OJAI VALLEY SANITARY DISTRICT

ORDINANCE NO. OVSD-82

AN ORDINANCE AMENDING THE OJAI VALLEY SANITARY DISTRICT CODE OF REGULATIONS TO ACCOMMODATE AND COMPLY WITH CHANGES TO STATE LAW REGARDING ACCESSORY DWELLING UNITS

RECITALS

WHEREAS, the Ojai Valley Sanitary District ("District") was formed under the Sanitary District Act of 1923 (Health and Safety Code § 6400 *et seq.*)("Act"); and

WHEREAS, Health and Safety Code §§ 6491.1, 6520, 6520.2 and 6521(c) of the Act authorizes the District to adopt regulations to control and maintain its sewer system by regulating connections to the sewer system through a permit system; and

WHEREAS, the District is required to establish regulations to operate its wastewater treatment works, and to protect the public health, safety and welfare, and the environment as provided by State and Federal law including the Porter-Cologne Water Quality Control Act (California Water Code, Division 7), the Clean Water Act (33 United States Code § 1251 *et seq.,*) and the General Pretreatment Regulations (Title 4, Code of Federal Regulations Part 403); and

WHEREAS, the District is authorized by its enabling legislation and other State and Federal law referenced above to adopt reasonable and necessary regulations to control and regulate the use of the District's sewer system, prevent sanitary sewer overflow and protect the public health, safety and welfare; and

WHEREAS, this proposed Ordinance amends District Code of Regulations, Chapters 1 & 3 to accommodate and comply with the changes to State law regarding accessory dwelling units ("ADU") which consider ADUs as a lower cost housing alternative to meet the needs of existing and future residents and as an essential component of California's housing supply (Gov. Code §§65852.150, 65852.2 and 65852.22); and

WHEREAS, this proposed Ordinance will necessarily result in changes to actual District fees, rates and charges for the provision of sanitary sewer collection and treatment for all users of the sanitary sewer system, which will then be implemented through the proposal and adoption of a second set of amendments to the District Code of Regulations in compliance with Cal. Const. arts. XIIIC-XIIID (i.e., Prop. 218) and Government Code §53750 et seq. process procedures for changes to property-related fees, rates, and charges; and

WHEREAS, the District takes this action regarding ADUs to amend its Code of Regulations with the knowledge that certain provisions within Government Code §§65852.2 and 65852.22 impose an unfunded state mandate upon the District that may be in conflict with California Constitution Articles XIIIC and XIIID; and

WHEREAS, the District desires to make the amended OVSD code of regulations retroactively applicable; and

WHEREAS, the retroactive application of the amended OVSD code of regulations to existing ADU applications for sewer service connection and capacity charges is necessary to further OVSD's interest in facilitating the construction and creation of ADUs in its jurisdiction to help with California's housing shortage crisis; and

WHEREAS, the retroactive application of the OVSD amended code of regulations does not violate due process by impairing a vested right because of the following factors: the significance of the state interest served by Government Code sections 65852.2 and 65852.22; the importance of the retroactive application of the law to the effectuation of that state interest; the limited extent of reliance upon the former OVSD code of regulations related to second dwelling units; the limited nature of the legitimacy of that reliance, if any; the limited extent of actions taken on the basis of that reliance, if any; and the limited extent to which the retroactive application of the proposed amended OVSD code of regulations would disrupt those prior actions, if any; and

WHEREAS, retroactive application of the OVSD amended code of regulations plus the existing authority of the OVSD General Manager to refund any monies that my have been paid to OVSD for an effected ADU prior to this amendment to the OVSD code of regulations will not cause a significant fiscal impact to OVSD;

WHEREAS, this Ordinance action is a statutorily exempt project under the California Environmental Quality Act pursuant to title 14, California Code of Regulations ("CEQA Guidelines"), §15273; and

WHEREAS, the District Board of Directors takes this ordinance amendment action with the understanding that if any portion of this Ordinance or the application thereof is held to be unconstitutional or for any reason determined to be invalid by a court of competent jurisdiction, the validity of all remaining portions and applications shall be unaffected, and they shall remain in full force and effect and

NOW, THEREFORE, the Board of Directors of the Ojai Valley Sanitary District does hereby ordain as follows:

A. Finds that Ordinance No. OVSD-82 is a project subject to review under the California Environmental Quality Act (CEQA), but that it is statutorily exempt per CEQA Guidelines §15273 which states in pertinent par that "CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges by public agencies . . . ."

B. Directs District staff to file a CEQA Notice of Exemption with the County Clerk of the County of Ventura for Ordinance No. OVSD-82 in accordance with CEQA Guidelines §15062.

C. Finds that the above recitals are true and incorporated herein by this reference.

D. Determines that the findings and determinations set forth in this Ordinance constitute the independent findings and determinations of the District Board in all respects and are supported by the substantial evidence in the whole administrative record which is before the District Board in this matter.

E. Determines that the findings above support the District Board's desire to make the Ordinance No. OVSD- 82 retroactively date January 1, 2018 as determined by Board motion.

F. Approves and Amends the Ojai Valley Sanitary District Code of Regulations to add revised Chapters 1 & 3 to read as set forth in attached "Exhibit A," which is incorporated herein by reference, and to specify that this amended Ordinance become effective on May 6, 2021.

G. Direct District staff to publish or post the amended Ordinance in accordance with applicable law, which includes, but is not limited to, Health and Safety Code §6490.

PASSED AND ADOPTED by the governing board of the Ojai Valley Sanitary District on this 26th day of April 2021, by the following vote:

AYES: Quilici, Ulrich, Kentosh, Burg, Curtis, Martinson, Stone

NAYS: None

ABSENT: None

ABSTAIN: None

Stephen L. Quilici, Chairman
Board of Directors

William M. Stone, Secretary
Board of Directors

"EXHIBIT A"

Chapter 1
General Provisions

SECTION 100. Code Adoption

100.1 Short Title; Reference to Code

This Code shall be known as the "Ojai Valley Sanitary District Code of Regulations." This Code may also be referred to as the "Ojai Valley Sanitary District Code." Portions of this Code may be designated as an addition or amendment to, or a repeal of, the "Ojai Valley Sanitary District Code."

100.2 Codification Authority

This Code is adopted pursuant to the provisions of the Sanitary District Act of 1923 (California Health & Safety Sections 6400 et seq.) and other provisions of law that empower the District to enact regulations. This Code references applicable sections of State and Federal law. In the event that these statutory references are updated by new law or regulation, it is the intent of this Code that the successor statute will govern the District's authority.

100.2.1 District approval shall be required and applicable fees shall be paid prior to any construction, installation, alteration, repair, opening, uncovering, extending, connecting to, or other work related to any system discharging into public sewers. Contracts awarded under certain Emergency situations do not require prior approval of the Board of Directors.

100.2.2 District approval shall be required prior to the use of any system discharging to District Sewer System. A District Permit for Non-Domestic Wastewater Discharge shall be required prior to any discharge of non-domestic wastewater directly or indirectly to District Sewer System.

100.3 Effective Date

This Code takes effect upon the effective date of the ordinance of the Board of Directors of the Ojai Valley Sanitary District whereby this Code is adopted.

100.4 Severability and Validity of Code

If any section, subsection, sentence, clause, phrase or portion of this Code is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code. The Board hereby declares that it would have adopted this Code and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, or portions be declared invalid or unconstitutional.

100.5 Distribution of Code

At least one (1) duly certified copy of this Code shall be filed for use and examination by the public in the office of the District Clerk. Additional copies shall be prepared in loose-leaf form in such binders as the District Clerk may prescribe. Copies thereof shall be distributed as determined by the District Clerk.

100.6 Amendments

The District Clerk, or other District Representative, shall prepare copies of such changes in the Code for insertion in the loose-leaf copies thereof. Every portion of the Code so changed shall have printed thereon a notation of the ordinance number pursuant to which such change is adopted. All amendments shall be published in a newspaper published in the District and shall take effect upon the expiration of the week of publication pursuant to California Health and Safety Code Section 6490.

100.7 Notation of Amendments

Upon the adoption of any amendment or addition to this Code, or upon the repeal of any of its provisions, the District Clerk shall certify thereto and shall make an appropriate notation in the volumes of said Code of the taking of such action, noting thereon the number of the ordinances pursuant to which such action is taken. Duly certified copies of every ordinance making changes in such Code shall be filed in the office of the District Clerk in books for such purpose, duly indexed for ready reference.

100.8 District Fees and Charges

This Code sets forth District Capacity Charges, Sewer Service Charges and Debt Service Charges, and Fees for Sewer-System Related Services in Chapter 3, Appendices B, C and D, respectively. Said charges and fees, as set forth in said appendices, may be amended by the Board from time to time in accordance with this Code and other applicable law. In addition to the fees and charges imposed and collected by the District pursuant to this Code, the District may levy, assess and collect other fees, charges, penalties, refunds, reimbursements of any kind in accordance with applicable law.

100.9 Prior Ordinances and Regulations

This Code is intended to be a compilation of selected ordinances and regulations of general application governing the organization and functioning of the Ojai Valley Sanitary District as those ordinances and regulations have been adopted by the District's Board of Directors. The provisions of this Code which are substantially the same as existing District ordinances and regulations shall be construed as restatements and continuations of those ordinances and regulations, and not as new enactments. Therefore, this Code supersedes those prior ordinances and regulations from which it was compiled, and which were in effect on the effective date of this Code. All such prior ordinances and regulations shall be deemed amended to read as provided in this Code. This Code also supersedes all existing ordinances and regulations of the District that are contrary to or inconsistent with the provisions of this Code.

The District ordinances and regulations listed in Appendix A of this Chapter are not superseded by this Code, and shall remain in full force and effect until otherwise amended or repealed:

100.10 Pending Proceedings

Any action or proceeding commenced before this Code takes effect, and any right accrued, is not affected by this Code, but all actions or proceedings commenced after the effective date of this Code shall, where applicable, conform to the provisions of this Code.

100.11 Conflict with State Codes

Any provision of this Code in conflict with any provision of the governing codes of the State of California due to revisions made in such governing codes shall be automatically superseded by said revisions.

SECTION 101. RULES OF CONSTRUCTION; DEFINITIONS

101.1 Construction

Unless the provisions or the context require otherwise, the general provisions, rules of construction and definitions set forth below shall govern the construction of this Code. The provisions of this Code and all proceedings under it are to be construed with a view to accomplishing its objects and promoting justice.

101.2 Effect of Headings

Chapter, section and subsection headings contained in this Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any chapter, section or subsection of this Code.

101.3 Prohibited Acts include Causing, Permitting or Suffering

Whenever in this Code any act or omission is made unlawful, it shall include causing, permitting, aiding, abetting, suffering or concealing such act or omission.

101.4 Reference Applies to Amendments

Whenever a reference is made to any portion of this Code, or to any ordinance or regulation of the District, the reference applies to all amendments and additions now or hereafter made.

101.5 Service of Notices

Whenever a notice is required to be given under this Code, unless different provisions herein are otherwise specifically made, such notice may be given either by personal delivery to the person to be notified or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to such person to be notified, at his or her last known business or residence address as the same appears in the public records of Ventura County pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office.

101.6 Proof of Notice

Proof of giving any notice may be made by the certificate of any officer or employee of the District, or by affidavit or declaration under penalty of perjury as provided by the California Code of Civil Procedure Section 2015.5 of any person over the age of eighteen years, which shows service in conformity with this Code, or other provisions of law applicable to the subject matter concerned.

101.7 Tenses

The present tense includes the past and future tenses.

101.8 Gender

The masculine gender includes the feminine and neuter.

101.9 "Shall" and "May"

"Shall" is mandatory and "may" is permissive unless the context requires otherwise.

101.10 Definitions

The following words and phrases, whenever used in this Code, will have the following meanings, unless from the text a different meaning is construed:

Accessory Dwelling Unit or ADU shall mean an attached or a detached residential dwelling unit or an interior dwelling unit within the existing square footage of an existing primary residential structure or accessory structure that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated, or as defined in Government Code §65852.2(j)(1), and as it may be amended. (Ord. 82, 2021)

Applicant: The person making application for permission for a sewer or plumbing installation and shall be the owner of premises to be served by the sewer for which permission is requested or his authorized agent.

