



ORDINANCE NO. 19

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE CAYUCOS SANITARY DISTRICT FIXING SEWER STANDBY OR IMMEDIATE AVAILABILITY CHARGES

WHEREAS, the Board of Directors of the Cayucos Sanitary District (hereinafter referred to as "District") is authorized, pursuant to Health and Safety Code Sections 5471 and 6520.5, to prescribe, revise and collect sewer standby or immediate availability charges for services and facilities furnished by it in connection with its sanitary and sewerage systems; and

WHEREAS, sewer standby or immediate availability charges collected by the District shall be used only for the acquisition, construction, reconstruction, maintenance, and operation of sanitary and sewerage facilities, and to repay federal or state loans or advances made to the District for the construction or reconstruction of sanitary or sewerage facilities; revenue collected from sewer standby or immediate availability charges shall not be used for the acquisition or construction of new local street sewers or laterals; and

WHEREAS, the District held a public meeting on August 21, 1995, prior to adopting new sewer standby or immediate availability charges, pursuant to Government Code Section 66016, and notice of the time and place of that meeting was given as required by law; and

WHEREAS, the District has on file, and has made available to the public, data indicating the amount of estimated costs required to provide the facilities and services for which the fees and charges are levied and the revenue sources anticipated to provide said facilities and services, which fees and charges have been determined as not exceeding the cost of providing the facilities and services; and

WHEREAS, it is hereby found and determined that sewer standby or immediate availability charges as hereinafter set forth are not discriminatory or excessive and are in compliance with the law; and

WHEREAS, it is hereby found and determined that the sewer standby or immediate availability charges hereinafter set forth be fixed by the District Board of Directors as the District's sewer standby or immediate availability charges.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CAYUCOS SANITARY DISTRICT AS FOLLOWS:

SECTION 1: The recitals set forth hereinabove are true, correct and valid.

SECTION 2: That the Board of Directors of the District hereby fixes sewer standby or immediate availability charges

for all lots, improved or unimproved, located within the District as provided for in the schedule attached hereto as Exhibit "A" and incorporated herein by this reference.

SECTION 3: That said sewer standby and immediate availability charges shall be billed and collected on a bi-monthly basis.

SECTION 4: The Board of Directors of the District finds that the adoption of this Ordinance does not constitute a "project" under the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et seq.) or its implementing Guidelines (14 California Code of Regulations Section 15000 et seq.) ("CEQA Guidelines"). The Board further finds that the adoption of this Ordinance falls within the activities described in Section 15378(b)(3) of the CEQA Guidelines which are deemed not to be "projects."

SECTION 5: That all ordinances, codes, sections of ordinances and codes, and resolutions that are inconsistent with the provisions of this Ordinance, including, but not limited to, Ordinance No. 17, are hereby repealed.

SECTION 6: That this Ordinance is passed and adopted pursuant to Health and Safety Code Sections 5471, 5473.10, 6520.5 and 6521.

SECTION 7: This Ordinance shall take effect immediately upon its adoption.

SECTION 8: Within fifteen (15) days of passage, this Ordinance shall be published one time in a newspaper of general circulation published in the District, if there is one, and if not, then this Ordinance shall be posted for one week in three (3) public places in the District.

This Ordinance was INTRODUCED, READ, PASSED and ADOPTED on the 25th day of August, 1995, on the following roll call vote, to wit:

AYES:	Enns, Knowles, Bell, Gulmert
NOES:	None
ABSENT:	Schubert

SIGNED:	Robert B. Enns, Chairman, Board of Directors
ATTEST:	Bonnie E. Connelly, Secretary
APPROVED AS TO FORM:	Timothy J. Carmel, District Counsel

**SCHEDULE OF MONTHLY SEWER STANDBY
OR IMMEDIATE AVAILABILITY CHARGES
(EXHIBIT "A")**

1. A flat rate will be charged for each lot, improved or unimproved, located within the District at the rate of \$7.50 per month when meeting all of the criteria listed below:
 - A. A building site (lot) must be located within the District's sphere of influence, as determined by the "Sphere of Influence Study" for the Cayucos Sanitary District adopted by the Local Agency Formation Commission (LAFCO), County of San Luis Obispo, State of California on October 21, 1982; and
 - B. A lot, improved or unimproved, must have a sewer line adjacent to it, or must be located within 1,000 feet of District facilities.

 2. A lot, improved or unimproved, located within the District's service area boundaries shall be exempt from assessment of the monthly sewer standby or immediate availability charge when meeting any of the criteria listed below:
 - A. A lot, improved or unimproved, is not included in the District's sphere of influence; or
 - B. A lot, improved or unimproved, is specifically deemed non-buildable by the County. It would be the responsibility of the owner to provide proof satisfactory to the District; or
 - C. Where facilities cannot be reasonably constructed to a lot, improved or unimproved, so as to allow connection to the District's facilities. This determination would be made by the District's Manager and/or engineer, at the owner's expense.
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