

ORDINANCE NO. 24-18 N.S.

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND AMENDING
AND RESTATING CHAPTER 12.20 OF THE MUNICIPAL CODE OF THE CITY OF
RICHMOND WHICH ESTABLISHES SEWER SERVICE CHARGES FOR THE CITY
OF RICHMOND**

The Council of the City of Richmond, California, does ordain as follows:

Section I. **Amendment and Restatement of Chapter 12.20.** Chapter 12.20 of the Richmond Municipal Code is hereby amended and restated to read as follows:

Chapter 12.20

SEWER SYSTEM FEES

Sections:

12.20.010	Definitions.
12.20.020	Sanitary sewer connection fee.
12.20.030	Sanitary sewer connection fee credits allowed.
12.20.040	Special fees where building sewer has been installed by city.
12.20.050	Sewer service charges.
12.20.055	Administrative fines.
12.20.060	Collection of sewer service charges.
12.20.065	Sewer service charge rebates.
12.20.070	Authority for sewer service charge — Application of revenues from sewer service charges.
12.20.080	Applicability.
12.20.085	Exemptions.
12.20.090	Rules and regulations.

12.20.010 Definitions.

As used in this chapter, the following words shall have the following respective meanings:

- (a) BIOCHEMICAL OXYGEN DEMAND (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration in milligrams per liter (mg/L).
- (b) BUILDING SEWER means that part of a building drainage system which conveys the discharge from soil, waste and other drainage pipes situated inside the walls of the building to a public sewer system.
- (c) CITY CLERK means the City Clerk of the City of Richmond.
- (d) CITY MANAGER means the City Manager of the City of Richmond, or the City Manager's designee.
- (e) COMMERCIAL WASTE means the waterborne waste (domestic and non-domestic) discharged from any non-residential or non-industrial classified facility.
- (f) COUNCIL means the Council of the City of Richmond.
- (g) DIRECTOR OF FINANCE means the Director of Finance of the City of Richmond.
- (h) DOMESTIC WASTE means the waterborne waste of the type resulting from flushing and washing waste products from residences.
- (i) DWELLING UNIT means a building or portion thereof designed exclusively for residential occupancy by a single family, including single-family dwellings and each separate unit of two-family and multiple family dwellings, but not including hotels, boarding and lodging houses.
- (j) FISCAL YEAR means the period between July 1st and the following June 30th, both

dates inclusive.

- (k) **STORMWATER MANAGEMENT PROGRAM** means the program within the City of Richmond that constructs, operates, maintains, and repairs storm sewers, stormwater treatment plants and appurtenances now owned or hereafter acquired by the City of Richmond for storm drainage and that controls, inspects, monitors and reports on discharges to the storm sewer system.
- (l) **INDUSTRIAL WASTE** means the wastes from industrial processes including zeolite-type softening regeneration plants, and/or any material or substance handled, stored, transported, maintained or produced on-site that is deleterious to fish, plant life, animal life or public health.
- (m) **INDUSTRIAL WASTE UNIT** means a volume of industrial and or/commercial waste and domestic waste discharge equal to 1,000 cubic feet.
- (n) **MASTER FEE SCHEDULE** means fees established per Richmond Municipal Code Chapter 2.34.040 for specified services rendered by City Departments and adopted by the Richmond City Council.
- (o) **MULTIUNIT RESIDENTIAL DEVELOPMENT** means a residential development comprised of detached single-family dwellings or attached multifamily dwellings totaling not less than two dwelling units, as defined herein, and managed as a single property for maintenance purposes by a single person, as defined herein.
- (p) **OWNER** means the person liable to pay real property taxes on particular Premises.
- (q) **PERSON** means an individual, firm, partnership, corporation, business association, institution or public agency. The singular shall include the plural.
- (r) **PREMISES** means any lot or parcel of land together with any and all structures located thereon, including, without limitation, residential dwellings, flats, apartments, commercial establishments, industrial establishments, churches, public and private schools, institutional structures, government buildings and trailer courts.
- (s) **SANITARY SEWAGE STRENGTH SURCHARGE** means a sanitary sewer use charged levied against any person who discharges or causes to be discharged waters or waste exceeding the biochemical oxygen demand (BOD) limits and/or the suspended solids (SS) limits as set forth in the City's Master Fee Schedule.
- (t) **SEWER SERVICE UNIT (SSU)** means that unit for the measurement of sewer service charges computed as follows:
 - (1) Residences (single-family and multifamily), apartments, and motels with separate cooking facilities — one sewer service unit per Dwelling Unit.
 - (2) Business and commercial establishments, restaurants, hotels, motels without separate kitchens, boarding and lodging houses, institutional buildings will be charged as published in the City's Master Fee Schedule.
- (u) **SEWER CONNECTION** means connecting the building sewer from a residence or business to the City's sewer main.
- (v) **SEWER SYSTEM** means all sewer mains, sewer trunks, sewers, treatment plant and appurtenances now or hereafter acquired, constructed, maintained and/or operated by the City of Richmond for sanitary and storm purposes.
 - (1) **SANITARY SEWER SYSTEM** means a sewer system for domestic, commercial, and industrial waste.
 - (2) **STORM SEWER SYSTEM** means a sewer system for storm drainage.
- (w) **STORM DRAINAGE** means water runoff from premises resulting from natural precipitation.
- (x) **TAX COLLECTOR** means the County Assessor of Contra Costa County.
- (y) **TOTAL SUSPENDED SOLIDS (TSS) or SUSPENDED SOLIDS** means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

