

Title 5—SEWER REGULATIONS

Chapters:

Chapter 5.04—SEWER SERVICE REGULATIONS⁽¹⁾

Footnotes:

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Editor's note— Exhibit A of Ord. No. 32-D, adopted April 22, 2014, amended ch. 5.04 in its entirety to read as herein set out. Former ch. 5.04 pertained to the same subject matter, consisted of §§ 5.04.010—5.04.100, and derived from Ord. No. 32-C, 2000.

5.04.010—General provisions and definitions.

- A. Purpose and Policy. This Chapter sets forth requirements and procedures for connection and use of the Cucamonga Valley Water District sewer collection system, and establishes fees and rates for sewer connection, sewer use, construction, maintenance and inspection. The objectives of this Title and Chapters are:
1. To provide for equitable distribution of the cost of the operation of the District's sewer system;
 2. To provide for equitable recovery of costs for construction of capital improvements, collection and treatment capacity;
 3. To establish the District's rights and responsibilities regarding inspection and maintenance of sewer system connections and collection facilities;
 4. To enable the District to comply with the requirements of local, state and federal laws and regulations and the terms of the Inland Empire Utilities Agency Regional Sewage Service Contract, and all supplemental sewer service contracts.
- B. This Title and Chapters shall apply within the service area of the Cucamonga Valley Water District and to persons outside the District who are, by contract or agreement with the District, Users of the District's Sewer System.
- C. Definitions. As used in this Title and Chapters, the following terms shall have the meanings indicated in this Section:
1. "Backwater Valve" is a valve as defined in the Uniform Plumbing Code, installed in a sewer line to prevent sewage from flowing back into a house, dwelling, or establishment.
 2. "Board of Directors" means the elected governing body of the Cucamonga Valley Water District.

3. ~~"Capital Capacity Reimbursement Fee" is a fee charged by Inland Empire Utilities Agency under the Inland Empire Utilities Agency Regional Sewage Service Contract and collected by each member agency including this District. The fee is used for construction of regional wastewater interceptor, treatment and disposal facilities.~~
4. ~~"Charges and Fees" means all fees, deposits, and other charges provided in Title 5 of this District Code.~~
5. ~~"Community Sewer System" means any sewer owned and maintained by the District. This includes all physical facilities of the wastewater collection system, including, but not limited to, sewer mains, laterals, manholes, and cleanouts. It does not include storm drains or channels for conveyance of natural surface waters.~~
6. ~~"Customer" means any individual, firm, association, partnership, corporation, trust, joint venture, or other legal entity who receives sewer service from the District.~~
7. ~~"Developer" means any individual, firm, association, partnership, corporation, trust, joint venture, or other legal entity who desires sewer service that requires the installation of new sewer service facilities.~~
8. ~~"District" means the Cucamonga Valley Water District of San Bernardino County, State of California, a public agency.~~
9. ~~"Domestic Wastewater" shall mean the wastewater from residences and wastewater from other premises resulting exclusively from personal use of water for washing, bathing, or other sanitary purposes.~~
10. ~~"Equivalent Dwelling Unit" or "EDU" shall mean:
 - a. ~~A measure of sewage discharge equivalent in quantity and strength to the daily discharge of an average single family household as determined and defined in the IEUA Regional Sewage Service Contract.~~
 - b. ~~A theoretical single-family residence with an average quantity and strength of sewer discharge as defined in the IEUA Regional Sewage Service Contract.~~~~
11. ~~"General Manager" means the individual, or his duly authorized representative, appointed as such by the Board of Directors as its executive officer and agent designated by the District to supervise the operation of the public sewer system and who is charged with certain duties and responsibilities as set forth by Title 5 of this District Code.~~
12. ~~"Hundred Cubic Foot" or "HCF" is a unit of measure frequently used by the District for water consumption. One hundred (100) cubic feet of water is equivalent to approximately seven hundred forty-eight (748) gallons.~~
13. ~~"IEUA" is the acronym for the Inland Empire Utilities Agency* a Municipal Water District. IEUA is the agency with which CVWD contracts for sewage treatment and disposal services.~~
14. ~~"IEUA Regional Sewage Service Contract" shall mean that certain agreement so entitled, executed by and between the District and the Inland Empire Utilities Agency*, a Municipal Water District, on August 14, 1972, and subsequent revisions thereto.~~
15. ~~"Lateral Service Connection" is a sewer pipe, or pipes, and appurtenances necessary to transport wastewater from the developer's parcel of land to the adjoining District facilities located within a public right-of-way or easement.~~
16. ~~"Master Plan" is a multi-year sewer system master plan that is used as a guideline by the District to determine when and where sewer service facility capital improvements are required.~~
17. ~~"Non-domestic Wastewater" means wastewater that is not Domestic Wastewater.~~
18. ~~"Non-domestic Wastewater Discharge Permit" means a permit authorizing sewer use as set forth in Title 6 of the District Code.~~

