

ORDINANCE NO. 2016-1

ORDINANCE OF THE MENDOCINO CITY COMMUNITY SERVICES DISTRICT AMENDING ORDINANCES NO. 74-1, 78-1, 79-1, 86-4, 88-1, 89-1, 91-4, 95-1, 00-2, 01-2, 04-4, and 07-2 OF THE MENDOCINO CITY COMMUNITY SERVICES DISTRICT ESTABLISHING RIGHT-OF-USE CAPACITY CHARGE

WHEREAS, the Right-of-Use Capacity Charge Ordinance No. 74-1, has been amended by Ordinances 78-1, 79-1, 86-4, 88-1, 89-1, 91-4, 95-1, 00-2, 01-2, 04-4, and 07-2; and

WHEREAS, a Right-of-Use Capacity Charge is to be charged to all persons that discharge to the public sewer system or expand existing uses or change the use of properties previously connected to the public sewer system; and

WHEREAS, the District has adopted the concept of the equivalent single-family dwelling (ESD), which is based on a two-bedroom single-family residence under the District's User Category Index. A two-bedroom residence places a theoretical load on the District's wastewater treatment system of 200 gallons per day or one ESD of wastewater loading. Other uses are rated a fraction or multiple of one ESD based on their estimated load on the District's wastewater treatment system. The Board of Directors believes that treating users 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 Right-of-Use Definitions (as attached in Exhibit A, which is hereby incorporated by reference); and

WHEREAS, to equitably establish capacity charge 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. Please see the attached Exhibit B, which is hereby incorporated by reference. These estimates of user groups loading were developed based on the User Category Index and on the District's Water Use Standards, which are used to determine allotments for groundwater extraction permits in Mendocino; and

WHEREAS, the District has developed a six year Right-of-Use Capacity Charge schedule based on the recommendations presented in the May 2016 Sewer System Capacity Charge Report prepared by SHN Engineers & Geologists.

Based on the foregoing, the Board of Directors of the Mendocino City Community Services District hereby **ORDAINS AS FOLLOWS:**

The Right-of-Use Capacity Charge shall authorize a user to discharge to the MCCSD Sewerage System, and a Right-of-Use Capacity Charge shall be based on the User Category Index in Exhibit B. The baseline residential or Equivalent Single-Dwelling (ESD) Right-of-Use Capacity Charge is \$2,858 per ESD. The \$2,858

per ESD Right-of-Use Capacity Charge is the average of the six year schedule of charges found in Table 2 of the May 2016 SHN Engineering & Geologists' Sewer System Capacity Charge Report.

All sewer Right-of-Use Capacity Charges for other Residential and Commercial uses defined in Exhibit A and listed in Exhibit B shall be a fraction or a multiple of the baseline one ESD Right-of-Use Capacity Charge.

The Board shall determine the Right-of-Use Capacity Charge for Residential or Commercial uses not defined herein. Certain discharges are not allowed pursuant to MCCSD Ordinance 09-2, and applicants should review said ordinance prior to applying for a sewer hookup.

Additional Right-of-Use shall be charged for change of use, additional new use or expansion of existing use that increases the water demand on the parcel. If a current use is abandoned, a credit for the amount paid will be applied against the new use(s) Right-of-Use Capacity Charge. The credit for the original amount paid for the abandoned Right-of-Use Capacity Charge only applies when there is an increase in the water demand on the parcel.

There shall be an additional Right-of-Use Capacity Charge for each additional new use, change of use, or expansion of existing use applied for that increases the parcel water demand. There will be no additional Right-of-Use Capacity Charge for a change of use that does not increase the parcel water demand.

Applicants for multiple commercial uses contained on one application shall be charged for each use.

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 charges. This ordinance shall be published once in the Mendocino Beacon, a newspaper of general circulation published within the District. The new Right-of-Use Capacity Charge contained hereby shall take effect on August 25, 2016.

This Ordinance was introduced at a meeting of the Board of Directors on June 27, 2016, and adopted by the Board of Directors on July 25, 2016 by the following vote:

AYES: Directors
NOES: None
ABSENT: None

Roger Schwartz
President of the Board

ATTEST:

Jodi Mitchell
District Secretary

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
	Residential:			
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
	Commercial Visitor Accommodation:			
5	Vac. Home or Single Unit Rental	1.0	200	gal/d per unit
	Inns, Hotels, B&B's, Motel			
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
	Commercial Business:			
	Cottage Ind./Home Occupation			
10	Residence	1.0	200	gal/d per residence
11	Business Portion of Residence	0.00075	0.15	gal/d/ft ²
12	Retail Store/Gallery/Office	0.00075	0.15	gal/ft ²
13	Library	1.0	200	gal/d per unit
	Food and Beverage Establishments			
14	Full Service w/ bar	0.017	3.4	gal/d/ft ² dining area
15	Full Service w/o bar	0.0145	2.9	gal/d/ft ² dining area
16	No Service, w/seats, no dish washing	0.0105	2.1	gal/d/ft ² dining area
17	No On-Premise Consumption	0.0105	2.1	gal/d/ft ² work area
	Bar			
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 ² patron area
20	Laundromat	2	400	gal/d/machine
21	Service Station/Garage	5.0	1,000	gal/d/service station
22	Grocery Store	0.001	0.2	gal/d/ft ² display & work area

Exhibit B User Category Index				
Category number	User Category	ESD/Unit	Gal/Unit Loading	Unit Description
	Commercial Business:			
	Churches			
23	Church w/ kit.	0.025	5	gal/d/seat
24	Church w/o kit.	0.015	3	gal/d/seat
25	Hall/ Auditorium	0.015	3	gal/d/seat
26	Theater	0.025	5	gal/d/seat
	School:			
27	MUSD/ Rainbow School	0.075	15	gal/d/student
28	Government Office/ Building	0.00075	0.15	gal/d/ft ² office or work area
	Personal Services			
29	Hair Salons	0.005	1	gal/d/ft ² work area
30	Hot Tubs	0.0075	1.5	gal/d/ft ² work area
	Miscellaneous:			
31				
32	Ballpark	4	800	gal/d per unit
33	Mendo. Coast Park & Rec.	0.00075	0.15	gal/d/ft ²
34	State Park	40.00	8,000	gal/d
35	MFPD Station	1	200	gal/d per station
36	Veterinary Clinic	0.0039	0.77	gal/d/ft ²

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