

## ORDINANCE NO. 2022-1

### ORDINANCE OF MENDOCINO CITY COMMUNITY SERVICES DISTRICT MONTHLY SEWER SERVICE CHARGES

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**WHEREAS**, the monthly sewer service charges as set forth in Ordinance No. 74-1, have been amended by Ordinances 75-2, 78-1, 79-2, 81-1, 87-1, 88-1, 88-3, 88-6, 91-4, 91-5, 93-1, 95-1, 97-3, 00-3, 03-1, 04-2, 05-1, 08-1, 11-2, 15-1; and

**WHEREAS**, 40 CFR 35.929-1(a) requires that the District's user charge system is based on actual or estimated wastewater volume per user or user group, and that each user group shall pay its proportionate share of operation and maintenance (including replacement) costs of the treatment works based on the proportionate contribution to the total wastewater loading from each user group; and

**WHEREAS**, in accordance with the Federal Clean Water Act, all users in the MCCSD are required to pay their proportionate cost of operation and maintenance (including replacement) of any waste treatment services provided by the District; and

**WHEREAS**, the District is required to share the costs of operating and maintaining the District's wastewater treatment facilities equitably among each user group within the District; and

**WHEREAS**, the District has adopted the concept of the Equivalent Single-Family Dwelling (ESD), which is based on a 1-or 2- bedroom residential unit placing a theoretical load on the District wastewater treatment system of 200 gallons per unit per day or one ESD; and

**WHEREAS**, other uses are rated a fraction or multiple of one ESD based on their estimated load on the District's wastewater treatment system; and

**WHEREAS**, the Board of Directors believes that treating user groups the same for treating the same volume of usage is equitable and brings parity to the system; and

**WHEREAS**, to distinguish among user groups, the District has established Sewer Service Charge Definitions (as attached in Exhibit A, which is hereby incorporated by reference); and

**WHEREAS**, to equitably distribute the District's operation and maintenance costs among user groups, the District has developed a User Category Index, which lists various types of uses and their estimated impact on the District's facilities (as attached in Exhibit B, which is hereby incorporated by reference); and

**WHEREAS**, the District may amend the User Category Index to establish the impact of a new use or to clarify the impact on loading by an existing user group on the District's wastewater treatment facilities, and to calculate new and existing user groups' monthly sewer service charges.

The Board of Directors of the Mendocino City Community Services District hereby **ORDAINS AS FOLLOWS:**

1. The \$50.60 baseline residential or Equivalent Single-Family Dwelling (ESD) Monthly Sewer Service Charge as established in Ordinance No. 15-1, shall be increased to \$67.30 for the remainder of Fiscal Year (FY) 2022-23 (Feb 1 to June 30, 2023), \$77.39 for FY 2023-24, \$86.68 for FY 2024-25, \$91.88 for FY 2025-26, and \$97.39 for FY 2026-27 following adoption of Ordinance 2022-1.

2. The District shall have the same enforcement powers and remedies for the collection of these fees as it has for the collection of other monthly fees.

3. This Ordinance shall be published once in the Mendocino Beacon, a newspaper of general circulation published within the District. This ordinance shall take effect thirty (30) days from the date of adoption.

This Ordinance was first introduced at a regular meeting of the Board of Directors on November 28, 2022, reintroduced at a Special Meeting held December 5, 2022, and finally adopted by the Board of Directors on December 12, 2022 by the following vote:

AYES: 5

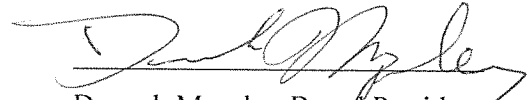
NOES: 0

ABSENT: 0

ATTEST:

  
\_\_\_\_\_

Katie Bates, District Secretary

  
\_\_\_\_\_

Dennak Murphy, Board President

## Exhibit A

### Sewer Service Charge Definitions

**Additional Residence** shall mean occupancy, by non-transient residents, of a second dwelling unit on a parcel, attached to or detached from the primary residence or commercial business, with provisions for, sleeping, eating, cooking, and sanitation. Typical uses include an apartment or studio.

**Bar** shall mean an establishment or place of business primarily engaged in the sale of prepared food or beverages for on-premises consumption.

**Bed & Breakfast** shall mean any building or portion thereof or group of buildings containing no more than four (4) dwelling units or sleeping units, which are designed or intended to be used, let, or hired out for occupancy by transient guests for compensation or profit, with the express permission of the owner, wherein breakfast may be provided for compensation or profit.

