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ARTICLE 13. POLICY FOR DISTRICT FACILITIES

Sec. 13.1. General. The Board of Directors of Olivenhain Municipal Water District desires to establish a policy for assisting a developer or consumer in construction of water facilities within the District in order to further the basic policy of the District to maintain adequate water supplies throughout the District system.

Sec. 13.2. Policy re Developers. It is the policy of the District that all facilities required by the District to be constructed within and for the benefit of a specific development or single parcel of land, and for which the District will assume eventual ownership and responsibility for maintenance and operation, shall be installed at the developer's sole cost and expense.

Sec. 13.3. District Participation. It is the policy of the District that, subject to the availability of funds, the District may participate in the financing of all or a portion of needed facilities within the District if, in the sole judgment of the Board of Directors, the expenditure will benefit the District.

Sec. 13.4. Assistance by District. In those situations where the facilities will benefit areas greater than the proposed development or parcel of land, the District may, in the sole discretion of the Board of Directors in each particular situation, provide assistance to an area, development, or individual parcel of land under the policy established May 15, 1969 by Resolution No. 214.

Sec. 13.5. Reimbursement Agreements. The District may, in the sole discretion of the Board of Directors, enter into a reimbursement agreement. (See Article 14.).

Sec. 13.6. Basic Policy re District Participation. The policy of the District in the construction of water facilities is to maintain adequate supplies of water in the District system. To ensure maintenance of this objective, an applicant desiring District participation must submit a detailed plan and proposal for consideration and approval by the District and execute an agreement with the District on terms acceptable to the Board of Directors in each particular case.

Sec. 13.7. At Developer's Expense. The policy of the District regarding additions by subdividers to the distribution system which will be accepted by the District and thereafter operated and maintained by the District is as follows:

- A. The developer must agree to pay the total cost of such additions as are needed to serve the developer's property.

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- B. Plans for additions to the distribution system must be prepared in a manner acceptable to the District and in accordance with procedures, rules and regulations as established by the Board of Directors. All facilities that become the property of the District must be installed in accordance with the Olivenhain Municipal Water District's plans and specifications.
- C. Before a letter or report will be given to the State Real Estate Commission, such agreement must be in writing and secured by an approved bond or a deposit of cash in the sum set by the Board of Directors.

*Sec. 13.8. revised by Ordinance No. 305 / October 22, 2003*

Sec. 13.8. Limitations on Advance Approval of Customer Projects and Systems.

- A. The Board of Directors of the Olivenhain Municipal Water District seeks to provide service to customers throughout the District at minimal cost to the customers and the taxpayers.
- B. Provisions for service are subject to constantly changing and fluctuating variables including, but not limited to, the rate of development within the District, the varied type of development within the District, the availability of facilities, changes in applicable statutes and regulations, changing requirements for water quality standards, environmental considerations, tax limitations, the availability of water to the District, and the availability of funds (many of these variables are not subject to control by the District.)
- C. The Board of Directors desires to ensure that available facilities are put to timely and beneficial use to serve the populace of the District.
- D. Until such time as the Board of Directors shall formally commit the District to provide water service through authorization of a water meter, the District shall not be obligated for any service to any applicant or project within the District.
- E. Water service and water availability letters do not commit the District to supply water to a project. A commitment for water service is secured only when all fees due the District are paid and the District has authorized installation of a water meter.

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- F. For the purpose of this Code, the type and definitions of "commitments" are:
1. **FUTURE COMMITMENTS** are commitments made by the District after the effective date of Ordinance No. 123; a commitment is made by formal Board action approving the plans and specifications for a project and runs from the date of formal Board action approving the plans and specifications; the commitment is subject to the limitations set forth in Ordinance No. 123.
  2. **EXISTING COMMITMENTS** are commitments made by the Board of Directors by virtue of approval of plans and specifications prior to the effective date of Ordinance No. 123; the commitment is subject to the limitations of Ordinance No. 123.
    - a. Applicants who have an existing commitment, but have not paid all fees and/or have not performed all conditions of any concurrent agreement with the District relating to the commitment are subject to having the existing commitment terminated by action of the Board of Directors.
    - b. Applicants who have an existing commitment and who have paid the fees and have performed all the conditions of any concurrent agreement with the District relating to the commitment are subject to termination of the commitment by lapse of time.
    - c. All other persons (including applicants desiring a commitment beyond two years) who have applied for service prior to the effective date of Ordinance No. 123 must reapply for a new (future) commitment.
- G. Unless otherwise stated by the Board of Directors, the formal action of the Board of Directors to obligate the District to provide service shall automatically terminate and shall be null and void with the occurrence of any one or more of the following events:
1. For all water commitments not involving a subdivision map, the commitment shall expire two years from the date it was approved if the project has not been issued a building permit within this time period. The Board of Directors may extend this time period, in its

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sole discretion, if a written request to extend the time period has been made to the Board of Directors before the commitment has expired.