Basic Sewer Service Charge: A District charge to each Parcel served by the District Sewer System to recover the sum total of sewer system and treatment plant operation costs, maintenance and replacement costs, general administration and accounting costs for providing service, capital costs and District expenditures deemed necessary to conduct the lawful business of the District (see Appendix C in Chapter 3), with the exception of the Debt Service Surcharge.

Board of Directors: The governing board of the Ojai Valley Sanitary District of Ventura County. (Also referred to as "District Board," "Board Members" or "Board.")

Biochemical Oxygen Demand (BOD): The quantity of oxygen required in the biological oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter.

Capacity Charge: A one-time Charge for a new connection to the District Sewer System or expansion of use to the sewer system to cover a Parcel's proportionate cost of: (1) the existing District Sewer System benefit conveyed to the Parcel being charged; and (2) the new or modified District Sewer System Facilities to be acquired or constructed in the future that are of proportional benefit to the Person or Parcel being charged.

Capacity Unit: A unit of measurement based upon the wastewater flow derived from industry standards. A single Capacity Unit equals the average wastewater flow generated by a Single Dwelling Unit or two hundred (200) GPD, or twenty-five (25) Drainage Fixture Units (DFUs), as that term is defined by the current Uniform Plumbing Code, which is incorporated herein by reference.

Code: The Ojai Valley Sanitary District Code of Regulations as approved and adopted by the District Board and as it may be amended from time to time. (Also referred to as the "Ojai Valley Sanitary District Code.")

Collection System: The District's publicly owned and operated system of conduits and underground pipes (Local and Trunk Sewers) which receive and convey sanitary wastewater to the District's Treatment Plant.

Connection: A physical connection between any type of piping (or any other sewage conveyance system) not owned by the District to another type of piping which is directly or indirectly connected to the District's Sewage System.

Connection Fee: A fee paid by a new District Sewer System user for the capital costs of capacity made available for his or her use.

Contractor: An individual, firm, corporation, partnership or association duly licensed by the State of California to perform the type of work to be done.

County: The County of Ventura, unless otherwise specified.

Customer: The Owner of a Parcel of land, as defined by the Ventura County Assessor's Office, being provided with District Sewer System service.

Day: Calendar day, unless otherwise specified.

Debt Service Surcharge: A District charge levied on each Parcel connected to the District Sewer System to fund or pay for the debt service on the 2003 Series Bond Issue which funded necessary improvements to the City of Ojai's 1927 collection system so that could be compatible with the District's existing Collection System when the City of Ojai consolidated its sewer system with the District's. .

Director: Member of the District's elected governing Board. (Also referred to as "Board Member" or "Member.")

Discharger: Any person discharging sanitary wastewater, sewage, liquid waste or industrial waste to the District's Sewer System.

District: Ojai Valley Sanitary District, a sanitary district organized and existing under the laws of the State of California, and located in the County of Ventura, California.

District Representative: Any person authorized by the District Board or General Manager to act on the District's behalf in carrying out the administrative, operational or any other functions of the District.

District Sewer System: Collectively, all of the property, pipes, pumps, structures and appurtenances for collecting, transporting, conveying, treating and disposing of Sewage, which was acquired, constructed and financed by the Ojai Valley Sanitary District with funds derived from the sale of revenue bonds, general obligation bonds, or otherwise. (Also referred to as "District Sewage Facility," "District Sewerage Facility," or "District Wastewater Facility.")

Domestic Sewage: The liquid and water born waste derived from the ordinary living processes, free from non-domestic wastewater and of such character as to permit satisfactory disposal, without special treatment, into the District Sewer System. (Also referred to as "Residential Wastewater.")

Easement: A properly right, however created by which the owner of the easement is entitled to make specified uses of real property owned by another.

Emergency: A condition which creates imminent danger to the public health, safety or welfare, or otherwise significantly impairs the District's ability to provide sewer service to its ratepayers.

Encroachment: An activity or condition which results in significant interference with the Easement rights of the owner of an Easement. As respects District easements, there are three classes of Encroachments:

Class One:
Encroachments which interfere only slightly with District easements. Examples may include loose paving stones and similar landscaping features, flowerbeds, small shrubs, lawn and ground covers which do not impede normal use and operation of the District's Sewer System and may readily be removed and restored at a modest cost if access to that system is required.

Class Two:
Encroachments which will cause significant interference with District Easements but which, due to being readily removable or by virtue of District mandated safeguards and/or mitigation measures, the interference can be ameliorated to an acceptable level. Examples may include fences, gates, driveways, paving, portable or readily removable structures, larger vegetation whose roots do not have a propensity to invade wastewater facilities, and cuts and fills.

Class Three:

Encroachments which will cause significant interference with District Easements. Examples may include permanent structures such as buildings, swimming pools, permanent decks, retaining walls and reinforced concrete or masonry; temporary structures which are not readily removable from the Easement; also trees, heavy brush, and vegetation that prevents District access to its facilities in the Easement; also any activities and conditions that are unlawful or prohibited by this Code or by other applicable laws.

Fees for Sewer System-Related Services: Miscellaneous fees imposed upon Parcel Owners for District services related to and necessary for the District's providing sewer service, including, without limitation, plan check fees, processing fees, inspection fees, permit fees, line cleaning and maintenance fees, violation abatement or correction fees, annexation fees, returned check fees, sewer atlas update fees and recording fees.

Food Preparation Area: An area containing plumbing fixtures, appliances, or devices commonly used for: (1) heating or cooking food; (2) refrigerating food; and (3) washing utensils used for dining and food preparation and/or for washing and preparing food. Permanent removal of two of the three above-numbered elements will result in the elimination of a Food Preparation, provided the Parcel Owner is required to remove the elements pursuant to an "Agreement to Cease an Unpermitted Connection" executed in the manner authorized by Chapter 10, Section 1014. *(Ord. 75, 2015)*

General Manager: The person appointed by the Board of Directors to administer and enforce the rules and regulations of the District. (Also referred to as "District Manager" or "Manager.")

Governing Body: The Ojai Valley Sanitary District Board of Directors is the governing body of the District. The Board is the governing power of the District and exercises all District powers. (Health & Safety Code §6481) The Board receives its power from the California Constitution and State laws passed by the legislature, including the District's principal act, the Sanitary District Act of 1923, Health & Safety Code §6400 et seq.

Gallons per Day (GPD): Gallons of wastewater generated per day.

Industrial Wastewater: Any Wastewater containing solid, liquid, gaseous or radioactive substances that is discharged, flowing or permitted to escape from any producing, manufacturing, processing, institutional, commercial, agricultural or similar operation into the District Sewer System, and which Wastewater results from the development, recovery or processing of any material resource.

Inspection: The act of reviewing any or all Sewer construction work for the purpose of determining compliance with the District Code, and all other applicable laws, rules or regulations.

Inspector: The person appointed by and acting for the General Manager to inspect Wastewater generation, conveyance, processing and disposal facilities within the District's jurisdiction.

Interceptor: A device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter from normal wastes and permit normal sewage or liquid wastes to discharge by gravity.

Junior ADU: A junior accessory dwelling unit ("junior ADU") is a dwelling unit no more than 500 square feet in size and contained entirely within a single-family residence and as further defined in Government Code §65852.22(h)(1), and as it may be amended.

Lateral: A sewer beginning at the foundation wall of any building or structure and terminating at the District Sewer System, which sewer connects the building or structure to the District Sewer System. The Lateral includes the connection facility by which the Lateral is connected to the District Sewer System. (Also referred to as "Side Sewer.")

Law: Denotes applicable federal law, the constitution and statutes of the State of California, the ordinances of the District, and any and all rules and regulations which may be promulgated thereunder.

Liquid Waste: The discharge from any plumbing fixture, which does not receive fecal matter.

Local Sewer: That portion of the District Sewer System which directly receives Wastewater from the Lateral of a Discharger.

Local Sewer Capacity Charge: A Capacity Charge based upon the District's Local Sewer facilities in existence at the time the charge is imposed. The Local Sewer Capacity Charge is calculated by dividing the total replacement cost of the District's Local Sewer facilities by the total Capacity Units accessing those facilities. Accordingly, the Local Sewer Capacity Charge equals each Parcel's proportionate share of the total replacement cost of the District's existing Local Sewer facilities and is, therefore, proportionate to the benefit received by that Parcel.

Manufactured Home: A structure which is transportable in one or more sections and, when erected, meets the District's criteria for a Single Dwelling Unit.
(Ord. 69, 2012)

Mobile Home: A structure which is transportable in one or more sections and, when erected, meets the District's criteria for a Single Dwelling Unit. *(Ord. 69, 2012)*

Mobile Home Space: An area within a Premises with facilities by which a Mobile Home may be connected to the District's Sewer System.

Multifamily Manufactured or Mobile Home: A structure which is transportable in one or more sections and, when erected, meets the District's criteria for two or more Single Dwelling Units. *(Ord. 69, 2012)*

Non-Domestic Wastewater: Shall mean same as Industrial Wastewater.

Non-Residential: Use of a Parcel that does not include any habitation.

Non-Residential Wastewater: See "Non-Domestic" Wastewater.

Nuisance: A discharge of Sewage in violation of District regulations or orders which is or could be harmful to, or unreasonably affect, the Sewer System, or which impairs or unreasonably affects the operation and maintenance of the District's Sewer System, or which violates quantity, quality or other standards adopted by the District, or which places an unreasonable burden on the District's ratepayers.

Occupant: Any person actually occupying any premises whether as owner or tenant or under contract or otherwise.

Owner: The record owner of a Parcel as shown by the official records of the Ventura County Recorder, Ventura County Assessor or the holder of any possessory interest in publicly owned property.

Parcel: A single lot of land for which a legal description has been filed on record, or the boundaries of which are shown on a subdivision map or a record of survey map, filed in the office of the Ventura County Recorder.

Permit: A formal authorization or approval by the District to engage in or undertake specified conduct or activities. This authorization/approval may be subject to limitations or conditions.

Person: Any human being, individual, firm, company, partnership, association and private, public or municipal corporations, the United States of America, State of California, districts and all political subdivisions and governmental agencies thereof.

Premises: Any lot, piece, or Parcel of real property improved or unimproved within the boundary of the District.

Public Sewer: A common sewer lying within a public way or Easement, which is controlled by or under the jurisdiction of the District, and which receives flows from buildings or structures connected thereto.

Recreational Vehicle: A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation or recreational, emergency, or other occupancy, meeting the District's criteria for a Single Dwelling Unit. *(Ord. 69, 2012)*

Recreational Vehicle Park (RV Park): Is any recreational vehicle park subject to a permit issued by either the Department of Housing and Community Development or other enforcement agency pursuant to the Special Occupancy Parks Act (Health and Safety Code Section 18860 et seq.). *(Ord. 69, 2012)*

Recreational Vehicle Space: Is any area within a Recreational Vehicle Park designed to accommodate a Recreational Vehicle in a manner that provides that Recreational Vehicle with the means to connect directly or indirectly to the District's Sewer System. *(Ord. 69, 2012)*

Sanitary Sewer: A conduit that conveys sewage or non-domestic wastes or a combination of both, and into which storm waters, surfaces, and ground waters and unpolluted waters are not admitted. See also Government Code section 53750(k).

Service Unit (SU): A measure of sewer service provided to a Parcel based upon the volume and strength of the Parcel's wastewater flow. The method used by the District to calculate Service Units for a given Parcel depends on the application of criteria and formulas derived by the District based on industry standards.

Sewage: A combination of water-carried wastes from residences, business buildings, institutions and industrial establishments.

Sewer: A pipe or conduit for carrying sewage.

Sewer Service: The services and facilities for collection, treatment and disposal of Sewage furnished or available to a Parcel by the District Sewer System.

Sewer Service Charge: A charge imposed to recover the sum total of sewer service costs represented by the Basic Sewer Service Charge and the Debt Service Surcharge.