12.20.020 Sanitary sewer connection fee.

There is hereby imposed upon each Owner connecting a building sewer with the Sewer System on or after July 1, 1992, a connection fee payable to the City of Richmond, Department of Water Resource Recovery. Said fee shall be paid at the time of issuance of a permit by the City of Richmond to connect to the Sewer System, and said fee shall be calculated as follows:

- A. For all Premises, the connection fee shall be at the rate set forth in the City's Master Fee Schedule for each Sewer Service Unit to be connected to the Sanitary Sewer System.
- B. This connection fee shall be in addition to all other charges for permits and inspections required by other ordinances of the City of Richmond.

12.20.030 Sanitary sewer connection fee credits allowed.

When a Person has paid sewer service connection fees as published in the Master Fee Schedule prior to the connection to the Sanitary Sewer System, the amount of such sewer service connection fee shall be credited against the total amount of the connection fee referred to in Section 12.20.020 of this chapter.

12.20.040 Special fees where building sewer has been installed by the City.

In situations where the City has installed sewer connections to the City's sewer main at its own expense and at the time of construction or reconstruction of a sanitary sewer or street, the City Council, by resolution, may establish an additional fee to cover the cost of installation of such tees or building sewers. Such fees shall be payable at the time and in the same manner as the sewer connection fee referred to in Section 12.20.020 of this chapter.

12.20.050 Sewer service charges.

- (a) There is imposed on the owner of each premises an annual sanitary sewer system charge and an annual stormwater management program charge, each as published in the City's Master Fee Schedule. The sanitary sewer system charge is imposed to pay the costs of administering, monitoring, operating, maintaining, and improving the Richmond Municipal Sewer District No. 1 Sanitary Sewer System and retiring the capital debts of that system. The stormwater management program charge is imposed to pay the costs of administering, monitoring, operating, maintaining and improving the storm sewer system throughout the City of Richmond. For purposes of this Chapter 12.20, the sanitary sewer system and the stormwater management program charges are sometimes referred to as "sewer service charges."
- (b) There is imposed on the owner of each Premises discharging to the sanitary sewer system and storm sewer system under the wastewater discharge permitting program and the stormwater permitting program the following service charges, in amounts listed in the City's Published Master Fee Schedule:
 - (1) Annual Permit fee (includes biennial inspections)
 - (2) Additional site visit inspection charge
 - (3) Violation site visit inspection charge (when visit includes monitoring, sampling or testing); and
 - (4) Laboratory charges of cost plus 10% (when contract laboratory analysis required).
- (c) Notwithstanding the provision of sewer service charge credits as set forth in Section 12.20.065 hereof, the Owner of any Premises who, by reason of special circumstances, claims that the foregoing charges are unjust or inequitable as applied to his or her Premises may make written application to the City Manager stating the circumstances and requesting a different basis for sewer charges. Any claim due to different strength characteristics of loading shall be supported by measurements, tests, and analyses of the waters and wastes in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater. Tests and analyses shall be conducted at the owner's expense by an independent laboratory certified by the State of California to

perform such analyses. Actual location and method of sampling shall be subject to the approval of the City Manager.

12.20.055 Administrative fines.

Pursuant to Government Code Sections 54739 to 54740.6 and Section 12.18.100.12 of the Municipal Code, the City may impose administrative fines on any Person who intentionally or negligently violates any provisions of this chapter or any conditions set forth in permits duly issued; or, who discharges wastewater which causes pollution or violates any cease and desist order, prohibition, effluent limitation, national standard or performance, pre-treatment or toxicity standard.

Any administrative fines imposed pursuant to this section shall be subject to the procedures set forth in Sections 12.18.100.5, 12.18.100.12, 12.18.100.13, 12.18.120.1, 12.18.140.1 of this Municipal Code or as listed in the City's Master Fee Schedule.

