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A PUBLIC ENTITY SERVING CHANNEL ISLANDS BEACHES AND HARBOR · CIBCSD.COM

ORDINANCE NO. 89

CHANNEL ISLANDS BEACH COMMUNITY SERVICES DISTRICT RATES, FEES, AND REGULATIONS RELATED TO THE PROVISION OF WATER AND WASTEWATER SERVICES AND ADOPTION BY REFERENCE OF PORTIONS OF ARTICLE VII- PUBLIC UTILITIES, CHAPTER 2- SEWER SERVICE OF THE CITY OF PORT HUENEME MUNICIPAL CODE

SECTION 1: Short Title

The Short Title of this Ordinance shall be: “**CIBCSD 2018/2019 Water and Wastewater Utility Service Fee and Charges Adjustments Ordinance**” and may be cited as such.

SECTION 2: Purpose

The purpose of this Ordinance is to adjust existing water and wastewater rates and charges in order to balance revenue projections with expenditure requirements found in the adopted Fiscal Year 2018-19 Budget and to establish sufficient rules and regulations related to wastewater (sewer) service to: (1) prevent the introduction of pollutants not customarily found or that are incompatible with the wastewater system, (2) protect District personnel who may be affected by wastewater and sludge in the course of their employment, and (3) enable sufficient control authority to the District in order to comply with local, state and federal wastewater regulations.

SECTION 3: Repeal of Ordinance 87 and annual Water Availability Charge

Ordinance No. 87 regarding the above-referenced fees and charges now in effect is hereby repealed in its entirety. The \$10.00 annual Water Availability Charge is hereby repealed due to the limited amount of vacant lots located within the District’s boundaries and the inability to find the original Ordinance to enforce this charge.

SECTION 4: Water Service Charges

- (a) **Section 4.1: Definitions.** For the purposes of this section, the following definitions shall apply: “Non-Harbor Customers” shall mean those customers who are served water through a connection **not** subject to the terms of the 1996 Water Service

Agreement between the County of Ventura and the Channel Islands Beach Community Services District; those residential subdivisions commonly referred to Hollywood Beach, Hollywood by the Sea, and Silver Strand.

- (b) "Harbor Customers" shall mean those customers who are served water through a connection subject to the terms of the 1996 Water Service Agreement between the County of Ventura and the Channel Islands Beach Community Services District; those areas located within the lands and water ways owned and operated by the Channel Islands Harbor Department.
- (c) "Single-Family Residential" shall mean single-family residences; single-family residences with one (1) accessory dwelling unit; and residential duplexes serviced through a single, metered water connection.
- (d) "Multi-Family Residential" shall include single-family residences with two (2) or more accessory dwelling units; residential multiplexes with three (3) or more dwelling units serviced through a single, metered water connection. "Multi-family" shall not include any connection that services both dwelling units as well as other uses simultaneously.
- (e) "Commercial" and "Industrial" shall include any use that is not solely comprised of residential dwelling units including those where dwelling units and other uses are serviced by a single, metered water connection.
- (f) "HCF" shall mean Hundred Cubic Feet of water; an industry standard unit of measure for water consumption. One (1) HCF equals 748 gallons of water.
- (g) "Date of Demolition" or "Demolition" shall mean the sign-off date of an approved demolition permit from the County of Ventura.

Section 4.2: Base Monthly Water Service Charges. The following rates are effective beginning at 12:01am on July 15, 2018:

- (a) Non-Harbor Customers
 - (i) ¾" meter: **\$36.41/month**
 - (ii) 1" meter: **\$57.31/month**
 - (iii) 1½" meter: **\$109.56/month**
 - (iv) 2" meter: **\$172.25/month**
 - (v) 3" meter: **\$370.80/month**
 - (vi) 4" meter: **\$663.38/month**
- (b) Harbor Customers
 - (i) ¾" meter: **\$50.13/month**
 - (ii) 1" meter: **\$80.18/month**
 - (iii) 1½" meter: **\$155.31/month**
 - (iv) 2" meter: **\$245.46/month**
 - (v) 3" meter: **\$530.94/month**
 - (vi) 4" meter: **\$951.65/month**
- (c) Fire Hydrant Construction Meter: **\$50.00/month**. A minimum charge of \$50.00 will be applied to any account requesting a Fire Hydrant Construction Meter; following the first fully billing cycle, the \$50.00 per month charge will be prorated to reflect the actual number of days of service.