Single Dwelling Unit:

For purposes of determining the Capacity Fee for a Capacity Unit, a single dwelling unit shall be anyone of the following:

a. A room or rooms connected together (whether or not constructed in compliance with applicable governmental regulations) with all of the following: (a) an independent exterior access, (b) a Food Preparation Area, (c) a multi-purpose or bedroom area, and (d) a toilet.

b. Any trailer, boat, motor home or other Recreational Vehicle connected to the District's Sewer System, either permanently or for a temporary period exceeding thirty (30) days, except when occupying a Recreational Vehicle Space.

c. Notwithstanding any other provision of this Code of Regulations, where a structure located on a Parcel is not subject to an "Agreement to Cease an Unpermitted Connection" executed in the manner authorized by Chapter 10, Section 1014, the structure may be deemed a Single Dwelling Unit under the following circumstances:

1. Where one or more structures are located on a Parcel and connected to the District Sewer System (and none of the structures satisfy the Single Dwelling Unit definitions set forth in paragraphs a, b, and c, above, or fall within the non-residential or mixed use classifications established by this Code), the District may treat all the structures, collectively, as the equivalent of one Single Dwelling Unit [*For example, if three structures located on a Parcel are connected to the District Sewer System but none of the structures satisfy the Single Dwelling Unit definitions set forth in paragraphs a, b or c, above, or otherwise fall within non-residential or mixed use classifications established by this Code, the District may treat all of the structures on the Parcel, collectively, as the equivalent of one Single Dwelling Unit.*]; or

2. A structure located on a Parcel may be deemed a Single Dwelling Unit where the General Manager or his designee determine that the structure has been designed, modified or constructed to accommodate the installation of a Food Preparation Area and all other elements necessary to define the structure as a Single Dwelling Unit are present. This determination shall be based on either one of the following criteria:

    A. Final permits, plans and/or specifications filed with a government entity approving construction of a Food Preparation Area within the structure; or

    B. Direct observation by the General Manager or his designee of infrastructure within a structure that is configured in a manner commonly required for and associated with the installation of a Food Preparation Area. That infrastructure may include, without limitation, plumbing, electrical outlets and/or gas lines installed to accommodate a grouping of appliances for (1) heating or cooking food; (2) refrigerating food; and (3) the washing of utensils used for dining and food preparation and the washing and preparation of food. *(Ord. 69, 2012) (Ord. 75, 2015)*

Special Use Permit: A permit issued by the General Manager, in accordance with District regulations, allowing a Parcel Owner or other Person to make temporary or special use of District Sewer System including, without limitation, temporary or special connections to the system. *(Ord. 75, 2015)*

Street: Any public highway, road, street, avenue, alleyway, public place, public Easement or right of way within the District.

Suspended Solids (SS): Solids that either float on the surface of, or are in suspension in, water, sewage or other liquids, and which are removable by laboratory filtering.

Treatment Plant: The arrangement of devices and structures owned and used by the District to treat Wastewater. (Also referred to as "Treatment Facility.")

Treatment Plant Capacity Charge: A District charge equal to a Parcel's proportionate share of the total replacement cost of unused treatment plant capacity which is also proportionate to the benefit received by the Parcel.

Trunk Sewer: The sewer in any public Street or Easement constructed to accommodate more than one Local Sewer.

Trunk Sewer Capacity Charge: A District charge equal to each Parcel's proportionate share of the total replacement cost of the District's existing Trunk Sewer facilities which is also proportionate to the benefit received by that Parcel. The Trunk Sewer Capacity Charge is calculated by dividing the total replacement cost of the District's Trunk Sewer facilities by the total number of Capacity Units accessing those facilities. .

Unpermitted Connection: Any connection to the District's Sewer System without required District authorization or permits. *(Ord. 69, 2012)*

Uniform Plumbing Code: The most current edition of the uniform Plumbing Code adopted by the International Association of Plumbing and Mechanical Officials.

User: Owner responsible for payment of Sewer Service Charges and other applicable fees for a Premise served by the District as provided in this Code.

Vehicle: A device that may be used to transport people or things.

Wastewater: All water-borne Sewage, industrial or other wastes, whether treated or untreated, discharged into or permitted to enter the District Sewer System.

Wastewater Facilities: Pipelines, pump stations and other structures, equipment and machinery which are used to collect and convey Wastewater and, in some contexts, to treat and dispose of Wastewater. *(Ord. 69, 2012)*

SECTION 102. Administration

102.1 General Manager

The General Manager shall be the administrative head of the Ojai Valley Sanitary District under the direction of the Board of Directors. The General Manager shall be responsible for the efficient and effective administration of the day-to-day operations of the District.

102.2 Enforcement Authority

The General Manager shall enforce this Code, all ordinance and policies of the District, and see that all contracts, Permits and agreements that are approved by the Board of Directors are carried out in accordance with the District Board's direction.

102.3 District Public Information Officer

The General Manager shall also be the District Public Information Officer, which includes being responsible for all media contact in relation to the business of the District.

SECTION 103. District Policies and Procedures

The District Board may, by ordinance or resolution, adopt policies and procedures to guide the District in the performance of its lawful activities. The District Clerk shall maintain these policies and procedures in loose-leaf form in such binders as the District Clerk may prescribe. The binders shall be updated by the District Clerk, as required. Said binders shall be filed for use and examination by the public in the office of the District Clerk. Copies thereof shall be distributed as determined by the District Clerk.

SECTION 104. Violations of Code

The following conduct within the jurisdiction of the District is hereby deemed a violation of this Code:

104.1 It shall be unlawful for any person to construct, rebuild, use, occupy or maintain, within the jurisdiction of the District, any residence, place of business or other building where persons reside, congregate or are employed which is not provided with means for the disposal of sewage by either connection to the public sewer system maintained by the District or other lawful means.

104.2 Unless otherwise provided by this Code or other applicable law, it shall be unlawful for any person to construct, install, provide, maintain or use within the jurisdiction of the District any means of sewage disposal other than connection to the public sewer system maintained by the District.

104.3 It shall be unlawful for any person to connect to the public sewer system maintained by the District except in the manner provided by this Code, and all other applicable local, state or federal laws.

SECTION 105. Mailing and Office Address

The official office and mailing address of the Ojai Valley Sanitary District are as follows:

Ojai Valley Sanitary District
1072 Tico Road
Ojai, California 93023

APPENDIX A

1. Ordinance No. 14: "An Ordinance of the Ojai Valley Sanitary District Governing the Selection of Contractors to Perform Public Projects pursuant to Public Contract Code Section 22032 under the Uniform Public Construct Cost Accounting Act"; (Adopted November 6, 1989, Effective November 18, 1989).

2. Ordinance No. 38. "An Ordinance of the Board of Directors of the Ojai Valley Sanitary District Amending Ordinance No. OVSD-1, Revising Maximum Payback Agreement Life", (Adopted May 24, 1999, Effective June 7, 1999).

3. Ordinance No. 65: "An Ordinance of the Board of Directors of the Ojai Valley Sanitary District adopting Policies and Procedures Governing Public Project Contracts, Professional Service Contracts, The Purchase of Supplies, Equipment and Services, and the Disposal of Surplus Property, (Adopted May 23, 2011, Effective July 1, 2011).

4. Ordinance No. 72: "An Ordinance of the Board of Directors of the Ojai Valley Sanitary District Setting Board Member Compensation"; (Adopted Jun 17, 2013, Effective July 1, 2013). (Repealed by Ord. 73 adopted April 28, 2014, Effective May 7, 2014)

5. Ordinance No. 73: "An Ordinance of the Board of Directors of the Ojai Valley Sanitary District Setting Board Member Compensation", (Adopted April 28, 2014, Effective May 7, 2014)

6. Ordinance No. 74: An Ordinance of the Board of Directors of the Ojai Valley Sanitary District Setting Board Member Compensation", (Adopted April 27, 2015, Effective May 7, 2015)

7. Ordinance No. 82: An Ordinance of the Board of Directors of the Ojai Valley Sanitary District to Accommodate and Comply with Changes to the State Law Regarding Accessory Dwelling Units, (Adopted XXXXXX, Effective XXXXX)

Chapter 3
Fees, Rates, Charges and Other Financial Matters

SECTION 300. Purpose

This Chapter promulgates regulations governing fees, rates and charges imposed and collected by the District as authorized by the Sanitary District Act of 1923, Article 1 of Chapter 4 of Part 1 of Division 6 of the Health and Safety Code, Section 6400 et seq., Article 4 of Chapter 6 of Part 3 of Division 5 of the Health and Safety Code, Section 5470 et seq. and other applicable provisions of law. This Chapter also makes provision for other related financial matters affecting the District and its constituents.

SECTION 301. Capacity Charges

301.1 Background Considerations

The District Board relies upon certain findings in imposing Capacity Charges including, without limitation, the following:

301.1.1 The Capacity Charges imposed by the District do not exceed the estimated reasonable cost of providing the service for which the Capacity Charges are imposed.

301.1.2 The Capacity Charges imposed by the District are neither an incident of property ownership nor a property-related service having a direct relationship to property ownership and, therefore, not subject to the requirements of California Constitution Article XIII(D).

301.1.3 The Capacity Charges imposed by the District are not imposed as a condition of approval of a proposed development project as defined in Government Code §66001 and, therefore, not subject to the requirements for imposing development fees set forth in Government Code §66000 et seq.

301.1.4 The Capacity Charges imposed by the District are non-discriminatory as applied to all users of the District's sewer system and are established upon a rational basis.

301.1.5 The Capacity Charges imposed by this Code shall be in addition to all other District fees and charges.

301.2 Purpose of Capacity Charges

The District imposes Capacity Charges on Parcel Owners to provide revenue for the operation of its wastewater system and facilities and to distribute, proportionately, the cost of, acquisition, construction, installation and replacement of the District's wastewater facilities and other capital assets to the Parcel Owners.

301.3 Types of Capacity Charges

The District may impose the following types of Capacity Charges: (1) Treatment Plant Capacity Charge; (2) Trunk Sewer Capacity Charge; and (3) Local Sewer Capacity Charge.

301.4 Application of Capacity Charges

a. Except as provided in paragraphs (b) and (c) of this Section, the District imposes one-time, non-discriminatory Capacity Charges on Parcel Owners as a condition of the District permitting those Parcel Owners to establish a new sewer connection or to expand the use of an existing sewer connection.

b. Exempt ADUs. An ADU is exempt from the District's Capacity Charges if the ADU is any of the following ADUs described in 301.4(b)(1), (2), or (3) below *and* meets the requirements of 301.4(b)(4):

1. An interior ADU that is located within an existing residential dwelling

2. An ADU created by converting an existing accessory structure located on the property where the conversion does not require an expansion of the existing accessory structure of more than 150 square feet; or

3. A junior ADU, as defined in Section 101.10 of this Code and in Government Code § 65852.22(h)(1); and

4. The ADU has exterior access and adequate setbacks sufficient for fire and safety as set forth in Government Code §65852.2(e)(1)(A).

c. ADUs Subject to Proportional Capacity Charges and Connection Fees.

An ADU is subject to the District's Capacity Charges set forth herein if it does not meet the exempt conditions in 301.4(b) above. If the ADU is subject to the District's connection fees, the District shall impose a connection fee on the ADU proportional to the ADU's burden on the District's wastewater system. The ADU Connection Fee shall be calculated by counting the number of drainage fixture units (DFUs) in the proposed ADU and dividing the number of counted DFUs in the proposed ADU by the District's applicable Capacity Unit for a Single Dwelling Unit (25 DFUs) and multiply this ratio by the District's current capacity charge and connection fee.

301.5 Use of Capacity Charge Revenues

The District may use Capacity Charge revenues to pay for the operation and maintenance of wastewater facilities in existence at the time the charge is imposed or to pay for new wastewater facilities to be constructed in the future, provided those facilities

benefit the property being charged and the charges do not exceed the reasonable cost of the service provided.

The District may use revenues derived from Capacity Charges for the acquisition, construction and reconstruction of the District's wastewater collection, treatment and disposal facilities; to repay principal and interest on debt instruments; or to repay federal or state loans for the construction and reconstruction of said sewer facilities, together with costs of administration and provisions for necessary reserves.

301.6 Payment of Capacity Charge Required

Payment of applicable Capacity Charges is required, and no Parcel Owner may establish a new sewer connection or expand use of an existing sewer connection without first paying all applicable Capacity Charges in full. Notwithstanding the foregoing, the District may, in accordance with applicable provisions of this Code, enter into an agreement with a Parcel Owner for the deferred payment of required Capacity Charges. *(Ord. 69, 2012)*

301.7 Time of Payment

Parcel Owners seeking a New Sewer Connection or expanded use of an existing sewer connection must pay all applicable Capacity Charges (or make other financial arrangements for payment) prior to the District approving or issuing a "will-serve letter."

301.8 Amount of Payment

Capacity Charges shall be paid in accordance with the charges effective on the date that a "will-serve letter" is issued.