12.20.060 Collection of sewer service charges.

- (a) **Method.** It is proposed by the Council that all sewer service charges for each fiscal year commencing with the fiscal year 1957- 58 shall be collected on the tax roll of the City of Richmond in the same manner and by the same persons and at the same time, and not separately from the general real property taxes of the City of Richmond and that the charges shall be delinquent at the same time and thereafter be subject to the same delinquency payments as in the case of the general real property taxes of the City of Richmond. All laws applicable to the levy, collection and enforcement of the general real property taxes of the City of Richmond, but not limited to those pertaining to the matters of delinquency, correction, cancellation, refund and redemption, are applicable to the sewer service charges imposed by this chapter.
- (b) **Filing report.** The City Manager shall cause a written report for each fiscal year to be prepared and filed with the City Clerk, which shall contain a legal description, in the manner real property is described on the assessment roll of the City of Richmond, of each Premises receiving sewer service as of the first Monday in March preceding such fiscal year, commencing with the first Monday in March in 1999. The report shall show the sewer service charges for each Premises for such fiscal year.
- (c) **Notice of report and hearing.** Upon the filing of the report referred to in subsection (b) of this section, the City Clerk shall cause notice of such filing and of a time and place of hearing thereon to be published once a week for two successive weeks prior to the date set for hearing in a newspaper of general circulation printed and published within the City of Richmond. In the case of any sewer service charge collected on the tax roll for the first time pursuant to this chapter, the City Clerk shall cause a notice in writing of the report proposing to have the charge for the forthcoming fiscal year collected on the tax roll and of the time and place of hearing thereon to be mailed to each Person to whom any parcel or parcels of real property described in the report is assessed in the last equalized assessment roll available on the date the report is prepared at the address shown on the assessment roll, or as known to the City Clerk. If any such report is adopted by the Council, then the requirements for notice in writing to the Persons to whom parcels of real property are assessed shall not apply to hearings or reports prepared in subsequent fiscal years, but notice by publication as herein provided shall be adequate. Hearings on reports prepared for fiscal years beginning with fiscal year 2018-19 shall be held at six-thirty p.m. on the third Tuesday in July in the Council Chambers, City Hall, Richmond, California.
- (d) **Hearing.** At the time stated in the notice, the Council shall hear and consider all objections or protests, if any, to the report referred to in the notice and may continue the hearing from time to time. If the Council finds that protest is made by the Owners of a majority of separate parcels of property described in the report, then the report shall not be adopted and the charges shall be collected separately from the tax roll and shall not constitute a lien against any parcel or parcels of land.
- (e) **Final determinations.** Upon the conclusion of the hearing, the Council may adopt, revise, change, reduce, or modify any charge, or overrule any or all objections and shall make its determination upon each charge as described in the report which determination shall be final.

- (f) Entry on tax roll. On or before the tenth day of August of each year following such final determination, the City Clerk shall file with the Director of Finance and the Tax Collector a copy of the report with a statement endorsed thereon over his signature that it has been finally adopted by the Council and the Tax Collector shall enter the amounts of the charges against the respective lots or parcels of land as they appear on the current assessment roll. If any parcel should be determined “exempt” from property taxes, but are receiving (sanitary and storm) sewer services, the Director of Finance may issue an invoice to the owner of said parcels to be paid directly to the City of Richmond. These sewer (sanitary and storm) fees will not be placed on the tax rolls.
- (g) Lien. The amount of the sewer service charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of noon of the first Monday in March immediately preceding the date of levy.
- (h) Billing. The Tax Collector shall include the amount of the sewer service charges on bills for taxes levied against the respective lots and parcels of land.
- (i) Default. In the event of default in the payment of any sewer service charge placed on the tax roll for collection, the City may, at its discretion and as an alternative to sale of the land levied thereby, file a civil action therefor, and when and if judgment is entered in the action the City may collect the same in any manner permitted by law for the collection of a money judgment in a civil action.

12.20.065 Sewer service charge rebates.

Multiunit Residential Developments may be eligible for an annual rebate of a portion of their storm program sewer service charges if such establishments or developments implement a Stormwater Management Program approved by the City Manager. The determination of eligibility for the sewer service charge rebate, the maximum rebate allowed, and the provision of the rebate shall be as follows:

