

ORDINANCE NO. 1682-NS

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF THOUSAND OAKS ADJUSTING AND
SETTING RATES, FEES AND DISCHARGE LIMITS
OF THE CITY WASTEWATER DIVISION
(UNCODIFIED)

WHEREAS, Section 5471 of the Health and Safety Code requires that rates and fees of the City Wastewater Division be adopted by Council action; and

WHEREAS, clean water and good sanitation are essential to public health and safety and improve the quality of life for residents; and

WHEREAS, the City Council of the City of Thousand Oaks has adopted Ordinance No.1670-NS which establishes the authority for imposing and charging fees for the Wastewater Division; and

WHEREAS, in the adoption of this Ordinance, the City of Thousand Oaks desires to adjust the existing wastewater connection fee; and

WHEREAS, Thousand Oaks Municipal Code Section 10-1.701(d) provides for the annual escalation of connection fees and charges, those sections stating that Connection and Special Interceptor charges shall automatically be adjusted in December each year based on the percentage change in the Engineering News Record (ENR) Construction Cost Index for Los Angeles as of July of that year; and

WHEREAS, the July 2020 ENR Construction Cost Index for Los Angeles was 12056.44; and

WHEREAS, the July 2020 ENR Construction Cost Index for Los Angeles decreased by 0.1 percent from July 2019; and

WHEREAS, in the adoption of this Ordinance, the City of Thousand Oaks desires to restate most of the existing wastewater rates and discharge limits while updating, adjusting, and setting certain fees; and

WHEREAS, in the adoption of this Ordinance, the City of Thousand Oaks has followed the provisions of Government Code Section 66000 et seq. relating to the setting of fees and charges that do not exceed the estimated reasonable cost of providing the services for which the fees or charges are made; and

NOW, THEREFORE, the City Council of the City of Thousand Oaks DOES ORDAIN as follows:

PART 1

(Uncodified)

That Ordinance No. 1670-NS is hereby repealed to the extent inconsistent with this Ordinance, concurrent with the effective date of this Ordinance. For ease of administration, one of the purposes of this Ordinance is to have all the City's wastewater fees, rates, charges, formulas, and related cost recovery matters in one document (or one Ordinance). Some of the wastewater fees, rates, charges, formulas, and related cost recovery matters are restated in this Ordinance and have not been modified or altered from the earlier Ordinance No. 1670-NS, therefore, the respective portions of the facility or capital improvement financial plans, operating expense reports and budgets, future facility needs and cost studies, City Council findings and nexus reports associated with the earlier ordinance are incorporated herein and re-approved by the City Council.

PART 2

(Uncodified)

That the following rates, charges and fees are and shall be set for the City Wastewater Division in accordance with Chapter 1 of Title 10 of the Thousand Oaks Municipal Code as follows:

I. Definitions

A. "Equivalent Residential Unit" (ERU) is a number which represents the discharge to the wastewater system which is equal to that from an average residential unit or 20 fixture units.

1. One ERU of average strength is equal to a discharge of 143 gallons per day.
2. One ERU for measured flow, industrial flow, or high flow is equal to a discharge of 180 gallons per day.

B. "Plumbing Fixture Unit" (PFU) is a number assigned to various physical plumbing appurtenances. The unit count of each fixture type is based on the relation to the amount of waste contributed as determined by the Public Works Director.

C. "Service Unit" (SU) is a number which results from the multiplication of the number of ERU's by adjustment factors for the user group to reflect the strength and volume of the discharge from that user group. The discharge from the average residential user is defined as being equal to one service unit.

- D. "Service Unit Rate" is the monthly charge per service unit established by the City Council.
- E. "Connection Charge Rate" is the connection charge per service unit established by the City Council.
- F. "Connection Charge" is the connection charge rate multiplied by the number of service units.
- G. "Strength Factor" (SF) is a number which converts the biochemical oxygen demand (BOD) and suspended solids (SS) of a discharge to a numerical value in proportion to average residential levels (BOD is equal to 290 mg/l and SS is equal to 290 mg/l) for the same variables.
- H. "Flow Factor" (FF) is a number which converts the volume of a discharge to a numerical value in proportion to the volume of discharge for an average residential unit.
- I. "Wastewater Service Charge" is the monthly charge which is the product of service units and the service unit rate.
- J. "Kitchen" is an area equipped with permanent cooking and dish washing facilities for the regular preparation of meals.
- K. "Bakery" is a large commercial operation which produces baked goods for wholesale purposes.
- L. "Restaurant" is an establishment engaged in the retail sale of prepared food and drinks for on premises or immediate consumption. A "cafeteria" is similar in function and, with the exception of school facilities and non-commercial caterers, shall be deemed the same as a restaurant.
- M. "School" is (1) a public or private educational institution with a campus which is dedicated to the instruction of children from kindergarten to twelfth grade, and (2) a public or private college or university with a campus which offers classes with a minimum duration of eight weeks.
- N. "Market" is a large commercial operation with two or more of the following: seafood, produce, bakery, meat packaging/processing, or delicatessen.
- O. "Condominium" means an estate in real property consisting of an undivided interest in a common portion of a parcel of real property, together with a separate interest in space in a building on such real property. A condominium may include, in addition, a separate interest in other portions of such real property.

