

ORDINANCE NO. 879-C.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA
AMENDING CHAPTER 6, "SEWER CHARGES" AND CHAPTER 11, "SEWER
CONNECTION CHARGES" OF TITLE 6, "SANITATION AND HEALTH"
OF THE PACIFICA MUNICIPAL CODE
RELATING TO CHARGES FOR SEWER SERVICE AND CONNECTION FEES**

RESOLVED by the City Council of the City of Pacifica, California, that

WHEREAS, on May 8, 2017, the City adopted five years of rate increases from fiscal years 2017-18 through 2021-22; and

WHEREAS, the City desires to update its sewer service charges and connections fees and delete outdated sections of the Sewer Service Charge Code and Sewer Connection Fees Code; and

WHEREAS, the City wishes to make these changes to streamline adoption of charges in the future; and

WHEREAS, Pacifica Municipal Code sections 6-6.404 and 6-6.406 currently provide the maximum and minimum annual sewer charges for FY 2017 through 2022 and Article 10 provides the manner in which rate increases may be established; and

WHEREAS, staff is recommending that Pacifica Municipal Code sections 6-6.404 and 6-6.406 be amended to allow the City Council to fix rates for sewer services by resolution and revised from time to time with the objective that the City sewer system be operated on a sound economic basis; and

WHEREAS, Pacifica Municipal Code sections 6-11.102, 6-11.103 and 6-11.104 currently provide the fees for sewer connection, for sewage facilities, for the main trunk interceptor and outfall sewers, and for eliminating inflow and infiltration; and

WHEREAS, staff is recommending that Pacifica Municipal Code sections 6-11.102, 6-11.103 and 6-11.104 be amended to consolidate the sewer connection fees, inflow and infiltration fees, trunk line fees, and sewer tap fees into one sewer capacity fee and to allow the City Council to fix rates for sewer connection fees by resolution and revised from time to time with the objective that the City sewer connection system be operated on a sound economic basis; and

NOW, THEREFORE, the City Council of the City of Pacifica does ordain as follows:

Section 1. Recitals. The City Council of the City of Pacifica does hereby find that the above referenced recitals are true and correct and material to the adoption of this Ordinance.

Section 2. Amended. Sections 6-6.406, "Minimum rate", of Article 4 and Article 10 within Chapter 6, "Sewer Charges" of Title 6 of the Pacifica Municipal Code are hereby amended by repealing Section 6-6.406 and Article 10 in their entirety.

Section 6-11.103 "Sewer connection charges to provide funds for sewage facilities, main trunk,

interception, outfall sewers, acquisitions, construction or reconstruction of sanitation or sewage facilities,” 6-11.104 “Inflow/Infiltration charges to provide funds for eliminating and equivalent volume of inflow and infiltration as the wastewater flow contributed to the collection system” of Article 1 “Sewer Connection Charges” and Article 3 “Sewer Tapping Charges” within Chapter 11 “Sewer Connection Charges” of Title 6 of the Pacifica Municipal Code are hereby amended by repealing sections 6-11.103 and 6-11.104 in their entirety.

Sections 6-6.403 “Liens” and 6-6.404 “Schedule” of Chapter 6, “Sewer charges” within Title 6 “Sanitation and Health” are amended to read as follows (~~strike through~~ marking items as deleted, underlines marking additions):

Sec. 6-6.403. Liens.

The sewer charges set forth in this article shall be a lien upon the premises and ~~shall be reimbursable to the owner of the premises by any nonowner tenant of other occupant thereof.~~
(§ 2.03, Ord. 423)

Sec. 6-6.404. Schedule of Charges for Service.

The City Council shall fix the rates to be charged for sewer service by the City, by resolution, and in so doing shall distinguish the different classes of service made available and fix rates appropriate to each class of service. Rates shall be fixed and revised from time to time with the objective that the City sewer system shall be operated on a sound economic basis.

