

**ORDINANCE NO. 2020-01**

**AN ORDINANCE OF  
THE HUMBOLDT COMMUNITY SERVICES DISTRICT  
REVISING THE HUMBOLDT COMMUNITY SERVICES DISTRICT CODE  
CHAPTERS 3.01, 4.02, 5.07, 7.02, AND 7.05 RELATED TO WATER AND SEWER  
CONNECTION (CAPACITY) FEES**

**WHEREAS**, the Humboldt Community Services District provides water and sewer services to the residents of the District, and

**WHEREAS**, the Board of Directors of the Humboldt Community Services District has the authority to set water and sewer connection (capacity charge) buy-in fees for water and sewer services provided by the District; and

**WHEREAS**, the Board of Directors of the Humboldt Community Services District declares the water connection (capacity charge) for all classes of customers shall be based upon the number of meters per lot as well as the size of meter connected to its system; and

**WHEREAS**, the Board of Directors of the Humboldt Community Services District declare the sewer connection (capacity charge) buy-in fee for all customer classes shall be based upon the number of Equivalent Dwelling Units (EDUs) the connection will serve; and

**WHEREAS**, the Board of Directors of the Humboldt Community Services District desires to modify one Equivalent Dwelling Unit (EDU) from 30 fixture units to 24 fixtures units as defined by the most recent Uniform Plumbing Code for calculating sewer connection (capacity charge) buy in fees for single residential lots with more than one living unit and all other classifications; and

**WHEREAS**, the Board of Directors of the Humboldt Community Services District declares that when fixtures unit counts of the proposed development are greater than 24, the additional fixture units shall be pro-rated against the prevailing EDU connection fee and added to the single EDU fee; and

**WHEREAS**, The Board of Directors of the Humboldt Community Services District has considered this Ordinance at a duly noticed Public Hearing,

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE HUMBOLDT COMMUNITY SERVICES DISTRICT TO ADOPT, REPLACE AND INCORPORATE EXHIBIT A (PAGES 3-8) ATTACHED HERETO INTO THE HUMBOLDT COMMUNITY SERVICES DISTRICT CODE BY ITS REFERENCE MADE A PART HEREOF.**

**Effective Date.** All rules and regulations as amended or established by this Ordinance shall become effective on September 15, 2020.

**Separability.** If a section, subsection, sentence, clause, or phrase of this Ordinance is held to be unconstitutional, or contrary to the general or special laws of the United States or the State of California, the invalidity of such section, subsection, sentence, clause, or phrase shall not affect the remaining portions of this Ordinance.

**Further Action.** The Board of Directors of the District is hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance.

**PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE HUMBOLDT COMMUNITY SERVICES DISTRICT ON THIS 28<sup>th</sup> day of July, 2020 by the following roll call vote:**

AYES:           BONGIO, SAUNDERSON, SCOLARI  
NOES:           TYSON  
ABSENT:        NONE

APPROVED:

  
\_\_\_\_\_  
David Tyson, President  
Board of Directors

ATTEST:

  
\_\_\_\_\_  
Brenda K. Franklin, Board Secretary

### **Chapter 3.01: Definitions**

**ADD:**

3.01.015 Accessory Dwelling Units (ADU) Including Junior Accessory Dwelling Units (JADU), Tiny Houses (as well as moveable), and Some Manufactured Homes. An attached or detached residential dwelling unit that provides permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot where a single family or multifamily dwelling is or will be situated.

### **Chapter 4.02: Application for Service**

**MODIFY:**

4.02.090 All Water and Sewer Service Connections. It shall be unlawful to maintain a connection excepting in conformity with the following rules:

(A) Separate Building. Each residential unit or building under separate ownership must be provided with a separate service connection. Two or more units under one ownership and on the same lot or parcel of land may be supplied through the same service connection; provided, that for each living unit under a separate roof which shall face a street an additional minimum will be applied to the single meter serving said living units, or a separate service connection may be provided for each building. The Board reserves the right to limit the number of living units or the area of land under one ownership to be supplied by one service connection.

(B) Single Connection. Not more than one service connection for domestic or commercial supply shall be installed for one building, except under special conditions.

