. 3225 § 10, 1995; Ord. 3047 § 1, 1993)

15-16.050 Demand fees—Computation—Time of payment.

All fees set forth in Section 15-16.030 shall be computed by the Director of Utilities and shall be paid prior to the actual issuance of the building permit for the structure, work or improvement proposed to be connected to the wastewater system, except as by terms of a contract specifically approved by the City Council or the provisions of Title 21 adopted by City Council. For the purposes of this section, a mobile home is a structure. (Ord. 3895 § 6, 2008)

Section 2. Environmental Determination. The Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act in that the Council finds there is no possibility that the implementation of this ordinance may have significant effects on the environment.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. This ordinance shall take effect on **TBD**, excepting the fee, which shall be **retroactive to December 15, 2020**, the date the Demand Fee Report was first reviewed by the Board of Public Utilities Budget Subcommittee at a public meeting.

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IN COUNCIL DULY PASSED AND ADOPTED this _____ day of _____,

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk

APPROVED AS TO FORM:

City Attorney