301.9. Person Responsible

A Parcel Owner or Customer seeking a new sewer service connection or expanded use of an existing sewer connection shall be the person solely responsible for payment of applicable Capacity Charges. It is the duty of each Parcel Owner or Customer to ascertain from the District the amount and due date of any Capacity Charge applicable to the property or parcel and pay the appropriate District charge or fees when due and payable. Each Parcel Owner or Customer shall be responsible for informing the District within sixty (60) days of any changes in circumstances that might result in a change in the amount of the applicable District charge or fee for sewer services. This requirement shall also apply to those Parcel Owners who either have or are planning to have an attached or standalone Accessory Dwelling Unit on their parcel or property as defined in Chapter 1, Section 101.10, Definitions.

301.10 Effect of Capacity Charge Payment

Upon a Parcel Owner's payment (or an agreement to pay) of required Capacity Charges, sewer system capacity is assigned to a Parcel ("Assigned Capacity"). Once

assigned, the sewer system capacity becomes appurtenant to the Parcel, and is not transferable other than by conveyance to a new parcel owner through the sale or transfer of the subject Parcel.

If the District determines that the Assigned Capacity for a Parcel is less than the capacity required to serve that Parcel, the Parcel's current Owner shall be responsible for paying (or arranging to pay) additional Capacity Charges to increase Assigned Capacity to the required level. The failure of a Parcel Owner's predecessor-in-interest's to pay for sufficient capacity to serve a Parcel shall not relieve a current Parcel Owner of this responsibility.

The District may employ any remedy available in law or in equity to require a Parcel Owner to pay for (or agree to pay for) sufficient Assigned Capacity for a Parcel. Additionally, the District may, after notice and hearing, disconnect any Parcel from the District's Sewer System for which Assigned Capacity is insufficient. *(Ord. 69, 2012)*

301.11 Treatment Plant Capacity Charge

. The Treatment Plant Capacity Charge equals a Parcel's proportionate share of the total replacement cost of unused treatment plant capacity in existence at the time the charge is imposed and is, therefore, proportionate to the benefit received by that Parcel.

301.11.1 Residential Use

For residential uses, the Treatment Plant Capacity Charge is based on each Capacity Unit or each Single Dwelling Unit on a Parcel..

301.11.2 Commercial, Industrial, Institutional or Miscellaneous Uses Under 25,000 Gallons Per Day (GPD)

For commercial industrial, institutional or miscellaneous uses generating less than 25,000 gallons of wastewater flow per day, a Treatment Plant Capacity Charge shall be paid for each Capacity Unit associated with those uses or one Capacity Unit corresponding to every twenty-five (25) Fixture Units (or any portion thereof) attributed to a Parcel.

In determining number of Fixture Units, fixtures shall be defined according to the current International Association of Plumbing and Mechanical Officials uniform Plumbing Code, except no additional credit shall be given for low-flow fixtures.

301.11.3 Recreational Vehicle Parks
For Recreational Vehicle Parks, the number of Capacity Units to be assigned shall be calculated as follows: (i) One (1) Capacity Unit for every twenty-five (25) Fixture Units (or portions thereof) located on the Parcel and related to permanent facilities such as washrooms, laundry rooms, recreational halls and playgrounds, stores, and snack bars; (ii) One-half (0.5) Capacity Unit for each Recreational Vehicle Space which may not be leased, rented or occupied for a period exceeding thirty (30) consecutive days; and, (iii) one (1) Capacity Unit for each Recreational Vehicle Space

which may be leased, rented or occupied for a period of thirty (30) consecutive days or more. *(Ord. 69, 2012)*

301.11.4 Commercial, Industrial, Institutional or Miscellaneous Uses Equal to or Greater than 25,000 Gallons Per Day (GPD)

For commercial, industrial, institutional or miscellaneous uses generating 25,000 gallons of wastewater flow per day or more, a Treatment Plant Capacity Charge shall be paid for each Capacity Unit. One Capacity Unit shall be assigned for each two hundred (200) GPD of projected wastewater flow.

301.11.5. Mixed Use Structures

The Treatment Plant Capacity Charge for a structure used for both residential and non-residential purposes ("Mixed Use Structure") shall be the sum of the applicable Treatment Plant Capacity Charges for each separate use. A Parcel Owner's failure to comply with any applicable building and zoning regulations shall not relieve that Parcel Owner from responsibility for the payment of Treatment Plant Capacity Charges based upon the residential and non-residential uses of the structure.

The General Manager may waive the Treatment Plant Capacity Charge for that portion of a Mixed Use Structure that is used for non-residential use if it is determined that all of the following conditions are satisfied: (1) The residential and non-residential portions of the structure are in the possession of and occupied by the same person or person(s); (2) the non-residential use of the structure is incidental and secondary to the structure's residential use, which shall include, without limitation, home offices, live-work quarters, hobby shops, and art or craft studio spaces; (3) the structure is primarily used for non-residential purposes by the same person or persons who use the structure for residential purposes; and, (4) members of the public do not regularly access the structure for any non-residential purpose.

The General Manager may exempt a Mixed-Use Structure from either Treatment Plant Capacity Charges for residential use or non-residential use based on a determination of the structure's "predominant use." In making that determination, the General Manager may require a Parcel Owner to submit a study conducted by a licensed engineer establishing the "predominant use" of the structure based on factors such as the source, flow and quality of the structure's wastewater discharge, land use classification, zoning, and any other information that may be relevant to establishing the structure's predominant use.

The final determination as to how a given Mixed Use Structure's Treatment Plant Capacity Charges should be calculated shall be made in the sole and absolute discretion of the General Manager based on all relevant information in the administrative record on this matter. *(Ord. 75, 2015)*

301.12 Trunk Sewer Capacity Charge

. The Trunk Sewer Capacity Charge is calculated by dividing the total replacement cost of the District's Trunk Sewer facilities in existence at the time the charge is imposed by the total Capacity Units accessing or benefitting from those trunk sewer facilities. Accordingly, the Trunk Sewer Capacity Charge equals each Parcel's proportionate share of the total replacement cost of the District's existing Trunk Sewer facilities and is, therefore, proportionate to the benefit received by that Parcel.

301.12.1 Residential Use.

For residential uses, the Trunk Sewer Capacity Charge is based upon each Capacity Unit or each Single Dwelling Unit on a Parcel which equals a Capacity Unit.

301.12.2 Commercial, Industrial, Institutional or Miscellaneous Uses Under 25,000 Gallons Per Day (GPD)

For commercial industrial, institutional or miscellaneous uses generating less than 25,000 gallons of wastewater flow per day, a Trunk Sewer Capacity Charge shall be paid for each Capacity Unit. One Capacity Unit shall be assigned for every twenty-five (25) Fixture Units (or any portion thereof) attributed to a Parcel.

In determining number of Fixture Units, fixtures shall be defined according to the current International Association of Plumbing and Mechanical Officials uniform Plumbing Code, except no additional credit shall be given for low-flow fixtures.

For Recreational Vehicle Parks only, the number of Capacity Units to be assigned shall be calculated as follows: (i) One (1) Capacity Unit for every twenty-five (25) Fixture Units (or portions thereof) located on the Parcel and related to permanent facilities such as washrooms, laundry rooms, recreational halls and playgrounds, stores, and snack bars; (ii) One-half (.5) Capacity Unit for each Recreational Vehicle Space which may not be leased or rented for a period exceeding thirty (30) consecutive days; and, (iii) one (1) Capacity Unit for each Recreational Vehicle Space which may be leased, rented or occupied for a period equal to or exceeding thirty (30) consecutive days. *(Ord. 69, 2012)*

301.12.3 Commercial, Industrial, Institutional or Miscellaneous Uses Equal to or Greater than 25,000 Gallons Per Day (GPD)

For commercial, industrial, institutional or miscellaneous uses generating 25,000 gallons of wastewater flow per day or more, a Trunk Sewer Capacity Charge shall be paid for each Capacity Unit. One Capacity Unit shall be assigned for each two hundred (200) GPD of projected wastewater flow.

301.12.4. Mixed Use Structures

The Trunk Sewer Capacity Charge for a structure used for both residential and non-residential purposes ("Mixed Use Structure") shall be the sum of the applicable Trunk Sewer Capacity Charges for each separate use. A Parcel Owner's failure to comply with any applicable building and zoning regulations shall not relieve that Parcel Owner from responsibility for the payment of Trunk Sewer Capacity Charges based upon the residential and non-residential uses of the structure.

The General Manager is authorized to waive the Trunk Sewer Capacity Charge for that portion of a Mixed Use Structure that is used for non-residential use if it is determined that all of the following conditions are satisfied: (1) The residential and non-residential portions of the structure are in the possession of and occupied by the same person or person(s); (2) the non-residential use of the structure is incidental and secondary to the structure's residential use, which shall include, without limitation, home offices, live-work quarters, hobby shops, and art or craft studio spaces; (3) the structure is primarily used for non-residential purposes by the same person or persons who use the structure for residential purposes; and, (4) members of the public do not regularly access the structure for any non-residential purpose.

The General Manager is authorized to exempt a Mixed-Use Structure from either Trunk Sewer Capacity Charges for residential use or non-residential use based on a determination of the structure's "predominant use." In making that determination, the General Manager may require a Parcel Owner to submit a study conducted by a licensed engineer establishing the "predominant use" of the structure based on factors such as the source, flow and quality of the structure's wastewater discharge, land use classification, zoning, and any other information that may be relevant to establishing the structure's predominant use.

The final determination as to how a given Mixed Use Structure's Trunk Sewer Capacity Charges are calculated shall be made in the sole and absolute discretion of the General Manager using all relevant information in the administrative record on this matter. *(Ord. 75, 2015)*

301.13 Local Sewer Capacity Charge

The Local Sewer Capacity Charge is calculated by dividing the total replacement cost of the District's Local Sewer facilities in existence at the time the charge is imposed by the total capacity units accessing or benefitting from those local sewer facilities. Accordingly, the Local Sewer Capacity Charge equals a Parcel's proportionate share of the total replacement cost of the District's existing Local Sewer facilities and is, therefore, proportionate to the benefit received by that Parcel. Payment of the Local Sewer Capacity Charge with construction of a local sewer line is covered in Section 301.17.

301.13.1 Residential Use

For residential uses, a Local Sewer Capacity Charge is based on each Capacity Unit or each Single Dwelling Unit on a Parcel which equals a Capacity Unit.

301.13.2 Commercial, Industrial, Institutional or Miscellaneous Uses under 25,000 Gallons Per Day (GPD)

For commercial industrial, institutional or miscellaneous uses generating less than 25,000 gallons of wastewater flow per day, a Local Sewer Capacity Charge shall be paid for each Capacity Unit. One Capacity Unit shall be assigned for every twenty-five (25) Fixture Units (or any portion thereof) attributed to a Parcel.

In determining number of Fixture Units, fixtures shall be defined according to the current International Association of Plumbing and Mechanical Official's Uniform Plumbing Code, except no additional credit shall be given for low-flow fixtures.

For Recreational Vehicle Parks only, the number of Capacity Units to be assigned shall be calculated as follows: (i) One (1) Capacity Unit for every twenty-five (25) Fixture Units (or portions thereof) located on the Parcel and related to permanent facilities such as washrooms, laundry rooms, recreational halls and playgrounds, stores, and snack bars; (ii) One-half (.5) Capacity Unit for each Recreational Vehicle Space which may not be leased, rented or occupied for a period exceeding thirty (30) consecutive days; and, (iii) one (1) Capacity Unit for each Recreational Vehicle Space which may be leased, rented or occupied for a period equal to or exceeding thirty (30) consecutive days. *(Ord. 69, 2012)*

301.13.3 Commercial, Industrial, Institutional or Miscellaneous Uses Equal to or Greater than 25,000 Gallons Per Day (GPD)

For commercial, industrial, institutional or miscellaneous uses generating 25,000 gallons of wastewater flow per day or more, A Local Sewer Capacity Charge shall be paid for each Capacity Unit. One Capacity Unit shall be assigned for each two hundred (200) GPD of projected wastewater flow.

301.13.4. Mixed Use Structures

The Local Sewer Capacity Charge for a structure used for both residential and non-residential purposes ("Mixed Use Structure") shall be the sum of the applicable Treatment Plant Capacity Charges for each separate use. A Parcel Owner's failure to comply with any applicable building and zoning regulations shall not relieve that Parcel Owner from responsibility for the payment of Local Sewer Capacity Charges based upon the residential and non-residential uses of the structure.

