

ORDINANCE NO. 2013-01

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE

HILTON CREEK COMMUNITY SERVICES DISTRICT

AMENDING SECTION 7.01 OF DIVISION VII OF

ORDINANCE NO. 81-01 CONCERNING SEWER SERVICE CHARGES

BE IT ORDAINED by the Board of Directors of the Hilton Creek Community Services District as follows:

SECTION ONE:

Section 7.01 of Division VII of Ordinance No. 81-01, as amended, is hereby further amended to read as follows:

Section 7.01. Sewer Service Charges

There is hereby imposed upon the premises having any sewer connection with the sewer system of the Hilton Creek Community Services District or otherwise discharging sewage which ultimately passes through the said District sewer system, a service charge payable as hereinafter provided and in an amount determinable as follows:

Every person, firm or corporation owning improved property located within the sewer service boundaries of the Hilton Creek Community Services District shall pay a charge for sewer service based upon the use of such property in accordance with the following rates:

(A)

Residential

1. One family dwelling with one kitchen

\$48.22/month

2. Multiple family dwelling, including

\$48.22/month per kitchen

duplex, triplex, fourplex, townhouse and

condominium dwelling, or dwellings with

more than one kitchen

3. Apartments

\$48.22/month per kitchen

(B)

Commercial, Industrial and Professional

1. Automobile dealers and automobile

\$104.91/month

repair establishments

2. Car washing racks

\$129.24/month

3. Service Stations

\$129.24/month

4. Bakeries

\$48.22/month

5. Barber shops

\$48.22/month

6. Bars with on-sale alcoholic

\$48.22/month plus \$3.35/seat or stool

beverage license

7. Beauty shops

\$48.22/month per sink

8. Hotels and rooming houses

\$48.22/month per manager's quarters

and \$20.62/month per rental unit

9. Motels

\$48.22/month per manager's quarters

and \$20.62/month per unit with no

kitchen or \$30.55 per month per

unit with kitchen

10. Trailers and mobile homes; occupied

\$48.22/month

continuously for thirty days or more

11. Recreational trailer parks; trailers

\$20.62/month per trailer or RV space

and mobile homes occupied for less than

thirty days at a time

12. Laundries

9 or more washers: \$129.24/month

plus \$7.11/month per automatic washer

8 or less washers: \$7.11/month per

automatic washer (no laundry fee)

13. Professional offices and buildings

\$35.30/month for each water closet

or urinal

14. Public showers or bath facilities

\$129.24/month

15. Restaurants

\$5.89 per unit of seating capacity

16. Retail stores

\$48.22/month plus \$35.30 per month

for each water closet or urinal

17. All others

\$35.30/month for each water closet

or urinal

(C)

Hospitals, Schools, Churches and

Meeting Halls

1. Hospitals and rest homes

\$20.62/month per bed plus \$129.24 per

month per laundry plus \$47.03 per

month for each kitchen

2. Churches, lodges and meeting halls

\$35.30/month for each water closet or

urinal, plus \$47.03 per month for each

kitchen

3. Schools, including private schools,

\$1.70/month per average daily

and including church schools offering a

attendance plus school personnel

general education program

(D) Non-License, Non-Operating Business

Owners of commercial premises who can demonstrate to the satisfaction of the District Manager that they (1) do not possess a currently valid business license for said premises, and (2) are not currently operating a business on said premises, may receive permission from the District to be charged pursuant to a different lower rate schedule to be fixed by the Board of Directors.

(E) CPI Adjustments

The charges also will be subject to an additional adjustment on July 1 of each year, beginning July 1, 2011, based on the percentage change in the Los Angeles/San Bernardino Consumer Price Index as published by the U.S. Department of Labor, or a similar report that might replace it, for January through December of the preceding year.

These adjustments shall cease after the July 1, 2015 adjustment.

SECTION TWO:

To the extent that the terms and provisions of this ordinance may be inconsistent or in conflict with the terms or provisions of any prior District ordinances, resolutions, rules or regulations governing the same subject, the terms of this ordinance shall prevail with respect to the subject matter thereof, and such inconsistent and conflicting provisions of prior ordinances, resolutions, rules and regulations are hereby repealed.

SECTION THREE:

If any provision of this ordinance or application thereof to any person or circumstance is held invalid, no other provision of this ordinance shall be affected thereby.

SECTION FOUR:

This ordinance and the sewer service charges established herein shall take effect on April 1, 2013, and shall be published within fifteen (15) days after adoption.

SECTION FIVE:

The modification and restructuring of the above fees, rates and charges are, among other things, for the purpose of continuing to provide funds to meet the District's costs of operation and maintenance, supplies and equipment, and financial reserve needs and requirements and are necessary to maintain service within the District's existing service boundaries. The District Board of Directors therefore finds that the adoption of the above fees, rates and charges is exempt from application of the California Environmental Quality Act pursuant to Section 21080(b)(8) of the California Public Resources Code and authorizes its Secretary to file a Notice of Exemption with the Mono County Clerk's office.

SECTION SIX:

Pursuant to Government Code Sections 54354, et. seq., delinquent charges and all penalties thereon when recorded as provided in said Government Code Sections shall constitute a lien upon the real property served and such lien shall continue until the charge and all penalties thereon are fully paid or the property sold therefor.

SECTION SEVEN:

The rates and charges set forth above are not discriminatory or excessive, will be sufficient under Government Code Section 54515, will comply with Government Code Sections 54340, et .
seq.
, and will otherwise comply with law.

PASSED AND ADOPTED by the Board of Directors of the Hilton Creek Community Services District, County of Mono, State of California, this 9th day of April 2013, at a Regular Meeting of the Board by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

HILTON CREEK COMMUNITY

SERVICES DISTRICT

Signed: Steve Shipley

President, Board of Directors

ATTEST:

Signed: Marianne O'Connor

Secretary, Board of Directors

