

ORDINANCE NO. 93-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST AMENDING THE RIDGECREST MUNICIPAL CODE WITH RESPECT TO SANITATION CONNECTION AND CAPACITY FEES

THE CITY COUNCIL OF THE CITY OF RIDGECREST ORDAINS as follows:

Section 1. Purpose

This ordinance amends the Ridgcrest Municipal Code with respect to sanitation connection and capacity fees.

Section 2. Findings

The City Council finds, determines and declares as follows:

(a) The Council has conducted a duly-noticed public hearing to consider the capacity fees set forth herein.

(b) The data upon which the capacity fees are based have been available for public review at least 14 days prior to the hearing.

(c) The City has adopted a general plan which identifies existing and anticipated, residential, commercial and industrial uses within the territory of the City.

(d) The City's master plan for sanitation system improvements discloses the need to construct additional sewage treatment and disposal facilities, hereinafter "subject improvements", to serve anticipated residential, commercial and industrial uses projected by the general plan of the City.

(e) The capacity fees shall be used to pay for the construction of sanitation system improvements necessary to provide

a safe means of treating and disposing of the sewage generated throughout the City by new sanitation customers.

(f) The purpose of the capacity fee is to obtain monies to construct the subject improvements.

(g) There is a reasonable relationship between the capacity fee and the type of development on which the fee is imposed, in that the fee is being imposed on all new connections to the City's sanitation system to pay for the cost of facilities to serve new connections.

(h) There is a reasonable relationship between the need for public facilities and the type of development on which the capacity fee is imposed, in that the facilities to be constructed with the capacity fees are the facilities needed to serve new connections and the capacity fees are imposed on new connections.

(i) The capacity fees do not exceed the reasonable cost of providing the services or facilities for which the fee is imposed.

Section 3. Amendment

Section 12-6.6 of the Ridgcrest Municipal Code is hereby amended and reenacted to read as follows:

"12-6.6 Existing Lateral Connection.

Where sewage units are added to an existing lateral sewer which is already connected to the trunk sewer, directly or through a collector sewer, or otherwise, the customer shall pay a sewer connection fee, capacity fee

(b.) Each dwelling unit of an apartment, attached condominium, townhouse, trailer park, mobil home park, or similar installation for permanent or semi-permanent residential service, (deemed to contribute 0.80 sewage units):

Until June 30, 1986 \$200.00
Effective July 1, 1986 \$320.00
Effective January 1, 1987 \$432.00

(c.) Commercial, industrial, institutional, governmental and other nonresidential developments:

Until June 30, 1986 \$12.50
Effective July 1, 1986 \$20.00
Effective January 1, 1987 \$27.00

(Per plumbing fixture unit)"

Section 6. Amendment

Section 12-6.11 of the Ridgcrest Municipal Code is hereby amended and reenacted to read as follows:

"12-6.11 Sewage Connection Fees; Added Fees.

Upon discovery of an unauthorized sewer connection by the City, the property owner shall pay a sewer extension fee, sewage connection fee, capacity fee and offsite facilities charge at the rates existing as of the date of connection. Unless the property owner presents clear and convincing evidence as to the date of the unauthorized connection, it shall be presumed that the connection was made as of the date of discovery."

Section 7. Amendment

Section 12-6.13 is hereby added to the Ridgecrest Municipal Code to read as follows:

"12-6.13 Sewage Capacity Fees.

(a) Each applicant for sanitation service shall pay the following capacity fee to offset the cost of construction and reconstruction of sewage treatment and disposal facilities, based upon the anticipated sewage flow to be contributed by the property to the treatment plant:

(1) Single family residential dwelling:

From February 1, 1994 to June 30, 1994	\$960.00
From July 1, 1994 to December 31, 1994	\$1,750.00
From January 1, 1995 to June 30, 1995	\$2,500.00
From July 1, 1995 to December 31, 1995	\$3,250.00
From January 1, 1996	\$3,500.00

(2) Each dwelling unit of an apartment, attached condominium, townhouse, trailer park, mobile home park, or similar installation for permanent or semi-permanent residential service or the second unit on a single family lot (deemed to contribute 0.80 equivalent sewage units):

From February 1, 1994 to June 30, 1994	\$768.00
From July 1, 1994 to December 31, 1994	\$1,400.00
From January 1, 1995 to June 30, 1995	\$2,000.00
From July 1, 1995 to December 31, 1995	\$2,600.00

From January 1, 1996 \$2,800.00

(3) Commercial, industrial, institutional, governmental, and other non-residential developments (per Plumbing Fixture Unit):

From February 1, 1994 \$175.00

(b) When 300 new connections have been made after February 1, 1994, each applicant sanitation service shall pay the following capacity fee to offset the cost of construction and reconstruction of sewage treatment and disposal facilities, based upon the anticipated sewage flow to be contributed by the property to the treatment plant:

(1) Single family residential dwelling \$3,500.00

(2) Each dwelling unit \$2,800.00

(3) Commercial \$175.00

(c) Effective on July 1, 1996, capacity fees shall be further adjusted to recover the cost of capital improvement projects undertaken after February 1, 1994 for sewage treatment and disposal facilities.