2. For subdivisions, the commitment shall terminate if the tentative map is denied or when an approved tentative map has expired as determined by the local land use agency approving the tentative map.
  3. For subdivisions, the commitment shall terminate if the final map is denied, lapses, or is terminated by the local land use agency which considers the final map, or five years from the date the commitment was approved if all improvements required by the final map have not been installed within this five-year period. The Board of Directors may extend the five-year period upon written request prior to expiration as the Board of Directors shall determine, in its sole discretion.
  4. The commitment shall terminate if all fees and charges imposed by the District have not been paid on the date these fees and charges are due. (See Sections 13.8 (I) and 13.10.)
- H. An applicant may reapply for a new commitment by District to provide service notwithstanding the fact that a prior commitment is rendered void by cancellation of the commitment by the Board or by the lapse of the applicable period of a prior commitment without the initiation and approval of actual service by the District.
- I. Where special circumstances dictate such a requirement, the Board of Directors reserves the right to and may specify a shorter or longer period for the life of the commitment to provide service, in which case the expiration date shall be specifically fixed by the Board in the formal action setting forth the commitment of the District to provide service.
- J. Notwithstanding any action by the Board to obligate the District to provide service, the commitment is not final and binding until the applicant has paid all fees including, but not limited to, Hydraulic Analysis, Plan Check, and capacity fees and has fully complied with all the terms and conditions of all executed agreements with the District. Until such time as the applicant has discharged those requirements, the Board may withdraw the commitment to provide service.

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- K. Any formal commitment by the Board to provide service is premised upon the nature of the particular project involved and the criteria then in effect for providing service to the particular project. In the event there is any change in the nature of the project or in the applicable criteria for service to the project (though the project is not changed), the District reserves the right to cancel the commitment for service. The decision on whether or not there has been a change in the nature of the project and/or in the criteria for service to the project is a decision reserved to the exclusive judgment and discretion of the Board of Directors of the District.
  
- L. Commitments by the District to serve water are personal to the particular applicant to whom the commitment is made and pertain solely to the proposed project as described by the applicant. Commitments do not run with the land and are not transferable by the applicant to another owner or to another project without prior written approval from the District being first obtained. No refunds or credits shall be allowed for capacity fees or portions thereof previously paid. Any attempted transfer, sale or assignment of the project or significant change in the project without prior written approval of the District renders the commitment null and void and terminates the obligation of the District to provide water service.
  
- M. Applicants shall be apprised of the policy set forth herein pursuant to procedures established by the General Manager and, on request, shall be provided copies of the appropriate documents on payment of the cost attendant thereto.

*Sec. 13.9. revised via Ordinance No. 320 / July 27, 2005*

Sec. 13.9. Rules and Regulations and Fixing Charges for Providing Water Service to Multiple Dwelling Units, Commercial Businesses, Hotels, Motels and Schools.

- A. Definitions. As used in this Section, the following terms shall have the following meaning:
  1. Dwelling Unit. Any unit of housing or space designated to be occupied as a residence by one family or single occupancy.
  
  2. Multiple Dwelling Unit. Any combination of dwelling units with areas shared in common with other dwelling units, e.g.,

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condominium, apartment, mobile home park, and other similar types of coordinated residential housing.

3. Common Elements. The elements of the property owned and/or shared mutually among the unit owners, e.g., basements, yards, parking, storage, community facilities, elevators, utilities, etc.
4. Management Body. A corporation, association, directors, or other entity or individual acting for and on behalf of the unit and is such owner's agent for the purpose of contracting for water service with the District.
5. Developer. The owner and/or builder of the units (apartment, trailer park, single family house, or other dwelling units) for sale.
6. Business. Any commercial, industrial, mercantile or professional activity customarily engaged in as a means of livelihood.
7. Motel and Hotel. An establishment renting or leasing dwelling space on a limited time or temporary basis for the accommodation of transients.
8. Schools. An institution or place for instruction or learning, acquiring knowledge or mental training.
9. Fixture Count. The number of water-demanding devices or fixtures, including all faucets, toilets, showers, irrigation hose bibs, and any other equipment from which water is dispensed. The International Association of Plumbing Mechanical Officials (I.A.P.M.O.) Uniform Plumbing Code will be used as the basic guideline, adjusted by District to serve individual circumstances.
10. Fixture Unit Value (F.U.V.): The fixture unit value (FUV) is a weighted evaluation of each fixture's water usage in gallons per minute. The cumulative FUV will be used to determine meter sizes in appropriate cases. The I.A.P.M.O. Uniform Plumbing Code will be used as the basic guideline, adjusted by District to serve individual circumstances.

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11. Equivalent Dwelling Unit (E.D.U.): An EDU is based on the average daily water usage of 802 gpd (gallons per day) for the single family residence as a dwelling unit and requires a 3/4-inch meter.
  12. Development. Any project composed of more than one unit to be served - principally pertaining to dwelling or similar type units.
- B. Approval of Plans and Specifications.
1. Prior to the commencement of construction, the developer shall submit to the District's General Manager and Consulting Engineer detailed plans and specifications of the water system to serve the development, which will be constructed, dedicated and conveyed to the District.
  2. The plans and specifications shall comply with the criteria in standard plans and specifications established by the District.
  3. The developer shall deposit such fees and bonds and shall enter into such agreements as are required by the District for the development.
- C. Service as Single Family Dwelling.
1. Where the units to be constructed are on individual parcels of land, the fee of which is conveyed to the owner of the unit, District may require or the developer may at his option elect to have the dwelling unit treated as a subdivision of individual parcels.
  2. Developer shall comply with all rules, regulations and charges contained within this Administrative Code relating to single family dwellings, including, but not limited to, the individual metering of all such units.
  3. The decision shall be made at the time Developer seeks approval of water system to serve the development and the election shall not be altered without the written approval of the District's General Manager and Consulting Engineer.

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D. Multi-Metering Permitted.

1. The District may approve the metering of a multiple dwelling unit on a single meter, including the metering of the common area, separately or in conjunction with units where the plans and specifications provide that such metering shall be done in accordance with District's standards and in conformity with good engineering practices.
2. The installation must safeguard the system and protect the future owners of the units to be sold by the Developer.

