

ORDINANCE NO. 108

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE NAPA SANITATION DISTRICT, AMENDING DISTRICT CODE
SECTION 1.02.010 TITLED “DEFINITIONS,” 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) wishes to define the term, “Minor food service” within the District Code.

WHEREAS 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 recently established wine and beer tasting facilities that include minor food service 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 food preparation and service practices 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; and,

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

SECTION 1. Section 1.02.010 of the District Code, titled “Definitions,” is amended as follows by adding:

Minor food service- Shall mean food service that meets the Napa County Department of Environmental Health’s Medium Risk food establishment criteria and includes only pre-cooked and pre-packaged food ingredients. The food preparation areas for minor food

service shall not include equipment such as grills or hoods that could be used to prepare food beyond what falls into the Medium Risk food establishment category.

SECTION 2. 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/ Wine Tasting/Beer Tasting	1.0
Bed and Breakfast Inns	1.0
Café/Coffee Shop	1.4
Car Wash	0.7
Carpet & Rug Cleaners	1.4
Churches	1.0
Convalescent/Care Homes/Hospitals	1.0
Daycare Facilities/Schools (Private)	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), Convenience Stores	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/Hair Salons	1.0

Theaters	1.0
Wine Tasting/Beer Tasting (no food service)	1.0
Wine Tasting/Beer Tasting/Bars (minor food service)	1.4

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 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, Café, Coffee Shop, Ice Cream Shop (w/o production)	1.90
Bar, Tavern, Cocktail Lounge	1.00
Barber	0.20
Beauty Salon, Nail Salon, Hair Salon	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)	0.22
Grocery (w/ disposal)	0.76
Grocery (w/o disposal)	0.49
Gym (w/ showers), Health Club	1.00
Gym (w/o showers)	0.22
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, Convenience Store	1.00
Theater	0.52
Veterinarian Hospital/Clinic	0.50
Warehouse/Storage Facilities	0.05
Wine Tasting, Beer Tasting (no food service)	0.70
Wine Tasting, Beer Tasting, Bars (minor food service)	1.90

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 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 5, 2018, 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 19th day of September 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jill Techel, Chair
Napa Sanitation District

ATTEST:

Cheryl Schuh, Secretary
Napa Sanitation District