19. ~~"Off-site Sewer Facilities" are publicly owned pipe structures, sewage collection and conveyance facilities, generally located in the public right-of-way, designed to transport sewage away from a parcel of land, or the subdivision of a parcel of land.~~
20. ~~"On-site Sewer Facilities" are privately owned pipe structures, sewage collection and conveyance facilities, located on private property, designed to transport sewage away from a parcel of land or the subdivision of a parcel of land.~~
21. ~~"Person" shall mean any individual, firm, association, partnership, corporation, trust, joint-venture, or other legal entity. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.~~
22. ~~"Refund Agreement" means an agreement between the District and a developer to refund the cost of construction of off-site sewer service facilities installed by said developer that become beneficiary to parcels, or subdivisions of said parcels, of tributary service area adjoining said sewer facilities. The amount refunded will be based on the acreage of the tributary service area adjoining the off-site sewer service facilities, and the direct benefit of such facilities.~~
23. ~~"Service Area" means any and all area, land, or property where sewer service is provided or is able to be provided by the Cucamonga Valley Water District.~~
24. ~~"Sewer Drainage Fixture Unit" means a certain value for a given type of sewer drainage fixture as defined by the Uniform Plumbing Code and the IEUA Regional Sewage Service Contract Exhibit "J".~~
25. ~~"Sewer System Capacity Fee" means a charge imposed when connecting to the District's physical facilities primarily for the purpose of funding the necessary increased capacity needs of the collection system created by the new lateral service connection.~~
26. ~~"Sewer Tributary Service Area" means all the property, or any portion thereof, located within six hundred sixty (660) feet either side, measured at right angles, of any District facilities installed by the developer which are subject to a refund agreement.~~
27. ~~"Sewer Trunk Line" is a primary sewer trunk line used to collect and transport the main portion of the wastewater from the District to the designated treatment facilities as shown on the Sewer Master Plan.~~
28. ~~"Single-Family Residence" is a parcel of land within the District which is improved with a single-family residential dwelling.~~
29. ~~"Source" means the point of discharge for domestic and/or non-domestic wastewater into the community sewer system.~~
30. ~~"Subdivision" shall mean the division of any portion of a parcel of land within the service area of the District under one ownership that is subdivided into two or more parcels or units for sale or lease for residential, commercial, or industrial purposes.~~
31. ~~"Uniform Plumbing Code" or "UPC" means specifically the current edition of the Uniform Plumbing Code developed and published by IAPMO [International Association of Plumbing and Mechanical Officials], as adopted and specified by the Inland Empire Utilities Agency for the purpose of meeting contractual obligations of the IEUA Regional Sewage Service Contract applicable to the Regional Contracting Agencies and CVWD.~~
32. ~~"User" means any person who contributes, causes, or permits the contribution of non-domestic wastewater into the District's public sewer system.~~
33. ~~"Wastewater" means any liquid or water-carried wastes from residences, commercial, public, institutional, governmental, and industrial establishments, together with such groundwater, surface water, and stormwater as may be present, whether treated or untreated, which is discharged into, or permitted to enter, the community sewer system.~~

D. ~~Abbreviations. The following abbreviations shall have the designated meanings:~~

1. ~~CVWD, Cucamonga Valley Water District.~~

- 2.—EDU, Equivalent Dwelling Unit.
- 3.—HCF, Hundred Cubic Feet.
- 4.—IEUA, Inland Empire Utilities Agency* a Municipal Water District.
- 5.—SDFU, Sewer Drainage Fixture Unit.
- 6.—UPC, Uniform Plumbing Code.