II. In accordance with Section 10-1.701, connection charges shall be determined as follows:

A. Connection Charge. Connection charges shall be based upon the estimated flow, biochemical oxygen demand (BOD) and suspended solids (SS) of the discharge to the wastewater system.

1. Formula for Service Unit Determination

$$SU = (ERU) \times (\text{Strength Factor}) \times (\text{Flow Factor})$$

$$\text{or } (ERU) \times \text{Combined Factor}$$

SU = Service Unit

ERU = Equivalent Residential Unit

2. Strength & Flow Adjustment Factors for User Groups

<u>User Group</u>	<u>Strength Factor</u>	<u>Flow Factor</u>	<u>Combined Factor</u>
a. <u>Residential</u>			
Single family detached home	1.0	1.0	1.0
Single family detached condominium	1.0	1.0	1.0
Residential condominiums, townhomes, mobile homes	1.0	0.8	0.8
Apartment, duplex, granny flat, secondary unit, per dwelling unit	1.0	0.8	0.8
Motel, hotel and congregate care units, <u>with</u> kitchens per dwelling unit	1.0	0.8	0.8
b. <u>Commercial</u>			
Bakery	---	---	1.81
Retail/Professional	1.0	1.0	1.0
Restaurant	---	---	1.81
Restaurant (grease traps)	---	---	1.19
School	0.71	0.75	0.535
Service Station	1.0	1.0	1.0
Church	1.0	1.0	1.0

Medical	1.0	1.0	1.0
Mortuary	---	---	1.82
Market	---	---	1.82
Major Retail	1.0	1.0	1.0
Motel, hotel, congregate care, <u>without</u> kitchen per dwelling unit	1.0	1.0	1.0
Laundromat	1.0	1.0	1.0
All Others	1.0	1.0	1.0

c. Industrial

Non-regulated or normal volume discharge	1.0	1.0	1.0
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d. Regulated industrial waste (as determined by the Public Works Director) or high-volume discharge and car washes

Regulated Industrial:

$$SU = \frac{\text{Daily Flow}}{180} \times 0.67$$

Daily Flow = Wastewater flow, gpd

High Flow (Car Wash):

$$SU = \frac{\text{Daily Flow}}{180} \times 0.71$$

Daily Flow = Wastewater flow, gpd

In determining the number of service units for car washes, the calculation should include:

- (1) car wash discharges, and
- (2) discharges from other plumbing fixtures on the property

All dischargers in this group shall be required to separately meter water used which is discharged to the wastewater system. Meter can be public or private. Public meter requires payment of applicable fees.

The daily flow shall be based on data submitted by the user. If actual flow exceeds this estimate by more than 25 percent in any subsequent one-year period as determined by metered water usage,

the connection charge shall be recomputed, and the owner billed for additional charges due as a result of the higher than estimated flows. This provision shall apply to all industrial waste or high-volume dischargers and car washes where payment of wastewater connection charges was made on or after July 15, 1988.

Where the use of any discharger's facilities/premises in this group is changed or modified such that the change or modification requires approval by the Community Development Department, then the entire facility/premises shall be subject to the payment of additional connection fees as previously outlined.

e. Alternative Factors

The adjustment factors for other user groups shall be as determined by the Public Works Director based on the volume and the strength of the discharge in Paragraph A of this Section. The total volume of water used from public and private sources may be determined by means of public or private meters, installed and maintained at the expense of the user and approved by the Public Works Director.

The formulas noted in a. through d. above are procedures to attempt to accurately estimate flow and waste strength. If the Public Works Director determines that any of the above applied procedures do not accurately represent the flow being discharged to the City sewer system, the Public Works Director may make a determination to correct the flow discrepancy in accordance with established engineering practices.

3. Connection Charge Rate

The connection charge rate per service unit shall be \$8,897.

