

ORDINANCE NO. 127

**AN ORDINANCE OF THE CUPERTINO SANITARY DISTRICT
AMENDING SECTIONS 7301, 7302 AND 7303 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 7301, 7302, and 7303 in Chapter VII of the Operations Code are amended to read as follows:

7301. CHARGE FOR RESIDENTIAL UNITS:

Single Family Residential – per unit (annual)	\$666.25
Single Family Residential in Pump Station Zone – per unit (annual)	\$732.50
Multi-Family Residential – per unit (annual)	\$506.39
Multi-Family Residential in Pump Station Zone – per unit (annual)	\$556.07
Accessory Dwelling Unit – per unit (annual)	\$491.77
Accessory Dwelling Unit in Pump Station Zone – per unit (annual)	\$541.45

Single Family Residential is defined as a parcel containing 1-4 residential units. Multi-Family residential is defined as a parcel containing five or more units. Accessory Dwelling units are defined by local zoning. Units that are served by one or more pump stations are defined as being in the Pump Station Zone.

7302. CHARGES FOR PARTICULAR UNITS:

A. Each Unit (as defined in Section 2109.A) of the particular uses listed below shall be charged Eight Dollars and 88/100th Cents (\$8.88) per year, plus an additional annual service charge per hundred cubic feet (HCF) of sewage discharged, to be determined by the District Manager utilizing water consumption for the months of December, January and February less 10% for irrigation and then annualized. Water consumption, if vacant during these months, will be determined by the District Engineer by reviewing typical monthly wet weather water usages. If water consumption data is not available during December, January, and February, or if water consumption during these months is determined to not be representative of typical use, the District Manager may determine water consumption using other available data, as appropriate. No credit, adjustment or refund shall be made if the premises or any part thereof is vacant unless said premises are disconnected from the sewer system. Additional annual service charges per hundred cubic feet (HCF) for various uses are as follows:

<u>Type of Use:</u>	<u>Service Charge:</u>
Auto Repair Shops & Service Stations	\$5.76
Auto Repair Shops & Service Stations in Pump Station Zone	\$6.33
Car Washes	\$4.67

Car Washes in Pump Station Zone (None)	N/A
Domestic Laundry	\$5.05
Domestic Laundry in Pump Station Zone	\$5.54
Machinery Manufacturers	\$8.86
Machinery Manufactures in Pump Station Zone (None)	N/A
Motels/Hotels without Food Service	\$5.92
Motels/Hotels without Food Service in Pump Station Zone (None)	N/A
Motels/Hotels with Food Service	\$9.78
Motels/Hotels with Food Service in Pump Station Zone (None)	N/A
Retirement Homes with Common Dining	\$9.77
Retirement Homes with Common Dinning in Pump Station Zone	\$10.81
Convalescent Hospitals	\$5.39
Convalescent Hospitals in Pump Station Zone	\$5.94
Printing Plants	\$8.13
Printing Plants in Pump Station Zone (None)	N/A
Restaurants	\$11.91
Restaurants in Pump Station Zone	\$13.06
Retail or Professional Office	\$5.26
Retails or Professional Office in Pump Station Zone	\$5.77
Schools, Colleges, Day Care Facilities	\$6.23
Schools, Colleges, Day Care Facilities in Pump Station Zone	\$6.84
Hand Billing School	\$6.36
Hand Billing School in Pump Station Zone (None)	N/A
Hand Billing Retail	\$6.13
Hand Billing Retail in Pump Station Zone (None)	N/A

- 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 7301 of this Chapter.
- C. Where different types of use are served by the same water meter, the District Manager shall estimate the quantity of discharge produced by each type of use and calculate the additional service charge applicable to each type of use 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 use types listed in Paragraph A of this Section, the District Manager may reclassify such Unit to another of the use 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 7303 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.

7303. CHARGES FOR ALL OTHER UNITS

A. For each Unit not listed in Section 7302, 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)	\$9.66 per year for each unit; <i>plus</i>
Flow	\$417,157.33 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)	\$60,915.55 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)	\$56,313.37 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; <i>plus</i>
Ammonia (NH ₃)	\$184,850.16 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	\$3,631.91 for each million gallons per year of sewage discharged from the Unit into the sanitary sewer system; <i>plus</i>
Biochemical Oxygen Demand (BOD)	\$413.50 for each thousand pounds per year of biochemical oxygen demand discharged from the Unit into the sanitary sewer system; <i>plus</i>
Suspended Solids (SS)	\$539.92 for each thousand pounds per year of suspended solids discharged from the Unit into the sanitary sewer system; <i>plus</i>

Ammonia (NH3)

\$4,457.95 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 served 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 into 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 3: This Ordinance shall become effective July 1, 2021.

PASSED AND ADOPTED at a regular meeting of the Sanitary Board of the Cupertino Sanitary District held on the 19th day of May 2021, by the following vote:


AYES: Directors Chen, Bosworth, Gatto, Kwok, and Saadati

NOES: None

ABSTAIN: None

ABSENT: None

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President of the Sanitary Board

ATTEST:



Secretary of the Sanitary Board

APPROVED AS TO FORM:



District Counsel