

ORDINANCE NO. 165-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLIAMS, CALIFORNIA, ADDING CHAPTER 13.06 TO TITLE 13 OF THE WILLIAMS MUNICIPAL CODE REGARDING STORM DRAINAGE FEES

The City Council of the City of Williams does hereby ordain as follows:

1. **Purpose.** The purpose of this ordinance is to add Chapter 13.06 to the Williams Municipal Code to allow the City Council to adopt and/or increase storm drainage fees.
2. **Authority.** The City Council of the City of Williams enacts this Ordinance under the authority granted to cities by Article XI, Section 7 of the California Constitution and California Government Code section 66016.
3. **Amendment.** Chapter 13.06 is hereby added to the Williams Municipal Code to read as follows:

Section 13.06.010. Reference to drainage plan.

The drainage plan entitled “City of Williams Storm Drainage Master Plan,” which contains an estimate of the total cost of constructing and updating the local drainage facilities required for new development areas, a map of the local drainage areas, and the location of such facilities, is referenced herein as required by the Subdivision Map Act (codified as Government Code section 66410 *et seq.*)

Section 13.06.020 Storm drainage service required.

A. No person owning, occupying, or having under his or her control any premises situated in the city shall construct or install any drain or similar contrivance for the purpose of storm drainage, except as allowed by a contract between such property owner and the city after the city council finds that it is not possible or practicable to connect the premises to the storm drainage system and that the private system is not likely to adversely impact the public health, safety, welfare or comfort. Such contract shall be in a form acceptable to the city, and shall include a commitment by the property owner to connect the premises to the storm drainage system when such connection becomes practicable, as determined by the city council.

B. Storm drainage services shall not be provided unless the city administrator finds that all of the following are satisfied:

- (1) the premises are located in the city;
- (2) the applicant for storm drainage services has paid in full the applicable connection fee and any other applicable deposits, fees, and/or charges;
- (3) the premises abuts an existing storm drainage main, or the applicant has entered into a storm drainage main line extension agreement with the city;

(4) the city possesses the capacity to serve the premises, or the applicant has entered into a storm drainage main line extension agreement or other agreement with the city to provide additional capacity, as determined by the city, adequate for the premises; and

(5) the applicant has complied with all other applicable provisions of this code and other city ordinances, resolutions, and policies.

Section 13.06.030 Storm drainage connection fees.

A. A storm drainage connection fee shall be paid to the city by any person(s) desiring to make a connection to the storm drainage system and as a condition of new development for the purpose of defraying the actual or estimated costs of constructing or updating storm drainage facilities in accordance with the Storm Drainage Master Plan. The costs are based upon findings by the city council that subdivision and development of property within the local storm drainage areas will require construction or updating of the facilities described in the Storm Drainage Master Plan, and that the fees are fairly apportioned within such area on the basis of benefits conferred on the property proposed for subdivision or on the need for such facilities created by proposed subdivision and development of other property within such areas. The storm drainage connection fee shall be fixed from time to time by resolution of the city council.

B. No person shall make a connection with the storm drainage system without first obtaining a storm drainage connection permit from the city and paying the storm drainage connection fee and all other fees and charges as established by resolution of the city council, and otherwise complying with all requirements under any regulations adopted under this chapter by the city council. No connection permit shall be issued unless and until the applicable connection fee(s) have been paid by the applicant in full.

C. No person shall make a connection to an existing consumer's premises for the purpose of using the city's storm drainage system without first submitting an application to the city and obtaining a permit therefor.

Section 13.06.040. Payment and collection of fees.

Fees shall be paid upon the first of the following to occur: (a) prior to the final approval of the final map or parcel map in the case of subdivisions and divisions of land; (b) at the time of issuance of a building permit in all other instances; or (c) pursuant to a written agreement between the property owner and the city for deferred payments in the future, payable upon 90 days' notice from the city, wherein the property owner shall agree to pay storm drainage fees in effect at the time the demand for payments is made. Said written agreement shall provide that the agreement shall run with the land and shall be a lien upon the land until paid in full. If such lien is not paid, the city may file and maintain an action to foreclose such lien upon the land.

Section 13.06.050 Local drainage facilities fund.

There shall be established a separate local drainage facilities fund for each separate local drainage area. Fees paid hereunder for a specific storm drainage area shall be paid into the local drainage facilities fund of that area, and shall be expended solely for the construction or reimbursement for costs of local drainage within that local drainage area, or to reimburse the city

for the cost of engineering and administrative services to form the district, and design and construct the facilities.

Section 13.06.060 Separation of storm drainage and wastewater.

Pursuant to Section 13.08.080 of this Code, no person shall allow, cause or permit any wastewater from his or her premises to enter any of the storm drains of the city, whether by surface drainage, pipes, or other means, nor shall any person allow, cause or permit any storm drainage to enter into the sewer system.

Section 13.06.070 Supervision of storm drainage connections.

All connections with the storm drainage system, and all repairs thereof, including excavating and laying pipe from the storm drainage system to property line, shall be made or caused to be made under the supervision of the city, but at the cost and expense of the person desiring the same to be done.

4. Effective Date. This Ordinance shall be effective thirty (30) days from and after the date of the final passage and adoption hereof.

5. Publication. The City Clerk shall certify to the adoption of this ordinance and cause it, or a summary of it, to be posted in three public places within the City of Williams.

PASSED AND ADOPTED this 9th day of April, 2008 by the following vote:

AYES: Councilmembers Azevedo, Barker, Fulcher, Johnson, and Mayor Ash.
NOES: None.
ABSENT: None.
ABSTAIN: None.

PATRICIA ASH, MAYOR

ATTEST:

RENE L. MILES, CITY CLERK

APPROVED AS TO FORM:

ANN M. SIPRELLE, CITY ATTORNEY