E.— Construction. Wherever in this Title "shall" is used, the word is mandatory. When "may" is used, the word is permissive. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

~~(Ord. No. 32-D, § 2(Exh. A), 4-22-2014)~~

~~5.04.020 Sewer service application.~~

- A.— Any person desiring sewer service, installing new or additional sewer fixtures, expanding sewer use, changing the nature of sewer use from previous use, or changing the characteristics of sewer discharge, shall complete and sign the appropriate application form provided by the District.
- B.— Upon receipt of the completed application, the connection fees and the service charges shall be determined based upon the location, size, and type of service. The applicable Sewer System Capacity Fee and the Capital Capacity Reimbursement Fee shall be determined and assessed to all sewer services.
- C.— Any person who applies for sewer service to a specified premise or property shall be responsible for all charges and fees that accrue with respect to said sewer service until such date that the service is ordered to be discontinued by said person.
- D.— Any person proposing to discharge non-domestic wastewater may be required to submit a non-domestic wastewater discharge permit application to the District. Said application and discharge shall be in accordance with the requirements of Title 6 of the District Code.
- E.— Sewer connection and service is conditional and dependent upon compliance with the District's Non-domestic Wastewater Discharge Regulations in Title 6 of the District Code. Sewer connection and service shall not be authorized for Users unable to comply with Title 6 of the District Code.
- F.— Security Deposit Requirements for Sewer-only Accounts. Security deposit requirements for sewer service shall apply to only those sewer service accounts and developments without a District water service. The following security deposit requirements shall not apply to any sewer service account with an active District water service:
 - 1.— The District will require a security deposit at the time of the application if an applicant's credit is considered unacceptable based on the following circumstances:
 - a.— The applicant cannot provide a letter of credit, or memo of good standing from another utility.
 - b.— The applicant cannot provide the District with proof of a responsible payment history with the District or other utility for a period of one year.
 - c.— The applicant has had prior water or sewer service discontinued due to non-payment of a bill or returned checks for non-sufficient funds.
 - d.— The applicant has a history of submitting non-sufficient fund payments to the District.
 - e.— The applicant has a previous outstanding delinquent balance owed to the District.
 - 2.— The District may apply all, or part, of said security deposit against any unpaid delinquent charges for sewer service.

~~3.— Calculation of Security Deposit. All District service accounts shall be subject to security deposit requirements except federal, state and local governmental agencies and pre-sale developer services. The security deposit requirements are as follows:~~

~~a.— Existing Accounts. The security deposit requirement for existing accounts shall be dependent on the billing history of each account and shall be calculated each month. The security deposit for each account shall be the second highest bill in the billing history file for the account rounded down to the nearest multiple of five dollars (\$5.00). If there is insufficient billing history data available to meet this criterion, then the security deposit shall be determined by the following calculation:~~

$$\text{Deposit} = 3 \times \text{Monthly Sewer Service Rate}$$

~~b.— New Single-Family Residential Accounts. The security deposit requirement for new single-family residential accounts shall be determined by the following calculation:~~

$$\text{Deposit} = 3 \times \text{Monthly Sewer Service Rate}$$

~~c.— The deposit requirement for all other customer classes shall be determined by analyzing each account on an individual basis. From the analysis, the average sewer charges will be estimated. The security deposit required for each account shall be the estimated sewer charge, rounded down to the nearest multiple of five dollars (\$5.00).~~

~~4.— Return of Security Deposit. A customer's security deposit will be credited to the customer's account after two years of acceptable payment history. An acceptable payment history is defined as never having service disconnected for non-payment, never having a payment returned for non-sufficient funds, or never appearing on the list for service termination. Any customer meeting these criteria shall have the security deposit immediately credited to his or her account, and the customer's next bill shall indicate this action. Any customer not qualifying for return of security deposit in this manner after two years shall continue to be tested each month thereafter.~~

