

152

(O-95-66)

ORDINANCE NUMBER O-18111 (NEW SERIES)

ADOPTED ON NOV 28 1994

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 4, DIVISION 4, AND CHARTER VI, ARTICLE 7, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 64.0410 AND SECTION 67.72 RELATING TO SEWER AND WATER CAPACITY CHARGES.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter VI, Article 4, Division 4, of the San Diego Municipal Code is hereby amended by amending Section 64.0410, to read as follows:

SEC. 64.0410 CAPACITY CHARGE

When any person, firm, corporation or other entity shall request a new sewer connection, an additional connection, a larger connection or in any other way increase the flow into the sewer by the addition of an equivalent family unit or units, a minimum capacity charge as established by a resolution of the City Council shall be paid; provided, however, that prior to considering any change in said sewer capacity charge by resolution as aforesaid, a notice of the proposed change shall be posted by the City Clerk at least ten (10) days prior to consideration of such a resolution by the City Council. This charge shall be due and payable, unless otherwise provided for by a resolution of the City Council, at the time the building permit

fees are paid, or if a building permit is not required, at the time the sewer connection fees must be paid.

In any case, this sewer capacity charge must be paid before the sewage flow increase is accomplished, unless otherwise provided for by a resolution of the City Council. This section shall not be construed to pertain to agreements between participating agencies in the Metropolitan Sewerage System and the City.

Any person, firm, corporation, or other entity pumping groundwater to the sewerage system, under the guidelines established by Division 5, Industrial Wastewater, shall be eligible for an industrial users wastewater discharge permit issued by the City Metropolitan Wastewater Department Industrial Waste Program, and a waiver of capacity charges, for a period of one (1) year. Upon expiration of the discharge permit issued by the City and the original waiver of capacity charges, an extension of the waiver of capacity charges for an additional one (1) year period may be granted if the individual, firm, corporation, or other entity has applied for a National Pollutant Discharge Elimination System (NPDES) Permit from the Regional Water Quality Control Board. These waivers shall run with the land to prevent subsequent waivers upon the sale or exchange of the property by the permit holder. If, upon expiration of the original permit issued by the City and the waiver of capacity charges

(including a one (1) year extension if applicable), the discharge continues, capacity charges will be levied at the then current rates. Additional extension of capacity charge waivers are not allowed. Capacity charges are not refundable.

Section 2. That Chapter VI, Article 7, of the San Diego Municipal Code is hereby amended by amending Section 67.72, to read as follows:

SEC. 67.72 CAPACITY CHARGE

A minimum capacity charge shall be established from time to time by a resolution of the City Council; provided, however, that prior to considering any change in said capacity charge by resolution as aforesaid, a notice of the proposed change shall be posted by the City Clerk at least ten (10) days prior to consideration of such a resolution by the City Council. Said charge shall be paid when any person, firm, corporation or other entity shall request a new water connection or in any way cause an increase in the water usage by the addition of any type of dwelling, commercial or industrial unit based upon an increase in the water consumption as measured by equivalent family unit or units or portion thereof. Said measurement shall be made by the City Manager or his authorized representative and for the purposes of this section an equivalent family unit shall equal a consumption of 500 gallons of water per day.

The water capacity charge shall be due and payable at the time the building permit fees or connection fees are paid, or if a building permit is not required, at the time the water connection fees must be paid, unless otherwise provided by a resolution of the City Council. In any case, this water capacity charge must be paid before the water use (flow) increase is accomplished, unless otherwise provided for by a resolution of the City Council.


Notwithstanding anything contained in this section, no minimum capacity charge shall be required with respect to a request for the addition of any equivalent family unit or units when a building permit application for such addition was filed with the City prior to March 19, 1974.

Upon approval by the City Manager, the capacity charge may be waived or delayed for a specific period of time for the purposes of temporary irrigation or preliminary development.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By



Ted Bromfield
Chief Deputy City Attorney

TB:mb
11/04/94
Or.Dept:W.Util.
0-95-66

OLD LANGUAGE - ~~STRICKEN~~
NEW LANGUAGE - ~~SHADED~~

(O-95-66)

ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 4,
DIVISION 4, AND CHARTER VI, ARTICLE 7, OF THE
SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION
64.010 AND SECTION 67.72 RELATING TO SEWER
AND WATER CAPACITY CHARGES.

SEC. 64.0410 CAPACITY CHARGE

When any person, firm, corporation or other entity shall request a new sewer connection, an additional connection, a larger connection or in any other way increase the flow into the sewer by the addition of an equivalent family unit or units, a minimum capacity charge as established by a resolution of the City Council shall be paid; provided, however, that prior to considering any change in said sewer capacity charge by resolution as aforesaid, a notice of the proposed change shall be posted by the City Clerk at least ten (10) days prior to consideration of such a resolution by the City Council. This charge shall be due and payable, ~~unless otherwise provided for by a resolution of the City Council,~~ at the time the building permit fees are paid, or if a building permit is not required, at the time the sewer connection fees must be paid. In any case, this sewer capacity charge must be paid before the sewage flow increase is accomplished, ~~unless~~

~~otherwise provided for by a resolution of the City Council.~~ This section shall not be construed to pertain to agreements between participating agencies in the Metropolitan Sewerage System and the City.