The General Manager may waive the Local Sewer Capacity Charge for that portion of a Mixed Use Structure that is used for non-residential use if it is determined that all of the following conditions are

satisfied: (1) The residential and non-residential portions of the structure are in the possession of and occupied by the same person or person(s); (2) the non-residential use of the structure is incidental and secondary to the structure's residential use, which include, without limitation, home offices, live-work quarters, hobby shops, and art or craft studio spaces; (3) the structure is primarily used for non-residential purposes by the same person or persons who use the structure for residential purposes; and, (4) members of the public do not regularly access the structure for any non-residential purpose.

The General Manager is authorized to exempt a Mixed-Use Structure from either Local Sewer Capacity Charges for residential use or non-residential use based on a determination of the Mixed Use Structure's "predominant use." In making that "predominant use" determination, the General Manager may require a Parcel Owner to submit a study conducted by a licensed engineer establishing the "predominant use" of the structure based on factors such as the source, flow and quality of the structure's wastewater discharge, land use classification, zoning, and any other information that may be relevant to establishing the structure's predominant use.

The final determination as to how a given Mixed Use Structure's Local Sewer Capacity Charges should be calculated shall be made in the sole and absolute discretion of the General Manager based on all relevant information in the administrative record on this matter. *(Ord. 75, 2015)*

301.14 Establishment of Capacity Charges

The Treatment Plant Capacity Charge, Trunk Sewer Capacity Charge and Local Sewer Capacity Charge shall be in the amounts set forth in Appendix B of this Chapter. The Capacity Charges set forth in Appendix B of this Chapter are subject to amendment by Board action in accordance with applicable law.

301.15 Adjustment of Capacity Charges

Capacity Charges are subject to annual adjustments on each July 1 following the effective date of this Code. On or about May of each year, or more often if determined necessary, the District General Manager shall review the estimated cost and value of District capital improvements, the continued need for additional capital improvements, and the reasonable relationship between such need and any new service connections which may benefit from the improvements or facilities for which this fee is charged. The General Manager shall report his findings to the Board of Directors at a noticed public hearing and recommend any adjustments to the Capacity Charges set forth in this Code or other action as may be needed. As appropriate, such adjustments shall be made by the Board of Directors by ordinance, based upon appropriate findings.

When determining any adjustment to Capacity Charges, the General Manager shall use as guidance the March-to-March percentage change in the Engineering News Record (ENR) Los Angeles Area Construction Cost Index. The General Manager may also

take into account any other factors deemed appropriate for the given circumstances at the particular time of the adjustment.

301.16 Right to Administrative Review

Any Parcel Owner subject to Capacity Charges may, in accordance with the procedures set forth in Chapter 9, Section 917, request review of any decision by District staff related to imposition of those capacity charges. *(Ord. 75, 2015)*

301.17 Local Sewer Construction Agreement

A Parcel Owner who, pursuant to a duly executed agreement with the District, pays the full cost and expense of constructing a Local Sewer line to serve that Owner's Parcel, shall not be required to pay the applicable Local Sewer Capacity Charge. Upon that Parcel Owner's payment of the costs and expenses of constructing a Local Sewer line to serve that Owner's Parcel, that Parcel Owner shall be entitled to all rights and privileges associated with the payment of the applicable Local Sewer Capacity Charge.

301.18 Capacity Charges Refund

A current Parcel Owner may wish to permanently disconnect a Parcel [or Capacity Unit(s)] from the District's sewer system. In such cases, the District may, in its sole discretion, decide to refund corresponding Capacity Charges. The District's decision to refund, and the amount of that refund, shall be rendered on a case-by-case basis. If Capacity Charges are refunded, the amount refunded shall be equal to the Capacity Charges originally paid with respect to the subject Parcel.

301.19 Alternative Capacity Charge Collection Procedure.

Notwithstanding any other provision of this Code, and as an alternative to, and not in limitation of, any other lawful collection procedures, the District may, in accordance with Health and Safety Code Section 5474 et seq., as that Section may be amended or superseded: (1) provide for the payment of any Connection Fees and Capacity Charges required by this Chapter in installments; (2) provide for the rate of interest on such installments; and (3) provide that the amount of the fees or charges and the interest thereon shall constitute a lien against the Parcel which is connected to the District's facilities . *(Ord. 67, 2011)*

301.20 Deferred Payment of Capacity Charges

At the sole and absolute discretion of the District Board, the District and a Parcel Owner may, in accordance with Health and Safety Code Section 5474 *et seq.*, this Section and Section 301.21, enter into a written "Agreement for Deferred Payment of Ojai Valley Sanitary District Capacity Charges" ("Agreement") that: (1) provides for the payment of Connection Fees and Capacity Charges required by this Chapter in installments; (2) provides for the rate of interest on such installments; and (3) provides that the amount of the installments and the interest thereon shall constitute a lien against the Parcel which is connected to the District's.

Any Agreement shall: (1) require that the Parcel Owner make an initial annual installment payment directly to the District upon execution of the Agreement; (2) require that all subsequent annual installments be paid at the time and in the manner specified in Health and Safety Code Section 5474 *et seq.*; and (3) be recorded in the Official Records of the County of Ventura, California.

A Parcel Owner may not simultaneously be party to more than one Agreement.

Except as provided in Section 301.21, no Agreement shall defer payment of more than two (2) Capacity Units.

A Parcel Owner desiring to enter into an Agreement may be required to provide the District with personal and property related information. The information required shall be determined by the District General Manager on a case-by-case basis, and may include, without limitation, Parcel Owner credit history, preliminary title reports and development plans and specifications. All costs to provide said information shall be borne by the Parcel Owner.

Where the District Board elects to exercise its discretion to enter into an Agreement, the number of installments and rate of interest on such installments set forth in the Agreement shall be based on the Parcel Owner's choice of one of the following alternative payment schedules: *(Ord. 67, 2011) (Ord. 69, 2012)(Ord. 75, 2015)*

301.20.1 Alternative Payment Schedule One

Payment of all applicable Connection Fees and Capacity Charges in installments over a period of five (5) years at zero percent (0%) annual interest rate. *(Ord. 67, 2011) (Ord. 69, 2012)*

301.20.2 Alternative Payment Schedule Two

Payment of all applicable Connection Fees and Capacity Charges in installments over a period of ten (10) years at five percent (5%) annual interest rate. *(Ord. 67, 2011) (Ord. 69, 2012)*

301.20.3 Alternative Payment Schedule Three

Payment of all applicable Connection Fees and Capacity Charges in installments over a period of fifteen (15) years at seven percent (7%) annual interest rate. *(Ord. 67, 2011) (Ord. 69, 2012)*

301.21 Deferred Payment of More Than Two Capacity Units

Notwithstanding any other provision of this Code, the District shall not enter into any "Agreement for Deferred Payment of Ojai Valley Sanitary District Capacity Charges" ("Agreement") which defers payment of more than ten (10) Capacity Units.

A Parcel Owner who is not party to another Agreement may, in accordance with this
Section submit a written request to enter into an Agreement which defers payment of more than two (2) but less than or equal to ten (10) Capacity Units.

The written request shall be in a form approved by the District General Manager. The information required for a written request shall be determined by the District General Manager on a case-by-case basis. Required information may include, without limitation, Parcel Owner credit history, preliminary title reports and development plans and specifications. All costs to provide information shall be borne by the Parcel Owner.

Based upon the information provided, the General Manager shall prepare a staff report and recommendation for Board consideration. The Board may, in its sole and absolute discretion, approve or deny the Parcel Owner's request for deferred payment. The decision of the Board to approve or deny the request shall be final.

If approved, the District and a Parcel Owner may, in accordance with Health and Safety Code Section 5474 et seq., enter into a written Agreement that (1) provides for the payment of Connection Fees and Capacity Charges required by this Chapter in installments, (2) provides for the rate of interest on such installments, and (3) provides that the amount of the installments and the interest thereon shall constitute a lien against the Parcel to which the District's facilities are connected.

The Agreement shall provide that, following a specified initial payment, the Parcel Owner shall pay the remaining balance due in equal annual installments at the time and in the manner specified in Health and Safety Code Section 5474 et seq. The number of installments and rate of interest on such installments set forth in the Agreement shall be based on the Parcel Owner's choice of one of the alternative payment schedules set forth in Sections 301.20.1, 301.20.2 or 301.20.3.

Any Agreement which defers payment of more than two (2) but less than or equal to ten (10) Capacity Units shall require that the Parcel Owner's initial installment payment be made directly to the District in an amount equal to twenty-five percent (25%) of the total Capacity Charges subject to the Agreement, regardless of the Parcel Owner's choice of payment schedules. Following payment of the initial installment, the remaining balance shall be amortized in equal installments over the applicable term. *(Ord. 69, 2012)*

SECTION 302 Sewer Service Charges & Fees for Sewer System-Related Services

302.1 Background Considerations

The District Board relies upon certain findings in imposing Sewer Service Charges and fees for sewer system-related services including, without limitation, the following:

302.1.1 The Sewer Service Charges and fees for sewer system-related services imposed by the District do not exceed the cost of providing sewer services for which the charges are imposed.

302.1.2 Revenues derived from the Sewer Service Charges and fees for sewer system-related services imposed by the District are not used by the District for any purposes other than the provision of the District's sewer services.

302.1.3 The Sewer Service Charges and fees for sewer system-related services imposed by the District are for sewer services and sewer system-related services actually used by or immediately available to Parcel Owners.

302.1.4 The Sewer Service Charges and fees for sewer system-related services imposed by the District are not imposed as a condition of approval of a development project, as defined in California Government Code Section 66001 and have been approved by the District Board of Directors in accordance with applicable provisions of law, including California Constitution Article XIIID.

302.1.5 The Sewer Service Charges and fees for sewer system-related services imposed by the District are non-discriminatory as applied to all users of the District's sewer system, and are established upon a rational basis.

302.2 Purpose and Use of Sewer Service Charges & Sewer System-Related Service Fees

The purpose of Sewer Service Charges and Sewer System-Related Service Fees is to raise revenue for a variety of lawful purposes including, without limitation: construction, reconstruction, maintenance and operation of sewage collection, wastewater treatment and disposal facilities; repayments of principal and interest on debt instruments; repayment of federal and state loans issued for the construction and reconstruction of District facilities; recovery of costs associated with administration; provision of necessary reserves; and recovery of costs associated with all regulatory administration and laboratory services related to the industrial dischargers, source control permittees, and other users of the District's systems. The only purpose for which revenues derived from District Sewer Service Charges and Sewer System-Related Service Fees may not be used is the acquisition or construction of additional Local Sewers which are an augmentation to an existing sewer system.

302.3 Application

This Code imposes Sewer Service Charges and fees for sewer system-related services upon Parcel Owners as a condition of the District providing sewer service.

302.4 Collection

302.4.1 Collection of Sewer Service Charges

Sewer Service Charges set forth in this Code may be collected in accordance with the procedures set forth in Chapter 3, Section 303. *(Ord. 75, 2015)*

302.4.2 Collection of Fees for Sewer System-Related Services

Fees for Sewer System-Related Services established as required by this Code may be collected in accordance with the procedures set forth in Chapter 3, Section 303. *(Ord. 75, 2015)*

302.5 Person Responsible

All Sewer Service Charges and fees for sewer system-related services shall be the responsibility of the Owner of the Parcel served or Customer. It shall be the responsibility of the Parcel Owner to notify the District within 60 days of any changes in the billing address, change in the type of discharge, building improvements affecting the use of the Parcel or adding extra dwelling units to the property or any other change in circumstances that might result in a change in the amount of an applicable charge or fee. It is the duty of each Owner to ascertain from the District the amount and due date of any applicable Sewer Service Charge or fee for sewer system-related services related to the Parcel and pay the charge and/or fee when due and payable.

302.6 Computation of Debt Service Surcharge

The Debt Service Surcharge, which is a component of Sewer Service Charges or Fees for Sewer System-Related Services (see Appendix C), may be computed using formulas set forth in the District's current adopted budget. The Debt Service Surcharge for a given Parcel depends upon the land use on the Parcel:

302.6.1 Residential Use

The Debt Service Surcharge for residential Parcels is calculated by multiplying the total Capacity Units associated with the Parcel by the applicable Debt Service Surcharge.