~~Any credit balance of ten dollars (\$10.00) or more on the closing bill will be mailed to the customer within ten (10) working days if a valid forwarding address is available. Any credit balance of less than ten dollars (\$10.00) will have to be claimed by the customer at the District office. Any remaining credit balance under these conditions that is not claimed within twelve (12) months after the discontinuance of service will be forfeited by the customer.~~

~~5.— Customer Review of Security Deposit. Upon applying for sewer service, any customer may request a review by Customer Service of the calculated security deposit amount. If an error has been made, or the customer has a valid projection of lower sewer usage, the Customer Service staff may adjust the security deposit amount with the approval of the Finance Manager.~~

~~6.— Transferring Accounts. Any security deposit made for sewer service by a person remains the property of that person unless that person gives written authorization to the District to transfer the security deposit to another person assuming responsibility for the account in question. When a person moves from one service location to another within the District, and has had the original security deposit returned in accordance with Section 5.04.020(F)(4), a new security deposit for the new premises shall not be required if the customer meets the criteria for "an acceptable payment history," as defined in Section 5.04.020(F)(4) at the time of the move.~~

~~G.— Connection to the District sewer system prior to compliance with all requirements as set forth regarding Sewer Service Application shall be unauthorized. Connection to the District sewer system prior to remittance of all charges and fees due shall be unauthorized.~~

~~Unauthorized connection to the District sewer system may result in immediate termination of water and sewer service, and may result in enforcement fines and penalties assessed as set forth in Title 5, Chapter 5.08 of the District Code. The District shall not restore service until payment for charges and fees is remitted and all requirements per this Section regarding Sewer Service Application are satisfactorily completed.~~

~~(Ord. No. 32-D, § 2(Exh. A), 4-22-2014)~~

~~5.04.030 – Rates and billings.~~

- ~~A. Every person whose property is in the District, and is served by a connection or connections with the District's community sewer system, whereby the domestic and/or non-domestic waste flows are disposed of by the District into the Regional Sewage System, or otherwise, shall pay a sewer user's charge and any surcharge as established by the District.~~
- ~~B. Rates for sewer service shall be fixed by ordinance of the board of directors of the District, and made a part of the District Code, Title 5, Chapter 5.08. The Board of Directors may, from time to time, in its discretion and by ordinance, alter, change, amend, or revise the charges and rates for the services and facilities in connection with the community sewer system.~~
- ~~C. The rates for the several classes of commercial sewer service and for the industrial class shall be computed pursuant to Chapter 5.08 of the District Code, and shall be billed at such intervals as are determined necessary by the Board of Directors.~~
- ~~D. The amount due for sewer service shall be set forth on the bills for sewer service, is due and payable upon presentation with the sewer bill, and shall become delinquent on the day indicated on the sewer billing statement. In the event any bill shall become delinquent, the water and sewer service may be discontinued without further notice. Penalties and fines may also be assessed as set forth in Chapter 5.08. Service shall not be resumed until all delinquent charges, penalties, and fines, together with any charges necessitated by the resumption of such service, have been fully paid. Payment shall be made at the District Office in person or by mail, electronically, or at the District's option, to duly authorized Collectors of the District.~~
- ~~E. Whenever service is started during a month, the minimum charge shall be as indicated in Chapter 5.08.~~
- ~~F. The Board of Directors may require any person liable to pay any community sewer user's charge to make a reasonable deposit with the General Manager to insure the collection of such charge.~~
- ~~G. Whenever the correctness of any bill for sewer service is questioned, the District will cause an investigation to be made. Bills reflecting clerical errors shall be adjusted, taking into consideration the historical volume of usage, seasonal demand, and any other factors that may assist in determining an equitable charge.~~

