

## ORDINANCE NO. 196

### AN ORDINANCE AMENDING SECTION 4113 OF ARTICLE IV, REGULATION OF SEWER SERVICES OF THE CASTRO VALLEY SANITARY DISTRICT CODE.

The Sanitary Board of the Castro Valley Sanitary District does hereby ordain the following:

#### Section 1:

Effective May 1, 2023, the following Section of the Castro Valley Sanitary District Code is hereby amended to read as follows:

### ARTICLE IV REGULATION OF SEWER SERVICES

#### CHAPTER 1 USE OF PUBLIC AND PRIVATE SEWERS

#### **Section 4113. Permits – Types and Fees.**

Pursuant to the requirement of Section 4112 of this Code for written permits, the Castro Valley Sanitary District shall issue the following types of permits:

(a) Permits for New Connections.

(1) A written permit shall be issued for every new connection to the sanitary sewer system of the District, with the exception of new connections within subdivisions that involve an extension to the public sewer main and are defined in Section 4500 of this Code. Subdivisions shall be subject to the same fees for new connections as set forth in subsection (a)(4) of this section; however, a written permit form shall not be issued for each individual connection therein. Authorization to perform sanitary sewer work within subdivisions shall be granted by resolution of the District Board approving the improvement plans for the subdivision, rather than by a written permit.

(2) The permit request shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the District. In cases where connection to the public sewer requires access across property not belonging to the applicant or owner, the District shall require evidence of a valid easement for such purposes.

(3) (A) Permits issued for a new connection shall expire by limitation if the work, which includes connection from a structure to the public sewer, for which the permit is issued is not completed and accepted by the District within one calendar year from the date of issuance of the permit. One-year extensions of time may be granted upon payment of any difference between those fees originally paid and those fees in effect

at the time the extension of time for completion is requested. Also, an administration fee of \$25.00 must be paid at the time of the request for extension of the permit. Such requests for extensions of time must be made prior to the expiration of the permit. No extension of time shall be granted for permits which have already expired.

(B) Notwithstanding the above, individual written permits issued for new connections for building sewers which will be served by a proposed extension of the public sewer shall be valid for a period of one calendar year from the date of issuance of the permits, since payment and issuance of these permits is required prior to approval of the improvement plans for the extension of the public sewer. Extensions of time for completion of the work in these cases shall be granted under the same conditions as set forth above.

(C) In the case of subdivisions where written permits are not issued for each individual lot therein, connection of said lots must be completed and field accepted by the District's Inspector within three years from the date of Board approval of the improvement plans for the subdivision. If such work has not been completed and field accepted by the District's Inspector within the three-year period, one-year extensions of time may be granted, on an individual-lot basis, upon payment of any difference between those fees originally paid and those fees in effect at the time the extension is requested. Also, an administration fee of \$25.00 must be paid at the time of the request for extension of the permit. The first such requests for extension of time must be made prior to the expiration of the three-year period; thereafter, such requests must be made prior to the expiration of the one-year period.

(D) Once the period of validity, including extensions, has expired for a written permit or an authorization to perform work granted by approval of subdivision improvement plans, there shall be no refund made or credit given for any portion of the inspection fees paid and not used. Any capacity fees paid and not used shall be retained by the District and shall be applied as a credit against any capacity fees which may be due for future construction on the same parcel/lot. Capacity fees are not transferable to other parcels/lots. If, however, the period of validity for such work has not expired, the District may refund the capacity fee and any unused portion of the inspection fee to the person or persons who paid such fees originally, upon written request from such payor or his agent. Such original payor or his agent may also consent, in writing, to having such fees credited to a subsequent owner or developer, who then assumes all the rights and responsibilities incumbent upon the original payor. Any transaction shall result in an administration fee of \$25.00 per lot and must be paid at the time of the request for extension of the permit.

(E) Once the private building sewer and construction project has been completed and the permit closed by signature of District personnel, the capacity

fees shall be considered used. A credit may only be issued against a new connection permit for single-family dwelling(s) under the following conditions:

1. The Castro Valley Sanitary District has a record of the original connection.
2. The credit will be equivalent to the amount originally paid at the time of connection.
3. The new capacity fee shall pay the difference between the original paid amount and the current capacity fee set forth in subsection (a)(4) of this section.
4. The existing private building sewer, if to be reused, shall be tested per Section 3411 of this Code.
5. Any abandonment of an existing building sewer.

