

ORDINANCE NO. 107

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE NAPA SANITATION DISTRICT, AMENDING DISTRICT CODE
SECTION 5.01.030 TITLED “WATER METERED COMMERCIAL, PUBLIC
UTILITIES AND PUBLIC AGENCY FACILITIES” AND SECTION 5.02.030
TITLED “CAPACITY CHARGE CALCULATION” TO ADD AND MODIFY
COMMERCIAL CATEGORIES**

WHEREAS Napa Sanitation District (NapaSan) has established sewer service charges and capacity charges by Ordinance, which are codified in the District Code; and,

WHEREAS, sewer service charges for commercial users are determined by annual water use and an assigned strength factor based on the estimated average loadings for the business category; and,

WHEREAS, capacity charges for commercial users are determined by type of use, an assigned EDU factor based on the estimated average loadings for the business category, and the size of the commercial space; and,

WHEREAS, some recent commercial projects do not clearly fit within existing categories listed in the District Code, and it is the desire of the Board to establish clarity in the categories to promote sewer service charge and capacity charge rate transparency for NapaSan’s customers; and,

WHEREAS, NapaSan evaluated water use and commercial space sizes of comparable existing businesses in the proposed new categories, and based on this evaluation determined equitable sewer service charge business category factors and capacity charge factors that are proportional to their impact on the sewer system.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE NAPA SANITATION DISTRICT:

SECTION 1. Section 5.01.030 of the District Code, titled “Water Metered Commercial, Public Utilities and Public Agency Facilities,” is amended as follows:

5.01.030 Water Metered Commercial, Public Utilities and Public Agency Facilities

Using a single-family dwelling as a standard, the following designated premises in the following table shall be charged based upon water consumption and strength. The strength factors noted below were calculated based upon State Water Resources Control Board Revenue Program Guidelines and using Step 2 of the formula shown in Section 5.01.060.

Business Category	Strength Factor
Automobile Sales & Service	1.0

Bakeries/Candy/Ice Cream Manufacturing	2.7
Banks/Business Offices	1.0
Bars/Nightclubs/ <u>Wine Tasting/Beer Tasting</u>	1.0
Bed and Breakfast Inns	1.0
<u>Café/Coffee Shop</u>	<u>1.4</u>
Car Wash	0.7
Carpet & Rug Cleaners	1.4
Churches	1.0
Convalescent/Care Homes/Hospitals	1.0
Daycare Facilities/ <u>Schools (Private)</u>	0.8
Delicatessen (no cooking)	1.4
Delicatessen (cooking)	2.0
Dry Type Industries	1.0
Funeral Homes	2.6
Hotels/Motels (without restaurants)	1.0
Hotels/Motels (with restaurants)	2.0
Laundries-Commercial	1.4
Laundries-Self Service	0.9
Markets (with disposals)	2.6
Markets (without disposals), <u>Convenience Stores</u>	1.4
Membership Organizations, with kitchens	2.7
Membership Organizations, without kitchens	1.0
Merchandising/Department/Retail Stores	1.0
Mixed Use (1 water meter)	1.6
Physicians/Medical/Dental Offices	1.0
Printers/Newspapers	1.0
Repair Shops/Service Stations	1.0
Restaurants and Caterers	2.7
Service Related Enterprises/ <u>Hair Salons</u>	1.0
Theaters	1.0

For commercial facilities with mixed uses, or uses that are not included in the above table, the General Manager shall assign a strength factor based on his/her best professional judgment, an estimate of loading from the facility and/or a comparison of similar types of uses.

SECTION 2. Subsection (B)(2)(b) of Section 5.02.030 of District Code, titled “Capacity Charge Calculation,” is amended as follows:

- 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 District approval of 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~~remaining capacity charges. The agreement shall require the applicant to pay the ~~additional~~remaining capacity charges within three years of issuance of the building permit, 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.