Section 4.3 Fire Line Charge. In addition to the base monthly water rate for each

residential connection served by a 1" or less water meter with a fire sprinkler system as well as a UL fire water meter and manifold installed in the residence, the following monthly fees shall apply:

- (a) ¾" connection: \$6.19/month
- (b) 1" connection: \$9.34/month

Section 4.4 Three Tiered, Increasing Block-Metered Consumption Rates.

(a) Non-Harbor Single-Family Residential Customers

- (i) Tier 1: \$3.79/HCF for first 0-5 HCF consumed each month
- (ii) Tier 2: \$4.39/HCF for water consumed between 6-8 HCF each month
- (iii) Tier 3: \$6.10/HCF for water consumed above 8 HCF each month

(b) Non-Harbor Multi-Family Residential Customers

- (i) Tier 1: \$3.79 per HCF for first 0-4 HCF consumed each month
- (ii) Tier 2: \$4.39 per HCF for water consumed between 5-6 HCF each month
- (iii) Tier 3: \$6.10 per HCF for water consumed above 6 HCF each month

(c) Example. *The monthly billing for a three (3) unit multi-family structure will be calculated as follows:*

Up to 12 HCF of water at Tier 1 pricing: {up to 4 HCF of Tier 1 water} x {3 units}
Up to 6 HCF of water at Tier 2 pricing: {up to 2 HCF of Tier 2 water} x {3 units}
Remaining HCF of water at Tier 3 pricing: {all HCF above 18 HCF}

Section 4.5 Metered Consumption Rates. The variable monthly rate based on metered consumption for Commercial, Governmental, and Industrial (including Construction and Hydrant) meters shall be:

- (a) Non-Harbor: \$4.26 per HCF.
- (b) Harbor: \$4.98 per HCF.

Section 4.6 Monthly Rates Dedicated Fire Line Rates. The monthly rates for connections dedicated solely to the provision of fire protection shall be based on the diameter of the connection at these rates:

- (a) 1" connection: \$6.07/month
- (b) 2" connection: \$11.35/month
- (c) 3" connection: \$23.33/month
- (d) 4" connection: \$44.01/month
- (e) 6" connection: \$118.20/month
- (f) 8" connection: \$246.16/month

Section 4.7 Charges for Relocation or Abandonment of Metered Service. Charges for all meter relocation services will be billed at the District's actual cost plus a 15% administration fee to cover handling and billing costs on all materials as well as other related costs incurred by the District in connection with the provision of these services. An estimate of costs for each relocation or abandonment shall be available upon request from the District's General Manager.

Section 4.8 Connection Charges Governed by the 1996 Water Service Agreement.

All connection charges for water connections made within the Harbor are governed by the 1996 Water Service Agreement.

Section 4.9 Connection Charges Not Governed by the 1996 Water Service Agreement.

(a) **Capacity Connection Charge.** Subject to Section 4.8 above, any new development within the District's service area requiring a metered service connection to the District's water mains shall be subject to a capacity-based connection fee according to the following schedule:

- (i) ¾" connection: **\$6,064.00** (based on equivalency factor: 1)
- (ii) 1" connection: **\$12,128.00** (based on equivalency factor: 2)
- (iii) 1 ½" connection: **\$24,252.00** (based on equivalency factor: 4)
- (iv) 2" connection: **\$43,909.00** (based on equivalency factor: 7)
- (v) 3" connection: **\$90,946.00** (based on equivalency factor: 15)
- (vi) 4" connection: **\$181,893.00** (based on equivalency factor: 30)
- (vii) 6" connection: **\$363,786.00** (based on equivalency factor: 60)

