

## ORDINANCE NO. 04-03

AN ORDINANCE OF THE CITY OF FERNDALE ESTABLISHING SEWER CONNECTION AND USAGE FEES AND REPEALING RESOLUTION 03-15.

THE CITY COUNCIL OF THE CITY OF FERNDALE DOES ORDAIN AS FOLLOWS:

ARTICLE 1: SHORT TITLE, PURPOSE AND SCOPE

§1.01 This ordinance shall be known and cited as the “Sewer Fee Ordinance”.

§1.02 Purpose: This ordinance is intended to establish sewer fees and annual review of Commercial Sewer Service based on annual water consumption and determining Equivalent Dwelling Units (EDU’s).

§1.03 Scope: The following rules and regulations regarding sewer fees of the City are adopted.

§1.04 The provisions adopted in this ordinance shall not be exclusive but shall be cumulative and complementary to any other provisions of Ferndale City ordinances and County, State and Federal laws. Nothing in this ordinance shall be read, interpreted or construed so as to limit any existing right or power of the City.

§1.05 Upon the effective date of this Ordinance, Resolution 03-15 is repealed.

ARTICLE 2: STATUTORY AUTHORITY / ENFORCEMENT AUTHORITY

§2.01 Government Code 38900 et seq, and Health and Safety Code 5471 et seq, give the city legislative body authority to construct, establish, and maintain drains and sewers and to set fees, tolls, rates, rentals or other charges including water, sewer standby or immediate availability charges, for services and facilities furnished by it, either within or without its territorial limits, in connection with its water, sanitation, storm drainage, or sewerage system.

ARTICLE 3: CONNECTION CHARGES

§3.01 Existing Facilities Connection Charge: A charge computed on a basis of **10%** of the estimated cost of construction of any main public sewer necessary to provide service to any parcel, unit or lot, or part of the property to be served, lying within the present boundaries of the City. This charge shall be deemed to be the property’s share of the cost of the existing sewer facilities of the City to be used by the property and toward the cost of which the property has made no payment.

§3.02 Special Connection Charges shall be computed by the City Engineer as follows:

- 3.02.1 Where private facilities consist of collection mains together with trunk mains and/or any other sanitary sewerage facility, an additional special connection charge shall be collected in a sum to be computed by the City Engineer as the property's share of the cost of the sewer mains and other sanitary sewer facilities of the City, constructed pursuant to special agreement, to be used by the property.
- 3.02.2 These additional costs shall be equivalent to the prorated share of the cost of the installation made pursuant to the special agreement.

§3.03 Lateral Service Connection Charges:

- 3.03.1 Four and Six inch or larger connections computed by the City Engineer.
- 3.03.2 First new hookup, **\$1600**
- 3.03.3 Each additional hookup up to 4 units, **\$400**
- 3.03.4 Over 4 units, **\$200**

§3.04 Sewer Permit and Inspection Charges:

- 3.04.1 Single Family, **\$2.00**
- 3.04.2 Trailer Courts and Multiple Dwellings, **\$2.00** for the first dwelling and **\$1.00** each dwelling after the first.
- 3.04.3 Commercial, Industrial, Church, School, Public and Other Users, **\$5.00**  
 a. If property is to be developed for commercial and industrial uses, the City Engineer may require a special analysis of the effect of the installation on the sewage effluent, at the applicant's expense.
- 3.04.4 Public Sewer Construction Permit, not less than **\$5.00** plus a fee of **\$5.00** per one hundred (100) lineal feet of sewer.
- 3.04.5 Alter existing sewer installation, **\$2.00**

ARTICLE 4: USAGE FEES

§4.01 The City Council analyzes, considers and reviews the city's Equivalent Dwelling Units (EDU's) based on annual water consumption and one Equivalent Dwelling Unit (EDU) is equal to **\$21.20** per month. (See Resolution 06-02 raising this rate, as shown below)

Fiscal Yr	EDU/yr	EDU/mo
04-05	254.40	21.20
05-06	434.06	36.17
06-07	573.00	47.75
07-08	696.00	58.00
08-09	792.20	66.02

§4.02 Method of determining EDU's

4.02.1 Using the Ferndale Community Report of 2002 conducted by Humboldt State University, single family residential sewage loadings are determined as follows:

- a. Ferndale has a population of 1,382 with 611 total households. By dividing 611 into 1,382, there is an average of 2.26 persons in a household.
- b. In calculating flows for EDU's, most cities use a range between 77 and 100 gallons per person per day. Ferndale uses an average of 88.5.

$$88.5 \text{ gpd} \times 2.26 \text{ people per household} = 200 \text{ gallons per residential unit/day}$$

- c. A residential unit will always be rated at one (1) EDU.