4. Connection Charge

The actual connection charge shall be determined by multiplying the number of service units by the connection charge rate per service unit.

5. Minimum Number of Plumbing Fixture Units

a. For purposes of connection charge calculations, the equivalent residential units for bakery, market, restaurant and mortuary categories shall be determined by using the actual number of installed fixture units with a minimum of 10 plumbing fixture units.

b. For purposes of connection charge calculations, commercial users with a low volume of wastewater discharge and with ten (10) or less installed plumbing fixture units shall be assigned one-half (1/2) of a service unit.

c. For purposes of connection charge calculations, all other commercial users shall be charged using the actual number of installed plumbing fixture units, with a minimum of 20 plumbing fixture units.

6. Revisions to Service Unit Calculation

a. If required by the Public Works Director, any non-residential user may be required to submit the test results of an analysis performed by a certified laboratory on a representative 24-hour composite sample of a comparable wastewater discharge. The analysis shall be for BOD, SS and/or any other parameter(s) as may be required by the Public Works Director.

b. In the event a user believes that the strength and/or flow factors assigned are not applicable, said user may have a comparable wastewater discharge analyzed by a certified laboratory. The Public Works Director shall review these results and may make an adjustment to the strength and/or flow factors if the above described submission is judged to be representative of the user's anticipated wastewater strength and flow.

c. All costs to obtain said wastewater analyses shall be arranged and paid for by the user.

B. Common Ownership. The charges set forth in this subsection shall apply, except for those buildings with a total floor area equal to or greater than 25,000 square feet. The provisions of the "Special Situations" subsection of this section shall then apply. Motels, hotels and any other buildings on a parcel of land with a common ownership that cannot at some future date be divided shall be considered on an overall basis, and the minimum charge shall not apply to each individual building. Wastewater matters pertaining to non-residential condominiums shall be overseen by a property owners association. Such connection fees shall be paid at the appropriate commercial rate for a minimum of twenty (20) fixture units within each separate building, and this twenty (20) minimum fixture unit count shall remain in-use or available to the building. Transfer of fixture unit credits exceeding twenty (20) that are not in use may be transferred between non-residential condominium units under the management authority of the property owners' association. If additional fixture units must be purchased to accommodate the wastewater disposal needs of a given non-residential

condominium, such fixtures shall be purchased by the owner association, considered appurtenant to the parent property of the association and administered accordingly.

C. Escalation. In December of each year, all wastewater connection charges in this Ordinance shall be increased by a factor based upon the change from the preceding July-to-July period in the Engineering News Record (ENR) Construction Cost Index for Los Angeles.

D. Vested Maps. Development projects with an approved vesting tentative map which had an application deemed complete by the City prior to January 1, 2021 shall pay the indexed wastewater connection charge of \$8,455 per service unit. Development projects with an approved vesting tentative map which had an application deemed complete by the City on or after January 1, 2021 shall pay the wastewater connection charge of \$8,897 per service unit, as annually adjusted by C above.

E. Special Situations. For special situations such as combined use buildings, multiple occupant developments, high volume discharges or any other facilities where the connection charge computed in accordance with the connection charge subsection of this section does not, in the opinion of the Public Works Director, result in an equitable connection charge, said charge shall be determined based on the best available information and on current professional engineering practices. Such connection charge shall be based on criteria such as (but not limited to): environmental impact, National Pollution Discharge Elimination System requirements, water consumption, peak loading, residential equivalency, treatment plant capacity and capital costs.

III. This section intentionally left blank.

IV. In accordance with Section 10-1.703, monthly wastewater service charges shall be determined as follows:

A. Monthly wastewater service charges shall be based upon the estimated flow, biochemical oxygen demand (BOD) and suspended solids (SS) of the discharge to the wastewater system.

1. Formula for Service Unit Determination

$$\text{SU} = (\text{ERU}) \times (\text{Strength Factor}) \times (\text{Flow Factor}) \\ \text{or } (\text{ERU}) \times (\text{Combined Factor})$$

SU = Service Unit

ERU = Equivalent Residential Unit

2. Strength & Flow Adjustment Factors for User Groups

<u>User Group</u>	<u>Strength Factor</u>	<u>Flow Factor</u>	<u>Combined Factor</u>
a. <u>Residential</u>	1.0	1.0	1.0

(all residential units including single family or detached dwelling, condominium/townhouse, apartment, mobile home, congregate care and hotel/motel units with kitchens)

b. Commercial (10 or more plumbing fixture units)