302.6.2 Commercial, Industrial, Institutional or Miscellaneous Uses Under 25,000 GPD

The Debt Service Surcharge for non-residential Parcels generating less than twenty-five thousand (25,000) gallons per day (GPD) of wastewater flow is calculated by multiplying the total Capacity Units for the Parcel by the applicable Debt Service Surcharge. For purposes of

calculating Debt Service Surcharge, the total Capacity Units for a Parcel shall be based on the current number of Capacity Units attributed to the Parcel.

302.6.3 Commercial, Industrial, Institutional or Miscellaneous Uses Equal to or Greater than 25,000 GPD

The Debt Service Surcharge for non-residential Parcels generating twenty-five thousand (25,000) GPD or more of wastewater flow is calculated by multiplying the total Capacity Units for the Parcel by the applicable Debt Service Surcharge. For purposes of calculating Debt Service Surcharge, the total Capacity Units for a Parcel shall be based on the current number of Capacity Units attributed to the Parcel.

302.6.4 Mixed Use Structures

The Debt Service Surcharge for a structure used for both residential and non-residential purposes ("Mixed Use Structure") shall be the sum of the applicable Debt Service Surcharge for each separate use. A Parcel Owner's failure to comply with applicable building and zoning regulations shall not relieve that Parcel Owner from responsibility for the payment of Debt Service Surcharges based upon the residential and non-residential uses of the structure.

The General Manager is authorized to waive the Debt Service Surcharge for that portion of a Mixed Use Structure that is used for non-residential use upon a determination that all of the following conditions are satisfied: (1) The residential and non-residential portions of the structure are in the possession of and occupied by the same person or person(s); (2) the non-residential use of the structure is incidental and secondary to the structure's residential use. [*Examples of non-residential uses that may be incidental and secondary to a structure's residential use include, without limitation, home offices, live-work quarters, hobby shops, and art or craft studio spaces.]*; (3) the structure is primarily used for non-residential purposes by the same person or persons who use the structure for residential purposes; and, (4) members of the public do not regularly access the structure for any non-residential purpose.

The General Manager is authorized to exempt a Mixed Use Structure from either Debt Service Surcharges for residential use or non-residential use based on a determination of the structure's "predominant use." In making that determination, the General Manager may require a Parcel Owner to submit a study conducted by a licensed engineer establishing the "predominant use" of the structure based on factors such as the source, flow and quality of the structure's wastewater discharge, land use classification, zoning, and any other information that may be relevant to establishing the structure's predominant use.

The final determination as to how a given Mixed Use Structure's Debt Service Surcharge should be calculated shall be made in the sole and

absolute discretion of the General Manager based on all relevant information. *(Ord. 75, 2015)*

302.7 Computation of Sewer Service Charges

Residential and non-residential Sewer Service Charges shall be computed in accordance with this section.

302.7.1 Residential Use

The Sewer Service Charge for residential Parcels is calculated by multiplying the Basic Sewer Charge (see Appendix C) by the Parcel's total Service Units and then adding the Parcel's Debt Service Surcharge. The total Service Units for a given residential Parcel equals the number of Single Dwelling Units located on that Parcel multiplied by the factor set forth in the following table: *(Ord. 69, 2012)*

Group No.	Category	Factor	Description*
I	Residential	1.0	• Single Dwelling Unit • Multi-Family Manufactured or Mobile Home • Manufactured Home • Mobile Home • Accessory Dwelling Unit

*See Chapter 1 of this Code for definitions.

302.7.1.1 Adjustments

302.7.1.1.1 Where a Parcel Owner has paid required Capacity Charges, but has not yet constructed any portion of a private lateral to the Parcel that would complete the connection of the Parcel to the District Sewer System, the Parcel Owner shall be required to pay Sewer Service Charges calculated as follows: Seventy-five percent (75%) of the Basic Sewer Service Charge plus one hundred percent (100%) of the Debt Service Surcharge set forth in this Code. In this case only, the Basic Sewer Service Charge shall be based on the unused Capacity Unit attributable to the Parcel instead of the Service Unit attributable to the Parcel.

302.7.1.1.2 When a Parcel Owner has paid the required Capacity Charges and any portion of a private lateral to the Parcel is constructed, the Parcel Owner shall pay Sewer Service Charges calculated as follows: (1) For each Single Dwelling Unit actually constructed on the Parcel, the Parcel Owner shall pay full Sewer Service Charges; (2) For any unused Capacity Units attributable to the Parcel, the Parcel Owner shall

pay seventy-five percent (75%) of the Basic Sewer Service Charge, which shall be based on the unused Capacity Unit instead of on the Service Unit, plus one hundred percent (100%) of the Debt Service Surcharge set forth in this Code.

302.7.2 Commercial, Industrial or Miscellaneous Uses Under 25,000 GPD

The Sewer Service Charge for non-residential Parcels generating less than twenty-five thousand (25,000) GPD is calculated by multiplying the Basic Sewer Service Charge by the Parcel's total Service Units and then adding the Parcel's Debt Service Surcharge. The total Service Units for a given Parcel equals the number of groups of twenty-five (25) Fixture Units (or any portion thereof) located on the Parcel multiplied by the applicable factor set forth in the following table.

In determining number of Fixture Units, fixtures shall be defined according to the current International Association of Plumbing and Mechanical Officials Uniform Plumbing Code, except no additional credit shall be given for low-flow fixtures.

Group No.	Category	Factor	Description ·
II	Low Strength Commercial	1.0	• Barber/Beauty Shops • Business/Professional Office • Car Washes • Hospital/Convalescent Homes • Laundromats • Retail & Department Stores • Service & Repair Shops
III	Medium Strength Commercial	1.1	• Auto Service & Repair • Bars/Taverns without Dining • Dry Cleaners/Laundries • Hotel/Motel without Restaurant • Machine/Welding Shops • Veterinarian/Pet Shops, Kennels
IV	High Strength Commercial	1.9	• Bakeries • Hotel/Motels with Restaurants • Markets • Mortuaries (Funeral Homes) • Restaurants

V	**Institutional**	**1.0**	• **Churches (Religious Orgs.)** • **Membership Orgs.** • **Multi-Use Camps and Orgs.** • **Schools (including churches with preschool)** • **Social Services/Parks** • **Theaters** • **Recreational Vehicle Parks**

* See Appendix A of this Chapter for the North American Industry Classification System (NAICS) definitions.

302.7.2.1 Adjustments

302.7.2.1.1 Where a Parcel Owner has paid required Capacity Charges, but has not yet constructed any portion of a private lateral to the Parcel, the Parcel Owner shall be required to pay Sewer Service Charges calculated as follows: Seventy-five percent (75%) of the Basic Sewer Service Charge plus one hundred percent (100%) of the Debt Service Surcharge set forth in this Code, with the Basic Sewer Service Charge being imposed per unused Capacity Unit attributable to the Parcel and not per Service Unit.

302.7.2.1.2 Where a Parcel Owner has paid required Capacity Charges and any portion of a private lateral to the Parcel is constructed, the Parcel Owner shall pay sewer service charges calculated as follows: The Parcel Owner shall pay the full Sewer Service Charge for each group of twenty-five (25) fixture units (or any portion thereof) actually installed on the Parcel. For any unused Capacity Units attributable to the Parcel, the Parcel Owner shall pay seventy-five percent (75%) of the Basic Sewer Service Charge plus one hundred percent (100%) of the Debt Service Surcharge set forth in this Code, with the Basic Sewer Service Charge being imposed per unused Capacity Unit and not per Service Unit.

302.7.3 Commercial, Industrial, Institutional or Miscellaneous Uses Generating 25,000 GPD or More

The Sewer Service Charge for non-residential Parcels generating twenty-five thousand (25,000) GPD or more, is the sum of the Basic Sewer Service Charge multiplied by the Parcel's total Service Units and the Parcel's Debt Service Surcharge. The total Service Units for a given Parcel equals the product of the measured wastewater flow generated by that Parcel and the measured strength of that flow. Total Service Units shall be calculated using the following equation, expressed to the tenth of a unit.

$$\text{Service Units} = \frac{\text{Measured GPD*}}{200\ \text{GPD}} \times \left[0.454 + \frac{(\text{Measured BOD**} \times 0.285)}{170\ \text{mg/l}} + \frac{(\text{Measured SS***} \times 0.261)}{200\ \text{mg/l}}\right]$$

***GPD = Gallons per Day**
**** BOD = Biochemical Oxygen Demand**
***** SS = Suspended Solids**

302.7.3.1 Adjustments

302.7.3.1.1 Where a Parcel Owner has paid required Capacity Charges, but has not yet constructed any portion of a private lateral to the Parcel, the Parcel Owner shall be required to pay Sewer Service Charges calculated as follows: Seventy-five percent (75%) of the Basic Sewer Service Charge and one hundred percent (100%) of the Debt Service Surcharge set forth in this Code, with the Basic Sewer Service Charge being imposed per unused Capacity Unit and not per Service Unit.

302.7.3.1.2 Where a Parcel Owner has paid required Capacity Charges and any portion of a private lateral to the Parcel is constructed, the Parcel Owner shall pay Sewer Service Charges calculated as follows: The Parcel Owner shall pay the full Sewer Service Charges for any measured wastewater flow. For any unused Capacity Units attributable to the Parcel, the Parcel Owner shall pay seventy-five percent (75%) of the Basic Sewer Service Charge and one hundred percent (100%) of the Debt Service Surcharge set forth in this Code, with the Basic Sewer Service Charge being imposed per unused Capacity Unit and not per Service Unit.

302.7.4 Mixed Use Structures

The Sewer Service Charges for a structure used for both residential and non-residential purposes ("Mixed Use Structure") shall be the sum of the applicable Sewer Service Charges for each separate use. A Parcel Owner's failure to comply with applicable building and zoning regulations shall not relieve that Parcel Owner from responsibility for the payment of Sewer Service Charges based upon the residential and non-residential uses of the structure.

The General Manager is authorized to waive the Sewer Service Charge for that portion of a Mixed Use Structure that is used for non-residential use upon a determination that all of the following conditions are satisfied: (1) The residential and non-residential portions of the structure are in the possession of and occupied by the same person or person(s); (2) the non-residential use of the structure is incidental and secondary to the structure's residential use. [*Examples of non-residential uses that may be incidental and secondary to a structure's residential use include, without limitation, home offices, live-work quarters, hobby shops, and art or craft studio spaces.*]; (3) the structure is primarily used for non-residential purposes by the same person or persons who use the structure for residential purposes; and, (4) members of the public do not regularly access the structure for any non-residential purpose.

The General Manager is authorized to exempt a Mixed Use Structure from either the Sewer Service Charge for residential use or non-residential use based on a determination of the structure's "predominant use." In making that determination, the General Manager may require a Parcel Owner to submit a study conducted by a licensed engineer establishing the "predominant use" of the structure based on factors such as the source, flow and quality of the structure's wastewater discharge, land use classification, zoning, and any other information that may be relevant to establishing the structure's predominant use.

The final determination as to how a given Mixed Use Structure's Sewer Service Charges should be calculated shall be made in the sole and absolute discretion of the General Manager based on all relevant information. *(Ord. 75, 2015)*

302.8 Establishment of Charges and Fees

Upon a Parcel Owner's payment of Capacity Charges, as required by this Code, sewer service is hereby deemed to be immediately available to the subject Parcel. Charges for sewer service and other fees for sewer system-related services shall be paid in accordance with the charges and fees effective on the date imposed.

302.8.1 Basic Sewer Service Charge

The District's Basic Sewer Service Charges is hereby imposed on Owners of Parcels served by the District (or for whom sewer service is immediately available as defined in Section 302.8) and Owners of Parcels which, in any way, discharge sewage into the District's sewer system. The District's Basic Sewer Service Charges shall be in the amounts set forth in Appendix C of this Chapter. On each July 1 following the effective date of

this Code, the Basic Sewer Service Charges set forth in Appendix C of this Chapter may be amended by the Board in accordance with applicable law.

302.8.2 Debt Service Surcharge

The District's Debt Service Surcharge is hereby imposed on Owners of Parcels served by the District (or for whom sewer service is immediately available as defined in 302.8) and Owners of Parcels which, in any way, discharge sewage into the District's systems The District's Debt Service Surcharge shall be in the amounts set forth in Appendix C of this Chapter. On each July 1 following the effective date of this Code, the Debt Service Surcharges set forth in Appendix C of this Chapter may be amended by the Board in accordance with applicable law.