~~(Ord. No. 32-D, § 2(Exh. A), 4-22-2014)~~

~~5.04.040 – Sewer system capacity fee.~~

- ~~A. Each developer making written application for sewer service from the District shall pay a "Sewer System Capacity Fee" in an amount determined and based on the size and number of potable water meters and recycled water meters installed for non-irrigation purposes, for the Developer's development pursuant to Chapter 5.08 of the District Code, and in the amount determined in any applicable Refund Agreement(s) to be entered into between another Developer and the District pursuant to Section 5.04.070(E) of the District Code.
 - ~~1. For the purposes of determining Sewer System Capacity Fees for developments without a District water service, the District Engineering Department shall determine the Sewer System Capacity Fees in the prescribed manner using the number and size of water meters from the municipality providing water service.~~
 - ~~2. Sewer System Capacity Fees shall not be assessed for a given water meter if the developer can show to the District's satisfaction that there will be no related discharges to the District sewer system from the water meter. Examples of such circumstances include, but are not limited to,~~~~

~~individual buildings connected to dedicated septic systems, and developments discharging sewerage exclusively to non-district sewer systems.~~

~~B. The primary purpose of the Sewer System Capacity Fee is to repay the construction costs of collection and delivery facilities required to meet the sewer demand of the District. Such financing shall include the repayment of any debt incurred by the District to construct such facilities, except that which is repaid by ad valorem taxes or special assessments.~~

~~Revenues from the Sewer System Capacity Fee may also fund master planning and studies related to sewer facilities, the capital facilities and equipment necessary to operate and maintain the sewer system, and an allocated share of costs related to general facilities and equipment required to administer the overall operations of the District.~~

~~C. The principal basis of the determination of the amount of the Sewer System Capacity Fee is the average investment in the sewer system by current customers. The Fee to users is designed to recognize the current value of providing the capacity necessary to serve additional users. The charge is computed by establishing fixed asset value under a reproduction cost basis and deducting relevant liabilities from this amount. The number of equivalent units of service is then divided into this difference to establish the Sewer System Capacity Fee.~~

~~The method for calculating the Sewer System Capacity Fee is based on the replacement cost less depreciation and the equation for determining the fee is as follows:~~

~~(Original Value of System, \$\$ × [ENR-CCI-LA] - Depreciation) / Current Number of Equivalent Meters~~

~~"ENR-CCI-LA" shall mean the construction cost index for Los Angeles as published in the Engineering News-Record.~~

~~D. The Sewer System Capacity Fee shall be reviewed by the District annually. The review shall update the current value of the sewer system by including all facilities that were added to the system during the preceding year less depreciation of the existing facilities. The updated value will also include the additional equivalent units of service that were added during the preceding year. The Sewer System Capacity Fee will be adjusted according to the outcome of the annual review.~~

~~(Ord. No. 32-D, § 2(Exh. A), 4-22-2014)~~

~~5.04.050 Capital capacity reimbursement fee.~~

~~A. The primary purpose of the Capital Capacity Reimbursement Fee is to repay the construction costs of sewage treatment facilities owned and operated by the Inland Empire Utilities Agency.~~

~~The Capital Capacity Reimbursement Fee is periodically reviewed by IEUA per the Regional Sewage Service Contract. The review method is principally based on the average capital construction cost to provide sewage treatment service to a single family residence, defined as an Equivalent Dwelling Unit. The Capital Capacity Reimbursement Fee will be adjusted according to the outcome of IEUA's periodic review.~~

~~B. The Capital Capacity Reimbursement Fee established and shown in Title 5 Chapter 5.08 of the District Code, shall apply as follows:~~

- ~~1. All lands within Special Assessment District No. 1, 2, 3, 4, 6, 9 and 10, and all parcels contained in Special Assessment District No. 7 that are located adjacent to a previous Special Assessment District main and had a lateral constructed to said parcel at the time of original construction, shall be exempt from Capital Capacity Reimbursement Fees.~~
- ~~2. Residential Development: Every person constructing a new residential structure or mobile home park within the boundaries of the District after July 1, 1979, that will receive sewer services, shall pay to the District a Capital Capacity Reimbursement Fee as set forth in Chapter 5.08 prior to connecting to the District sewer system.~~

~~3.— Commercial and Industrial Development: Every person who, after the effective date of January 1, 1980, constructs a building within the District to be occupied by a commercial or industrial business that will receive sewer service, or who alters an existing commercial or industrial building within the District that received sewer service for occupancy by a business that will discharge substantially more wastewater than the preceding occupant, shall pay to the District, a Capital Capacity Reimbursement Fee as set forth in Chapter 5.08 prior to connecting to the District sewer system.~~