(C) Different Owners. A service connection shall not be used to supply adjoining property of a different owner or to supply property of the same owner across a street or alley.

(D) Divided Property. When property provided with a service connection is divided, each service connection shall be considered as belonging to the lot or parcel of land which it directly enters. (Ord. 4, §83, 1954)

### **Chapter 5.07: Sewer Connection Permits**

**MODIFY:**

5.07.050 Classes of Permits.

There shall be eight (8) classes of sewer permits, as follows:

(A) Single Family Residential

(B) Multi Family Residential

(C) Mobile Home parks and Trailer Parks.

(D) Commercial Light (includes churches and schools) – BOD rated <370 mg/liter

(E) Commercial Medium – BOD rated 370-500 mg/liter

- (F) Commercial Heavy – BOD rated >500 mg/liter
- (G) Public sewer construction permit;
- (H) Alteration of existing sewer permit.

## **Chapter 7.02: Water Connection Fees**

### **MODIFY:**

**7.02.010** Water Connection Fees. Connection fees (capacity charges) are one-time fees intended to reflect the cost of existing infrastructure and planned improvements available to new services. The fees for a permit to connect a new water service to the District's water system (Capacity Charge Buy-In), except for the Freshwater/Mitchell Rd. assessment area, shall be adopted by resolution following a public hearing by the Board of Directors. Notice of the public hearing shall be published at least ten days in advance in a newspaper of general circulation. (See Section D. below, for Freshwater/Mitchell Rd. assessment area).

#### A. Water Connection Fees (Capacity Charge Buy-In)

Connection fees (capacity charges) for all classes of customer shall be based on the number of meters per lot and vary depending on the size of the water meter required to serve the customer/parcel. Meter size is generally proportionate to the demands a parcel places on the water utility system, specifically the peaking requirements related to the meter size. The connection fee shall be charged based on measured flow equivalents of a 5/8" meter as detailed in the latest adopted Master Fee Schedule.

##### **1. Accessory Dwelling Units (ADU)**

An accessory dwelling unit shall not be considered to be a new residential use for the purposes of calculating connection fees (capacity charges) for utilities, except for water services as set forth below;

- a. Connection fees may be charged if the owner requests a new or separate utility connection between the accessory dwelling unit and the utility.
- b. For an accessory dwelling unit that is not contained within the existing space of a single-family residence or accessory structure (detached) or an accessory dwelling unit which is contained within the existing single-family dwelling (attached) and does not meet the conditions listed below in numbers 1-4, a new or separate utility connection directly between the accessory dwelling unit and the utility may be required. Consistent with Government Code Section 66013, the connection may be subject to a connection fee (capacity charge) that is proportionate to the burden of the proposed accessory dwelling unit upon the water system, based upon water meter size. The fee or charge shall not exceed the reasonable cost of providing the service.

## ORDINANCE 2020-01: EXHIBIT A

- I. The accessory dwelling unit or junior accessory dwelling unit (JADU) is within the proposed footprint of an existing or proposed single family dwelling or accessory structure, and may include an expansion of not more than 150 square feet beyond the same physical dimension as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
  - II. The accessory dwelling unit or junior accessory dwelling unit has separate exterior access from the proposed or existing single-family dwelling.
  - III. The side and rear setbacks are sufficient for fire and safety as established by the local fire authority.
  - IV. The junior accessory dwelling unit complies with the requirements of section 65852.22 of the Government Code.
2. Connection fees (capacity charges) are in addition to the actual cost of installing a service including main line tap, service line, meter and box. Does not include permanent paving or sidewalk replacement.
- B. District Installed Service Connection from Existing Mains. Where the District will be installing a new water meter and service line the fee shall be dependent on the size of the meter required and shall be per current adopted resolution setting District installed service connection fees.
  - C. Existing Service Connection. Where the Developer has installed the new water service line and the District will merely be installing a new meter, the fee shall be per current adopted resolution setting existing service connection fees.
  - D. Connections in the Freshwater/Mitchell Rd. Assessment Area. Charges for connections in the Freshwater/Mitchell Rd. assessment area shall per current adopted resolution setting Freshwater/Mitchell Rd Assessment area connection fees.