(b) **Capacity Connection Charges for Dedicated Fire Protection Connections.** Subject to Section 4.8 above, any development within the District's service area requiring a metered service connection to the District's water mains that will be dedicated solely to fire protection shall be subject to a capacity-based connection fee according to the following schedule:

- (i) ¾" connection: **\$800.00**
- (ii) 1" connection: **\$1,212.00**
- (iii) 2" connection: **\$1,842.00**
- (iv) 3" connection: **\$2,818.00**
- (v) 4" connection: **\$3,860.00**
- (vi) 6" connection: **\$5,712.00**

In addition to this connection fee, applicants will be billed the District's the actual cost to install the required connection plus a 15% administrative fee to cover handling and billing costs, on all materials or external costs incurred by the District. An estimate of costs for each installation can be obtained upon request from the District General Manager.

(c) **Connection Charge for Delayed Construction on Vacant Parcels.**

- (i) *Structures Constructed Within 5 Years of Paying Connection Charge.* Any structure proposed for residential, commercial, or industrial uses on a vacant and unconnected parcel within the District's service area on a parcel for which a Connection Charge has been paid within the 5 years of the date of the requested connection to the District's water system shall not be subject to the payment of the applicable Connection Charge. This subsection is subject to Section 4.9(e) describing Incremental Water Connection Charges, below.
- (ii) *Structures Constructed 5-10 Years After Paying Connection Charge.* Any structure proposed for residential, commercial, or industrial uses on a vacant and unconnected parcel within the District's service area on a parcel for which a Connection Charge has been paid more than 5 years but less than 10 years from the date of the requested connection to the District's water system shall be subject to the payment of the applicable Connection Charge at a 50% reduced rate. This subsection is subject to Section 4.9(e) describing Incremental Water Connection Charges, below.
- (iii) *Structures Constructed More Than 10 Years After Paying Connection Charge.*

Any structure proposed for residential, commercial, or industrial uses on a vacant and unconnected parcel within the District's service area on a parcel for which a Connection Charge has been paid more than 10 years from the date of the requested connection to the District's water system shall be subject to the payment of the applicable Connection Charge.

(d) Connection Charge for Demolished and Replaced Structures.

- (i) Structures Replaced Within 5 Years of Demolition.** Any structure proposed for residential, commercial, and/or industrial uses within the District's service area that is being constructed to replace a demolished structure shall **not** be subject to the payment of applicable Connection Charges provided: (1) The structure being replaced was properly connected to the District's sewer system, as evidenced by the payment of past applicable sewer connection charges, and (2) the replacement structure is constructed within five (5) years from the date of demolition for the structure it replaces. The property owner shall bear the burden of proof as to the above (5) year time period.
 - (ii) Structures Replaced 5-10 Years After Demolition.** If a property owner delays in constructing a replacement structure until more than five (5) years but less than ten (10) years from the date of applicable connection charges being paid or the date of demolition, the District shall levy and collect all applicable Sewer Connection Charges in effect at the time of request for a "Water Service Will Serve or Water Availability Letter" for the structure. However, said charges shall be reduced by (50%) Fifty Percent.
 - (iii) Structures Replaced More Than 10 Years After Demolition.** If a property owner delays in constructing a replacement structure until more than ten (10) years from the date of demolition, then there shall be no reduction in the applicable Sewer Connection Charge.
- (e) Incremental Water Connection Charge.** Notwithstanding any other part of this Ordinance, the District shall levy incremental an Incremental Water Connection Charge for any replacement structure which requires a larger size water meter. This incremental charge shall be based on the difference in charges between the larger size connections minus the dollar value of the charges for the original sized connections on the demolished structure. Payment of these charges shall occur prior to and as a condition of the issuance of "Water Will Serve or Water Availability Letter"
- (f) Issuance of Letters.** Payment of all Water Connection Charges shall occur prior to and as a condition of the issuance of "Water/Sewer Will Serve Letter" or "Water/Sewer Availability Letter."

Section 4.10 Charges for Modifying Fire Sprinkler System Service Connections.

