

## ORDINANCE 1048B

### AN ORDINANCE OF THE CITY OF LINCOLN AMENDING CHAPTERS 13.12.050 AND 13.12.060 OF THE LINCOLN MUNICIPAL CODE ESTABLISHING SEWER CONNECTION CHARGES AND APPORTIONMENT

#### Recitals

**WHEREAS**, there is a need to review and modify the sewer connection fees charged and apportionment within the City of Lincoln; and

**WHEREAS**, City Council recognizes that sewer connection charges and apportionment for service should be in accordance with the anticipated demand of each customer class; and

**WHEREAS**, a comprehensive Public Facilities Element Fee Program Nexus Study Update was completed in 2022 that identified the proper connection charges and apportionment for each customer class; and

**WHEREAS**, the nexus study recommends adjusting the sewer connection annually by the change in the San Francisco Construction Cost Index (CCI) as reported by the Engineering News Record (ENR) for the 12-month period beginning April 1; and

**WHEREAS**, adjustment of sewer connection charges with conforming changes to the City's Municipal Code are therefore necessary and appropriate.

**NOW, THEREFORE, BE IT RESOLVED**, the City Council of the City of Lincoln does hereby ordain as follows:

**Section 1.** The City Council hereby incorporates by reference the recitals set forth above.

**Section 2.** This Ordinance is not subject to the California Environmental Quality Act ("CEQA"), as codified at Public Resources Code §§ 21000, *et seq.*, and as further governed by 14 California Code of Regulations §§ 15000, *et seq.*, because it is not a project as contemplated by 14 C.C.R. § 15378. In addition, even if this Ordinance were subject to CEQA, the City Council finds this Ordinance would be exempt from the requirements of CEQA pursuant to 14 C.C.R. § 15061(b)(3), because there is no possibility it will have a significant effect on the environment.

**Section 3.** If any section, sub-section, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. City Council hereby declares that it would have adopted the Ordinance and each section, sub-section, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases or portions to be declared invalid or unconstitutional.

**Section 4.** Within fifteen days of passage of this Ordinance, the City Clerk shall cause the full text of the Ordinance, with the names of those City Councilmembers voting for and against the Ordinance, to be published in the Lincoln News Messenger. In lieu of publishing the full text of the Ordinance, the City Clerk, if so directed by the City Attorney and within fifteen days, shall cause a summary of the Ordinance, prepared by the City Attorney and with the names of the City Councilmembers voting for and against the

Ordinance, to be published in the Lincoln News Messenger, and shall post in the office of the City Clerk a certified copy of the City Councilmembers voting for and against the Ordinance. The publication of a summary of the Ordinance in lieu of the full text of the Ordinance is authorized only where the requirements of Government Code § 36933(c)(1) are met.

**Section 5.** Section 13.12.050 is hereby amended to the Lincoln Municipal Code to read as follows:

13.12.050 Factors for types of service.

(a) Residential Facilities – Except for Hotel and Motel

- |                                     |          |
|-------------------------------------|----------|
| (1) Very Low Density:               | 1.27 EDU |
| (2) Low Density:                    | 1.00 EDU |
| (3) Medium Density:                 | 1.00 EDU |
| (4) High Density:                   | 0.80 EDU |
| (5) High Density – Twelve Bridges:  | 0.80 EDU |
| (6) Age Qualified – Low Density:    | 0.72 EDU |
| (7) Age Qualified – Medium Density: | 0.72 EDU |
| (8) Age Qualified – High Density:   | 0.72 EDU |

(b) Reserved for “Hotel and Motel”

(c) Commercial or Industrial – Low Strength – Low Quantity: (1) Strength less than 200 mg/l B.O.D. and/or suspended solids, and (2) quantity of less than 25,000 gallons per day.

- (1) Special low density – 1.00 EDU per five employees, or fraction thereof:
- Parking garages.
  - Warehouses.
  - Storage facilities.

- (2) Low density – 1 EDU per 6,000 square feet, or fraction thereof:
- Churches without kitchen or meeting hall.
  - Low usage retail stores (hardware, appliance, furniture).

- (3) Medium density – 1.00 EDU per 3,000 square feet, or fraction thereof:
- Theaters.
  - Offices.
  - Auditoriums, halls, and lodges.
  - Retail stores.
  - Schools (without cafeterias or gymnasiums).
  - Banks and financial offices.
  - Bowling/entertainment centers (without kitchen).