E. Acceptance of the System and District Responsibility.

1. The District shall not be obligated to supply water to the dwelling units until the District has inspected the system and accepted the same in writing and the Developer has complied with all of the provisions of this Code.
2. The installation must safeguard the system and protect the future owners of the units to be sold by the Developer.
3. District shall be responsible only for the operation and maintenance of that portion of the system conveyed to and accepted by the District and in no case shall the District be responsible for the maintenance or operation of any portion of the system beyond the District's meters.

F. Capacity Fee Payable Prior to Installation of Meter.

1. Developments: Prior to the installation of any meter intended to serve more than one unit, and in addition to the charges made for the cost of installing said meter, Developer shall pay a base capacity fee for the specific size meter to be installed. The base capacity fee includes an allowable number of dwelling units to be served through various meter sizes based upon Dwelling Unit Equivalent for a 5/8-inch meter. If the approved units will exceed this allowable base, an additional charge will be assessed for each additional unit over allowable base at the rate of 5/8" meter capacity fee. If the base capacity and/or base volume

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requirements (of any of the units to be served) exceed those of a 5/8" meter, specific fee calculations by the District will be required.

2. Business: Businesses/commercial projects which use water only for domestic, sanitation facilities, and other common needs shall be charged a base capacity fee determined by the size of meter to be installed. The base capacity charge includes a base volume utilizing 802 gallons per day per EDU, which is determined by the meter size. If anticipated usage will exceed this base volume, the base capacity charge for the meter will increase in the ratio of anticipated volume over base volume. In order to estimate anticipated volume, the establishment's fixture unit count will be utilized in relation to a single family dwelling unit.
3. Hotels and Motels. Hotels and motels will be charged a base capacity fee determined by the size meter to be installed. For purposes of computing potential additional units charge under "F" above, these units will be rated at one-half a normal unit.
4. Schools. Schools shall be charged a base capacity fee on the same basis as businesses/commercial projects. See 13.9.F.2 above.
- 5a. Certain projects presented to the District for water service will require specific determination from the District for a capacity fee charge. Such projects as golf courses, water-intensive industrial, manufacturing, irrigation, and various other projects requesting meters will be evaluated separately by the District. Such projects will be required to submit detailed water demand and usage estimates. Such estimates will be evaluated with respect to the system effect and to equivalent capacity fees to be charged.
- 5b. The Board of Directors may grant variations from established fees in those circumstances where it deems such variations appropriate.

G. Installation Charges.

1. The charges for the installation of meters and meter service connections necessary to provide water service from the District's mains to the units shall be those set forth in Section 13.11. of the Administrative Code of the District.

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2. Where the District has established special charges for designated areas, these sums shall be collected also prior to the installation of the meter.
3. Reimbursement Agreement Fees. (See Article 14.)

H. Water Rates.

1. The water rates for all water sold within the development shall be those under Section 8.1. of the Administrative Code of the District and shall include the monthly minimum service charge provided for such class under Section 8.2. of this Administrative Code.
2. Any owner-occupant may elect to be served by a separate water meter for that unit, with prior approval of the District.
3. An applicant electing to have one meter for more than one unit under multiple ownership shall be required to execute the appropriate agreement with the District (Declaration of Restriction and Covenant) prior to approval by the District for this arrangement. Such arrangements will be considered on a case-by-case basis by District, whose sole discretion and decision shall prevail. (See Article 13.9.L)
4. The monthly charges for water shall be billed by the District to the managing body who shall assume full responsibility for the payment. Such charges shall be paid within the time prescribed by Section 9.12. of this Code. The District reserves the right to shut off the water to the meter in accordance with the provisions of that Section.

I. District's Waiver, Declaration of Servitude, and Agreement for Common Areas to Assume Tax Lien for Delinquent Water Bills

1. The owner shall record a Declaration of Restrictions, enuring to the benefit of the District, pursuant to Section 1355 of the Civil Code, whereby unpaid water charges shall become a servitude and lien upon both the common area and each individual unit and shall be enforceable as otherwise provided by law, including, but not limited to, the procedures set forth in Sections 72100 and 72101 of the California Water Code, for all delinquent water bills for water supplied to any or all parts of a development, condominium, apartment, multiple dwelling unit, commercial business, hotel and motel or school.

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2. The Declaration shall expressly provide that it may not be cancelled or changed without prior written approval of the District.
3. A copy of the recorded document shall be provided to the District by the Developer prior to approval of the water system plans and specifications.

*Sec. 2.4. (H) - Revised via Ordinance No. 356 / Dec. 5, 2007*

Sec.13.10. Time of Payment of Connection Fees and Effective Period of Water Service Commitments

A. Time of Payment of Connection Fees.

1. All projects not classified as major subdivisions by the District, including all lot splits, shall pay all connection fees at the time the water meter is installed.
2. All major subdivisions creating five (5) or more lots or units shall pay connection fees in installments as follows:
  - a. At the time the applicant of a subdivision requests that the District represent that facilities and water service are available to serve the subdivision, the applicant shall pay five percent (5%) of the connection fee which is in effect at that time;
  - b. Within thirty (30) days of the date of approval of any tentative subdivision map, the applicant shall pay an additional ten percent (10%) of the connection fee in effect at that time;
  - c. Within thirty (30) days of the date of recordation of a final subdivision map, the applicant shall pay an additional thirty-five percent (35%) of the connection fee in effect at that time;
  - d. When the applicant for a subdivision has filed the application for the installation of the water meter, the applicant shall pay one hundred percent (100%) of the

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connection fee in effect at the time the application for a water meter is submitted to the District.

3. In the event the connection fees have been increased/decreased since the previous installment payment was made, all prior installments will be recomputed and paid on the basis of the latest connection fee in effect. The applicant will receive a credit for connection fee payments previously made.