302.8.3 Sewer System-Related Service Fees

Fees for sewer system-related services may be imposed by the District. Fees for Sewer System-Related Services shall be collected by and paid to the District in the manner authorized by applicable provisions of this Code, the California Government Code, the California Health and Safety Code or other applicable law. The District's fees for sewer system-related services are set forth in Appendix D of this Chapter. On each July 1 following the effective date of this Code, the District's fees for sewer system-related services as set forth in Appendix D of this Chapter may be amended by the Board in accordance with applicable law.

302.8.3.1 Types of Sewer System-Related Service Fees.

The types of sewer service fees which may be established by the District include, without limitation, the following: *(Ord. 71, 2013)*

302.8.3.1.1 Issuance of Permit, Sewer Availability Letter, Currently Being Served Letter and/or Will Serve Letter

302.8.3.1.2 Plan Check Fee of Private Portion of Single Capacity Unit Sewer Plan or Change in Use Review & Site Visit

302.8.3.1.3 Plan Check Fee for Public Sewer Improvements or Construction of Public Sewers in a Publicly Dedicated Street or in a Sewer Easement or Right-of-Way.

302.8.3.1.4 Inspection Fee – Repair of Private Portion of Single & Multiple Residential, Commercial, Institutional, Industrial or Miscellaneous Sewer Facilities

302.8.3.1.5 Inspection Fee – Private Portion of Single & Multiple Residential, Commercial, Institutional, Industrial or Miscellaneous Sewer Construction or Change-in-Use

302.8.3.1.6 Inspection Fee – Public Sewer Improvement Construction; Public Sewer Improvements Constructed in a

Publicly Dedicated Street or in a Sewer Easement or Right-of-Way and Required to be Dedicated to the District as a Condition of Approval by the Governing Body of a Final Tract or Parcel Map.

302.8.3.1.7 Annexation Fee.

302.8.3.1.8 Returned Check Fee.

302.8.3.1.9 Excess Flow Fee.

302.8.3.1.10 Recording/Lien Processing Fee

302.8.3.1.11 Annexation Mapping Deposit.

302.8.3.1.12 Sewer Atlas Update Fee.

302.8.3.1.13 Industrial & Commercial Pretreatment Permit & Site Inspection Fee.

302.8.3.1.14 Special Use Permit Application Fee [see Chapter 6, Section 609] *(Ord. 71, 2013) (Ord.75, 2015)*

302.8.4 Reimbursement for District Services

A Parcel Owner or other party shall reimburse the District for all District costs related to services rendered by the District at the Parcel Owner's or other party's request. The District may collect any unreimbursed costs in the manner authorized by applicable provisions of this Code, the California Government Code, the California Health and Safety Code or other applicable law. The following District services may be requested by a Parcel Owner or other party subject to reimbursement:

302.8.4.1 District Performed Line Cleaning of Private Collection Lines

The District shall be reimbursed for all private collection lines cleaned by the District. The reimbursement shall include all District costs for such cleaning, including, without limitation, manpower and equipment costs.

302.8.4.2 District Performed Repair of Private Connections or Laterals to District Sewage Collection Lines

The District shall be reimbursed for all costs associated with the repair of private connections to District collection lines and/or other corrective work necessary to abate or correct any violations of the District code.

302.8.4.3 Sewer Construction Repair after Regular District Working Hours

The District shall be reimbursed for all costs associated with sewer construction repair after regular District working hours.

APPENDIX A

NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) DEFINITION

Group II – Low Strength Commercial = 1.00	
Type of Business	**North American Industry Classification System (NAICS) Definition**
Barber/Beauty Shops	Establishments primarily engaged in cutting, trimming, and styling men's and boys' hair; and/or shaving and trimming men's beards or establishments engaged in one or more of the following: (1) cutting, trimming, shampooing, coloring, waving, or styling hair; (2) providing facials; and (3) applying makeup (except permanent makeup). (NAICS Code 812111 & 812112).
Business/Professional Offices	Establishments primarily engaged in providing a range of day-to-day office administrative services, such as financial planning; billing and recordkeeping; personnel; and physical distribution and logistics for others on a contract or fee basis (NAICS Code 561110).
Car Washes	Establishments primarily engaged in cleaning, washing, and/or waxing automotive vehicles, such as passenger cars, trucks, and vans, and trailers (NAICS Code 811192).
Hospital/Convalescent Homes	Hospital - establishments known and licensed as general medical and surgical hospitals primarily engaged in providing diagnostic and medical treatment (both surgical and nonsurgical) to inpatients with any of a wide variety of medical conditions (NAICS Code 622110). Convalescent Home - establishments primarily engaged in providing inpatient nursing and rehabilitative services. (NAICS Code 623110).
Laundromats	Establishments primarily engaged in (1) operating facilities with coin-operated or similar self-service laundry and dry cleaning equipment for customer use on the premises and/or (2) supplying and servicing coin-operated or similar self-service laundry and dry cleaning equipment for customer use in places of business operated by others, such as apartments and dormitories (NAICS Code 812310).

Retail & Department Stores	Retail Stores – establishments primarily engaging in retail sales (NAICS Code 311330, 423440, 423210, 441310, 442110, 442291, 442299, 443111, 443112, 443120, 443130, 444120, 444130, and 444190) /Dept. Stores - establishments known as department stores that have separate departments for various merchandise lines, such as apparel, jewelry, home furnishings, and linens, each with separate cash registers and sales associates (NAICS Code 452111).
Service & Repair Shops	Establishments primarily engaged in the repair of goods without retailing new items (NAICS Code 811112, 811113, 811118, 811211, 811411, 811420, 811430, and 811490).

Group III – Medium Strength Commercial = 1.10	
Type of Business	**North American Industry Classification System (NAICS) Definition**
Auto Service & Repair	Establishments primarily engaged in providing (1) a wide range of mechanical and electrical repair and maintenance services for automotive vehicles, such as passenger cars, trucks, and vans, and all trailers or (2) engine repair and replacement (NAICS Code 811111).
Bars/Taverns w/o Dining	Establishments known as bars, taverns, nightclubs, or drinking places primarily engaged in preparing and serving alcoholic beverages for immediate consumption. These establishments may also provide limited food services (NAICS Code 722410).
Dry Cleaners/Laundries	Establishments primarily engaged in one or more of the following: (1) providing dry cleaning services (except coin-operated); (2) providing laundering services (except linen and uniform supply or coin-operated); (3) providing drop-off and pickup sites for laundries and/or drycleaners; and (4) providing specialty cleaning services for specific types of garments and other textile items (except carpets and upholstery), such as fur, leather, or suede garments; wedding gowns; hats; draperies; and pillows. These establishments may provide all, a combination of, or none of the cleaning services on the premises (NAICS Code 812320).
Hotel/Motel w/o Restaurant	Establishments primarily engaged in providing short-term lodging without a restaurant (NAICS Code 72119).
Machine/Welding Shops	Establishments known as machine shops primarily engaged in machining metal and plastic parts and parts of other

	composite materials on a job or order basis. Generally machine shop jobs are low volume using machine tools, such as lathes (including computer numerically controlled); automatic screw machines; and machines for boring, grinding, and milling (NAICS Code 332710).
Veterinarian/Pet Shops, Kennels	Veterinarian - establishments of licensed veterinary practitioners primarily engaged in the practice of veterinary medicine, dentistry, or surgery for animals; and establishments primarily engaged in providing testing services for licensed veterinary practitioners (NAICS Code 541940). Pet shops - establishments primarily engaged in retailing pets, pet foods, and pet supplies (NAICS Code 453910). Kennel - establishments primarily engaged in providing pet care services (except veterinary), such as boarding, grooming, sitting, and training pets (NAICS Code 812910).

Group IV – High Strength Commercial = 1.90	
Type of Business	**North American Industry Classification System (NAICS) Definition**
Bakeries	Establishments primarily engaged in manufacturing fresh and frozen bread and bread-type rolls and other fresh bakery products (NAICS Code 311812 & 311821).
Hotel/Motels w/Restaurants	Establishments primarily engaged in providing short-term lodging in facilities known as hotels, motor hotels, resort hotels, and motels. The establishments in this industry may offer food and beverage services, recreational services, conference rooms and convention services, laundry services, parking, and other services (NAICS Code 721110).
Markets	Establishments generally known as supermarkets and grocery stores primarily engaged in retailing a general line of food, such as canned and frozen foods; fresh fruits and vegetables; and fresh and prepared meats, fish, and poultry. Included in this industry are delicatessen-type establishments primarily engaged in retailing a general line of food (NAICS Code 445110).
Mortuaries – (Funeral Homes)	Establishments primarily engaged in preparing the dead for burial or interment and conducting funerals (i.e., providing facilities for wakes, arranging transportation for the dead, selling caskets and related merchandise). Funeral homes combined with crematories are included in this industry (NAICS Code 812210).

Restaurants	Establishments primarily engaged in providing food services to patrons who order and are served while seated (i.e., waiter/waitress services) and pay after eating and establishments primarily engaged in providing food services (except snack and nonalcoholic beverage bars) where patrons generally order or select items and pay before eating. Food and drink may be consumed on premises, taken out, or delivered to the customer's location. Some establishments in this industry may provide these food services in combination with selling alcoholic beverages (NAICS Code 722211 & 722110).

Group V – Institutional = 1.00	
Type of Business	**North American Industry Classification System (NAICS) Definition**
Churches (Religious Organizations)	(1) Establishments primarily engaged in operating religious organizations, such as churches, religious temples, and monasteries and/or (2) establishments primarily engaged in administering an organized religion or promoting religious activities (NAICS Code 813110).
Membership Organizations	Establishments primarily engaged in promoting the civic and social interests of their members (NAICS Code 813410).
Multi-Use Camps/Organizations	Establishments (except amusement parks and arcades; gambling industries; golf courses and country clubs; skiing facilities; marinas; fitness and recreational sports centers; and bowling centers) primarily engaged in providing recreational and amusement services (NAICS Code 713990).
Schools (including churches w/preschool)	Establishments primarily engaged in furnishing academic courses and associated course work that comprise a basic preparatory education. This includes colleges and churches with preschools (NAICS Code 611110).
Social Services/Parks	Establishments primarily engaged in providing nonresidential individual and family social assistance services (NAICS Code 624190)/ establishments primarily engaged in the preservation and exhibition of natural areas or settings (NAICS Code 712190).
Theatres	Establishments primarily engaged in operating motion picture theaters (except drive-ins) and/or exhibiting motion pictures or videos at film festivals, and so forth (NAICS Code 512131) and (1) companies, groups, or theaters

	primarily engaged in producing the following live theatrical presentations: musicals; operas; plays; and comedy, improvisational, mime, and puppet shows (NAICS Code 711110).
RV (Recreational Vehicle) Parks and Campgrounds	Establishments primarily engaged in operating sites to accommodate campers and their equipment, including tents, tent trailers, travel trailers, and RVs (recreational vehicles). These establishments may provide access to facilities, such as washrooms, laundry rooms, recreational halls and playgrounds, stores, and snack bars (NAICS Code 721211). *(Ord. 69, 2012)*

APPENDIX B
Effective as of July 1, 2012
(Ord. 70, 2012)

CAPACITY CHARGES

Treatment Plant Capacity Charge	$5,140.21/Capacity Unit
Trunk Sewer Capacity Charge	$2,966.44/Capacity Unit
Local Sewer Capacity Charge	$7,917.17/Capacity Unit

APPENDIX C
Effective as of July 1, 2015
(Ord. 71, 2013)(Ord. 77, 2015)

SEWER SERVICE CHARGES*

	Fiscal Year 2015-2016	Fiscal Year 2016-2017
Basic Sewer Service Charge	**$53.47 per Service Unit per month**	**$54.54 per Service Unit per month**
Debt Service Sewer Charge for Parcels Located Within the City of Ojai	**$3.37 per Capacity Unit per month**	**$3.37 per Capacity Unit per month**
Debt Service Sewer Charge for Parcels Located Outside the City of Ojai	**$1.89 per Capacity Unit per month**	**$1.89 per Capacity Unit per month**

* The methodology for calculating the total monthly sewer service charge that may be imposed on a given property is set forth in detail in Chapter 3, Section 302.7 of the Ojai Valley Sanitary District Code of Regulation.