Exception. Exceptions to the above section shall be made and full capacity fee credit will be given to single-family dwellings which have been destroyed by fire, flood or earthquake. The single-family dwelling is to be reconstructed "in-kind" (i.e., one single-family dwelling replacing a destroyed single-family dwelling). This exception is valid for a two-year period from the date the damage (loss) occurred. The owner of the property at the time who suffered the loss shall make a written request to the District with documentation substantiating the claim of loss to be considered for the exception. The exception is not transferable to subsequent owners of the property.

(4) The fees for a permit for a new connection shall be paid at the time application is made by the owner or his agent for such permit and shall be comprised of an inspection fee of \$265.00 for each connection to the public sewer and a capacity fee to be determined by the District based upon the existing or proposed use of the property to be served and the number of existing or proposed uses thereon as follows:

USE	CHARGE PER USE	
	CY 2022	CY 2023
Single-family dwelling unit including but not limited to condominiums, townhouses, multi-family units and other dwelling units.	\$15,518/unit	\$16,009/unit

Other dwelling units shall include mobile home park spaces, hospital per bed, nursing and convalescent homes per bed, motel and hotel rooms. Twenty-one plumbing fixture units shall equal a single-family dwelling unit. For a new build other dwelling unit the respective capacity fee shall be based

upon the number of plumbing fixtures installed in the structure or associated with the other dwelling units. Each plumbing fixture unit shall be charged one-twenty-first of the single-family dwelling unit rate.

Accessory dwelling unit is defined as a residential unit that is no larger than the maximum size authorized for use as an accessory dwelling unit as defined and permitted by Alameda County. For a new build accessory dwelling unit, the respective capacity fee shall be based upon the number of plumbing fixtures installed in the accessory dwelling unit. They shall be subject to the addition permit requirements and shall be inspected per the District's requirements. Twenty-one plumbing fixture units shall equal a single-family dwelling unit. Each plumbing fixtures unit shall be charged one-twenty-first of the single-family dwelling unit rate. For a proposed accessory dwelling unit conversion of an existing accessory structure, the structure shall be considered existing if it was constructed prior to January 1, 2017.

Accessory structures shall include, but is not limited to, garages, greenhouses, workshops, and other uninhabitable structures shall not be charged any capacity fees.

Other – Capacity fees for all other uses, including commercial uses, shall be calculated on the following unit costs for wastewater discharge, or by determination of additional plumbing fixture units added to the structure as defined in the latest edition of the California Plumbing Code. Twenty-one plumbing fixture units shall equal a single-family dwelling unit. Each plumbing fixture unit shall be charged one-twenty-first of the single-family dwelling unit rate.

Flow shall be determined by water meter readings or other method acceptable to the District. BOD and SS shall be from data published by the California Water Resources Control Board or Regional Board as representative of the amount of BOD and SS for the class of user. With the approval of the District the user may install a monitoring manhole with measuring equipment approved by the District to establish actual flows, BOD and SS amounts.

The District reserves the right to make an additional capacity fee charge for an existing sewer connection of the peak month flow, or the strength of discharge is increased above that flow or strength upon which the original capacity fee was based.

Subject to restrictions by applicable federal and state regulations, the capacity fees shall be deposited into accounts established for wastewater collection, treatment and disposal facilities for repair, replacement or expansion.

Capacity fees for any uses not listed in the above table shall be determined by the District Board. Any changes in use of the property as listed above which results in a higher capacity charge will require a supplemental payment to the District upon billing therefor.

(5) A permit issued for a new connection shall be for the inspection and connection of the building and/or sewer, as defined in Section 4100(n) of this Code.

(b) Permits for Additions or Relocations.

(1) An addition permit shall be issued any time an addition is made to the completed existing building sewer.

(2) A relocation permit shall be issued whenever a building sewer serving an existing structure is relocated.

(3) An "accessory dwelling unit" is defined as a residential unit that is no larger than the maximum size authorized for use as an accessory dwelling unit as defined by Alameda County.