B. Penalties and Interest for Non-Payment.

All connection fees shall be paid to the District on the dates they are due. In the event any connection fee payment is not paid on the date it is due, the District may pursue all or any of the following remedies:

- a. Terminate water service for the project by written notice to the applicant; and/or
- b. Impose a penalty equal to ten percent (10%) of the amount due plus interest on the amount due from the date payment is due to the date payment is made in full at the rate of 1.5% per month. In the event the District elects to terminate water service, the applicant will be required to reapply for water service after payment of all penalties and interest imposed by the District.

C. No Prepayment of Connection Fees.

Applicants shall not be entitled to prepay their connection fees prior to the times these connection fees are due.

D. Application of Prior Payments and Refunds.

In the event the District has terminated an applicant's water service for non-payment of connection fees and the District subsequently approves a new application for service after payment of the penalties and interest as prescribed in Section 13.10 B, prior payments made by the applicant shall be credited against the connection fees, penalties, and interest which are due. If the District approves a new application for service, connection fees shall be collected at the rate in effect at the time of the new application, plus any subsequent increases for connection fees paid in installments. No refunds of

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prior connection fees will be allowed. Any revenues received in excess of actual costs will be used to reduce future connection fees and will not be refunded.

E. Effective Period of Water Service Commitments.

Upon payment of the connection fees required to obtain a water service availability letter or its equivalent, the District will make a reasonable effort to make facilities and water service available for the applicant's project for a period of two (2) years provided the District determines there is adequate water to serve the project at that time service is actually requested, in the District's sole discretion. When the applicant has secured a tentative map for a subdivision and paid the required connection fees, the District will make a reasonable effort to make facilities and water service available for the period concurrent with the term of validity of the tentative subdivision map provided the District determines there is adequate water to serve the project at the time service is actually requested, in the District's sole discretion. When the applicant has secured a final subdivision map and paid the connection fees, the District will make a reasonable effort to make facilities and water service available for the period concurrent with the term of validity of the final map provided the District determines there is adequate water to serve the project at the time service is actually requested, in the District's sole discretion. However, commitments for service for a final subdivision map shall automatically lapse no later than five (5) years from the date of recordation of the final map if the applicant has not paid one hundred percent (100%) of the connection fee and applied for the water meter within this five (5) year period. The District shall retain the sole discretion to extend the expiration of any water service commitment. No applicant shall have a right to any water service until the water meter has been approved by the District and installed.

F. Extensions of Expirations of Periods by District.

Upon written request by an applicant filed with the District no later than sixty (60) calendar days after the expiration of the term of a water availability letter, or water service commitment for a tentative or final subdivision map, the District may, in its sole discretion, grant an extension or waiver of any of the time limits set forth herein. Nothing contained in this section shall be construed as obligating the District to grant any extension request which shall be left to the sole

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discretion of the District. The District may deny any extension request, in its sole discretion.

**G. Facility and Fee Agreements.**

The District may enter into agreements with applicants regarding the availability of District facilities, prescribing water service commitments, and specifying the amount and manner of payment of connection fees upon terms and conditions satisfactory to the District, in its sole discretion. Nothing contained in this section shall be construed as obligating the District to enter into any agreement with any applicants. All such decisions shall be left to the sole discretion of the Board of Directors.

*Sec. 2.4. (H) - Revised via Ordinance No. 356 / Dec. 5, 2007*

**H. Annual Review of Capital Facility Fee Studies and Inflationary Increases.**

The District will annually, not later than October 31st of each fiscal year, study the need for capital facilities and will review its identified list of needed capital facilities and their total cost as determined by the District from time to time. Capacity fees will be reviewed annually and adjusted, if necessary, to conform with changes in the market as generally reflected by commonly used construction cost indices. In lieu of adjusting the fees utilizing a construction cost index, the District may cause to have a specific study performed to evaluate the methodology by which capacity fees are calculated. As part of this process, the General Manager shall report the District's findings to the Board of Directors at a noticed public hearing to be scheduled on the regular Board of Directors meeting in November each fiscal year, and recommend any adjustment to the capacity fee or other action as may be necessary.

*Sec. 13.11.A. Revised by Ordinance No. 387 / March 23, 2011*

*Sec. 13.11.A. Revised by Ordinance No. 378 / June 23, 2010*

*Sec. 13.11.A. Revised by Ordinance No. 368 / December 10, 2008*

*Sec. 13.11.A. Revised by Ordinance No. 356 / December 5, 2007*

*Sec. 13.11.A. and B. revised by Ordinance No. 341 / December 13, 2006*

*Sec. 13.11.A. and B. revised by Ordinance No. 324 / Nov. 16, 2005*

*Sec. 13.11.A., B., and E. revised by Ordinance No. 320 / July 27, 2005*

*Sec. 13.11.B. revised by Ordinance No. 319 / June 22, 2005*

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*Sec. 13.11.A. revised by Ordinance No. 314 / Jan. 14, 2005* *Sec. 13.11.A. revised by Ordinance No. 307 / Nov. 19, 2003*

*Sec. 13.11.A. revised by Ordinance No. 301 / Dec. 18, 2002*

Sec 13.11. Capacity Fee and Installation Charges

A. OMWD Capacity Fees by Zone

**ZONE A**

Meter Size	Equivalent EDUs	Average Volume Gallons Per Day	Base Capacity Fee
5/8"	0.7	389	\$ 6,442
3/4"	1.0	555	\$ 9,203
1"	1.9	1,055	\$ 17,486
1-1/2"	3.1	1,721	\$ 28,529
2"	5.0	2,775	\$ 46,015
3"	10.2	5,661	\$ 93,871
4"	17.1	9,491	\$ 157,371
6"	36.0	19,980	\$ 331,308
8"	65.0	36,075	\$ 598,195