~~(Ord. No. 32-D, § 2(Exh. A), 4-22-2014)~~

~~5.04.060 — New service laterals.~~

- ~~A.— All lateral construction shall be performed to District standards and under the direction of the District by a licensed sewer contractor at the expense of the Developer.~~
- ~~B.— The Developer shall provide the District the correct location, station and elevation information for the proposed lateral installation; however, the District shall review and verify such information based on the available plans and documents of the existing facilities where such connection is proposed. The District assumes no liability for the accuracy of such information.~~
- ~~C.— Where connection fees have been established pursuant to Section 5.04.020(B) of the District Code, such fees shall be paid prior to start of any construction work, unless otherwise approved.~~
- ~~D.— By acceptance of sewer service, the customer accepts and consents to such conditions of grade, capacity, and quality regulations as may, from time to time, exist under the current operating practice of the District prevailing at the location of the lateral service connection. Furthermore, the customer waives any claim against the District for damages caused by, or arising out of, insufficient capacity, changes in quality standards, or interruption of service due to material causes or normal maintenance and cleaning practices of the District.~~
- ~~E.— Each property under separate ownership must be provided with its own sewer lateral connection, unless otherwise approved.~~
- ~~F.— The District reserves the right to limit the number of houses, or buildings, or the area of land under the same ownership, to be supplied by one lateral service connection.~~
- ~~G.— A lateral service connection shall not be used to service adjoining property.~~
- ~~H.— A lateral service connection shall not be used to service adjoining property of the same owner on opposite sides of the public street or alley.~~
- ~~I.— When property provided with a lateral service connection is subdivided, the lateral service connection shall be considered as belonging to the lot or parcel of land that it directly enters. The District will review the existing conditions to determine if the new parcel will be required to install a separate lateral service connection per Section 5.04.060(A) and Section 5.04.060(B) of the District Code.~~
- ~~J.— No lateral service connection shall be used for both domestic sewer service and non-domestic sewer service unless the owner provides separate collection facilities that are accessible to the District and installed within the property that includes a sampling manhole as defined in Title 6 of the District Code, suitable for collection of non-domestic wastewater samples prior to convergence of both sources of wastewater as defined in Title 6 of the District Code.~~
- ~~K.— The District reserves the right to determine the size and location of all lateral service connections. The customer's sewer line should not be installed until the lateral service connection has been installed to the right-of-way property line or easement line. In the event the customer's line is installed prior to the lateral construction, or prior to uncovering the end of the lateral service connection, the District will not be liable for any additional costs required, either material costs or labor to make a proper connection.~~

- ~~L. The District shall not be responsible for stoppages which occur in the customer's lateral from the building to the lateral service connection at the right-of-way, property line, or easement line.~~
- ~~M. Every lateral service connection shall be installed to the right-of-way line, property line, or easement line, in accordance with the requirements and the specifications of the District. In addition, every lateral service connection shall have a clean-out device at the right-of-way line, property line, or easement line.~~
- ~~N. Backwater valves. All sewer drainage fixtures installed on a floor level that is lower than the next upstream manhole cover of the public sewer system shall be protected from backflow of sewage by installing a District-approved type of backwater valve. Backwater valves shall be installed within private property, at the property owner's expense, when connection to the public sewer is made.~~