- (a) Ventura County Fire Protection District ("VCFPD") Ordinance No. 25** requires new homes and/or remodeled homes to install fire sprinkler systems under certain specific conditions. The design of said sprinkler systems will be determined by the VCFPD.
- (b) Charges** or all water service modifications or installations required to accommodate fire sprinkler installations utilizing the same size water meter and pipe will be billed at actual cost to the District, plus a 15% administrative fee to

cover handling and billing costs on all materials or external costs incurred by the District. An estimate of costs for each installation can be obtained upon request from the District General Manager.

- (c) If VCFPD determines a larger diameter meter or pipe is necessary to comply with its Ordinance Code, then fees for such replacement equipment shall be calculated in accordance with Section 6.6(d) of this Ordinance.

SECTION 5: Sewer Service Charges

Section 5.1 Definitions. For the purposes of this section, the following definitions shall apply:

- (a) "Equivalent Residential Unit" or (ERU) shall mean:
 - a. One (1) freestanding single-family residence; or
 - b. Any dwelling unit, attached or detached, designed to be an independent dwelling unit; or
 - c. Any independent dwelling unit that is part of an apartment complex, condominium development, mobile home, or duplex.
- (b) "Single Family Residential" shall mean one (1) Single Family residence with no attached or detached accessory dwelling units.
- (c) "Multi-Family Residential" (MFR) shall mean any residential structure comprised of more than one (1) dwelling unit, including single-family residences with one (1) or more accessory dwelling units.
- (d) "Sewer service only" shall mean those facilities known as the Hollywood Beach Mobile Home Park and the "Harbor Walk Condominiums".
- (e) "Commercial I – Low" shall mean any premises used for general office functions, retail and or enterprise where it can be reasonably expected that the strength of sewerage generated and discharged will be generally low in total suspended solids and generally low in Bio Oxygen Demand (BOD).
- (f) "Commercial III – High" shall mean any premises used of the purpose of food production, restaurant service or where the sewerage generated and discharged can be reasonably expected to produce high volumes of flow, high total suspended solids and high Bio Oxygen Demand.
- (g) "School" shall mean any premises owned and operated by the Port Hueneme School District.
- (h) "HCF" shall mean Hundred Cubic Feet of water; an industry standard unit of measure for water consumption. One (1) HCF equals 748 gallons of water.
- (i) "Return to Sewer" or (RTS) is the amount of wastewater that flows to the District's sewer system; because of the technical limitations on accurately measuring the flows of sewage from individual connections, RTS is calculated based on industry-standard ratios that are a function of type of use and amount of water delivered. The return to sewer factor for Single-Family Residential and Multi-Family Residential customers is based on annualized FY 2015 winter usage.
- (j) "Lateral" shall mean those portions of sewer line necessary to connect any property to the District Waste Water Collection System, including those portions in the public right of way up to and including the Wye connection to the District Sewer main and those sections extending onto private property.
- (k) "Date of Demolition" or "Demolition" shall mean the sign-off date of an approved

demolition permit from the County of Ventura.

SECTION 5.2: Monthly Base and Variable Sewer Rates. The sewer rates shall be comprised of a monthly base service charge in addition to variable charges based on usage according to the following schedule of rates effective beginning at 12:01am on July 15, 2018:

- (a) **Monthly Base Rates (based on type of connection):**
- (i) Single Family Residential: **\$24.91** per month per connection
 - (ii) Multi-Family Residential: **\$19.92** per month per ERU behind connection
 - (iii) Sewer Service Only: **\$19.92** per month per ERU behind connection
 - (iv) School: **\$147.18** per month per connection
 - (v) Commercial I – Low: **\$23.44** per month per connection
 - (vi) Commercial III – High: **\$59.09** per month per connection
- (b) **Variable Rates (based on metered water consumption and listed RTS):**
- (i) Single-Family Residential: **\$5.88** per HCF per month; calculated at 93% RTS
 - (ii) Multi-Family Residential: **\$5.88** per HCF per month for each metered connection; calculated at 94% RTS
 - (iii) Sewer Service Only: **\$5.88** per HCF per month for each metered connection; calculated at 94% RTS
 - (iv) School: **\$5.61** per HCF per month for each metered connection; calculated at 100% RTS
 - (v) Commercial I – Low: **\$5.67** per HCF per month for each metered connection; calculated at 100% RTS
 - (vi) Commercial III – High: **\$7.04** per HCF per month for each metered connection; calculated at 100% RTS

