

ORDINANCE NO. 5
(Supersedes Ordinance No. 2)

BIG PINE COMMUNITY SERVICE DISTRICT

INYO COUNTY, CALIFORNIA

AN ORDINANCE ESTABLISHING RATES AND CHARGES FOR
SEWAGE DISPOSAL SERVICE AND PROVIDING PROCEDURES
AND PENALTIES FOR ITS ENFORCEMENT.

BE IT ORDAINED by the Board of Directors of the Big Pine
Community Service District, Inyo County, California, as follows:

ARTICLE I

General Provisions

Section 101. Short Title: This ordinance may be cited as 'Big
Pine Community Service District Sewer Service Charge Ordinance.'

Section 102. Definitions: Unless the context otherwise
indicates, terms used herein have the following meanings:

- A. '*Sewer Service Charges*' means fees, tolls, rates, rentals or
other charges for services and facilities furnished by
District in connection with its sanitation or sewerage
system.
- B. '*Billing Unit*' means 100 cubic feet or 748 gallons of water.
- C. For the purpose of this ordinance, additional terms shall
have the meaning indicated in District Ordinance No. 1.

Section 103. Partial Invalidity: If any section, subsection,
sentence, clause or phrase in this ordinance or the application thereof
to any person or circumstance is for any reason held invalid, the
validity of the remainder of the ordinance or the application of such
provision to other persons or circumstances shall not be affected
thereby. The Board hereby declares that it would have passed this
ordinance and each section, subsection, sentence, clause or phrase
thereof, irrespective of the fact that any one or more of the sections,
subsections, sentences, clauses or phrases or the application thereof to
any person or circumstance be held invalid or declared unconstitutional.

Section 104. Public Notification: Per California Proposition 218, all property owners within the District's boundaries will receive written notice of proposed changes relating to Ordinance No. 2 by mail, with a public hearing to be held not less than 45 days after mailing. The ordinance in its entirety will be available for review at the Big Pine Library and the District's office.

Section 105. Use of Revenues: Revenues derived under this Ordinance may be used for any purpose connected with the operation and maintenance of the existing wastewater treatment plant and sewage collection system and shall not be used for the acquisition or construction of additional local street sewers or laterals which are an augmentation to the existing sewer system. Revenues may be used to meet financial reserve needs and requirements.

ARTICLE II

Sewer Service Charges

Section 201. Sewer service charges are hereby prescribed as follow:

- A. Minimum Rate: The minimum rate is \$20.00 per month for any sewer service.
- B. Residential:
 - 1. Single family unit -- \$20.00 per month per unit
 - 2. Multiple family unit- \$20.00 per month per unit
 - 3. Apartment houses ---- \$20.00 per month per apt.
 - 4. Mobile homes ----- \$20.00 per month per mobile
- C. Public Buildings:
 - 1. Schools ----- \$.20 per month per ADA
- D. Commercial, Industrial and Professional Buildings:
 - 1. \$.90 per billing unit per month of metered water consumption
 - 2. An irrigation discount at a rate of .5 billing unit per month per 100 square feet of landscaped area will be given.

E. Vacant Property:

1. \$2.30 per month per acre

Section 202. Effective Dates: The above stated rates will become effective on January 15, 2012.

Section 203. Relief from Unjust Rates: The owner or occupants of any premises who, by reason of special circumstances, finds that the foregoing rates are unjust or inequitable as applied to this premises, may make written application to the Board, stating the circumstances and requesting a different basis of charges for sewer services to this premises. If such application be approved, the Board may, by resolution, fix and establish fair and equitable rates for such premises to be effective as of the date of such application and continuing during the period of such special circumstances. The Board may, on its own motion, find that by reason of special circumstances the foregoing rates are unjust and inequitable as applied to particular premises and may, by resolution, fix and establish fair and equitable rates for such premises during the period of such special circumstances or any part thereof.

Section 204. Facilities Construction Charge: Each sewer charge shall be subject to a \$5.00 Facilities Construction fee per month for five years.

Section 205: Consumer Price Index Increase: All of the above charges shall be adjusted annually based on the Consumer Price Index from the previous year.

ARTICLE III

Billing and Collecting

Section 301. Billing: The regular billing period will be for each calendar month, bi-monthly, annually or semi-annually as determined by the Board.

Section 302. Opening and Closing Bills: Opening and closing bills for less than the normal billing period shall be for not less than one month.

Section 303. Billing Time: Bills for sewer service shall be rendered at the beginning of each billing period and are payable upon presentation, except as otherwise provided.

Section 304. Responsible Party: The property owner shall be held liable for all sewer charges. If requested in writing, bills may be sent "in care of" a renter. If said renter does not pay charges, the delinquent amount as well as all future charges will be billed directly to the property owner.

Section 305. Collection: If the property owner does not pay, the amount due will constitute a lien against the parcel of land. All laws applicable to the levy, including but not limited to those pertaining to the matters of delinquency, correction, cancellation, refund and redemption are applicable to such charges.

Section 307. Other Remedies: The District may provide otherwise for the collection of such delinquent charges. All remedies herein provided for their enforcement and collection are cumulative and may be pursued alternatively or collectively as the District determines.

Section 306. Collection by Suit: As an alternative to any of the other procedures herein provided, the District may collect said unpaid charges by suit, in which event it shall have judgment for the cost of suit and reasonable attorneys' fees.

ARTICLE IV

Enforcement

Section 401. Enforcement of this Ordinance is specified in District Ordinance No. 1, Article VIII.

Dated: December 13, 2011

Kevin Tillemans
President, Board of Directors
Big Pine Community Service Dist.

ATTESTED:

Roberta J. Lovig
Secretary