- (4) High density – 1.00 EDU per 1,500 square feet, or fraction thereof:
- Barber/beauty shops (with lavatories).
  - Bars.
  - Medical/dental offices.
  - Schools (with cafeterias or gymnasiums).
  - Service stations.
  - Sports/fitness centers.

(5) Special commercial users:

a. Carwashes – per automatic washing stall EDU	8.00
b. Carwashes – per self-service stall EDU	2.00
c. Laundromats – per washing machine EDU	2/3
d. Markets (without disposal) – per 1,000 square feet EDU	2/3
e. Markets (with disposal) – per 1,000 square feet EDU	2.00
f. Restaurants, bakeries, cafes – per 1,000 square feet EDU	2.00
g. Mortuaries – per 1,000 square feet EDU	2.00
h. Hospitals – per licensed bed EDU	0.50
i. Rest home – per licensed bed EDU	1/3
j. Convalescent hospital – per licensed bed EDU	1/3
k. Memory care facility – per licensed bed EDU	1/3

(6) For other types of commercial or industrial users, and independent study may be reviewed and approved at the discretion of the city engineer.

(d) Commercial or Industrial – Low Strength – High Quantity: (1) Strength less than 200 mg/l B.O.D. and/or suspended solids, and (2) quantity greater than or equal to 25,000 gallons per day. The city may require flow monitoring for verification.

(1) Sewer units based upon discharges as follows:

a. Calculation:  $\text{gpd flows} / (((\text{gpd flows} - 25,000 / 1,000) \times 2.15) + 215)$

Example:  $40,000 \text{ gpd flows} = 161.8 \text{ EDUs}$

$40,000 / ((15 \times 2.15) + 215) = 161.8 \text{ EDUs}$

$40,000 / 247 / 247.25 = 161.8 \text{ EDUs}$

(e) Commercial or Industrial – High Strength: (1) Strength greater than 200 mg/l B.O.D. and/or suspended solids, and/or requiring either special handling or treatment.

(1) Calculation of sewer units shall be as follows:

Sewer units =  $(\text{gpd} / 215) \times (0.61 + (\text{B.O.D.} / 200) \times 0.22 + (\text{SS} / 200) \times 0.17$   
+ special treatment or handling costs.

(f) General Regulations

(1) Not less than one connection per building.

- (2) Special provisions can be made within each category where, in the judgment of the city, application of ordinance produces inequities or irregularities requiring revision.
- (3) Prescribed connection charges apply only to the particular uses listed; where multiple uses, within the meaning of the connection charge ordinance are contained in the same structure, the city will determine and allocate the respective square footage or employment dedicated to each use, and will determine a composite collection charge composed of the respective collection charges for each such use.
- (4) Determination of sewer EDU factors for shell buildings having no use when connecting to the sewage system shall be deferred until such time that subsequent modifications to such buildings results in a classification and use of sewer.
- (5) When the use of a building changes, the city retains the right to review the previously paid connection charges and require the payment of additional connection charges based upon the new use. No refunding of previously paid connection charges will be made where the change in use is within a classification with lower connection charge rates.
- (6) The city may require additional documentation, procedures, tests or studies to appropriately classify the connection fees. Such requirements may include, but are not limited to, flow monitoring, flow equalization, installation of flow controls, special treatment and specific discharge permitting.

**Section 6.** Section 13.12.060 is hereby amended to the Lincoln Municipal Code to read as follows:

The basic connection unit charge for residential and non-residential type discharges shall be at the cost established by the most recently adopted Public Facilities Element Fee Program Nexus Study Update for each Equivalent Dwelling Unit that shall be equal to 215 gallons and 0.5 lbs of B.O.D per day.

The sewer connection charge set forth herein shall be subject to an annual adjustment up to the change in the San Francisco Construction Cost Index (CCI) as reported by the Engineering News Record (ENR) for the 12-month period beginning April 1 as determined by resolution of the City Council. The annual adjustments shall be effective each July 1.

**Section 7. Publication and Effective Date.** This Ordinance shall become effective thirty (30) days after its adoption and within fifteen (15) days of the passage of this Ordinance, a copy shall be published once in the newspaper for general circulation in the City.

**ADOPTED** this 12<sup>TH</sup> day of July, 2022.

AYES: COUNCILMEMBERS: Joiner, Silhi, Karleskint, Lauritsen, Andreatta

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

  
Holly Andreatta, Mayor

ATTEST:

  
Gwen Scanlon, City Clerk