

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 28, ARTICLE V, DIVISION 2 OF THE MOUNTAIN VIEW CITY CODE RELATING TO UTILITIES AND CHAPTER 35, ARTICLE IV OF THE MOUNTAIN VIEW CITY CODE RELATING TO CONNECTIONS AND CONNECTION CHARGES

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 28, Article V, Division 2, Section 28.51, is hereby amended to read as follows:

“SEC. 28.51. Installation.

The following provisions shall govern with respect to the installation of the various utilities within a division of land:

a. **Sanitary sewers.** Sanitary sewer facilities shall be installed to serve each lot and to alignments, grades and sizes approved by the public works director. In general, sewer mains shall be located on street centerlines. Required capacity-based charges pursuant to Chapter 35 shall be paid prior to the approval of the final or parcel map or issuance of any building permits. The amount of this charge shall be set by resolution or ordinance of the city council.

b. **Storm water drainage.** Storm water drainage facilities and appurtenances shall be installed within the division of land as required by the public works director. In general, storm water mains shall be located approximately twelve (12) feet south and east of street centerlines. The amount of the required storm drainage contribution for the subdivider's share of the cost of necessary storm sewers and drainage ditches outside of the division of land shall be set by resolution or ordinance of the city council and shall be payable prior to approval of the final or parcel map. The contribution shall be computed on the gross area of the division of land. In the event the division of land will abut one (1) or more public streets, the area shall include the area of the abutting streets to the centerline of said streets. The contribution shall be used exclusively for the construction of storm drainage facilities to serve the drainage needs of the City of Mountain View.

c. **Water facilities and fire hydrants.** Water facilities and fire hydrants shall be installed as required by the public works director. In general, water mains shall be located approximately six (6) feet north and west of street centerlines. Water services

and water meters shall be installed to serve each lot. Required capacity-based charges pursuant to Chapter 35 shall be paid prior to the approval of the final or parcel map or issuance of any building permits.”

Section 2. Chapter 35, Article IV, Sections 35.36 through 35.45 of the Mountain View City Code, are hereby amended to read as follows:

“ARTICLE IV.

**CONNECTIONS AND CONNECTION CHARGES;
CAPACITY-BASED CHARGES.**

SEC. 35.36. Opening sewer and sewer pipe to curb line.

Each sewer connection shall include opening the sewer and sewer pipe to curb line.

SEC. 35.37. Connection authority and supervision; application; charges generally.

a. Water and sewer service connections may be made only by or under the authority of the city and under the supervision and to the satisfaction of the public works director of the city. Such connections shall be made upon the filing of an application therefor with the department of public works and the payment of the prescribed charge.

b. The applicable charge to be paid for a sewer or water service connection installed by the city shall be in amounts fixed by resolution or ordinance of the city council.

SEC. 35.38. Minimum requirements.

a. Except as provided in subsections b and c of this section, there shall be at least one water connection with separate meter, one sewer connection and garbage receptacles as required by ordinances of the city for the collection of garbage and rubbish to each separate dwelling, store, restaurant, hotel, rooming house, apartment house or other place of business in this city.

b. When approved in writing by the director of public works, any parcel of land in one ownership may be served water through one or more meters subject to the condition that the owner signs an agreement to pay the entire municipal services bill (as defined in Sec. 35.1) within fifteen (15) days of billing. Such agreement shall be recorded

and shall be a covenant running with the land, and shall bind all future heirs and assigns of the owner.

c. In the case of common (or combined common and separate) ownership developments such as condominiums, cooperatives, cluster developments and planned unit developments, all buildings in the development may be served through one or more sewer connections and one or more water meters subject to the following conditions:

1. Written approval shall be secured from the director of public works.
2. The association shall sign an agreement to pay the entire municipal services bill within fifteen (15) days of billing. Such agreement shall be recorded and shall be a covenant running with the land, and shall bind all future heirs and assigns of the association.
3. The association shall provide and maintain security in a form acceptable to the city attorney, sufficient at any and all times to guarantee payment of said municipal services bill for a period of six (6) months.

SEC. 35.39. To be made by authorized persons only.

Only duly appointed representatives of the city, or persons duly authorized by the city, shall tap or otherwise connect with any water main, or connect with any sewer.

SEC. 35.40. Maintenance and repair.

The city will maintain and keep in repair every such service connection, provided the failure of such service or the injury thereto rendering repairs necessary was not caused by the improper act or omission of the owner or tenant served by such connection.

SEC. 35.41. Additional capacity-based charges; basis for determination of cost.

In addition to the connection charges provided for in Sec. 35.37, the city shall charge applicants a capacity-based charge, which is the proportionate share of costs for existing and future water and sewer system facilities and assets from new or expanded connections to the water and sewer system based on the estimated amount of increased demand the project places on the water and sewer systems. This applies to both potable and recycled water connections. The applicant shall pay their proportionate share of costs as set by city council resolution. The capacity-based charge is assessed on all applicants who are issued building permits on or after July 1, 2015. The capacity-based charge shall be automatically adjusted annually as part of the City's annual budget

process by the percentage change in the Engineering News-Record Construction Cost Index (ENR-CCI) for the previous year.

SEC. 35.42. Disposition of charges and fees.

All moneys now held, or to be received, from the collection of the charges and fees provided for in this article, shall be deposited by the director of finance in the "sewer revenue fund" if relating to sewer connections or extensions, and in the appropriate "water fund" if relating to water connections or extensions.

SEC. 35.43. Waiver of fees in certain cases.

Upon the application of any governmental agency or political subdivision, any charitable institution, or any other person for water or sewer service connections, the city council may, upon determining that the public interest and convenience will be served thereby, by resolution, waive such of the fees and charges provided for in this chapter as it shall deem reasonable under the circumstances.

SEC. 35.44. Right of access to premises by representatives of city for purpose of inspection.

Duly authorized representatives of the city shall for the purpose of inspection have the right of access, at all reasonable hours, to any premises having water or sewer connections with the city systems.

SEC. 35.45. Application for building permit to be simultaneous with water and sewer connection application.

All applicants for building permits shall apply simultaneously for water and sewer service connection permits. "

Section 3. The provisions of this ordinance shall be effective July 1, 2015.

Section 4. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council 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 sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 5. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single

publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

Section 6. This ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) (the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly).

NCW/4/ORD
012-03-24-14o-E