- (a) The City Manager shall establish criteria for the development of Stormwater Management Programs for Multiunit Residential Developments which request a rebate from their sewer service charges in recognition of their establishing and implementing the programs. These criteria shall include provisions for ongoing activities to be conducted by the establishments and developments to reduce or eliminate discharges of pollutants to the City's Storm Sewer System.
- (b) The City Manager shall prepare for City Council adoption by resolution a sewer service charge rebate application form setting forth said Stormwater Management Program criteria. The application form may be subsequently modified by City Council resolution upon the request of the City Manager.
- (c) Upon City Council adoption of the sewer service charge rebate application form, any Person managing a commercial establishment or Multiunit Residential Development who requests a sewer service charge rebate in recognition of a proposed Stormwater Management Program must complete and submit the application form to the City Manager. The submitted application form must demonstrate compliance with the Stormwater Management Program criteria established by the City Manager pursuant to subsections (a) and (b) of this section to be considered complete. The City Manager shall respond to the applicant within 30 business days and shall indicate whether the application is complete and satisfactory, incomplete for a specified reason, or unsatisfactory for a specified reason.
- (d) The City Manager shall grant an annual sewer service charge rebate to Multiunit Residential Developments which satisfactorily complete the application process and demonstrate ongoing implementation of the Stormwater Management Program described in the application process. The entity requesting the sewer service charge rebate shall allow representatives of the City's Water Resource Recovery Department to periodically inspect the property addressed by the Stormwater Management Program to ensure ongoing implementation of said program, and the City Manager shall cause the property to be inspected as often as he or she deems necessary to verify program implementation. Any Person who fails to implement part or all of its approved Stormwater Management Program as established by its sewer service charge rebate application form without express

approval of the City Manager shall lose all claims to the rebate.

- (e) The City Manager shall determine the amount of the annual and per-Dwelling Unit residential rebates he or she deems appropriate, but shall not establish the residential development rebate in excess of twenty dollars (\$20) per Dwelling Unit per year. The City Manager shall apply the rebate against the annual sewer service charge applicable to the entities which complete the required application process and implement the required Stormwater Management Program as established by subsections (2), (3) and (4) of this section.
- (f) The Stormwater Management Program sewer service charge rebate shall be applied against the sewer service charge due to the City beginning in the fiscal year following establishment of the Stormwater Management Program. From thence forward, the City Manager shall at the beginning of each fiscal year evaluate the continued adequacy and implementation of the Stormwater Management Program and shall modify the allowable sewer service charge rebate accordingly as deemed appropriate by the City Manager. In the fiscal year during which a Person requests a sewer service charge rebate and implements the Stormwater Management Program for less than the full fiscal year, the City Manager may prorate the sewer service charge credit accordingly.

12.20.070 Authority for sewer service charge — Application of revenues from sewer service charges.

Sections 12.20.050 and 12.20.060 of this chapter are adopted pursuant to the United States Clean Water Act, Title 33 U.S.C. Section 1251, et seq.; U.S. Environmental Protection Agency Construction Grant Program Regulations, Title 40 C.F.R. Parts 122, 123 and 124; California Clean Water Grant Program Regulations, Title 23, C.F.R. Chapter 13, Section 3610, et seq.; and California Revenue Program Guidelines, Clean Water Grant Program Bulletin 54B. All revenues derived from the sewer service charges imposed by Section 12.20.050 shall be used only for such purposes and in such manner as permitted by the aforementioned regulations.

12.20.080 Applicability.

The stormwater and storm sewer provisions of this chapter shall be applicable to all of the area within the boundaries of the City of Richmond. The sanitary sewer provisions shall be applicable to the area situated within Richmond Municipal Sewer District No. 1, which was organized and exists pursuant to the Municipal Sewer District Act of 1911, Sections 4600 through 4639, Health and Safety Code of the State of California, and Resolution No. 6319 of the City of Richmond.

12.20.085 Exemptions.

Notwithstanding the provisions set forth above, the common areas of planned developments or apartment complexes shall not be subject to the fees set forth herein. Additionally, any lots which are deemed to be nonbuildable (i.e., not subject to development) and which are exempt from property taxes shall not be subject to the fees set forth herein.

12.20.090 Rules and regulations.

The City Manager may from time to time establish with the approval of the City Council, by resolution, rules and regulations for accomplishing the purpose of this chapter. These rules shall not affect the substance of this chapter, but shall be limited to methods and procedures in the enforcement and administration hereof.

Section II. **Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph sentence, clause or phrase.

Section III. Effective Date. This Ordinance becomes effective thirty (30) days after its adoption.

First read at a regular meeting of the City Council of the City of Richmond held on July 17, 2018, and finally passed and adopted at a meeting thereof held on July 24, 2018, by the following vote:

YES: Councilmembers Beckles, Choi, Martinez, Myrick, Recinos, Vice Mayor Willis, and Mayor Butt.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:
TOM BUTT
Mayor

Approved as to form:
BRUCE GOODMILLER
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Ordinance No. 24-18 N.S.**, passed and adopted by the City Council of the City of Richmond at a regular meeting held on July 24, 2018.

Pamela Christian, City Clerk of the City of Richmond