Bakery	---	---	1.81
Retail/Professional	1.0	1.0	1.0
Restaurant	---	---	1.81
Restaurant (grease traps)	---	---	1.19
School	0.71	0.75	0.535
Service Station	1.0	1.0	1.0
Church	1.0	1.0	1.0
Medical	1.0	1.0	1.0
Mortuary	---	---	1.82
Market	---	---	1.82
Major Retail	1.0	1.0	1.0
Hotel/motel without kitchen per dwelling unit	1.0	1.0	1.0
Laundromat	1.0	1.0	1.0
All Others	1.0	1.0	1.0

c. Industrial

Non-regulated or normal volume discharge	1.0	1.0	1.0
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d. Regulated industrial waste (as determined by Public Works Director) or high-volume discharge and car washes

Regulated Industrial:

$$SU = \frac{\text{Daily Flow}}{180} \times 0.67$$

Daily Flow = Wastewater flow, gpd

High Flow (Car Wash):

$$SU = \frac{\text{Daily Flow} \times 0.71}{180}$$

Daily Flow = Wastewater flow, gpd

In determining the number of service units for car washes, the calculation should include:

- (1) car wash discharges, and
- (2) the discharge from other plumbing fixtures on the property.

e. Other User Groups

The adjustment factors for other user groups shall be as determined by the Public Works Director based on the volume and the strength of the discharge. The total volume of water used from public and private sources may be determined by means of public or private meters, installed and maintained at the expense of the user and approved by the Public Works Director.

The formulas noted in a. through d. above are procedures to attempt to accurately estimate flow and waste strength. If the Public Works Director determines that any of the above applied procedures do not accurately represent the flow being discharged to the City sewer system, the Public Works Director may make a determination to correct the flow discrepancy in accordance with established engineering practices.

3. Service Unit Rate and Wastewater Service Charge

a. The service unit rate shall be \$29.95 on and after January 1, 2021. The actual wastewater service charge shall be determined by multiplying the number of service units by the service unit rate.

b. For a single-family residence, the monthly wastewater service charge shall be \$29.95 on and after January 1, 2021.

c. The minimum monthly service charge for a property for which wastewater service is provided shall be equal to the monthly wastewater service charge for a single-family residence.

4. Minimum Number of Plumbing Fixture Units

a. For purposes of service charge calculations, the equivalent residential units for bakery, market, restaurant and mortuary categories shall be determined by using the actual number of installed fixture units with a minimum of 10 plumbing fixture units. For all other categories, the minimum number of plumbing fixture units shall be 20.

5. Revisions to Service Unit Calculation

a. If required by the Public Works Director, any non-residential user may be required to submit the test results of an analysis performed by a certified laboratory on a representative 24-hour composite sample of wastewater originating from said user. The analysis shall be for BOD, SS and/or any other parameter(s) as may be required by the Public Works Director.

b. In the event a user believes that the strength and/or flow factors assigned are not applicable, said user may have the wastewater discharge analyzed by a certified laboratory. The Public Works Director shall review these results and may make an adjustment to the strength and/or flow factors if the above described submission is judged to be a representative sample of the user's wastewater strength and flow.

c. All costs to obtain said wastewater analyses shall be arranged and paid for by the user.

B. Additional Service Charges.

1. Service Charge for Properties Outside City Limits. For wastewater service provided outside City limits, the service charge as determined in Paragraph (A) of this section shall be increased by \$0.31 on and after January 1, 2021.

2. Service Surcharge for Projects with Vesting Tentative Map Applications Deemed Complete. The difference between the indexed connection charge paid by a project with a complete vesting tentative map application and the full connection charge in effect for all other development projects shall be collected from the property owner in the form of a user service surcharge. The City shall collect the surcharge by adding an additional sum to the monthly or bimonthly wastewater service bill for the property. The surcharge

shall be collected over a period not to exceed 10 years and shall include an interest payment of 6.5% compounded annually. The amount of the monthly or bimonthly surcharge shall remain the same for the duration of time that the surcharge is collected.

C. Charges for portions of months. A property connected to the wastewater system for a portion of a billing period shall be billed for the portion of the period service is received.

D. Delinquencies. The basic penalty is equal to ten (10%) percent of the unpaid wastewater service charge. An additional penalty, equal to one half of one percent (0.5%) of the unpaid wastewater service charge and the basic penalty, shall be charged each month, or fraction thereof, that the wastewater service charge and the basic penalty of the previous billing period remain unpaid.