Sec 13.11. Capacity Fee and Installation Charges

A. Capacity Fees by Zone *continued*

**ZONE B**

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Meter Size	Equivalent EDUs	Average Volume Gallons Per Day	Base Capacity Fee
5/8"	0.7	389	\$ 4,984
3/4"	1.0	555	\$ 7,120
1"	1.9	1,055	\$ 13,528
1-1/2"	3.1	1,721	\$ 22,072
2"	5.0	2,775	\$ 35,600
3"	10.2	5,661	\$ 72,624
4"	17.1	9,491	\$ 121,752
6"	36.0	19,980	\$ 256,320
8"	65.0	36,075	\$ 462,800

Sec 13.11. Capacity Fee and Installation Charges

A. Capacity Fees by Zone *continued*

**Z O N E C**

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ARTICLE 13. POLICY FOR DISTRICT FACILITIES

Meter Size	Equivalent EDUs	Average Volume Gallons Per Day	Base Capacity Fee
5/8"	0.7	389	\$ 5,070
3/4"	1.0	555	\$ 7,243
1"	1.9	1,055	\$ 13,762
1-1/2"	3.1	1,721	\$ 22,453
2"	5.0	2,775	\$ 36,215
3"	10.2	5,661	\$ 73,879
4"	17.1	9,491	\$ 123,855
6"	36.0	19,980	\$ 260,748
8"	65.0	36,075	\$ 470,795

Sec 13.11. Capacity Fee and Installation Charges

A. Capacity Fees by Zone *continued*

**ZONE D**

		Base
--	--	------

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Meter Size	Equivalent EDUs	Average Volume Gallons Per Day	Capacity Fee
5/8"	0.7	389	\$ 9,134
3/4"	1.0	555	\$ 13,049
1"	1.9	1,055	\$ 24,793
1-1/2"	3.1	1,721	\$ 40,452
2"	5.0	2,775	\$ 65,245
3"	10.2	5,661	\$ 133,100
4"	17.1	9,491	\$ 223,138
6"	36.0	19,980	\$ 469,764
8"	65.0	36,075	\$ 848,185

Sec 13.11. Capacity Fee and Installation Charges

A. Capacity Fees by Zone *continued*

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**ZONE E**

Meter Size	Equivalent EDUs	Average Volume Gallons Per Day	Base Capacity Fee
5/8"	0.7	389	\$ 5,186
3/4"	1.0	555	\$ 7,409
1"	1.9	1,055	\$ 14,077
1-1/2"	3.1	1,721	\$ 22,968
2"	5.0	2,775	\$ 37,045
3"	10.2	5,661	\$ 75,572
4"	17.1	9,491	\$ 126,694
6"	36.0	19,980	\$ 266,724
8"	65.0	36,075	\$ 481,585

NOTES:

<sup>1</sup> Supplemental Capacity Fee Charges

Volume Charge - Base capacity fee includes a base volume usage of 555 gallons per day per EDU. If anticipated usage will exceed this base volume, the base capacity fee will increase in the ratio of anticipated volume over base volume.

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- Sec. 13.11 (B) revised by Ordinance No. 389 / July 27, 2011*
- Sec. 13.11 (B) revised by Ordinance No. 381 / August 11, 2010*
- Sec. 13.11 (B) revised by Ordinance No. 349/ June 27, 2007*
- Sec. 13.11 (B) revised by Ordinance No. 331 / June 9, 2006*
- Sec. 13.11 (B) revised by Ordinance No. 324 / Nov. 16, 2005*
- Sec. 13.11 (B) revised by Ordinance No. 320 / July 27, 2005*
- Sec. 13.11(B) revised by Ordinance No. 319 / June 22, 2005*
- Sec. 13.11,(B) revised by Ordinance No. 304 / June 25, 2003*

**Sec 13.11. Capacity Fee and Installation Charges**

**B. Meter Installation Charges**

Meter Size	Partial <sup>(1)</sup>	Full <sup>(2)</sup>
5/8"	\$510.00	TM
3/4"	\$510.00	TM
3/4" with 1" fire meter	\$905.00	TM
1"	\$565.00	TM
1" with 1" fire meter	\$910.00	TM
1" fire meter only	\$515.00	TM
1-1/2"	\$1,580.00	TM
2"	TM	TM
3"	TM	TM
4"	TM	TM
6"	TM	TM
8"	TM	TM

NOTE:

<sup>1</sup> Partial installation is where service lateral exists now or previously (subdivisions).

<sup>2</sup> Full installation is for a completely new service lateral.

TM Installation costs are on a time and materials basis as set by the District to pay for all costs in providing such services. Upon application, a cost estimate will be made and

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**ARTICLE 13. POLICY FOR DISTRICT FACILITIES**

collected. Refunds without interest will be made if work is less than estimated. Requests for additional funds will be made if actual cost is greater than estimated.