(a) **Section 5.3: Sewer Connection Charges. New Connection Charge.** Each residential/commercial unit served by a 4 inch or smaller lateral to be connected directly to the District Waste Water Collection System shall be assessed a \$8,656.00 connection fee by the District. Payment of the connection fee authorizes a single connection from the subject property to the District Waste Water Collection System. It is the sole responsibility of the parcel owner to install and maintain the sewer lateral connecting the subject property to the District owned collection system.

- (b) **Connection Charge for Delayed Construction on Vacant Parcels.**
- i. *Structures Constructed Within 5 Years of Paying Connection Charge.* Any structure proposed for residential, commercial, or industrial uses on a vacant and unconnected parcel within the District's service area on a parcel for which a Connection Charge has been paid within the 5 years of the date of the requested connection to the District's sewer system shall not be subject to the payment of the applicable Connection Charge. This subsection is subject to Section 4.9(e) describing Incremental Water Connection Charges, below.
 - ii. *Structures Constructed 5-10 Years After Paying Connection Charge.* Any structure proposed for residential, commercial, or industrial uses on a vacant and

unconnected parcel within the District's service area on a parcel for which a Connection Charge has been paid more than 5 years but less than 10 years from the date of the requested connection to the District's sewer system shall be subject to the payment of the applicable Connection Charge at a 50% reduced rate. This subsection is subject to Section 4.9(e) describing Incremental Water Connection Charges, below.

- iii. *Structures Constructed More Than 10 Years After Paying Connection Charge.* Any structure proposed for residential, commercial, or industrial uses on a vacant and unconnected parcel within the District's service area on a parcel for which a Connection Charge has been paid more than 10 years from the date of the requested connection to the District's sewer system shall be subject to the payment of the applicable Connection Charge.
- (c) **Connection Charge for Demolished and Replaced Structures.**
- (i) *Structures Replaced Within 5 Years of Demolition.* Any structure proposed for residential, commercial, and/or industrial uses within the District's service area that is being constructed to replace a demolished structure shall **not** be subject to the payment of applicable Connection Charges provided: (1) The structure being replaced was properly connected to the District's sewer system, as evidenced by the payment of past applicable sewer connection charges, and (2) the replacement structure is constructed within five (5) years from the date of demolition, for the structure it replaces. The property owner shall bear the burden of proof as to the above (5) year time period.
 - (ii) *Structures Replaced 5-10 Years After Demolition.* If a property owner delays in constructing a replacement structure until more than five (5) years but less than ten (10) years from the date of applicable connection charges being paid or the date of demolition, the District shall levy and collect all applicable Sewer Connection Charges in effect at the time of request for a "Water/Sewer Will Serve Letter" or "Water/Sewer Availability Letter" for the structure. However, said charges shall be reduced by (50%) Fifty Percent.
 - (iii) *Structures Replaced More Than 10 Years After Demolition.* If a property owner delays in constructing a replacement structure until more than ten (10) years from the date of demolition, then there shall be no reduction in the applicable Sewer Connection Charge.
- (d) **Incremental Sewer Connection Charge.** Notwithstanding any other part of this Ordinance, the District shall levy incremental an Incremental Sewer Connection Charge on for any replacement structure which requires a larger size water meter. This incremental charge shall be based on the difference in charges between the larger size connections minus the dollar value of the charges for the original sized connections on the demolished structure.
- (e) **Issuance of Letters.** Payment of all Sewer Connection Charges shall occur prior to and as a condition of the issuance of "Water/Sewer Will Serve Letter" or "Water/Sewer Availability Letter."

SECTION 6: Charges and Requirements for Remodeling, Replacement, Modification, or Redevelopment Affecting the District's Water or Waste Water Systems

Section 6.1 Charges.