~~Annual sewer charges shall be based upon water consumption that is in conformity with the rate measurement formulas set forth in this article and shall be charged at a maximum of:~~

~~Fourteen dollars and point 08834 cents (\$14.08834) per one hundred (100) cubic feet of water consumption, effective July 1, 2017.~~

~~Fifteen dollars and point 21541 cents (\$15.21541) per one hundred (100) cubic feet of water consumption, effective July 1, 2018.~~

~~Sixteen dollars and point 43264 cents (\$16.43264) per one hundred (100) cubic feet of water consumption, effective July 1, 2019.~~

~~Seventeen dollars and point 58293 cents (\$17.58293) per one hundred (100) cubic feet of water consumption, effective July 1, 2020.~~

~~Eighteen dollars and point 81373 cents (\$18.81373) per one hundred (100) cubic feet of water consumption, effective July 1, 2021.~~

~~(§§ 2.04 through 2.59, Ord. 423, as amended by § 1, Ord. 17 C.S., eff. March 11, 1971, § 1, Ord. 113 C.S., eff. June 12, 1974, § 1, Ord. 150 C.S., eff. June 9, 1975, § 1, Ord. 206 C.S., eff. June 9, 1977, § 2, Ord. 223 C.S., eff. March 29, 1978, § 1, Ord. 235 C.S., eff. August 14, 1978, § 1, Ord. 264 C.S., eff. August 13, 1979, § 1, Ord. 305 C.S., eff. September 9, 1981, § 1, Ord. 345 C.S., eff. September 8, 1982, § 1, Ord. 415 C.S., eff. August 22, 1984, § 1, Ord. 449-85, eff. August 31, 1985, § 1, Ord. 465-86, eff. August 13, 1986, § 1, Ord. 486 C.S., eff. July 22, 1987, § 1, Ord. 507 C.S., eff. July 27, 1988, § 1, Ord. 531 C.S., eff. July 26, 1989, § 1, Ord. 555 C.S., eff. August 8, 1990, § 1, Ord. 573 C.S., eff. July 24, 1991, § 1, Urgency Ord. 593 C.S., eff. July 6, 1992, § 1, Ord. 606 C.S., eff. June 28, 1993, § 1, Ord. 616 C.S., eff. July 27, 1994, § 1, Ord. 629 C.S., eff. July 26, 1995, § 1, Ord. 643 C.S., eff. August 7, 1996, § 1, Ord. 655 C.S., eff. August 13, 1997, § 1, Ord. 662 C.S., eff. July 22, 1998, § 1, Ord. 668 C.S., eff. July 28, 1999, § 1, Ord. 676A-~~

~~C.S., eff. August 9, 2001, § 1, Ord. 691 C.S., eff. August 8, 2001, § 1, Ord. 702 C.S., eff. July 24, 2002, § 1, Ord. 710 C.S., eff. August 14, 2003, § 1, Ord. 717 C.S., eff. August 26, 2004, § 2, Ord. 719 C.S., eff. October 27, 2004, § 1, Ord. 726 C.S., eff. July 27, 2005, § 1, Ord. 727 C.S., eff. July 27, 2005, § 1, Ord. 737 C.S., eff. July 26, 2006, § 1, Ord. 748 C.S., eff. July 5, 2007, § 1, Ord. 750 C.S., eff. July 5, 2007 and § 1, Ord. 759 C.S., eff. June 26, 2008; Ord. No. 764 C.S., § 1, eff. June 11, 2009, § 1, Ord. 772 C.S., eff. June 24, 2010, § 1, Ord. 783 C.S., eff. June 23, 2011, § 1, Ord. 790 C.S., eff. June 13, 2012; § 1, Ord. 794 C.S., eff. June 13, 2013, and § 1, Ord. 816 C.S., eff. June 7, 2017)~~

Sections 6-11.102 “Sewer connection charges” and 6-11-105 “Sewer connection charges: time of payment for proposed structures” of Article 1 within Chapter 11, “Sewer Connection Charges” within Title 6 “Sanitation and Health” are amended to read as follows (~~strikethrough~~ marking items as deleted, underlines marking additions):

Sec. 6-11.102. Sewer connection charges.

The City Council shall fix the fees to be charged for sewer connection by the City, by resolution. Fees shall be fixed and revised from time to time with the objective that the City sewer system shall be operated on a sound economic basis.

~~The following charges are hereby established for the connection of the plumbing of any building or structure to the sanitary sewer system of the City:-~~

~~(a) Residential schedule in the original City limits:-~~

~~(1) Six Hundred and no/100ths (\$600.00) Dollars for each single family, townhouse, and condominium dwelling unit; and-~~

~~(2) Four Hundred Sixty and no/100ths (\$460.00) Dollars for each multiple family dwelling unit.-~~

~~(b) Commercial schedule in the original City limits:-~~

~~(1) Six Hundred and no/100ths (\$600.00) Dollars per unit for commercial units not discharging industrial waste; and-~~

~~(2) A charge based on the biochemical oxygen demand removal requirements, gallonage of flow, or a combination thereof, for commercial and industrial units discharging industrial waste;-~~