(A) Both an existing attached accessory dwelling unit that is contained within the existing space of a single-family residence or an existing detached accessory dwelling unit which is located on the same individual parcel of land as the single-family dwelling unit, but which is smaller (or otherwise subservient to) the single-family dwelling unit, shall utilize the same sewer lateral as the principal residence unless the applicant requests installation of a separate sewer lateral for the accessory dwelling unit. The applicant will not be assessed a capacity fee if the existing accessory dwelling unit (attached or detached) utilizes the same sewer lateral as the principal residence unless the applicant requests installation of a separate sewer lateral for the accessory dwelling unit.

(B) A new build detached accessory dwelling unit that utilizes the same sewer lateral as the principal residence shall be assessed a capacity fee. The capacity fee shall be based upon the number of plumbing fixtures installed in the accessory dwelling unit. Twenty-one plumbing fixture units shall equal a single-family dwelling unit. Each plumbing fixtures unit shall be charged one-twenty-first of the single-family dwelling unit rate.

(C) A new build attached accessory dwelling unit that utilizes the same building drain or sewer lateral as the principal residence shall not be assessed a capacity fee. However, an addition permit will be issued if the connection to the existing sewer lateral is made outside the building foundation.

(4) Addition and relocation permits shall be valid for a period of one calendar year from the date of issuance.

(5) The fees for addition/relocation permits shall be paid at the time application is made by the owner or his agent and shall be comprised of an inspection fee and, under certain circumstances, a capacity fee. The inspection fee shall be \$265.00.

In addition, a capacity charge as listed in subsection (a)(4) of this section shall be charged if there is no record of a previous connection permit or if there is a change in the use for which the previous connection permit was issued.

(c) Permits for Repairs.

(1) A repair permit shall be obtained any time the owner or his agent makes an opening into, breaks, or otherwise damages a building sewer.

(2) Repair permits shall be valid for a period of 90 days from the date of issuance.

(3) The fee for a permit for repair of the building sewer shall be \$175.00 for each such repair permit issued. Each repair permit issued allows for up to two site visits. If the inspection fails a second time, that permit is considered expired and a new permit must be issued for that repair.

(4) Permits are nonrefundable and nontransferable.

(d) Permits for Abandonment.

(1) Pursuant to the requirements of Section 4119 of this Code, an abandonment permit shall be obtained whenever a building sewer is to be abandoned, even temporarily.

(2) The fee for a permit for abandonment of the building sewer shall be \$175.00 for each such abandonment permit issued. Each abandonment permit issued allows for up to two site visits. If the inspection fails a second time, that permit is considered expired and a new permit must be issued for that abandonment.

(3) Should an owner or his agent wish to make use of a sealed building sewer at some future time for the connection of a new or relocated building, the sealed building sewer shall first be inspected by performing a closed-circuit TV inspection, to be witnessed by District personnel. Testing will be required to determine the physical condition. Only those abandoned sewers meeting all requirements for new sewer construction shall be used for a reconnection. At the time owner or his agent makes application for a permit to reconnect to an abandoned building sewer, a permit for a new connection shall be issued and owner or his agent shall pay to the District the fees stated in subsections (a)(3) and (4) of this section.

(e) Permits for Subsurface Operators and Contractors.

(1) Permits shall be obtained by subsurface operators, contractors or their agents when improvements to subsurface installations are within the Castro Valley Sanitary

District service area and encroach within four feet in any direction of the sanitary sewer, or appurtenances thereto.

(2) Two sets of final plans, profiles, and specifications shall be filed with the District no later than 30 days prior to publicly bidding such work.

(3) Once plans are approved a permit fee will be assessed and paid by the operator or his agent prior to commencement of work. Fees will be based on the size of the project, number of crossings and relative proximity to existing public and private sanitary sewer facilities. The permit fee will cover the cost of administrative expense, pre- and post-inspection of affected sanitary sewer facilities and coordination and inspection of such repairs, if required. Fees may be a negotiated sum or actual costs of the District to render the above services.

(f) Permits for CCTV Inspection.

(1) A CCTV inspection permit shall be obtained any time the owner or his agent meets the triggering events pursuant to the requirements set forth in Section 6421 of this Code.

(2) CCTV inspection permits shall be valid for a period of 90 days from the date of issuance.

(3) The fee for a permit for CCTV inspection of the building sewer shall be \$230.00 for each such CCTV inspection permit issued. Each CCTV inspection permit issued allows for up to one site visit and for one building sewer located on the property.

(4) Permits are nonrefundable and nontransferable.

(g) Failure to Obtain Required Permit. Failure to obtain the required permit as set forth in these provisions shall result in a charge being payable to the District in the amount of 50 percent of inspection fee.

