

# ORDINANCE NO. 87-031

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

APR 28 1987

## AN ORDINANCE AMENDING SECTION 47.321 OF THE SACRAMENTO CITY CODE RELATING TO WATER SYSTEM DEVELOPMENT FEES

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

### SECTION 1

Section 47.321 of the Sacramento City Code is amended to read as follows:

#### 47.321 Water System Development Fee

- (a) **General.** Every lot, parcel or tract of land not connected to the City water system prior to January 1, 1980, shall be subject to a water system development fee. No water service from such system shall be furnished thereto unless such charge has been paid. Such charge shall not apply if the fee established by the section, or the equivalent thereof, has been previously paid by the owner, or a predecessor of such owner, of such property, or if the property meets the qualifications for an Infill Site as established by City Council resolution. Payment of said connection fee shall be in addition to payment of all other applicable fees and charges (Ord 4268, 1).
- (b) **Amount of Water System Development Fee.** The fee established by this section shall be determined by reference to a schedule of rates set by resolution of the City Council.
- (c) **Replacement Services.** If an existing water service or meter is replaced by one of a larger size at the owner's request, the fee shall be equal to the difference between the fee for the original service size and that for the replacement service size in the foregoing schedule.
- (d) **Fire Protection Services.** If a service can be used only for fire protection, the water development fee shall not apply.

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- (e) Credit for Major Facilities. Nothing in this ordinance shall prohibit the City Council from authorizing appropriate credit toward water development fees for property owners who were assessed or in some manner paid all or a portion of the cost of major water transmission and/or storage facilities.
- (f) Appeal. There is established a Water Development Fee Determination Board. The Board's membership shall consist of the Water Division Manager and the Superintendent of Building Inspections, or their respective designees. Any person aggrieved by the determination of the water development fee for property owned by such person, may file a written appeal with the Superintendent of Building Inspections. The appeal will be reviewed by the Board, and notice given of the determination of the Board to the property owner. In the event the appeal is granted, an appropriate refund will be made, based on the recalculated development fee.

In the event an appeal is not granted, notice shall be given to the property owner which shall briefly specify the reason for the decision of the Board. Any property owner who receives such notice and who desires to have his appeal reconsidered by the Board may apply for a hearing in person. Any such application must be filed with the Superintendent of Building Inspections within fifteen (15) calendar days following receipt of the notice that his written appeal was denied. The Board shall, within thirty (30) calendar days after application for a hearing, schedule a hearing upon ten (10) days written notice to the property owner. The property owner or his designee may present at the hearing any evidence relevant to the appeal. The Board shall reevaluate the appeal. In considering the appeal, the Board may obtain an inspection report from the Water Division. Written notice of the Board's action shall be given to the property owner and the order of the Board shall be final.

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