- a) *Cost Calculation.* Notwithstanding any other provisions of this ordinance, the following requirements shall apply to any property connected to the Districts Water or Waste Water Collection System that is to be remodeled, modified or redeveloped in any matter that includes the repair, replacement or modification of facilities, infrastructure or piping connected to the Districts water or waste water system shall pay to the District the actual cost incurred to the District plus a 15% administrative overhead fee for staff time in plan review, inspections and other charges that may include, but are not limited to atlas updates, hydraulic modeling, construction cost, sampling or engineering.
- b) *Deposit.* A minimum deposit for each project shall be collected by the District from each applicant in accordance with following schedule:
 - (i) Residential Property: \$250.00
 - (ii) Commercial Property with ¾" and 1" meter: \$250.00
 - (iii) Commercial Property with 1.5" and larger meter: \$1000.00
- c) *Costs in Excess of Deposit.* Should the actual cost incurred by the District exceed the amount of the deposit the applicant or property owner shall be required to pay those costs in full prior to receiving service from the District. In the event the actual cost incurred are less than the amount of the deposit the District shall refund the remaining balance of the deposit within thirty days of being notified by the applicant that the project is complete.

Section 6.2 Requirement to Camera Sewer Lateral. Prior to reconnecting to the District Waste Water Collection System the parcel owner shall arrange for and pay for a video inspection of the sewer lateral. The video inspection must occur with an authorized agent of the District present or a copy of the video inspection shall be provided to the District in DVD format. Upon review of the video inspection, the District may require the repair or replacement of any portion of the lateral shown to have the potential for excessive velocities, failures, infiltration of water, roots, soil, or the introduction of anything other than waste water into the District Waste Water Collection System.

SECTION 7: Adoption of Certain Articles and Chapters of the City of Port Hueneme Municipal Code

Pursuant to the Government Code sections 61060 and 61100, Article VII- Public Utilities, Chapter 2 – Sewer Service of the City Of Port Hueneme Municipal Code is hereby adopted by reference and made a part of this Ordinance provided that (1) references to administrative authorities therein be construed, whenever applicable based on context, to refer to the Channel Islands Beach Community Services District ("District") (2) references to authorities therein designated to the Public Works Director be construed, whenever applicable based on context to refer to the District General Manager, (3) The following portions of Article V11- Public Utilities, Chapter 2 – Sewer Service of the City Of Port Hueneme Municipal Code are specifically not part of the referenced adoption and shall not be deemed enforceable or adopted:

- (a) 7152G paragraph (2)
- (b) 7152H paragraphs (2) & (3)
- (c) 7154D is excluded in its' entirety
- (d) Section 7155 is excluded in its' entirety

- (e) 7156A, 7156B, 7156C, 7156D, 7156E, 7156F, 7156G, 7156H, 7156I, 7156J, 7156K and 7156L are excluded in their entirety
- (f) 7157B and 7157C are excluded in their entirety
- (g) Section 7159 is excluded in its' entirety
- (h) Section 7160 is excluded in its' entirety

In the case of any conflict between the code adopted by reference herein and a rule or regulation separately adopted by the District, the District's separately adopted rule or regulation shall prevail.

SECTION 8: Effective Date

This Ordinance shall become effective at **12:01 a.m. on July 15, 2018.**

SECTION 9: Publication

Upon adoption, this Ordinance shall be published in title and general description only in a newspaper of general circulation within the District's general area of service.

SECTION 10: Severability

In the event that any section, clause or portion of this Ordinance is found to be invalid, the validity of the remaining sections of the Ordinance shall not be affected.

PASSED, APPROVED and ADOPTED by the Channel Islands Beach Community Services District Board of Directors on this **12th day of , 2018**, by the following vote:

AYES: Spiegel, Brewer, Marcus, Koesterer, and Nast

NOES: None

ABSENT: None



ELLEN SPIEGEL, BOARD PRESIDENT



ATTEST:



AKBAR ALIKHAN
GENERAL MANAGER

APPROVED AS TO FORM:



JOHN MATHEWS
GENERAL COUNSEL