§4.03 Residential usage fee is equal to 1 EDU or **\$21.20** per month. (See Resolution 06-02 raising this rate, as shown below)

Fiscal Yr	EDU/yr	EDU/mo
04-05	254.40	21.20
05-06	434.06	36.17
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08-09	792.20	66.02

§4.04 Commercial usage fee is based on annual water consumption relating to EDU's

- 4.04.1 The City Manager shall review each establishment to re-determine the EDU based on total water consumption.
- 4.04.2 The City shall advise each customer of the establishment of any change in sewer service (EDU) rating and reasons for the change.
- 4.04.3 A non residential building which is metered for water consumption shall comprise a number of sewer units based upon the average water consumption for the 12 months preceding the appropriation of the funds that is sent into the County for collection with property taxes.

$$\frac{\text{Non-Residential Sewage Per Day (gpd)}}{200 \text{ gpd}} = \text{Equivalent number of sewer units}$$

$$\frac{\text{Non-Residential Sewage Per Month (gpm)}}{6000 \text{ gpm}} = \text{Equivalent number of sewer units}$$

$$\frac{\text{Non-Residential Sewage Per Year (gpy)}}{72,000 \text{ gpy}} = \text{Equivalent number of sewer units}$$

- 4.04.4 Various businesses
  - a. Stores / Retail Business: Water consumption method will be used to determine EDU's on a building used for commercial purposes. A minimum of 1 EDU will be assigned per establishment.

- b. Motels and Bed & Breakfast Inns: Water consumption rates: Total gallons of water consumed in one year divided by the total flow of a single family dwelling unit would equal Motel or Bed & Breakfast Inn EDU's. A minimum of 1 EDU will be assigned per establishment.
- c. Commercial Building with Multiple Uses or Units: A commercial Building with multiple uses or units shall be rated based on the sum of its component uses or unit ratings.
  - i. Living quarters or apartments shall be based on 1 EDU per unit.
  - ii. Attached or detached separate living quarters such as in-law quarters, apartments, duplexes or similar rental units with separate kitchen unit shall be rated 1 EDU for the main living unit plus 1 EDU for the separate living quarters.
- d. Commercial parcels with more than one structure on the same parcel: Shall have a minimum rating of 1 EDU for the main structure, and 1 EDU for each additional structure with plumbing facilities. If one water meter feeds all structures with no living units, the water consumption method could be used.
- e. Restaurant / Bar: Water consumption rates: total gallons of water consumed in one year divided by the total flow of a single family dwelling unit equals Restaurant / Bar EDU. A minimum of 1 EDU will be assigned per establishment.
- f. Establishments: Water consumption method will be used to determine EDU's solely for that structure. A minimum of 1 EDU will be assigned per establishment.

1.	Schools	11.	Mortuaries
2.	Churches with kitchens	12.	Car washes
3.	Churches without kitchens	13.	Barber & Beauty Shops
4.	Meeting halls with kitchens	14.	Laundromats
5.	Meeting halls without kitchens	15.	Fairgrounds
6.	Markets	16.	Theaters
7.	Service Stations	17.	Museums
8.	Bakeries		
9.	Restaurant / Bar / Conference Rooms		
10.	Professional Office		

§4.05 Adjustments

- 4.05.1 The City Manager may determine (after a study) that special circumstances exist for an establishment. The City Manager may adjust the EDU's with a formula that produces a fair and logical approach.
- 4.05.2 If an individual user within a user group believes that his/her EDU rating (as determined by use of established water consumption) is unreasonably high, the user may request that a special study be conducted by city staff to determine the appropriate EDU rate. This study will be paid by the Owner / Establishment. A deposit will be required from the user of the estimated cost for such a study. If the cost approaches the estimated cost, the city will notify the owner / establishment and ask if they wish to continue the study.

4.05.3 The owner of any premises, who by reason of special circumstances, finds that the rating of EDU's is unjust or inequitable as applied to his/her premises may make a written request to the City Manager, stating the circumstances and requesting a different basis of rating.

4.05.4 If the owner of any premise is unsatisfied with the City Manager's final study, he/she may request to be placed on the City Council agenda for discussion.

§4.06 Annual Determination

4.06.1 Sewer EDU schedule (based on water consumption) is effective from May 1 to April 30.

4.06.2 City Staff will determine the EDU's on an annual basis and submit changes (if any) to Humboldt County for collection no later than the 1<sup>st</sup> of July of each year.

4.06.3 Collection of sewer charges is routinely conducted every year through Humboldt County Government with the property tax.

ARTICLE 5: SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this ordinance.

ARTICLE 6: EFFECTIVE DATE: This ordinance becomes effective thirty (30) days after the date of its enactment.

ARTICLE 7: POSTING REQUIREMENT: The City Clerk shall cause publication of this ordinance within 15 days after passage in a newspaper of general circulation published and circulated in the city, and posted in at least three public places in the city.

ARTICLE 8: ENACTING DATE AND SIGNATURES: Passed, approved and adopted by the City Council of the City of Ferndale at a regular meeting on April 1, 2004 by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

\_\_\_\_\_  
Frances Scalvini, City Clerk

\_\_\_\_\_  
Elizabeth Anderson, Mayor

First Reading: March 4, 2004

Second Reading: April 1, 2004