

ORDINANCE NO. 101

**AN ORDINANCE OF THE CUPERTINO SANITARY DISTRICT
AMENDING SECTIONS 7001, 7002 AND 7003 OF CHAPTER VII OF
THE CUPERTINO SANITARY DISTRICT OPERATIONS CODE
RELATING TO SEWER SERVICE CHARGES**

The Sanitary Board of the Cupertino Sanitary District, Santa Clara County, California, hereby ordains as follows:

SECTION 1: Sections 7001, 7002, and 7003 in Chapter VII of the Operations Code are amended to read as follows:

7001. CHARGE FOR SINGLE FAMILY UNITS:

Each Single Family Unit (as defined in Section 2066.B) shall be charged Three Hundred Dollars (\$330.00) per year.

7002. CHARGES FOR PARTICULAR UNITS:

A. Each Unit (as defined in Section 2066.A) of the particular uses listed below shall be charged Four Dollars and 37/100^{ths} Cents (\$4.37) per year, plus an additional annual service charge per hundred cubic feet (HCF) of sewage discharged, to be determined by the District Manager in accordance with the annual use of water by each Unit times the applicable rate to be determined by the District Manager as follows:

<u>Type of Use:</u>	<u>Service Charge:</u>
Auto Repair Shops & Service Stations	\$2.70 /HCF
Car Washes	\$2.25 /HCF
Domestic Laundry	\$2.43 /HCF
Machinery Manufacturers	\$3.95 /HCF
Motels or Hotels without Food Service	\$2.75 /HCF
Motels or Hotels with Food Service	\$4.62 /HCF
Retirement Homes with Common Dining Facilities	\$5.20 /HCF
Convalescent Hospitals	\$2.61 /HCF
Printing Plants	\$4.65 /HCF
Restaurants	\$5.63 /HCF
Retail or Professional Office	\$2.47 /HCF
Schools, Colleges, Day Care Facilities	\$3.51 /HCF

- B. Minimum Charge: In no event shall the annual service charge levied upon any Unit of the uses listed in Paragraph A above, be less than seventy-five percent (75%) of the service charge for a Single Family Unit, as set forth in Section 7001 of this Chapter.
- C. Where different types of Units are serviced by the same water meter, the District Manager shall estimate the quantity of discharge material produced by each type of Unit and calculate the additional service charge applicable to each type of Unit based upon the estimated discharge from that Unit.
- D. Whenever the District Manager determines that a Unit has been inappropriately classified as one of the types listed in Paragraph A of this Section, the District Manager may reclassify such Unit to another of the types listed in Paragraph A of this Section or require that the annual service charge for such Unit be calculated in accordance with the provisions of Section 7003 of this Chapter. Any increase or decrease in the annual service charge for the affected Unit resulting from the reclassification shall be prospective only and implemented on the next regular billing by the District for annual sewer charges. No discharger shall be entitled to a retroactive refund of charges paid, or liable for payment of additional charges, for any period prior to the effective date of the reclassification.

7003. CHARGES FOR ALL OTHER UNITS

- A. For each Unit not listed in Section 7002, the annual service charge shall be the sum of the annual Capital Cost Recovery Charge and the annual Maintenance and Operation Cost Recovery Charge, as determined by the District Manager, calculated as follows:

- (1) Capital Cost Recovery Charge:

Infiltration/Inflow (I/I)	\$4.99 per year for each unit; <i>plus</i>
Flow	\$215,482.58 per year for each million gallons per day of sewage treatment plant capacity required to treat the sewage discharged from the Unit into the sanitary sewer system; <i>plus</i>
Biochemical Oxygen Demand (BOD)	\$31,465.92 per year for each thousand pounds per day of sewage treatment plant capacity required to remove the biochemical oxygen demand contained in sewage discharged from the Unit into the sanitary sewer system; <i>plus</i>
Suspended Solids (SS)	\$29,088.66 per year for each thousand pounds per day of sewage treatment plant

capacity required to remove the suspended solids contained in the sewage discharged from the Unit into the sanitary sewer system; *plus*

Ammonia (NH₃) \$95,484.33 per year for each thousand pounds per day of sewage treatment plant capacity required to remove ammonia contained in the sewage discharge from the Unit into the sanitary sewer system.

(2) Operation and Maintenance Cost Recovery Charge:

Flow \$1,876.06 for each million gallons per year of sewage discharged from the Unit into the sanitary sewer system; *plus*

Biochemical Oxygen Demand (BOD) \$213.58 for each thousand pounds per year of biochemical oxygen demand discharged from the Unit into the sanitary sewer system; *plus*

Suspended Solids (SS) \$278.90 for each thousand pounds per year of suspended solids discharged from the Unit into the sanitary sewer system; *plus*

Ammonia (NH₃) \$2,302.75 for each thousand pounds per year of ammonia discharged from the Unit into the sanitary sewer system.

B. In determining the Capital Cost Recovery Charge and the Operation and Maintenance Cost Recovery Charge, the District Manager may utilize information on the content of discharges from particular Units provided by the treatment Plant, or other source of information deemed by the District Manager to be appropriate, or actual grab samples of such discharges taken by the District, or any combination thereof. The District Manager is authorized to modify the annual service charge from time to time, based upon such information and samples; *provided, however*, any increase or decrease in the annual service charge shall be prospective only and implemented on the next regular billing by the District for annual sewer charges. No discharger shall be entitled to a retroactive refund of charges paid, or liable for payment of additional charges, for any period prior to the effective date of the modification.

C. Where multiple Units having different flow content are serviced by the same water meter, the District Manager shall allocate the Capital Cost Recovery Charge and the Operation and Maintenance Cost Recovery Charge between each individual Unit based upon his estimate of the discharge material produced by each Unit.

SECTION 2: Upon adoption this Ordinance shall be entered in the minutes of the Sanitary Board and a summary of this Ordinance prepared by the District Counsel shall be published once in the Cupertino Courier and the Saratoga News, being newspapers of general circulation in the District. A certified copy of the full text of this Ordinance shall be posted in the office of the District Clerk.

SECTION 2: This Ordinance shall become effective upon expiration of the week of publication.

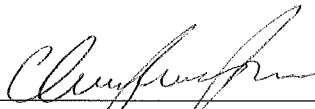
PASSED AND ADOPTED at a regular meeting of the Sanitary Board of the Cupertino Sanitary District held on the 4th day of May, 2011, by the following vote:

AYES: Kerr, Jr., Bosworth, Gatto, Lee and Andrews

NOES: None

ABSTAIN: None

ABSENT: None



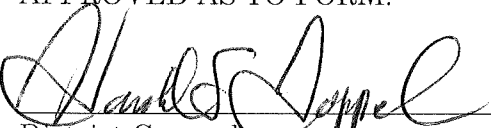
President of the Sanitary Board

ATTEST:



Secretary

APPROVED AS TO FORM:



District Counsel