

**ORDINANCE NO. 22-10 N.S.**

**ORDINANCE OF THE CITY OF RICHMOND AMENDING CHAPTER 12.20.050  
OF THE MUNICIPAL CODE OF THE CITY OF RICHMOND WHICH  
ESTABLISHES SEWER SERVICE CHARGES FOR RICHMOND MUNICIPAL  
SEWER DISTRICT NO. 1 FOR FISCAL YEARS 2011-2012, 2012-2013 AND 2013-2014**

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The Council of the City of Richmond, California, do ordain as follows:

Section 1. Amendment of Section 12.20.050. Effective July 1, 2011, Section 12.20.050 of the Richmond Municipal Code is hereby amended to read as follows:

12.20.050 Sewer service charges.

- (a) There is imposed on the Owner of each Premises an annual Sanitary Sewer System Charge and an annual Stormwater Management Program Charge, each as shown in Table 1. The Sanitary Sewer System Charge is imposed to pay the costs of administering, monitoring, operating, maintaining, and improving the Richmond Municipal Sewer District No. 1 Sanitary Sewer System and retiring the capital debts of that system. The Stormwater Management Program Charge is imposed to pay the costs of administering, monitoring, operating, maintaining and improving the Storm Sewer System throughout the City of Richmond. For purposes of this Chapter 12.20, the Sanitary Sewer System and the Stormwater Management Program charges are sometimes referred to as “sewer service charges.”
- (b) There is imposed on the owner of each premises discharging to the sanitary sewer system and storm sewer system under the wastewater discharge permitting program and the stormwater permitting program the following service charges, in amounts as listed in the City's Published Master Fee Schedule:
  - (1) Annual permit fee (includes biennial inspections);
  - (2) Additional site visit inspection charge;
  - (3) Violation site visit inspection charge (when visit includes monitoring, sampling or testing); and
  - (4) Laboratory charges of cost plus 10% (when contract laboratory analysis required).
- (c) Nothing in this section shall rescind or modify any regulations applying to industrial discharges as set forth in Resolution No. 7321 of the Richmond City Council.

- (d) Notwithstanding the provision of sewer service charge credits as set forth in Section 12.20.065 of this chapter, the Owner of any Premises who, by reason of special circumstances, claims that the foregoing charges are unjust or inequitable as applied to his or her Premises may make written application to the City Manager stating the circumstances and requesting a different basis for sewer charges. Any claim due to different strength characteristics of loading shall be supported by measurements, tests, and analyses of the waters and wastes in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater. Tests and analyses shall be conducted at the owner's expense by an independent laboratory certified by the State of California to perform such analyses. Actual location and method of sampling shall be subject to the approval of the City Manager.

TABLE 1  
ANNUAL SEWER SERVICE CHARGES

Premises Location	Sanitary Sewer System Charge	Stormwater Management Program Charge
Within City of Richmond and Within West County Wastewater District or Stege Sanitary District No. 1	No Charge	\$32.00 per SSU.  Or  \$3.32 per IWU but not less than \$32.00.
Within City of Richmond and within Richmond Municipal Sewer District No. 1	Single Unit Resident:  FY 11-12 \$574 per SSU.  FY 12-13 \$603 per SSU.  FY 13-14 \$633 per SSU.  Multiunit Residential:  FY 11-12 \$461 per SSU.  FY 12-13 \$484 per SSU.  FY 13-14 \$509 per SSU.  Commercial and Industrial:  FY 11-12 \$41.65 per IWU, \$0.885 per lbs BOD and \$0.408 per lbs TSS but not less than \$344.  FY 12-13 \$43.73 per IWU, \$0.929 per lbs BOD and \$0.429 per lbs TSS but not less than \$361.  FY 13-14 \$45.92 per IWU, \$0.975 per lbs BOD and \$0.450 per lbs TSS but not less than \$379.	All Premises:  \$32.00 per SSU.  Or  \$3.32 per IWU but not less than \$32.00.

Notes to Table 1:

- (1) It is anticipated that this rate table will be amended by future ordinance of the City Council to establish increased Sanitary Sewer System Charge rates for Fiscal Year 14-15 and following. However, until such amendment is adopted, the rate for each fiscal year after FY 13-14 is set as the rate for FY 13-14.
- (2) Sanitary Sewer System Charges for commercial and industrial are: (a) calculated based on the unit rates shown and strength and volume per sampling and analysis by City of Richmond or (b) calculated based on the unit rates shown and strength and volume established by East Bay Municipal Utilities District assigned business classification codes as they now exist or are changed from time to time.
- (3) SSU = Sewer service unit.
- (4) IWU = Industrial waste unit.
- (5) BOD = Five-day biochemical oxygen demand in mg/L.
- (6) TSS = Total suspended solids in mg/L.

Findings. The City Council finds and determines as follows:

- A. The rates for the Stormwater Management Program Charge, as set forth in Section 1 of this Ordinance, were enacted by prior action of the City Council and are not altered by this Ordinance.
- B. The purpose of the Sanitary Sewer System Charge is to fund the costs of administering, monitoring, operating, maintaining, and improving the Richmond Municipal Sewer District No. 1 Sanitary Sewer System and retiring the capital debts of that system.
- C. Revenues derived from the Sanitary Sewer System Charge will not exceed the funds required to administer, monitor, operate, maintain, and improve the Richmond Municipal Sewer District No. 1 Sanitary Sewer System and to retire the capital debts of that system. .
- D. The amount of the Sanitary Sewer System Charge imposed upon any parcel or person as an incident of property ownership does not exceed the proportional cost of the service attributable to the parcel.
- E. Prior to the adoption of this Ordinance, the City Council held a full and fair public hearing on the Sanitary Sewer System Charge rates adopted by this Ordinance. Said hearing was noticed as required by Article XIID, Section 6 of the California Constitution.
- F. No majority protest, as that term is defined by Article XIID, Section 6 of the California Constitution, exists with respect to the rates adopted by this Ordinance.

Section 2. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

Section 3. Effective Date. This Ordinance becomes effective July 1, 2011.

First read at a regular meeting of the Council of the City of Richmond held June 15, 2010, and finally passed and adopted at a regular meeting thereof held July 6, 2010, by the following vote:

AYES: Councilmembers Bates, Butt, Lopez, Rogers, and Vice Mayor Ritterman,  
Mayor McLaughlin

NOES: Councilmember Viramontes

ABSTENTIONS: None

ABSENT: None

DIANE HOLMES  
CLERK OF THE CITY OF RICHMOND  
(SEAL)

Approved:

GAYLE McLAUGHLIN  
Mayor

Approved as to form:

RANDY RIDDLE  
City Attorney

I certify that the foregoing is a true copy of Ordinance No. **22-10 N.S.**, finally passed and adopted by the Council of the City of Richmond at a regular meeting on July 6, 2010.