**Cottage Industry** shall mean a secondary use of a parcel containing a Single Family Residence, which is the primary residence of the owner or operator of the Cottage Industry. No Cottage Industry may occupy more than 640 square feet of area within any building or buildings on the same parcel and not more than 10 customers or clients shall come to the parcel for service or products during any one-day. Specific standards are:

1. Not more than one (1) outside person may be employed on the premises in addition to the members of the family residing on the premises;
2. The Cottage Industry shall be a secondary use of a parcel containing a Single Family Residence or Dwelling Unit as a principal residence of the owner or operator of the Cottage Industry.
3. No Cottage Industry permitted pursuant to the Ordinance may occupy more than 640 square feet of area within any building or buildings on the same parcel.
4. Not more than ten (10) customers or clients shall come to the residence for service or products during any one day.

**Detached Bedroom** shall mean a living space for family members of the regular occupants of the primary residence, and that has independent provisions for sleeping within the detached structure, but lacks provisions for cooking and eating or sanitation.

**Dwelling Unit** shall mean a living space, which provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation.

**Equivalent Single-Family Dwelling (ESD)** shall mean the theoretical load from a 1-2 bedroom single-family residence on the District's wastewater treatment system of 200 gallons per day or one ESD.

**Food and Beverage Establishments** shall mean:

- 1) Full Service w/ Bar Eating and drinking establishments or places of business engaged in the sale of prepared food and beverages for on-premises consumption with a bar and full service.
- 2) Full Service w/o Bar: Eating and drinking establishments or places of business engaged in the sale of prepared food and beverages for on-premises consumption without a bar and with full service.
- 3) No Service: Eating and drinking establishments or places of business engaged in the sale of prepared food and beverages for on-premises consumption with seating and no dish washing and no service.
- 4) No On-Premise Consumption: Eating and drinking establishments or places of business engaged in the sale of prepared food and beverages, and in which no consumption of the product occurs on the premises.

**Gallery** shall mean an establishment that engages in the retail sale of art or specialty items.

**Guest Cottage** shall mean a living space without provisions for cooking, with provisions for sleeping, and sanitation, and where the person or persons are guest(s) of the regular occupants of the primary residence.

**Home Occupation** shall mean an accessory use within a Single Family Residence for gainful employment, which involves the manufacture, provision or sale of goods and /or services, where such uses are clearly incidental and secondary to the use of the Single Family Residence for residential purposes, and must not change the character thereof, or adversely affect the residential or rural nature of its surroundings. Specific Standards are:

1. No person other than members of the family residing on the premises shall be engaged in such occupation;
2. No additional water or sewer demands will be created by the use;
3. The Home Occupation shall be incidental and subordinate to its use for residential purposes and not more than 25 % of the floor area of the residence shall be used for such occupation. Use of any accessory building or garage for these purposes shall be prohibited.
4. No more than ten (10) customers or clients shall come to the residence for service or products in any one day.

**Hotel** shall mean any building or portion thereof containing five (5) or more dwelling units or sleeping units each used, designed or intended to be used, let or hired out for occupancy by transient guests for compensation or profit wherein meals may be provided for compensation or profit.

**Inn** shall mean any building or portion thereof or group of buildings containing five (5) or more dwelling units or sleeping units each used, designed or intended to be used, let or hired out for occupancy by transient guests for compensation or profit, and where regular meals may be provided for compensation or profit.

**Motel** shall mean any building or portion thereof or group of buildings containing five (5) or more dwelling units or sleeping units where such units are directly accessible from an outdoor parking area and where each is used, designed or intended to be used, let or hired out for occupancy by transient guests for compensation or profit.

**Office** shall mean private firms or organizations, which are primarily used for the provision of professional, executive, management, or administrative services.

**Personal Services** shall mean an establishment or place of business primarily engaged in the provision of services of a personal nature. Typical uses include: beauty salon, barbershop, massage studio, or dance studio.

**Retail Store** shall mean a business that is engaged in the sale or rental of commonly used goods and merchandise for personal or household use.

**Single Family Residence** shall mean the occupancy of the primary residential unit of a parcel on a non-transient basis, and the dwelling unit shall provide provisions for sleeping, eating, cooking, and sanitation.

**Single Unit Rental** shall mean the rental of an attached or detached structure (not the primary residence or business) on a parcel for Visitor Accommodations for transient guests for compensation or profit (30 days or less), and shall provide provisions for sleeping, sanitation, and with or without eating and cooking.

**Sleeping Unit** shall mean a living space, which provides living facilities for one or more persons, but does not include provisions for cooking and eating within the unit.