V. In accordance with Section 10-1.706, the overhead rate is included in the approved fully-burdened hourly rate.

VI. In accordance with Section 10-1.6, the following pollutant discharge limits shall apply to all users of the wastewater system:

TABLE I

<u>Constituent</u>	<u>Discharge Limits mg/l</u>
Arsenic	1.0
Cadmium	0.8
Total Chromium	2.5
Copper	2.0
Lead	0.6
Mercury	0.01
Nickel	2.0
Silver	0.5
Zinc	5.0
Cyanide (total)	2.5
Selenium	0.1
Phenols	1.0
Total Identifiable Chlorinated Hydrocarbons	0.05
Boron	1.0
Fluoride	3.0

In addition, no person shall discharge any wastewater:

1. Having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
2. Containing more than 25 mg/l of oil and grease of petroleum or mineral origin, or 175 mg/l of oil and grease of animal or vegetable origin.
3. Having a pH less than six (6) or greater than eleven and one-half (11.5).
4. Containing suspended solids greater than 500 mg/l.
5. Having a standard five-day biochemical oxygen demand more than 600 mg/l.
6. Containing a dissolved sulfide and/or sulfite content higher than 1.0 mg/l.
7. Containing a TDS (total dissolved solids) content which exceeds 1,000 mg/l or the potable water supply TDS by more than 250 mg/l, whichever is greater.
8. Containing a chloride content which exceeds 200 mg/l or the potable water supply by more than 50 mg/l, whichever is greater.

VII. In accordance with Section 10-1.604, the penalty fee for improperly maintained grease and sand traps shall be as follows:

- A. \$100.00 for the first violation in twelve months.
- B. \$300.00 for the second violation in twelve months.
- C. \$900.00 for the third violation in twelve months.

VIII. In accordance with Section 10-1.606(l), those users discharging prohibited substances or excess concentrations of regulated constituents shall be subject to a penalty fee in an amount not to exceed \$500.00 per day for each constituent in violation of discharge limits or discharge prohibition.

IX. Repeal of any provision of this Ordinance shall not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed part shall remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

X. Any wastewater-related fees not set forth in this Ordinance may be set forth in the User Fee Manual or other Ordinance or Resolution.

PART 3

Continuation (Uncodified)

Repeal of any provision of Ordinance No.1633-NS herein shall not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed part shall remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

PART 4

Severability (Uncodified)

If any section, sentence, clauses, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions. The City Council hereby declares that it would have passed this ordinance, and each section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clause, or phrases be declared invalid or unconstitutional.

PART 5

Effective Date

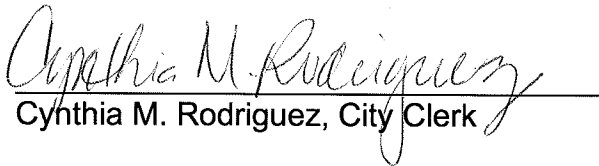
This ordinance shall take effect on the thirty-first (31st) day following its final passage and adoption.

PASSED AND ADOPTED



Al Adam, Mayor
City of Thousand Oaks, California

ATTEST:



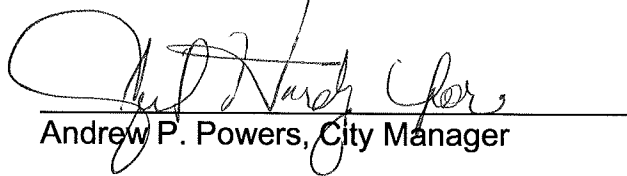
Cynthia M. Rodriguez, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney



Tracy Friedl, Deputy City Attorney

APPROVED AS TO ADMINISTRATION:



Andrew P. Powers, City Manager

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF VENTURA) SS.
CITY OF THOUSAND OAKS)

I, CYNTHIA M. RODRIGUEZ, City Clerk of the City of Thousand Oaks, DO HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Ordinance No. 1682-NS that was introduced by said City Council at a regular meeting held October 27, 2020 and adopted by said City Council at a regular meeting held November 10, 2020 by the following vote:

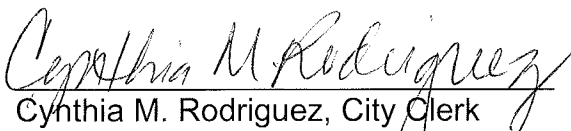
AYES: Councilmembers Engler, Jones, Bill-de la Peña, and Mayor Adam

NOES: None

ABSENT: None

I further certify that a summary of said Ordinance No. 1682-NS was published as required by law in the VENTURA COUNTY STAR, a newspaper of general circulation printed and published in said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Thousand Oaks, California.


Cynthia M. Rodriguez, City Clerk
City of Thousand Oaks, California

November 10, 2020
Date Attested