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ARTICLE 28.            SANITATION DISTRICTS AND USE OF RULES AND REGULATIONS.

Sec. 28.1.            Declaration of Policy.

It is the policy of the Olivenhain Municipal Water District to provide for the maximum public benefit from the use of Sanitation District facilities. This shall be accomplished by regulating sewer use and wastewater discharges, by providing equitable distribution of District's costs and by providing procedures that will allow the District to comply with the requirements placed upon the District by other regulatory agencies. The revenues to be derived from the application of this policy shall be used to defray all costs of providing sewerage service by the District, including, but not limited to, administration, operation, monitoring, maintenance, financing, capital construction, replacement and recovery, and provisions for necessary reserves.

*Sec. 28.2 revised by Ordinance No. 357 / January 23, 2008*

Sec. 28.2.            Regulatory Compliance.

The District shall comply with Federal and State of California policies to permit the District to meet applicable standards of treatment plant effluent quality; provisions shall be made in the Rules and Regulations for the regulation of wastewater discharges. These Rules and Regulations shall establish quantity and quality limitations on all wastewater discharges, which may adversely affect District sewerage systems treatment processes, or effluent quality. It shall be the intent of these limitations to improve the quality of wastewater received for treatment, so as to enhance and encourage recycled water use for irrigation and other non-potable purposes.

Sec. 28.3.            Legislative Findings.

The Board of Directors finds and determines that the implementation of sewerage service within the service jurisdiction of the District is necessary to meet the growing demand for utility service within the District, to reduce the demand for imported water to serve the District's customers, and to properly utilize local sources of usable water through the process of reclaiming wastewater for irrigation and other non-potable uses.

*Sec. 28.4 revised by Ordinance No. 305 / October 22, 2003*

Sec. 28.4.            Establishment of Rules and Regulations.

The General Manager or his designated representative is authorized and directed to draft and amend from time to time the Rules and Regulations for the use of Sanitation District Sewerage Facilities within the Olivenhain Municipal Water District. All such Rules and

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Regulations shall be approved by the Board of Directors of the District. The Rules and Regulations shall be distributed to the California Department of Health Services, and the San Diego County Health Department for their approval, and as amended from time to time to ensure the preservation of these beneficial uses and to protect the public health. These Rules and Regulations are incorporated herein as Exhibit “A” to Ordinance 290.

- Sec. 28.5(A) revised by Ordinance No. 479 / November 18, 2020*
- Sec. 28.5(A) revised by Ordinance No. 475 / May 20, 2020*
- Sec. 28.5(A) revised by Ordinance No. 437 / June 15, 2016*
- Sec. 28.5,(A) revised by Ordinance No. 371-A / June 24, 2009*
- Sec. 28.5,(A) revised by Ordinance No. 361 / June 11, 2008*
- Sec. 28.5,(A) revised by Ordinance No. 349 / June 27, 2007*
- Sec. 28.5,(A) revised by Ordinance No. 332 / June 21, 2006*
- Sec. 28.5,(A) revised by Ordinance No. 304 / June 25, 2003*

**Sec. 28.5 Sewer Service Fees and Charges.**

Sewer service fees are calculated to recover the cost to collect, treat and dispose of sewage, as well as to maintain the 4S Ranch Wastewater and Reclamation Facilities within the 4S Ranch Sanitation District and Rancho Cielo Sanitation District. There shall be established, based on the estimated amount of sewage generated by each user in hundred cubic feet, and based upon each parcel in the various Sanitation Districts that discharge sewage directly or indirectly into the sewer lines of the District and upon each person owning, letting, or occupying any parcel an annual sewer service charge for each equivalent dwelling unit. This charge is generally based on the annual operating and maintenance cost of the District.