### **Chapter 7.05: Sewer Connection Fees**

#### **MODIFY:**

7.05.010 Sewer Connection Fees. Connection Fees (capacity charges) are one-time fees intended to reflect the cost of existing infrastructure and planned improvements available to new services. The fee (Capacity Charge Buy-in) for a permit to connect a new sewer service to the District's sewer system shall be per current adopted resolution setting sewer connection fees. Resolution shall be adopted following a public hearing by the Board of Directors. Notice of the public

ORDINANCE 2020-01: EXHIBIT A

hearing shall be published at least ten days in advance in a newspaper of general circulation.

A. Sewer Connection Fees (Capacity Charge Buy-In)

1. One Single Family Residential (SFR) on one legal parcel

The fee shall be equal to one Equivalent Dwelling Unit (EDU) without consideration of the number of fixture units.

2. Two to Three Single Family Residential (SFR) including Accessory Dwelling Unit (ADUs) on one legal parcel if applicable

The fee shall be calculated on the fixture unit count converted to EDU's. The first EDU shall be less than, or equal to, 24 fixture units. Should the calculated fixture count exceed 24, the excess amount shall be pro-rated to determine additional capacity fees. Fixture unit counts are defined by the most current Uniform Plumbing Code Edition.

3. For Multiple Family Residential (MFR) units (four or more living units), Including Accessory Dwelling Units on one legal parcel if applicable.

The fee shall be calculated on the fixture unit count converted to EDU's. The first EDU shall be less than, or equal to, 24 fixture units. Should the calculated fixture count exceed 24, the excess amount shall be pro-rated to determine additional capacity fees. Fixture unit counts are defined by the most current Uniform Plumbing Code Edition.

4. Commercial on one legal parcel

Connection fees (capacity charge) for Commercial developments shall be calculated on the fixture unit count converted to EDU's. The first EDU shall be less than, or equal to, 24 fixture units. Should the calculated fixture count exceed 24, the excess amount shall be pro-rated to determine additional capacity fees. Fixture unit counts are defined by the most current Uniform Plumbing Code Edition.

5. Accessory Dwelling Units (ADU)

An accessory dwelling unit shall not be considered to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, except for sewer services as set forth below;

- a. Connection fees may apply if the accessory dwelling unit was constructed with a new single-family dwelling

ORDINANCE 2020-01: EXHIBIT A

- b. For an accessory dwelling unit that is not contained within the existing space of a single-family residence or accessory structure (detached) or an accessory dwelling unit which is contained within the existing single-family dwelling (attached) and does not meet the conditions listed below in numbers 1-4, a new or separate utility connection directly between the accessory dwelling unit and the utility may be required. Consistent with Government Code Section 66013, the connection may be subject to a connection fee or capacity charge that is proportionate to the burden of the proposed accessory dwelling unit upon the water system, based upon fixture unit values as defined in the latest Uniform Plumbing Code Edition. This fee or charge shall not exceed the reasonable cost of providing this service.
- I. The accessory dwelling unit or junior accessory dwelling unit (JADU) is within the proposed footprint of an existing or proposed single family dwelling or accessory structure, and may include an expansion of not more than 150 square feet beyond the same physical dimension as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
  - II. The accessory dwelling unit or junior accessory dwelling unit has separate exterior access from the proposed or existing single-family dwelling.
  - III. The side and rear setbacks are sufficient for fire and safety as established by the local fire authority.
  - IV. The junior accessory dwelling unit complies with the requirements of section 65852.22 of the Government Code.
6. Connection fees (capacity charges) are in addition to the actual cost of installing a service including main line tap, lateral line, and cleanout. Does not include permanent pavement or sidewalk replacement.
- B. District Installed Lateral from Existing Mains. Where the District will be installing a new sewer service lateral, the fee shall be per current adopted resolution setting District installed sewer lateral fees.
- C. Existing Lateral. Where the Developer has installed the new sewer service lateral and the District will merely be issuing a permit and inspecting the building sewer connection no additional charge beyond the capacity charge buy-in will be due. (Ord. 2012-02, §1, 2012)