Any person, firm, corporation, or other entity pumping groundwater to the sewerage system, under the guidelines established by Division 5, Industrial Wastewater, shall be eligible for an industrial users wastewater discharge permit issued by the City ~~Water Utilities~~ ~~Metropolitan Wastewater~~ Department Industrial Waste Program, and a waiver of capacity charges, for a period of one (1) year. Upon expiration of the discharge permit issued by the City and the original waiver of capacity charges, an extension of the waiver of capacity charges for ~~up to a two (2) year period of any part thereof~~ ~~an additional one (1) year period~~ may be granted ~~by the City Council~~ if the individual, firm, corporation, or other entity has applied for a National Pollutant Discharge Elimination System (NPDES) Permit from the Regional Water Quality Control Board and ~~demonstrates that the discharge will not adversely affect the publicly owned treatment plant.~~ Such ~~These~~ waivers shall run with the land to prevent subsequent waivers upon the sale or exchange of the property by the permit holder. If, upon expiration of the original permit issued by the City and the waiver of capacity charges (including any ~~a one (1) year~~ extension if applicable), the discharge continues, capacity charges

will be levied at the then current rates. Additional extension of capacity charge waivers are not allowed. Capacity charges are not refundable.

SEC. 67.72 CAPACITY CHARGE

A minimum capacity charge shall be established from time to time by a resolution of the City Council; provided, however, that prior to considering any change in said capacity charge by resolution as aforesaid, a notice of the proposed change shall be posted by the City Clerk at least ten (10) days prior to consideration of such a resolution by the City Council. Said charge shall be paid when any person, firm, corporation or other entity shall request a new water connection or in any way cause an increase in the water usage by the addition of any type of dwelling, commercial or industrial unit based upon an increase in the water consumption as measured by equivalent family unit or units or portion thereof. Said measurement shall be made by the City Manager or his authorized representative and for the purposes of this section an equivalent family unit shall equal a consumption of 500 gallons of water per day.

The water capacity charge shall be due and payable at the time the building permit fees or connection fees are paid, or if a building permit is not required, at the time the water connection fee must be paid, unless otherwise provided by a resolution of the City Council.

In any case, this water capacity charge must be paid before the water use (flow) increase is accomplished, unless otherwise provided for by a resolution of the City Council.

Notwithstanding anything contained in this section, no minimum capacity charge shall be required with respect to a request for the addition of any equivalent family unit or units when a building permit application for such addition was filed with the City prior to March 19, 1974.

Upon approval by the City Manager, the capacity charge may be waived or delayed for a specific period of time for the purposes of temporary irrigation or preliminary development.

TB:mb
11/04/94
Or.Dept:W.Util.
0-95-66
Form=o+t

RECEIVED

94 NOV -7 AM 9:07

CITY CLERKS OFFICE
SAN DIEGO, CA

1974

Passed and adopted by the Council of The City of San Diego on NOV 28 1994
 by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Harry Mathis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Christine Kehoe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barbara Warden	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

SUSAN GOLDING
 Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

By Blonda B. Barnes, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on NOV 14 1994, and on NOV 28 1994

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By Blonda B. Barnes, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>048111</u>	NOV 28 1994
Adopted	

RECEIVED
94 NOV -7 AM 9: 07
CITY CLERKS OFFICE
SAN DIEGO, CA

APR 1 1984

4152

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
94 DEC 15 AM 10:46
SAN DIEGO, CALIF.

Ca

OFFICE OF THE CITY CLERK
2ND FLOOR CITY ADMIN. BLDG.
202 C STREET
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER VI...

ORDINANCE NUMBER 0-18111 (NEW SERIES)
AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 4, DIVISION 4, AND CHAPTER VI, ARTICLE 7, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 64.0410 AND SECTION 67.72 RELATING TO SEWER AND WATER CAPACITY CHARGES.
This ordinance allows the City Council to change the time for payment of capacity charges by resolution.
A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego; 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.
INTRODUCED ON NOVEMBER 14, 1994. Passed and adopted by the Council of the City of San Diego on NOVEMBER 28, 1994.
AUTHENTICATED BY:
BUSAN GOLDING
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA
(SEAL) By MAYDELL L. PONTECORVO, Deputy
Pub. Dec. 12 308278

I, Corey Donahue, am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER 0-18111

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

DEC. 12

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 12TH day of DEC., 1994.

Corey Donahue

(Signature)

2" X 2" = \$56.32