

paid for by the District, which additional capacity charge shall be in a sum to be computed by the District on the basis of the actual cost of the installation of said service, sewer lateral, sewer main, manhole or pumping facility, including all expenses incidental thereto and all engineering, legal, inspection, and other charges.

The payback/additional capacity charges shall each escalate the same percentage that the latest Engineering News Record Construction Cost Index for the San Francisco Bay Area annually escalated. Said escalation shall be presented annually on July 1st.

#### **5.02.090 Special Capacity Charges**

In addition to any other charges established herein, the District may establish special connection charges for any sewer connection when, in the opinion of the Board of Directors of the District, the circumstances of such connection necessitate the establishment of unusual conditions or necessitate the payment of charges over and above those established herein.

#### **5.02.100 Non-payment of Capacity Charges**

Should any capacity charge not be paid prior to issuance of a building permit as required by Section 5.02.020, the amount of the unpaid capacity charge shall be charged as a lien against the land that benefits from the sewer connection.

- A. Prior to charging the lien, notice shall be given to the owner(s) of the lot(s) or parcel(s) of land affected, and the notice shall set forth all of the following:
- 1) The schedule of fees or charges to be imposed;
  - 2) A description of the property subject to the fees or charges, which description may be by reference to a plat or diagram on file in the office of the Clerk of the Board, or to maps prepared in accordance with Section 327 of the Revenue and Taxation Code, and on file in the office of the County Assessor;
  - 1) The time or times at which the fees or charges shall become due;
  - 2) The number of installments in which the fees or charges shall be payable;
  - 3) The rate of interest, not to exceed 12 percent per annum, to be charged on the unpaid balance of the fees or charges;
  - 4) It is proposed that the fees or charges and interest thereon shall constitute a lien against the lot(s) or parcel(s) of land to which the sanitation facilities are furnished;
  - 5) The time and place at which the Board will hold a hearing at which persons may appear and present any and all objections they may have to the imposition of the fees or charges as a lien against the land.
- B. Except as provided in Section 5.02.100(C), the amount of the charges shall constitute a lien against the lot(s) or parcel(s) of land against which the charge has been imposed as of noon on the first Monday in March immediately preceding the date of levy.