- C. Capacity Fees shall be collected on all temporary meters (other than Construction Meters). A refund of said Capacity Fee shall be made upon the removal of any meter (other than Construction Meters) in service less than one year as follows:

- In service 3 mos. or less-----75%
- In service 3 to 6 mos.-----50%
- In service 6 mos. to 1 year-----25%
- In service 1 year or over-----0

- D. Fire protection ordinances of local agencies other than the District may require that buildings and other structures, including individual dwelling units, be constructed with fire protection systems. The General Manager of the District shall have the authority to waive capacity fees for buildings and dwellings required to provide fire protection systems when the owner(s) can demonstrate to the satisfaction of the General Manager that the fire sprinkler systems will be used exclusively for fire protection services and that no domestic peaking impacts will occur as a result of use of required fire protection systems. In the event the District determines that a building, structure or dwelling is utilizing water from the fire protection system for any purpose other than fire protection, the owner(s) of the building, structure or dwelling shall be required to pay the District the then appropriate capacity fee(s) at the then current capacity fee rate of the District within thirty (30) days after the District has mailed notice that the capacity fee is due to the last known address of the then owner(s) of the building, structure or dwelling. As a condition of any waiver of the capacity fee for systems used exclusively for fire protection services, the owner(s) shall be required to insert a future obligation for capacity fees in deeds and/or covenants, conditions, and restrictions for the property in a form acceptable to the District.

*Sec. 13.11(E) revised by Ordinance No. ??? / ???*  
*Sec. 13.11(E) revised by Ordinance No. 325 / December 7, 2005*  
*Sec. 13.11(E) revised by Ordinance No. 320 / July 27, 2005*  
*Sec. 13.11.(E) revised by Ordinance No. 296 / July 24, 2002*

- E. San Diego County Water Authority Capacity Fee Schedule

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The San Diego County Water Authority (Authority) imposes a capacity charge on meters being installed for new water service within the Authority's service area. The purpose of this charge is to pay for the cost of capital improvements due to increases in demand that new development will place on the Authority's distribution system. All revenue from this charge is restricted to the Authority's Capital Improvement Program (CIP). The CIP includes the construction of additional water distribution pipelines and appurtenant facilities to meet the future demand for water and to increase system reliability.

Effective upon passage of this Ordinance, the Authority's capacity charge shall be collected by the District at the time of application for meter(s) installation and prior to physically setting all meters.

Schedule of Charges. Except as hereinafter provided, there is hereby fixed and imposed a capacity charge on each person, corporation, partnership, public agency, or other entity (hereinafter referred to as "a water user"), effective January 1, 2007, obtaining a water meter from a member agency for the use of water received by the member agency from the Authority. The capacity charge for a meter size of one (1) inch, or greater than one (1) inch, shall be the basic charge of \$4,492 multiplied by one of the following factors:

<u>Meter Size (Inches)</u>	<u>Factor</u> <sup>(1)</sup>	<u>System Capacity Charge</u>	<u>Water Treatment Capacity Charge</u> <sup>(2)</sup>
Under 1"	1.0	\$ 4,326	\$ 166
1"	1.6	\$ 6,922	\$ 266
1.5"	3.0	\$ 12,978	\$ 498
2"	5.2	\$ 22,495	\$ 863
3"	9.6	\$ 41,530	\$ 1,594
4"	16.4	\$ 70,946	\$ 2,722
6"	30.0	\$ 129,780	\$ 4,980
8"	52.	\$ 224,952	\$ 8,632
10"	78.0	\$ 337,428	\$12,948
12"	132.0	\$ 571,032	\$21,912

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- <sup>(1)</sup>San Diego County Water Authority Equivalent Dwelling Unit Factors.
- <sup>(2)</sup>Net of OMWD Credit of \$5.00 per 3/4" meter equivalent.

The member agency shall determine the size of the water meter to serve any property within its jurisdiction.

**Sec. 13.12. Time of Payment of Sewer Capacity Fees and Effective Period of Sewer Service Commitments.**

**A. Time of Payment of Sewer Capacity Fees.**

1. All projects not classified as subdivisions under the Subdivision Map Act shall pay all sewer capacity fees at the time the potable water meter is installed. In the event the potable water meter is already installed, fees shall be due and payable at the time sewer service availability is granted by the District.
2. All subdivisions shall pay sewer capacity fees in installments as follows:
  - a. At the time the applicant of a subdivision requests that the District represent that facilities and sewer service are available to serve the subdivision, the applicant shall pay five percent (5%) of the sewer capacity fee which is in effect at that time;
  - b. Within thirty (30) days of the date of approval of any tentative subdivision map, the applicant shall pay an additional ten percent (10%) of the sewer capacity fee in effect at that time;
  - c. Within thirty (30) days of the date of recordation of a final subdivision map, the applicant shall pay an additional thirty-five percent (35%) of the sewer capacity fee in effect at that time;
  - d. When the applicant for subdivision has filed the application for the installation of the potable water meter, the applicant shall pay one hundred percent (100%) of the sewer capacity fee in effect at the time the application for a potable water meter is submitted to the District.

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3. In the event the sewer capacity fees have been increased/decreased since the previous installment payment was made, all prior installments will be recomputed and paid on the basis of the latest sewer capacity fee in effect. The applicant will receive a credit for sewer capacity fee payments previously made.

B. Penalties and Interest for Non-Payment.

1. All sewer capacity fees shall be paid to the District on the dates they are due. In the event any sewer capacity fee payment is not paid on the date it is due, the District may pursue all or any of the following remedies:

- a. Terminate sewer service for the project by written notice to the applicant;
- b. Impose a penalty equal to ten percent (10%) of the amount due plus interest on the amount due from the date payment is due to the date payment is made in full at the rate of 1.5% per month. In the event the District elects to terminate sewer service, the applicant will be required to reapply for sewer service after payment of all penalties and interest imposed by the District.

C. No Prepayment of Sewer Capacity Fees.

Applicants shall not be entitled to prepay their sewer capacity fees prior to the times these sewer capacity fees are due in accordance with the terms of this Ordinance.