(d) An applicant for sanitation service to property using an on-site sewage disposal system as of February 1, 1994 may abandon the on-site system in accordance with law and accepted practices and connect residential dwellings on the property to the collector system without payment of the capacity fee if sanitation services commences before February 1, 1995."

Section 8. Amendment

Section 12-6.14 is hereby added to the Ridgcrest Municipal Code to read as follows:

"12-6.14 Fees: Deposits, Accounts, Expenditures, Reports and Refunds.

(a) Sewer connection and capacity fees may be changed at any time in accordance with this code and state law. An applicant shall pay the connection fees existent at time of issuance of building permit and capacity fees existent when service commences regardless of when the fees are deposited. As used herein, 'service commences' for a new or additional ERU when the applicant's primary structure can be connected to the trunk or collector sewer and payment of sewage service charges commences.

(b) Sewage connection fees, capacity fees and offsite facilities charges shall be deposited in three separate accounts, entitled "sewage connection fee account", "capacity fee account" and "offsite facilities charge account" to avoid commingling with each other or with other revenues or funds of the City, except for temporary investments. Sewer connection fees shall be expended solely for the purpose of planning, designing and constructing the collector sewers described in the sanitation system improvement plan for the City of

Ridgecrest. Capacity fees shall be expended solely for the purpose of planning, designing and constructing sewage treatment and disposal facilities described in the City's sanitation system improvement plan. Offsite facilities charges shall be expended solely for the purpose of recovering the cost of sanitation facilities existing as of October 3, 1970. Money shall be transferred from the sewer connection account, capacity fees account and offsite facilities charges account to the appropriate account when funds are appropriated to perform the work, when the work is performed, when a certificate of occupancy is issued or on the date of final inspection, whichever occurs first.

(c) An applicant who is not required to make a cash payment of the foregoing fees shall enter into a deposit agreement. The City Engineer shall present a form of the deposit agreement to the Council for approval. The deposit agreement shall be recorded and the debt evidenced by the deposit agreement shall constitute a lien against the property for which service is sought.

(d) On or before September 1 of each year, the City shall make available to the public the beginning and ending balance for the prior fiscal year, of the fee, interest and other income, the amount of expenditure and the amount of refunds. The Council shall review this

information at the next regularly scheduled public meeting not less than 15 days after the information is made available.

(e) The Council shall make findings at least once each fiscal year with respect to any portion of the fee remaining unexpended or uncommitted in the separate accounts five or more years after deposit of the fee to identify the purpose to which the fee is to be put and to demonstrate a reasonable relationship between the fee and the purpose for which it was charged. The findings required by this subsection shall only be made for monies in the possession of the City and need not be made with respect to deposit agreements taken to secure payment of the fee at a future date.

(f) The City shall refund to the then current record owner or owners of lots or units of the development project or projects on a *pro rata* basis the unexpended or uncommitted portion of the fee and any interest accrued thereon, for which a need cannot be demonstrated pursuant to subsection (e) of this section, provided, if the administrative costs of refunding exceed the amount to be refunded, the City may determine that the revenues shall be allocated for some other purpose which serves the project(s) on which the fee was originally imposed. If the fees are not refunded to the

record owner, the Council shall conduct a duly-noticed public hearing before expending the fees for another purpose which serves the project(s).

(g) The fees described herein shall be deposited prior to the date of final inspection or the date the certificate of occupancy is issued, whichever occurs first. The fees shall be deposited prior to issuance of a permit by the City, if an account has been established, funds appropriated and a construction plan has been adopted for the facility or if the fees are to reimburse the City for expenditures previously made. As used herein, "appropriated" means authorization by the Council to make expenditures and incur obligations for specific purposes. If the Council makes either of these findings, the fees shall be deposited on demand. If the Council does not make either of these findings, the fees shall be deposited on a lump basis for each dwelling in a residential development which contains more than one dwelling when the first dwelling in the development receives its final inspection or certificate of occupancy, whichever occurs first. If the fee is not fully deposited prior to issuance of a building permit for construction of any portion of the residential development encumbered thereby, the applicant shall execute a deposit agreement before the issuance of the

building permit to deposit the fee as set forth herein. The contract shall be recorded and constitute a lien for payment of the fee and shall require payment from the sale proceeds in escrow prior to disbursing proceeds to the seller.

(h) If the applicant abandons the construction of the improvements, or the recording of a subdivision, for which fees and charges were paid, the fees and charges shall be refunded, with interest, to the applicant upon the applicant's written request, provided, if the facilities necessary to serve the applicant's property have been installed or direct expenses incurred by the City toward such service installation, the refund permitted under this Section shall be reduced by the amount of such expenditure."

Section 9. Other

Except as provided herein, the Ridgecrest Municipal Code is hereby reaffirmed and readopted. This ordinance is effective February 1, 1994.

APPROVED AND ADOPTED this 17th day of November, 1993, by the following vote:

AYES: Mayor Corlett, Councilmembers Auld, Bitney,
Bryan, and Parode
NOES: None
ABSTAIN: None
ABSENT: None



Kevin S. Corlett, Mayor

ATTEST:



City Clerk

(SEAL)