SECTION 3. Subsection (B)(6) of Section 5.02.030 of the District Code, titled “Capacity Charge Calculation,” is amended as follows:

- 6) **Other Commercial Units.** Applicants for commercial units, other than Food Service Establishments, shall be assessed capacity charges based on the square footage of the entire unit including outside space subject to occupancy, or as otherwise noted in the table below. The charge shall be based on the current capacity charge (Single Family Dwelling) rate per Equivalent Dwelling Unit (EDU), multiplied by the EDU factor per 1,000 square feet table below, times the number of square feet:

EDU for Commercial Users

Type of User	EDU Factor/ 1,000 SF
Bakery, <u>Café, Coffee Shop, Ice Cream Shop (w/o production)</u>	1.90
Bar, Tavern, Cocktail Lounge	1.00
Barber	0.20
Beauty Salon, <u>Nail Salon, Hair Salon</u>	0.28
Bowling Alley	0.70
Church	0.31
Convenience Store	0.75
Day Care Facility	0.80
Drug Store	0.26
Dry Cleaners (no laundry)	0.25
Funeral Home/Mortuary	2.00
Garage (vehicle repair)	0.60 <u>0.22</u>
Grocery (w/ disposal)	0.76
Grocery (w/o disposal)	0.49
Gym (<u>w/ showers</u>), Health Club	1.00
<u>Gym (w/o showers)</u>	<u>0.22</u>
Hall, Lodge, Meeting Rooms	0.47
Hospital	7.00
Laundromat	3.00

Laundry, Commercial	4.00
Medical/Dental Office	0.80
Nightclub w/ Dance Floor	0.70
Office (e.g., Bank, legal, accounting, government building, etc.)	0.22
Pet Grooming Shop	0.30
Pool Hall	0.60
Prison, Jail	1.60
Restroom building (rest stops, etc)	5.00
Retail stores (w/o dining)	0.22
Schools (public and private)	0.50
Service Station w/o Food Sales	0.90
Service Station w/ Food Sales, <u>Convenience Store</u>	1.00
Theater	0.52
Veterinarian Hospital/Clinic	0.50
Warehouse/Storage Facilities	0.05
<u>Wine Tasting, Beer Tasting</u>	<u>0.70</u>

Capacity Charge = Rate for Single Family Dwelling x square feet ÷ 1,000 x EDU Factor

There is a minimum capacity charge of 1.0 EDU.

Mixed use facilities are charged as a composite of the charge for the square footage of each use. Ancillary uses in support of the main use category shall be calculated using the main use EDU factor. For example, Warehouse/storage facility fees are charges charged as a composite of the charge for the square footage of office space (0.22 EDU/1,000 SF) and the charge of the square footage of warehouse/storage space (0.05 EDU/1,000 SF).

Single use facilities are charged based on the primary use. For example, a bakery with a small office in support of bakery activities is charged 1.90 EDU/1,000 SF for the entire space, including the small office.

For Other Commercial Units with uses that are not included in the above table, the General Manager shall assign an EDU factor per 1,000 SF based on his/her best professional judgment, an estimate of loading from the facility, the characteristics of the intended use and/or a comparison of similar types of uses.

SECTION 4.

1. Severability. If any provision of the ordinance or the application thereof to any

person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable.

2. Within 15 days of adoption, this Ordinance shall be published in the Napa Valley Register, pursuant to California Health and Safety Code Sec. 4766 and California Government Code Section 25124.

3. Effective Date. This Ordinance shall take effect and be in force sixty (60) days following its adoption.

4. Following a first reading of the title of this Ordinance, which occurred at the regular meeting of the District Board, held on September 27, 2017, the foregoing Ordinance was duly:

PASSED AND ENACTED at a regular meeting of the Board of Directors of Napa Sanitation District duly held on the 1st day of November, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jill Techel, Chair
Napa Sanitation District

ATTEST:

Cheryl Schuh, Secretary
Napa Sanitation District