APPENDIX D

Effective as of May 27, 2015

(Ord. 71, 2013)(Ord. 75, 2015)

FEES FOR SEWER SYSTEM-RELATED SERVICES

1	Issuance of Permit, Sewer Availability Letter and/or Will Serve Letter	$75.00
2	Plan Check Fee –Private Portion of Single Capacity Unit Sewer Plan or Change in Use Review & Site Visit	$200.00 per plan check****
3	Plan Check Fee - Public Sewer Improvements or Construction of Public Sewers in a Publicly Dedicated Street or in a Sewer Easement or Right-Of-Way	2.0% of the Project Engineer's estimate of the cost of the public sewer improvements to be constructed.; minimum of $300.00
4	Inspection Fee – Repair of Private Portion of Single & Multiple Residential, Commercial, Institutional, Industrial or Miscellaneous Sewer Facilities	$75 per Service Lateral
5	Inspection Fee – Private Portion of Single & Multiple Residential, Commercial, Institutional, Industrial or Miscellaneous Sewer Construction	$200.00 per Project with 1-10 Capacity Units; plus $100 for each increment of 10 Capacity Units above the first 10 ****
6	Inspection Fee – Public Sewer Improvement Construction; Public Sewer Improvements Constructed in a Publicly Dedicated Street or in a Sewer Easement or Right-of-Way and Required to be Dedicated to the District as a Condition of Approval by the Governing Body of a Final Tract or Parcel Map.	Four and one-half percent (4.5%) of the Project Engineer's estimate of the cost of public sewer improvements to be constructed
7	Annexation Fee	$300.00 per Parcel
8	Returned Check Fee	$50.00 per check

9	Excess Flow Fee	200% of the standard monthly service charge on those flows exceeding reserved capacity *
10	Recording/Lien Processing	$40.00 per document
11	Annexation Mapping Deposit	$2,000.00 deposit per parcel**
12	Sewer Atlas Update Fee	$285.00***
13	Industrial & Commercial Pretreatment Permit & Inspection	$180.00
14	Special Use Permit Application Fee	$75.00

* The Excess Flow Fee is only applicable to commercial, industrial or miscellaneous uses equal to or greater than 25,000 GPD.
** Deposit only. Applicant is responsible for actual costs which may be more, or less, than deposit amount
*** For mainline extensions
**** General Manager may adjust fees charged based on actual hours spent or as deemed appropriate. *(Ord. 71, 2013)*

SECTION 303. Billing and Collection

303.1 Direct Billing. Where applicable and permitted by law, Capacity Charges, Sewer Service Charges, Debt Service Surcharges, Sewer System-Related Service Fees, Administrative Fines and Penalties and any other fees, tolls, rates, rentals or other charges for sewer service established by this Code or other District regulation or resolution may be directly billed to a Parcel Owner. Failure of the District to mail any such bill or failure of a Parcel Owner to receive any such bill shall not excuse the Parcel Owner from the obligation of paying any applicable Capacity Charges, Sewer Service Charges, Sewer System-Related Service Fees Administrative Fines and Penalties and any other fees, tolls, rates, rentals or other charges for sewer service.

All directly billed charges and fees are due and payable upon receipt and, if not paid within thirty (30) days of mailing, shall be subject to a basic penalty equal to ten percent (10%) of the amount due. In addition, a penalty of one and one-half percent

(1.5%) per month shall be imposed for nonpayment of the direct billed charges and basic penalty.

Subject to the requirements set forth in Health & Safety Code §5473.11, the amount of unpaid charges and fees which have been directly billed to a Parcel Owner and remain unpaid may, in the discretion of the District, be secured at any time by filing for record in the office of the Ventura County Recorder, a certificate specifying the amount of the unpaid charges and fees and the name and address of the person liable for those charges. From the time of recordation of the certificate, the amount required to be paid together with interest and penalty constitutes a lien upon all real property in Ventura County owned by the person or afterwards, and before the lien expires, acquired by him or her. The lien shall have the force, priority, and effect of a judgment lien and shall continue for 10 years from the date of the filing of the certificate unless sooner released or otherwise discharged. The lien may, within 10 years from the filing of the certificate provided, be extended by filing for record a new certificate in the office of the Ventura County Recorder and from the time of this filing the lien shall be extended to the real property in Ventura County for 10 years unless sooner released or otherwise discharged.

Prior to the District releasing a lien filed in accordance with Health & Safety Code §5473.11, a Parcel Owner shall be required to pay the District all charges, fees, fines, penalties and interest required to bring the account current including, without limitation, County of Ventura lien processing and recording fees.

303.2 Collection on Tax Roll.

303.2.1 Pursuant to that authority granted by Health & Safety Code §5470 *et seq.* and Health and Safety Code Sections 6520.5 and 6523.3, the District may elect to have Capacity Charges, Sewer Service Charges, Debt Service Surcharges, Sewer System-Related Service Fees, Administrative Fines or Penalties, and any other fees, tolls, rates, rentals or other charges for sewer service established by this Code or other District regulation collected on the Ventura County assessor's property tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, general taxes.

303.2.2 Any Capacity Charge, Sewer Service Charge, Debt Service Surcharge, Sewer System-Related Service Fees, Administrative Fines or Penalties and any other fee, toll, rate, rental or other charges for sewer service established by this Code or other District regulation that is directly billed and remains unpaid for period of 60 days or more shall be treated as delinquent and, pursuant to Health and Safety Code §5473a, such delinquent amounts may be collected on the Ventura County assessor's property tax roll in accordance with the procedures set forth in Health & Safety Code §5473 *et seq.*

303.2.3 If an Owner does not pay the amount specified in a "Notice of Violation" issued in accordance with the procedures set forth in Chapter 10 within 60 days from the date the "Notice of Violation" is mailed to the Owner, then the amount specified in the "Notice of Violation" shall be considered delinquent and unpaid charges subject to collection on the Ventura County assessor's property tax roll pursuant to the procedures set forth in Health & Safety Code §5473 *et seq.* or, in the alternative, subject to the lien procedures set forth in Health & Safety Code §5473.11.

303.2.3.1 Notwithstanding Section 301.2.3, if an Owner seeks a hearing and/or appeals a "Notice of Violation" issued in accordance with the procedures set forth in Chapter 9. Section 917 and that appeal results in a final determination in favor of the District, the Owner must pay the District the amount specified in that final determination within 60 days from the date the final determination is mailed to the Owner. If the Owner does not pay the amount specified in the final determination within 60 days of the mailing date, then the amount due as specified in the final determination shall be considered delinquent and unpaid charges subject to collection on the Ventura County assessor's property tax roll pursuant to the procedures set forth in Health & Safety Code §5473 et seq. or, in the alternative, subject to the lien procedures set forth in Health & Safety Code §5473.11.

303.3 Collection by Suit.

As an alternative to any other procedures provide for in this Section 303, the District may collect any delinquent Capacity Charge, Sewer Service Charge, Debt Service Surcharge, Sewer System-Related Service Fee, Administrative Fines or Penalties and any other fee, toll, rate, rental or other charges for sewer service established by this Code or other District regulation (and fines, penalties and interest thereon) by suit, in which event judgment in said suit shall include the cost of suit and reasonable attorneys' fees arising from such action.

303.4 Other Collection Procedures; No Waiver.

The powers authorized by this Section 303 shall be in addition to, and shall not constitute a waiver of, any other power of the District authorized by this District Code or other applicable local, state and federal law. The District hereby reserves all other powers authorized by applicable local, state or federal law for the collection of Capacity Charges, Sewer Service Charges, Debt Service Surcharges, Sewer System-Related Service Fee, , Administrative Fines or Penalties and any other fees, tolls, rates, rentals or other charges for sewer service established by this Code or other District regulation. *(Ord. 75, 2015)*

303.5. Collection where District Inadvertently Fails to Bill

Where the District inadvertently fails to bill a Parcel Owner sewer service charges for a duly permitted structure located on a Parcel, the Parcel Owner shall not be required to pay the unbilled sewer service charges, but shall be required to pay, at the time and in the manner lawfully prescribed by the District, sewer service charges for the current fiscal year in which the inadvertent billing error was discovered by the District as well as all future annual sewer service charges for which the Parcel Owner is responsible. *(Ord. 66, 2011) (Ord. 69, 2012)(Ord. 75, 2015)*

REFERENCES TO ORDINANCES
Ojai Valley Sanitary District Code of Regulations

Ordinance Number	Date Adopted	Code Section
OVSD-64	April 25, 2011	District Code
OVSD-65	May 23, 2011	District Contract & Purchasing Policy
OVSD-66	May 23, 2011	1002, 1002.1, 1002.1.1, 1002.1.2, 1002.1.2.1, 1002.1.2.2, 1002.1.2.3, 1002.1.3, 1002.1.4, 1002.2, 1002.2.1, 1002.2.1.1, 1002.2.1.2, 1002.2.2, 1002.2.3, 1002.2.4, 1006, 1006.1, 1006.2, 1006.3, 1006.4, 1006.5, 1006.7, 1006.8, 1006.9, 1009.4, 1012, 1012.1, 1012.2, 1012.3, 1012.3.1, 1012.3.2, 1012.3.3, 1012.3.4, 1014.1, 1014.2, 1014.3, 1014.3.1, 1014.3.2, 1014.3.3, 1014.3.4, 1014.3.5, 1014.3.6, 1014.3.7, 1015
OVSD-67	June 20, 2011	301.19, 301.20, 301.20.1, 301.20.2, 301.20.3, Chapter 3 Appendix B, 1009.5, 1009.5.1, 1009.5.2, 1009.5.3
OVSD-68	August 22, 2011	200.6, 200.6.1, 200.6.2, 200.7
OVSD-69	June 18, 2012	101.10, 301.6, 301.10, 301.11.2, 301.12.2, 301.13.2, 301.16, 301.16.1, 301.16.2, 301.16.2.1, 301.16.3, 301.20, 301.20.1, 301.20.2, 301.20.3, 301.21, 302.7.1, Chapter 3 Appendix A, 1000, 1002.1, 1002.2, 1008, 1008.1 , 1008.2, 1008.3, 1009.5, 1009.5.3, 1014.2, 1014.3.1, 1015
OVSD-70	June 18, 2012	Chapter 3 Appendix B, Chapter 3 Appendix D, 302.8.3.1

REFERENCES TO ORDINANCES
Ojai Valley Sanitary District Code of Regulations

Ordinance Number	Date Adopted	Code Section
OVSD-71	June 17, 2013	302.8.3.1, 302.8.3.1.1, 302.8.3.1.2, 302.8.3.1.3, 302.8.3.1.4, 302.8.3.1.5, 302.8.3.1.6, 302.8.3.1.7, 302.8.3.1.8, 302.8.3.1.9, 302.8.3.1.10, 302.8.3.1.11, 302.8.3.1.12, 302.8.3.1.13 Chapter 3 Appendix C Chapter 3 Appendix D
OVSD-72	June 17, 2013	200.6, 200.6.1, 200.6.2, 200.7,
OVSD-73	April 28, 2014	200.6, 200.6.1, 200.6.2, 200.7,
OVSD-74	April 27, 2015	200.6, 200.6.1, 200.6.2, 200.7,
OVSD-75	May 18, 2015	101.10, 301.11.4, 301.12.4, 301.13.4, 301.16, 301.20, 302.4.1, 302.4.2, 302.6.4, 302.7.4, 302.8.3.1.14, Chapter 3 Appendix D, 303, 608, 309, 915, 916, 917, 919, 1007, 1008, 1009, 102, 1014.3.2
OVSD-76	May 18, 2015	Chapter 11
OVSD-77	June 22, 2015	Chapter 3 Appendix C
OVSD-78	Sept. 28, 2015	409
OVSD-79	January 22, 2018	Moratorium on Permitting 2nd Units/ADUs – January 22 to June 22, 2018
OVSD-79.1	June 25, 2018	Extend Moratorium on Permitting 2nd Units/ADUs – June 22 to October 22, 2018
OVSD-79.2	Oct. 22, 2018	Extend Moratorium on Permitting 2nd Units/ADUs – October 22 to Nov. 30, 2018
OVSD-80	Jan. 28, 2019	Update for State ADU Laws
OVSD-81	June 17, 2019	Chapter 3 Appendix C
OVSD-82	April 26, 2021	101.10, Chapter 1 Appendix A, 301.4, 302.7.1