

ORDINANCE 2001-03

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF AMERICAN CANYON
AMENDING CHAPTER 14.04
OF THE CITY OF AMERICAN CANYON MUNICIPAL CODE
REGARDING WASTE WATER CONNECTION CHARGES**

WHEREAS, the City of American Canyon Public Works Department has prepared a study entitled "City of American Canyon Waste Water Connection Fee Study," dated March, 2001, and

WHEREAS, the City of American Canyon has held a duly noticed public hearing to consider the recommendations of City staff and said rate study including amendments to the City of American Canyon Municipal Code, and

WHEREAS, the City Council considered all testimony given at the public hearing on March 15, 2001 regarding proposed Ordinance number 2001-03 regarding amendments to the City of American Canyon Municipal Code Chapter 14.04.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON DOES HEREBY ORDAIN THE FOLLOWING:

Section 1: Existing sections 14.04.060 through 14.04.090 inclusive, of the City of American Canyon Municipal Code are hereby repealed.

Section 2: Existing City of American Canyon Municipal Code Section 14.04.100 is hereby re-numbered to Section 14.04.120:

Section 3: Section 14.04.060 is hereby added as follows:

14.04.060 Wastewater Connection Charge - Residential Service

At the time of submission of application for building permit for connection to the City of American Canyon wastewater collection system, an applicant shall pay a sanitary sewer connection charge of seven thousand seven hundred and twenty-four dollars (\$7,724) for each dwelling unit to be connected. A single family dwelling unit shall include each unit in single-family homes, condominiums, town houses, mobile home spaces, and other multi-family residential uses including a second unit attached or detached from an existing dwelling unit. Said charges shall be subject to adjustment in accordance with Section 14.04.100.

Section 4: Section 14.04.070 is hereby added as follows:

14.04.070 Wastewater Connection Charge - Commercial Service

At the time of submission of application for building permit for a commercial building connection to the City of American Canyon wastewater collection system, an applicant shall pay a sanitary sewer connection charge for non-residential uses of two hundred and eighty-six dollars (\$286.00) per fixture unit in the Uniform Plumbing Code as set forth in this Municipal Code or as determined by the City Engineer but in no case shall an application be charged for less than eighteen (18) fixture units. Said charges shall be subject to adjustment in accordance with Section 14.04.100.

Section 5: Section 14.04.080 is hereby added as follows:

14.04.080 Wastewater Connection Charge - Industrial Service

A. At the time of submission of application for building permit for an industrial building connection to the City of American Canyon wastewater collection system, an applicant shall pay a sanitary sewer connection charge for industrial uses in accordance with the following formula:

$$\text{Connection Fee} = \frac{\$32.45 * \text{flow (in gpd)} * (0.85 + (.09 * \text{BOD (in mg/l)} \div 236) + (.06 * \text{TSS (in mg/l)} \div 238))}{}$$

The terms BOD and TSS are as defined in Section 14.08.010 and are expressed in milligrams per liter (mg/l). Values of BOD and TSS for a particular project shall be subject to approval by the City Engineer. Said charges shall be subject to adjustment in accordance with Section 14.04.100.

B. If, after connection to City of American Canyon wastewater facilities and review of the discharger's flow data or water use data for any given period, it is determined by the City Engineer that the discharger has increased flow, BOD, or TSS levels above those requested at the time of application, then the applicant shall be charged for said increased flow, BOD, or TSS at the then applicable rate as provided in the City of American Canyon's waste water connection fee ordinance and as determined by the City Engineer. The applicant and/or discharger shall pay the revised connection fee within 60 days of demand by the City; failure to pay said charges within the specified time may result in termination of water and sewer service by the City of American Canyon to the extent allowed by existing law.

Section 6: Section 14.04.090 is hereby added as follows:

14.04.090 Temporary Wastewater Connection Fees

The City of American Canyon City Council may adopt by resolution, temporary wastewater connection fees based on a finding by the city Council that a particular use is temporary and does not conform to the typical use categories of residential, commercial, or industrial. In such cases the temporary wastewater connection fee shall be charged for each unit of 748 gallons of wastewater flow based on the following formula:

$$\text{Temporary connection fee} = \$3.88/\text{unit of wastewater} \times (0.85 + .09 \times \text{BOD (in mg/l)} \div 236 + .06 * \text{TSS (in mg/l)} \div 238)$$

The City Manager or City Manager's designee may be delegated responsibility for billing and monitoring temporary connection fees in accordance with this section.

Section 7: Section 14.04.100 is hereby added as follows:

14.04.100 Adjustments To Wastewater Connection Fees

A. The City of American Canyon City Council at its sole discretion may adopt revised wastewater connection fees based on the proportionate effects of inflation or changes to the cost of living. For purposes of calculation, the Engineering News Record Cost Index for San Francisco as it existed on January 1, 2001, shall be the base figure for adjusting said fees. Said adjustments in accordance with this section may be approved by a resolution of the City Council.

B. At the sole discretion of the City of American Canyon City Council applicants may be charged either the industrial wastewater service connection fee in accordance with section 14.04.080 A and B, or Section 14.04.070, commercial waste water service connection fee.

C. The City of American Canyon City Council, at its sole discretion, may commit participation by the General Fund of the City for 50% of the connection fee in an amount not to exceed ten thousand dollars (\$10,000) to be applied to the wastewater connection fees for a qualifying non-profit or charitable organization in the City of American Canyon.

Section 8: Section 14.04.110 is hereby added as follows:

14.04.110 Reclaimed Water Mains

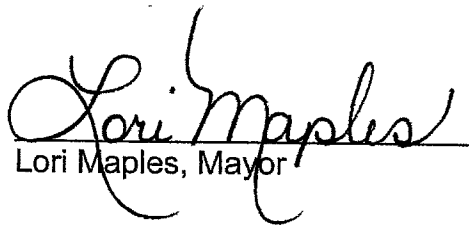
The City Council may adopt by Resolution a master plan of reclaimed water mains to serve future growth of the City. New development along the frontage of said reclaimed water mains may be required to install said mains at no cost to the City.

Section 9. Effective Date. A summary of this Ordinance shall be published once in the Vallejo Times Herald, a newspaper of general circulation serving the City of American Canyon, within fifteen (15) days after its passage and shall become effective sixty (60) days after the date of its adoption.


Section 10: Severability. This chapter shall be liberally construed to achieve its purposes and preserve its validity. If any provision or clause of this chapter or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter, which can be given effect without the invalid provision, or application. To this end, the provisions of this chapter are declared to be severable and are intended to have independent validity.

The forgoing Ordinance was introduced and read at a regular meeting of the City Council of the City of American Canyon, State of California, on the 15th day of March 2001 and was approved and adopted at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 5th day of April, 2001, by the following vote:

AYES:	Maples, Colcleaser, Anderson, Canziani, Shaver
NOES:	None
ABSTAIN:	None
ABSENT:	None



Lori Maples, Mayor

ATTEST:



Mark Joseph, City Clerk

APPROVED AS TO FORM:



William D. Ross, City Attorney