**Vacation Home Rental** shall mean the rental of Single Family Residence for 30 days or less where the only use on the property is for Visitor Accommodations, to be let or hired as an entire unit for occupancy by transient guests for compensation or profit, and limited to one unit per parcel.

**Veterinary Clinic** shall mean an establishment or place of business primarily engaged in the provision of medical, diagnostic, surgical, dental, and therapeutic services to pet, companion, domestic, exotic, wildlife, and livestock animals.

**Visitor Accommodations** shall mean establishments engaged in the provision of lodging services on a less than monthly basis, which may provide incidental food and drink intended for the convenience of the guests.

## Exhibit B User Category Index

1-2 Bedroom Residential ESD = 200 gal/day

Category number	User Category	ESD/Unit	Gal/Unit Loading	Unit Description
	<b>Residential:</b>			
1	Residence w/ 1-2 bedrooms	1.0	200	gal/d per 1-2 bdr. residence
	Each additional bedroom	0.3	60	gal/d per additional bedroom
2	Apartment	1.0	200	gal/d per 1-2 bdr. residence
3	Guest Cottage	0.5	100	gal/d per unit
4	Sleeping Unit	0.6	120	gal/d per unit
	<b>Commercial Visitor Accommodation:</b>			
5	Vac. Home or Single Unit Rental	1.0	200	gal/d per unit
	<b>Inns, Hotels, B&amp;B's, Motel</b>			
6	Dwelling Unit, w/ kit.	0.8	160	gal/d per unit
7	Dwelling Unit, w/ kit., laundry	1.0	200	gal/d per unit
8	Sleeping Unit w/o kit.	0.6	120	gal/d per unit
9	Sleeping Unit w/o kit., laundry	0.8	160	gal/d per unit
	<b>Commercial Business:</b>			
	<b>Cottage Ind./Home Occupation</b>			
10	Residence	1.0	200	gal/d per residence
11	Business Portion of Residence	0.00075	0.15	gal/d/ft <sup>2</sup>
12	<b>Retail Store/Gallery/Office</b>	0.00075	0.15	gal/ft <sup>2</sup>
13	<b>Library</b>	1.0	200	gal/d per unit
	<b>Food and Beverage Establishments</b>			
14	Full Service w/ bar	0.017	3.4	gal/d/ft <sup>2</sup> dining area
15	Full Service w/o bar	0.0145	2.9	gal/d/ft <sup>2</sup> dining area
16	No Service, w/seats, no dish washing	0.0105	2.1	gal/d/ft <sup>2</sup> dining area
17	No On-Premise Consumption	0.0105	2.1	gal/d/ft <sup>2</sup> work area
	<b>Bar</b>			
18	Bar area, per linear foot	0.0335	6.7	gal/d/linear ft of bar
19	Patron area	0.007	1.4	gal/d/ft <sup>2</sup> patron area
20	<b>Laundromat</b>	2	400	gal/d/machine
21	<b>Service Station/Garage</b>	5.0	1,000	gal/d/service station
22	<b>Grocery Store</b>	0.001	0.2	gal/d/ft <sup>2</sup> display & work area

<b>Exhibit B User Category Index</b>				
Category number	User Category	ESD/Unit	Gal/Unit Loading	Unit Description
	<b>Commercial Business:</b>			
	<b>Churches</b>			
23	Church w/ kit.	0.025	5	gal/d/seat
24	Church w/o kit.	0.015	3	gal/d/seat
25	<b>Hall/ Auditorium</b>	0.015	3	gal/d/seat
26	<b>Theater</b>	0.025	5	gal/d/seat
	<b>School:</b>			
27	<b>MUSD/ Rainbow School</b>	0.075	15	gal/d/student
28	<b>Government Office/ Building</b>	0.00075	0.15	gal/d/ft <sup>2</sup> office or work area
	<b>Personal Services</b>			
29	<b>Hair Salons</b>	0.005	1	gal/d/ft <sup>2</sup> work area
30	<b>Hot Tubs</b>	0.0075	1.5	gal/d/ft <sup>2</sup> work area
	<b>Miscellaneous:</b>			
32	<b>Ballpark</b>	4	800	gal/d per unit
33	<b>Mendo. Coast Park &amp; Rec.</b>	0.00075	0.15	gal/d/ft <sup>2</sup>
34	<b>State Park</b>	40.00	8,000	gal/d
35	<b>MFPD Station</b>	1	200	gal/d per station
36	<b>Veterinary Clinic</b>	0.0039	0.77	gal/d/ft <sup>2</sup>

**Other uses not defined herein shall be determined by the Board of Directors.**