~~(c) Areas annexed:-~~

~~(1) For areas annexed between November 23, 1957 and December 31, 1960, subject to the City's then existing bonded indebtedness for sewer purposes:-~~

~~(i) Eight Hundred Thirty and no/100ths (\$830.00) Dollars for each single family, townhouse, and condominium dwelling unit;-~~

~~(ii) Six Hundred Thirty and no/100ths (\$630.00) Dollars for each multiple dwelling unit; and-~~

~~(iii) A charge as set forth in subsection (b) of this section for commercial and industrial units.-~~

~~(2) For areas annexed after December 31, 1960, subject to the City's then existing bonded indebtedness for sewer purposes:-~~

~~(i) One Thousand Two Hundred Sixty and no/100ths (\$1,260.00) Dollars for each single family, townhouse, and condominium dwelling unit;-~~

~~(ii) Eight Hundred Eighty and no/100ths (\$880.00) Dollars for each multiple dwelling unit; and-~~

~~(iii) A charge as set forth in subsection (b) of this section for commercial and industrial units.-~~

~~(d) A charge for schools based on the following formula:-~~

Number of Students *	School Hours *5	(School Days) x 600.00*
Number of persons per average family	24 hours/day	7 (days of week)

* Residential unit charge
~~(e) — A charge for the Commercial Recreation District (C-R), as set forth in Section 9-4.1501 of Article 15 of Chapter 4 of Title 9 of this Code, for the connection of the plumbing of any building or structure to the sanitary sewer system of the City equivalent to one-half (½) the fees set forth, in subsections (a), (b), (c), and (d) of this section. To provide for construction cost increases due to inflation, on July 1 of each year, beginning September 1, 1984, the fee shall be increased on the basis of the Construction Cost Index (CCI) in the San Francisco Bay Area, published in the issue of the Engineering News Record (ENR) by McGraw Hill Publication Company. (§ 2, Ord. 5, as amended by § 1, Ord. 374, § 2, Ord. 128 C.S., eff. September 25, 1974, § 1, Ord. 188 C.S., eff. December 22, 1976, § 1, Ord. 265 C.S., eff. October 11, 1979, and § 2, Ord. 385 C.S., eff. February 8, 1984, as renumbered by § 2, Ord. 395 C.S., eff. March 28, 1984; § 2, Ord. 853 C.S., eff. February 26, 2020)~~

6-11.105: Sewer connection charges: time of payment for proposed projects

The sewer connection charges set forth in this article shall be payable at or before the time of application for such new or increased service. ~~the time a building permit is issued by the City for the construction of a proposed building or structure.~~

Section 3. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA), under Section 15061(b)(3) of the CEQA Guidelines (14 Cal. Code Regs. 15000 et seq.) because it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment.

Section 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 5. Publication. The City Clerk is hereby ordered and directed to certify the passage of this Ordinance by the City Council of the City of Pacifica, California, and cause the same to be published in accordance with State law.

Section 6. Effective Date. This Ordinance shall go into effect thirty (30) days after the date of its passage and adoption.


PASSED AND ADOPTED by the City Council of the City of Pacifica, State of California this 23rd day of May 2022, by the following vote:

AYES, Councilmembers: Beckmeyer, Bier, Bigstyck, O'Neill, Vaterlaus.

NOES, Councilmembers: n/a

ABSENT, Councilmembers: n/a

ABSTAIN, Councilmembers: n/a


Mary Bier (May 26, 2022 17:17 PDT)
Mary Bier, Mayor

ATTEST:



Sarah Coffey, City Clerk

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney









For Signature: OrdinanceNo879-CS_SewerCharges-Approved

Final Audit Report

2022-05-27

Created:	2022-05-26
By:	Sarah Coffey (scoffey@pacifica.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAXIx3ALncX-TPBX6vYooqzACuFO626Z2K

"For Signature: OrdinanceNo879-CS_SewerCharges-Approved" History

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2022-05-26 - 11:37:51 PM GMT
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2022-05-26 - 11:38:36 PM GMT
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2022-05-27 - 0:17:14 AM GMT
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Signature Date: 2022-05-27 - 0:17:52 AM GMT - Time Source: server
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2022-05-27 - 0:17:54 AM GMT
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2022-05-27 - 0:21:27 AM GMT
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Signature Date: 2022-05-27 - 0:21:42 AM GMT - Time Source: server
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2022-05-27 - 0:21:42 AM GMT