D. Application of Prior Payments and Refunds.

In the event the District has terminated an applicant's sewer service for non-payment of sewer capacity fees and the District subsequently approves a new application for service after payment of the penalties and interest as prescribed in Section 13.13 B, prior payments made by the applicant shall be credited against the sewer capacity fees, penalties, and interest which are due. Refunds shall be allowed only to the extent and in the manner prescribed by Government Code section 66000, et seq.

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E. Effective Period of Sewer Service Commitments.

Upon payment of the sewer capacity fees required to obtain a sewer service availability letter or its equivalent, the District will make a reasonable effort to make facilities and sewer service available for the applicant's project for a period of two (2) years provided the District determines there is adequate sewer capacity to serve the project at that time service is actually requested, in the District's sole discretion. When the applicant has secured a tentative map for a subdivision and paid the required sewer capacity fees, the District will make a reasonable effort to make facilities and sewer service available for the period concurrent with the term of validity of the tentative subdivision map provided the District determines there is adequate sewer capacity to serve the project at the time sewer service is actually requested, in the District's sole discretion. When the applicant has secured a final subdivision map and paid the sewer capacity fees, the District will make a reasonable effort to make facilities and sewer service available for the period concurrent with the term of validity of the final map provided the District determines there is adequate sewer capacity to serve the project at the time service is actually requested, in the District's sole discretion. However, commitments for service for a final subdivision map shall automatically lapse no later than five (5) years from the date of recordation of the final map if the applicant has not paid one hundred percent (100%) of the sewer capacity fee and applied for the sewer permit within this five (5) year period. The District shall retain the sole discretion to extend the expiration of any sewer service commitment.

F. Extensions of Expirations of Periods by District.

Upon written request by an applicant filed with the District no later than sixty (60) calendar days after the expiration of the term of a sewer availability letter, or sewer service commitment for a tentative or final subdivision map, the District may, in its sole discretion, grant an extension or waiver of any of the time limits set forth herein. Nothing contained in this section shall be construed as obligating the District to grant any extension or waiver, which shall be left to the sole discretion of the District. The District may deny any extension, in its sole discretion.

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G. Facility and Fee Agreements.

The District may enter into agreements with applicants regarding the availability of District facilities, prescribing sewer service commitments, and specifying the amount and manner of payment of sewer capacity fees upon terms and conditions satisfactory to the District, in its discretion. Nothing contained in this section shall be construed as obligating the District to enter into any agreement with any applicants. Decisions shall be left to the sole discretion of the Board of Directors.

Sec. 13.13. Sewer Capacity Fees

Sec. 13.13.1 Establishment of Sewer Capacity Fees

In addition to any other fees for connections to the sewer system within a district, a capacity fee for sanitation district sewer capacity shall be established for each District and shall be set forth in the Fee Ordinance.

A. Application of Sewer Capacity Fee

The sewer capacity fee shall be applied to each equivalent dwelling unit connected to the sewer system of a district after the effective date of this Ordinance. The number equivalent dwelling units prescribed herein shall be used to compute the amount of connection fee.

B. Changes in Use Resulting in Increased Sewer Service Charges and/or Connection Fees

The use of a sewer connection shall be limited to the type and number of equivalent dwelling units authorized by the original wastewater discharge permit. Before adding any additional equivalent dwelling units, buildings, modifying existing buildings, or changing occupancy type, the property owner shall make a supplementary wastewater permit application to the District for such change in use and pay any additional sewer capacity fees as may be applicable.

Periodic inspections of the premises may be made by the District and if an unauthorized change in use is found, an assignment for sewer

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service shall be made by the District and any appropriate additional capacity fees shall be assessed in accordance with this Ordinance and the current District Sewer Capacity Fee Ordinance.

C. Commercial, Professional and Industrial Condominiums

The capacity fee for district sewer capacity for commercial, professional and/or industrial condominiums shall be assigned as follows:

1. For those commercial, professional and/or industrial condominiums that utilize a common public sanitation facility, the number of equivalent dwelling units prescribed herein shall be used to compute the amount of the sewer capacity fee.
2. For those commercial, professional and/or industrial condominiums that utilize sanitary facilities in each commercial, professional and/or industrial unit, the General Manager shall assign equivalent dwelling units, to compute the amount of the sewer capacity fee, based upon the estimated amount and/or type of sewage generated by an average single family dwelling unit. In no case shall equivalent dwelling units assigned by the General Manager, for each unit, be less than 1.0.

D. Special Capacity Fees

Separate fees in addition to the basic sewer capacity fee may be established from time to time, for various special areas within a particular District, to reimburse the District for costs applicable only to these said special areas within the particular District.

E. Establishment of Capacity Fees

Sewer capacity fees and any special fees applicable shall be established by fee ordinance of the individual Districts.

F. Definitions. As used in this Section, the following terms shall have the following meaning:

- 1) Dwelling Unit. Any unit of housing or space designated to be occupied as a residence by one family or single occupancy.
- 2) Multiple Dwelling Unit. Any combination of dwelling units with areas shared in common with other dwelling units, e.g.,

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condominium, apartment, mobile home park, and other similar types of coordinated residential housing.

- 3) Equivalent Dwelling Unit (EDU). The standard measurement of wastewater discharge equal to the average discharge from a detached single family unit.
- 4) Business. Any commercial, industrial, mercantile or professional activity customarily engaged in as a means of livelihood.
- 5) Motel and Hotel. An establishment renting or leasing dwelling space on a limited time or temporary basis for the accommodation of transients.
- 6) Schools. An institution or place for instruction or learning, acquiring knowledge or mental training.
- 7) Fixture Count. The number of water-demanding devices or fixtures, including all faucets, toilets, showers and any other equipment from which water is dispensed. The International Association of Plumbing Mechanical Officials (I.A.P.M.O.) Uniform Plumbing Code will be used as the basic guideline, adjusted by District to serve individual circumstances.
- 8) Fixture Unit Value (F.U.V.): The fixture unit value (FUV) is a weighted evaluation of each fixture's water usage in gallons per minute. The cumulative FUV will be used to determine the number of EDUs for each parcel in question in appropriate cases. The I.A.P.M.O. Uniform Plumbing Code will be used as the basic guideline, adjusted by District to serve individual circumstances.

