

Title 4 - Sewer Use

4.01 General Provisions

4.01.010 Rules and Regulations

The following rules and regulations respecting sewer construction and disposal of sewage and drainage of buildings and connection to the sewage works of the District are hereby adopted, and all work in respect thereto shall be performed as herein required and not otherwise.

4.01.020 Purpose

District Code is intended to provide rules and regulations for the use and construction of sanitary sewer facilities hereafter installed, altered or repaired within the District. District Code shall not apply retroactively, and in the event of an alteration or repair hereafter made, it shall apply only to the new materials and methods used herein.

4.01.030 Intentionally Omitted

4.01.040 Violation Unlawful

Following the effective date of this ordinance, it shall be unlawful for any person to connect to, construct, install or provide, maintain and use any other means of sewage disposal from any building in said District except by connection to a public sewer in the manner as in this ordinance provided, unless a waiver is granted by the General Manager.

4.01.050 Relief on Application

When any person, by reason of special circumstances, is of the opinion that any provision of this Code is unjust or inequitable as applied to his premises, he may make written application to the Board, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his premises. If such application be approved, the Board may, but only to the extent compatible with State and Federal laws, rules and regulations pertaining to wastewater facilities constructed, in part, with grant funds, by resolution, suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the application and continuing during the period of the special circumstances.

4.01.060 Relief on Own Motion

The Board may, on its own motion, find that by reason of special circumstances any provision of this Code should be suspended or modified as to a particular premise, but only to the extent compatible with State and Federal laws, rules and regulations pertaining to wastewater facilities constructed, in part, with grant funds, and may by resolution, order such suspension or modification for such premise during the period of such special circumstances or any part thereof.

5.02 Capacity Charges

5.02.010 Qualify for Payment

Capacity Charges will only be collected on legal parcels with the proper zoning for the proposed project, and with City or County and District approved construction improvement plans showing the sewer plan, profile and other details for the project.

5.02.020 Time for Payment

Capacity Charges shall be due and payable before the issuance of a building permit by the City or County of Napa. No connection shall be made to the District's facilities without the prior payment of the applicable connection charge. For projects that require the payment of capacity charges but do not require a City or County building permit, the General Manager shall determine the time for payment of the capacity charges.

- A. **Licensed Contractor/Builder** In the event the building for which a connection charge has been paid is not complete and issued an occupancy permit within one (1) year of issuance of the connection permit, the connection permit shall lapse and the full amount of sewer connection charge in effect at the time of the issuance of the occupancy permit shall be required, with a credit granted for the amount previously paid.
- B. **Unlicensed Builder/Owner** In the event that a residential building for which a connection charge has been paid is not complete and issued an occupancy permit within one (1) year of issuance of the connection permit, the unlicensed builder/owner may ask for an extension of time. In order to grant this extension, the unlicensed builder/owner must enter into an agreement, to be recorded by the District, that when the occupancy permit is issued, the property would not be sold for a period of two years. If the property is sold within the two-year time frame, then the full amount of sewer connection charge in effect at the time of sale shall be paid, with a credit granted for the amount previously paid.

5.02.030 Capacity Charge Calculation

The following fees shall be paid to the District prior to the issuance of a permit to connect with the District's sewerage works.

A. Residential

Capacity Charge Fee	Single Family Dwellings	Senior Dwellings / Residential Care Facilities single room occupancy – per unit	Multiple Family Dwellings – Per Unit
Prior to Jan. 1, 2012	\$5,660	\$3,396	\$5,660
As of Jan. 1, 2012	\$6,000	\$3,600	\$6,000
As of July 1, 2012	\$7,000	\$4,200	\$7,000
As of July 1, 2013	\$8,300	\$4,980	\$8,300
As of July 1, 2014	\$8,723	\$5,234	\$8,723
As of July 1, 2015	\$8,950	\$5,370	\$8,950

B. Commercial

- 1) General.** This section sets out the methodology for establishing capacity charges for commercial uses, other than industrial uses. The amount of the capacity charge is determined first by determining the Equivalent Dwelling Units (EDUs) as specified in this section (by reference to the square footage of the use, number of units, or both) and second by multiplying the number EDUs by the then-current rate for single family dwellings established in 5.02.030.A.

2) Food Service Establishments.

- a) Charge Methodology.** Food service establishments shall be assessed capacity charges based square footage of the entire unit, including any exterior space that will be used for sit down dining. The charge shall be based on 3.25 EDU for the first 2,000 square feet, and 3.25 EDU for each 1,000 square feet thereafter, prorated.
- b) Payment Over Time.** Food service establishments requiring 3.0 EDU or greater may elect to pay capacity charges over time in accordance with this Section. In such event, the General Manager shall require the applicant to pay a capacity charge equal to at least one EDU shall be due prior to the issuance of a building permit by the City of Napa or the County of Napa, pursuant to 5.02.020 and in conjunction therewith to enter into an agreement with the District that obligates it to pay the additional capacity charges. The agreement shall require the applicant to pay the additional capacity charges within three years, with a minimum annual payment equal to one (1) EDU, plus interest at a rate not to exceed five percent (5%). The General Manager may include other provisions to ensure payment and protect the interests of the District.

- 3) Car Washes.** Car washes shall pay capacity charges based on actual water usage the prior year. The car wash may estimate water usage for the first year of operation, with a “true up” of capacity charges at the end of the first year based on actual water usage. The fee shall be calculated using the formula in Code Section 5.02.030.C with zero values used for BOD and TSS. The District may require the installation of a secondary