(§402, Ord. 12, 03-20-50)  
(Amended, §1, Ord. 22, 08-19-52)  
(Amended, §1, Ord. 26, 11-18-52)  
(Amended, §7, Ord. 34, 04-06-59)  
(Amended, §1, Ord. 40, 03-05-63)  
(Amended, §1, Ord. 49, 08-21-73)  
(Amended, §1, Ord. 53, 09-02-75)  
(Amended, §7, Ord. 56, 04-05-77)  
(Amended, §15, Ord. 60, 11-06-78)  
(Amended, §1, Ord. 65, 06-09-81)  
(Amended, §3, Ord. 68, 06-09-82)  
(Amended, §1, Ord. 71, 06-14-83)  
(Amended, §1, Ord. 73, 06-12-84)  
(Amended, §1, Ord. 77, 07-09-85)

- (Amended, §1, Ord. 78, 12-10-85)
- (Amended, §1, Ord. 79, 06-10-86)
- (Amended, §1, Ord. 81, 06-02-87)
- (Amended, §1, Ord. 83, 06-07-88)
- (Amended, §1, Ord. 84, 06-06-89)
- (Amended, §1, Ord. 87, 06-05-90)
- (Amended, §1, Ord. 93, 06-18-91)
- (Amended, §1, Ord. 96, 06-17-92)
- (Amended, §1, Ord. 102, 06-22-93)
- (Amended, §1, Ord. 104, 12-07-93)
- (Amended, §1, Ord. 106, 06-21-94)
- (Amended, §1, Ord. 112, 06-18-96)
- (Amended, §1, Ord. 120, 07-07-98)
- (Amended, §1, Ord. 123, 12-10-98)
- (Amended, §3, Ord. 128, 04-01-01)
- (Amended, §1, Ord. 129, 11-13-01)
- (Amended, §1, Ord. 138, 07-01-05)
- (Amended, §1, Ord. 141, 06-06-06)
- (Amended, §1, Ord. 146, 06-03-08)
- (Amended, §1, Ord. 150, 07-01-09)
- (Amended, §1, Ord. 155, 07-01-11)
- (Amended, §1, Ord. 164, 05-06-14)
- (Amended, §1, Ord. 166, 06-16-15)
- (Amended, §1, Ord. 169, 05-03-16)
- (Amended, §1, Ord. 171, 03-07-17)
- (Amended, §1, Ord. 174, 11-07-17)
- (Amended, §1, Ord. 179, 09-04-18)
- (Amended, §1, Ord. 183, 09-03-19)
- (Amended, §1, Ord. 184, 04-07-20)
- (Amended, §1, Ord. 191, 11-02-21)
- (Amended, §1, Ord. 196, 04-04-23)

*[See Ord. 114, Section 2, dated 12/10/96, RE: Expiration Provisions for Subdivision Fees]*

**Section 2:**

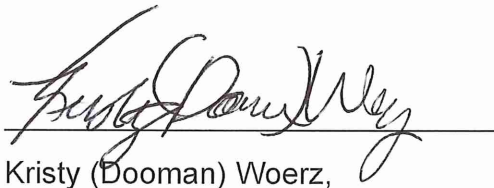
This Ordinance shall be entered in the minutes of this Board and posted in three public places in the Castro Valley Sanitary District boundaries, and a summary of the Ordinance shall be posted in a legal newspaper published in said District. This Ordinance shall become effective May 1, 2023.

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Adopted by the Sanitary Board of the Castro Valley Sanitary District on the 4<sup>th</sup> day of April 2023.

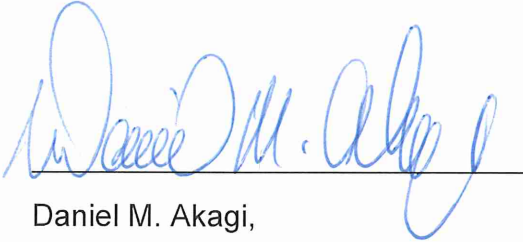


AYES: Directors Akagi, (Dooman) Woerz, Johnson, McGowan, and Sadoff  
NOES: None  
ABSENT: None  
ABSTAIN: None



Kristy (Dooman) Woerz,

Secretary of the Sanitary Board



Daniel M. Akagi,

President of the Sanitary Board