*Sec. 13.13.2 revised by Ordinance No. 324 / Nov. 16, 2005*

Sec. 13.13.2 4S Ranch Sanitation District

A. Equivalent Dwelling Unit (EDU)

Within the 4S Ranch Sanitation District, an EDU shall mean the standard measurement of wastewater discharged into the 4S Ranch collection and treatment system equal to the average discharge from a detached single-family unit. One EDU currently is calculated to be 240

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gallons per day and consistent levels of 300 parts per million suspended solids (300 ppm SS) and 300 parts per million biochemical oxygen demand (300 ppm BOD). This standard measurement may be modified from time to time by the District to reflect average actual utilization.

For the purpose of this Ordinance, all water entering the property through the water meter is assumed to reach the sewer unless the discharger presents evidence to the contrary, which is satisfactory to the District. Equivalent dwelling unit calculations and subsequent capacity fees shall be based on an evaluation of the proposed fixture unit count and comparison with fees as set forth in this Ordinance, at the sole discretion of the District.

B. 4S Ranch Sanitation District Capacity Fees

Within the 4S Ranch Sanitation District capacity fees shall be applied in accordance with the following schedule:

Sewer Capacity Fees

- |   |            |
|---|------------|
| 1) Dwelling Units (One EDU)   | \$1,620.00 |
| 2) Hotels, Motels, Convalescent Homes<br>(0.6 EDU / each guest unit)  | \$ 972.00  |
| Any dining, laundry and/or recreational facility, etc., shall be considered separately, in addition to hotels, motels, convalescent homes (guest facilities). |            |
| 3) Restaurant, Café, Bar First EDU  | \$1,620.00 |
| For each additional EDU   | \$1,620.00 |
| For the purpose of this Ordinance, 6 seats will be considered one EDU   |            |
| 4) Stores, Offices, Industrial First EDU  | \$1,620.00 |
| 5) Schools (per EDU)  | \$1,620.00 |

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6) Industrial Waste

All waste dischargers for which the District elects not to apply the above schedule, the sewer capacity fee shall be based on the average amount of water discharged into the sewer system daily, defined and reviewed as provided in the Rules and Regulations for use of Sanitation District Facilities as follows:

For each gallon of discharge per day	\$ 8.33
The minimum fee shall not be less than	\$2,000.00

NOTES:

Supplemental Sewer Capacity Fee Charges: Volume Charge

Base sewer capacity fee includes a base volume of 240 gallons per day per EDU. If anticipated usage will exceed this base volume rate, the base sewer capacity fee will increase in the ratio of anticipated volume over base volume.

Sec. 13.13.3 Rancho Cielo Sanitation District Capacity Fees and Charges

A. Equivalent Dwelling Unit (EDU)

Within the Rancho Cielo Sanitation District, an EDU shall mean the standard measurement of wastewater discharged into the Rancho Cielo collection and treatment system equal to the average discharge from a detached single-family unit. One EDU currently is calculated to be 300 gallons per day and consistent levels of 300 parts per million suspended solids (300 ppm SS) and 300 parts per million biochemical oxygen demand (300 ppm BOD). This standard measurement may be modified from time to time by the District to reflect average actual utilization.

For the purpose of this Ordinance, all water entering the property through the water meter is assumed to reach the sewer unless the discharger presents evidence to the contrary, which is satisfactory to the District. Equivalent dwelling unit calculations and subsequent capacity fees shall be based on an evaluation of the proposed fixture

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unit count and comparison with fees as set forth in this Ordinance, at the sole discretion of the District.

B. Rancho Cielo Sanitation District Capacity Fees

Within the Rancho Cielo Sanitation District capacity fees shall be applied in accordance with the following schedule:

Sewer Capacity Fees

- |   |           |
|---|-----------|
| 1) Dwelling Units (One EDU)   | \$ 460.00 |
| 2) Hotels, Motels, Convalescent Homes<br>(0.6 EDU / each guest unit)  | \$ 276.00 |
| Any dining, laundry and/or recreational facility, etc., shall be considered separately, in addition to hotels, motels, convalescent homes (guest facilities). |           |
| 3) Restaurant, Café, Bar (First EDU)  | \$ 276.00 |
| For each additional EDU   | \$ 276.00 |
| For the purpose of this Ordinance, 6 seats will be considered one EDU   |           |
| 4) Stores, Offices, Industrial (First EDU)  | \$ 276.00 |
| 5) Schools (per EDU)  | \$ 276.00 |

- 6) Industrial Waste  
All waste dischargers for which the District elects not to apply the above schedule, the sewer capacity fee shall be based on the average amount of water discharged into the sewer system daily, defined and reviewed as provided in the Rules and Regulations for use of Sanitation District Facilities as follows:

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For each gallon of discharge per day                      N/A

The minimum fee shall not be less than                      N/A

NOTES:

Supplemental Sewer Capacity Fee Charges: Volume Charge

Base sewer capacity fee includes a base volume of 300 gallons per day per EDU. If anticipated usage will exceed this base volume rate, the base sewer capacity fee will increase in the ratio of anticipated volume over base volume.