**A. Sewer Service Fees and Charges.**

Based on sewage flows and strengths, the sewer rate structure for the District’s sewer service fees is comprised of five customer classes and is charged and collected for sewer services provided to all sewer customers as defined in the Olivenhain Municipal Water District Wastewater Rate Study, Capacity Fee, and Annexation Report, updated March 2016. The sewer customer classes and service fees are to be charged as follows:

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**Sewer Service Fees – July 1, 2016**

	<b><u>Service Charge (Annual) Per EDU</u></b>	<b><u>Commodity Charge Variable Rate Per HCF</u></b>	<b><u>Total for Single Family Users</u></b>
<b><u>Residential Single Family</u></b>			
<b><u>Single Family – 4S Ranch, SantaLuz &amp; BMR East Cluster</u></b>	<u>\$ 165.70</u>	<u>\$ 6.01</u>	<u>varies</u>
<b><u>Single Family – Rancho Cielo</u></b>	<u>\$ 165.70</u>	<u>\$ 6.01</u>	<u>varies</u>
<b><u>Multi-Family 4S Ranch</u></b>	<u>\$ 165.70</u>	<u>\$ 6.01</u>	<u>varies</u>
<b><u>Non-Residential – Commercial/Industrial</u></b>			
<b><u>Group I</u></b>	<u>\$ 165.70</u>	<u>\$ 6.01</u>	<u>varies</u>
<b><u>Group II</u></b>	<u>\$ 165.70</u>	<u>\$ 9.29</u>	<u>varies</u>
<b><u>Group III</u></b>	<u>\$ 165.70</u>	<u>\$ 10.37</u>	<u>varies</u>

**Sewer Service Fees – July 1, 2017**

	<b><u>Service Charge (Annual) Per EDU</u></b>	<b><u>Commodity Charge Variable Rate Per HCF</u></b>	<b><u>Total for Single Family Users</u></b>
<b><u>Residential Single Family</u></b>			
<b><u>Single Family – 4S Ranch, SantaLuz &amp; BMR East Cluster</u></b>	<u>\$ 170.68</u>	<u>\$ 6.20</u>	<u>varies</u>
<b><u>Single Family – Rancho Cielo</u></b>	<u>\$ 170.68</u>	<u>\$ 6.20</u>	<u>varies</u>
<b><u>Multi-Family 4S Ranch</u></b>	<u>\$ 170.68</u>	<u>\$ 6.20</u>	<u>varies</u>
<b><u>Non-Residential – Commercial/Industrial</u></b>			
<b><u>Group I</u></b>	<u>\$ 170.68</u>	<u>\$ 6.20</u>	<u>varies</u>
<b><u>Group II</u></b>	<u>\$ 170.68</u>	<u>\$ 9.57</u>	<u>varies</u>
<b><u>Group III</u></b>	<u>\$ 170.68</u>	<u>\$ 10.69</u>	<u>varies</u>

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**Sewer Service Fees – July 1, 2018**

	<b><u>Service Charge (Annual) Per EDU</u></b>	<b><u>Commodity Charge Variable Rate Per HCF</u></b>	<b><u>Total for Single Family Users</u></b>
<b><u>Residential Single Family</u></b>			
<b><u>Single Family – 4S Ranch, SantaLuz &amp; BMR East Cluster</u></b>	<u>\$ 175.81</u>	<u>\$ 6.39</u>	<u>varies</u>
<b><u>Single Family – Rancho Cielo</u></b>	<u>\$ 175.81</u>	<u>\$ 6.39</u>	<u>varies</u>
<b><u>Multi-Family 4S Ranch</u></b>	<u>\$ 175.81</u>	<u>\$ 6.39</u>	<u>varies</u>
<b><u>Non-Residential – Commercial/Industrial</u></b>			
<b><u>Group I</u></b>	<u>\$ 175.81</u>	<u>\$ 6.39</u>	<u>varies</u>
<b><u>Group II</u></b>	<u>\$ 175.81</u>	<u>\$ 9.86</u>	<u>varies</u>
<b><u>Group III</u></b>	<u>\$ 175.81</u>	<u>\$11.02</u>	<u>varies</u>

**Sewer Service Fees – July 1, 2019**

	<b><u>Service Charge (Annual) Per EDU</u></b>	<b><u>Commodity Charge Variable Rate Per HCF</u></b>	<b><u>Total for Single Family Users</u></b>
<b><u>Residential Single Family</u></b>			
<b><u>Single Family – 4S Ranch, SantaLuz &amp; BMR East Cluster</u></b>	<u>\$ 181.09</u>	<u>\$ 6.59</u>	<u>varies</u>
<b><u>Single Family – Rancho Cielo</u></b>	<u>\$ 181.09</u>	<u>\$ 6.59</u>	<u>varies</u>
<b><u>Multi-Family 4S Ranch</u></b>	<u>\$ 181.09</u>	<u>\$ 6.59</u>	<u>varies</u>
<b><u>Non-Residential – Commercial/Industrial</u></b>			
<b><u>Group I</u></b>	<u>\$ 181.09</u>	<u>\$ 6.59</u>	<u>varies</u>
<b><u>Group II</u></b>	<u>\$ 181.09</u>	<u>\$ 10.16</u>	<u>varies</u>
<b><u>Group III</u></b>	<u>\$ 181.09</u>	<u>\$ 11.36</u>	<u>varies</u>

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B.    Equivalent Dwelling Unit.

Within the 4S Ranch Sanitation District and Rancho Cielo Sanitation District, an EDU shall mean the standard measurement of wastewater discharged into the collection and treatment system equal to the average discharge from a detached single-family unit.

Calculations of EDUs for commercial, industrial and other non-residential uses shall be made by District staff on a case-by-case basis.

This standard measurement may be modified from time to time whenever determined appropriate by the District to reflect average actual utilization.

Equivalent dwelling unit calculations and subsequent capacity fees shall be based on an evaluation of the proposed fixture unit value and comparison with fees as set forth in this Ordinance, at the sole discretion of the District.

The use of a sewer connection shall be limited to the type and number of Equivalent Dwelling Units authorized by the original wastewater discharge permit. Prior to adding any additional Equivalent Dwelling Units, buildings, modifying existing buildings, or changing occupancy type, the property owner shall make a supplementary wastewater permit application to the District for such change in use and pay additional Sewer Service Fees, as may be applicable.

Sec. 28.6.            Payment of Sewer Service Charge.

When application is made for permission to connect a premise to the sewer system of the District, there shall become owing, due and payable, in advance, the sewer service charges for the remainder of the fiscal year in which said application is made, such sewer service charges to be computed by prorating the annual charges from the first day of the second calendar month following the date of such application; provided, however, that where such application is made after the last day of February and prior to the first day of July of any year, there shall become owing, due and payable at the same time in advance the sewer charges for the next succeeding fiscal year. Sewer service charges which become owing, due and payable at the

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time such application is made for permission to connect to the sewer system of the District shall be paid to the Olivenhain Municipal Water District prior to the issuance of any permit authorizing the connection of such premise to the District's sewer system. Thereafter, the sewer service charges for such premise shall become owing, due and payable annually in advance on the first day of July. Such sewer service charges shall be payable to the Olivenhain Municipal Water District and become delinquent on the first day of September following the date on which they become due unless such sewer service charges are to be collected with the taxes of the District as authorized by Section 28.8 of the Ordinance.

Sec. 28.7.            Change in Discharges Resulting in Increased Rate.

Whenever the discharge of any premise is changed in either quantity or quality or both so that there is an increased sewer service charge applicable to such premises, as determined by the General Manager in his sole discretion, the District shall notify the owner of the premise in writing of the charge. Upon receipt of this notice there shall become owing, due and payable the prorated amount of the increase rate applicable to the premise for the remainder of the fiscal year in which the charge is made. The charge imposed by the section shall become delinquent sixty (60) days following the date it becomes due.

Sec. 28.8.            Collection on the County of San Diego Tax Rolls.

Notwithstanding any other provisions of the Olivenhain Municipal Water District, the sewer service fees imposed by Section 28.5 of this Ordinance may be collected on the tax roll in the same manner and together with the general taxes of the District pursuant to Section 5473 of the Health and Safety Code.

*Sec. 28.9 revised by Ordinance No. 437 / June 15, 2016*

Sec. 28.9.            Election to Have Fees and Charges Collected With Taxes.

The Board of the Olivenhain Municipal Water District pursuant to Section 5473 of the Health and Safety Code hereby elects to have the sewer service charges that are imposed by Section 28.5 of this Ordinance and become due July 1, 1998, and each July 1<sup>st</sup> thereafter, collected on the tax roll in the same manner, by the same persons, and at the time as, together with and not separately from the general taxes of the District.

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*Sec. 28.10. revised by Ordinance No. 479 / November 18, 2020*

Sec.28.10.            Sewer Capacity Fees.

In addition to any other fees for connections to the sewer system within a district, a Sewer Capacity Fee for district sewer capacity shall be established by each District and shall be set forth in the Sewer Capacity Fee Ordinance.

- a. The Sewer Capacity Fee shall be applied to each Equivalent Dwelling Unit connected to the sewer system of a district after the effective date of the Ordinance. Equivalent Dwelling Units, as defined in Section 28.5 shall be used to compute the amount of the Sewer Capacity Fee.
- b. Changes in Use Resulting in Increased Sewer Capacity Fees: The use of a sewer connection shall be limited to the type and number of Equivalent Dwelling Units authorized by the original wastewater discharge permit. Before adding any additional Equivalent Dwelling Units, buildings, modifying existing buildings, or changing occupancy type, the property owner shall make a supplementary wastewater permit application to the District for such change in use and pay additional Sewer Capacity Fees, if necessary, as may be applicable.

Periodic inspection of the premises may be made by the District and if an unauthorized change in use is found, an assignment for sewer service shall be made by the District and any appropriate additional capacity fees shall be assessed in accordance with this Ordinance and the current District Sewer Capacity Fee Ordinance.

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*Sec. 28.11. revised via Ordinance 305 / October 22, 2003*

Sec. 28.11.            Entry Upon Private Property to Enforce Provisions.  
District employees, agents, and consultants shall be permitted to enter on private property to inspect, sample, test, or for other reasons to ensure compliance with all District rules and regulations, and this Administrative and Ethics Code with the consent of the owners. If the owners do not consent, the District may obtain a warrant to enter private property in accordance with Water Code Section 71601.

Sec. 28.12.            Annexation Fee.  
In addition to any other fees established by each district, annexation fees shall be paid in accordance with the following:

- a) Application Fee. Territories annexed to the District shall pay application fees as established by the District and set forth in the Olivenhain Municipal Water District Administrative Code, Article 24, Annexations.
- b) Annexation Fee. Each Sanitation District shall establish an annexation use fee comprised of a fixed fee per acre (prorated for fractional acre lots). These fees shall be set forth in accordance with the Administrative Code, Article 24, Annexations.

*Sec. 28.14 (now 28.13) revised by Ordinance No. 437 / June 15, 2016*

*Sec. 28.14. revised by Ordinance No. 431 / October 14, 2015*

Sec. 28.13.            Miscellaneous Provisions.

- a) Users Outside the District. The Board of Directors of the District may establish by agreement that fees and charges and such other conditions as appropriate shall be imposed for providing sewer service to premises located outside of the District provided that such fees and charges shall not be less than would apply to similar services within the District.
- b) Modification of Fees and Charges. The fees and charges established by this Ordinance or by each District Fee Ordinance may be modified or amended by Ordinance of the Board of Directors.



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- c) Deposit and Expenditure of Fees and Charges. All fees and charges collected pursuant to each District Fee Ordinance shall be deposited in the revenue fund of the particular Sanitation District from where the revenues were collected.
  
- d) Use of District's Facilities Prohibited Unless Fees and Charges Paid. No person or entity shall discharge, or allow the discharge of, or dump sewage or other waste matter into the District's sewer system unless a sewer permit has been issued and all District fees and charges have been paid.
  
- e) Unlawful to make Sewer Connection Without Payment of Fee. It shall be unlawful for any person to connect any building to a District's sewerage system without first paying the fees prescribed by the District Fee Ordinance.
  
- f) Users Responsibility. The costs for installation, maintenance, replacement, and permitting of sewer service laterals shall be the responsibility of the property owner.