~~(Ord. No. 32-D, § 2(Exh. A), 4-22-2014)~~

~~5.04.070 New facility installations other than lateral service connections.~~

- ~~A. Authority is hereby delegated to the District's Engineering Department to determine when new sewer facilities are needed as a condition of new sewer service. "Sewer Service Facilities" include sewer mains, manholes, laterals, and any other necessary appurtenances.~~
- ~~B. Every Developer desiring sewer service shall complete and sign the appropriate application form provided by the District.~~
- ~~C. The Developer shall be responsible for constructing all such on-site and off-site sewer facilities as are required by the District to service their property. Facilities shall only be constructed following the District's review and approval of plans that are to be submitted by the Developer in a form as required by the District's Engineering Department. Under no circumstances will such construction take place unless streets are well defined, both in plan and elevation. If, after the sewer trunk lines, mains, lateral services, manholes, etc., are constructed and need to be moved or lowered because of incorrect information as to grade, street centerlines, property lines, other utilities, etc., all expenses incurred by making the changes shall be borne by the Developer. These relocations shall include, but not be limited to, all expenses for cutting and removal of newly paved or surfaced streets and any trench restoration and resurfacing.~~
- ~~D. The Developer shall be required to pay fees based on the "Sewer System Capacity Fee" as defined in Chapter 5.08 of the District Code and in any "Refund Agreement" as defined in Section 5.04.070(E) of the District Code.~~
- ~~E. When requested and applied for by the Developer, and subject to approval by the District, the District will enter into a ten-year sewer line Refund Agreement with said Developer whereby the District shall collect from other new connections, and refund to said Developer the costs as outlined in the said sewer line Refund Agreement for the off-site sewer service facilities that benefit the said new connections. Such refund agreements shall not include interest. The amounts eligible for refund will be established by the acreage of the property served by connecting to, and deriving benefit from, the off-site sewer service facilities, multiplied by the average cost per tributary service area acre served by the installation of said off-site sewer service facilities. Such refund amounts shall be due and payable to the Developer at the time any new connections are performed. The District may waive the above provisions and enter into different contractual arrangements with Developers only by action of the Board of Directors.~~

~~Refund agreements may be assigned or transferred, providing such assignments or transfers are accomplished in a manner approved by the District. Otherwise, refunds shall be made only to the original Developer, provided that if the Developer should die, his personal representative or distributees under his will may claim refunds within sixty (60) days after the same become due and payable under the agreement. If the original Developer is a partnership or corporation, the District shall pay any refunds to the successor in title to the assets of such partnership or corporation, provided due proof is made of the right to receive the same, and claim therefor is made within sixty (60) days after the same becomes due.~~

~~If claims by successors in interest of a Developer are not made within the prescribed time, the right to refund shall terminate.~~

- ~~F. When requested and applied for by the Developer, and subject to approval by the District, the District will enter into a sewer line Reimbursement Agreement with said Developer whereby the District shall pay said Developer for the costs of any facilities determined to be oversized as a result of District Master Planning requirements. The amount reimbursed shall be based on the differential cost between the facilities installed and the facilities required to provide the adequate service to the site.~~
- ~~G. No sewer main shall be constructed in any street or other location not formally dedicated to public use, except by consent of the property owner and the District. Said consent shall be in the form of an easement deed to the District.~~
- ~~H. Title to all sewer service facilities shall be vested in the District twelve (12) months after completion of all work or twelve (12) months after final acceptance of the facilities by the District, whichever occurs later.~~

~~(Ord. No. 32-D, § 2(Exh. A), 4-22-2014)~~

~~5.04.080 – General maintenance and inspection.~~

~~The District reserves the right at any and all times to discontinue sewer service for the repairing, extending, altering, or cleaning, etc., of sewer trunk line mains and the repairing and construction of manholes, and the repairing and renewing of sewer lateral service connections.~~

~~When the service is to be discontinued for any of the above reasons, the District will make a reasonable effort to deliver a notice of the discontinuance to the customer or to some responsible interested person on the premises, but it does not assume any liability for the failure of the customer to receive or understand such notice.~~

- ~~A. The District assumes responsibility for the maintenance and operation of all District owned sewage collection facilities, which includes the lateral between the customer's property line and the sewage collection pipeline.~~
- ~~B. Authorized inspectors, agents and employees of the District shall have the right of entry and access at all reasonable times, into and upon, any and all, customer's buildings, grounds and premises, or any part or parts thereof (including any and all plumbing, water piping, fixtures, or connections located, used, maintained, or operated therein or thereon), for the purpose of:
 - ~~1. Inspecting such buildings and premises to determine:
 - ~~a. The manner and quantity of such use; or~~
 - ~~b. The existence of any condition causing, or likely to cause, affecting, or likely to affect, the collection of, or receipt of, sewer service;~~
 - ~~c. The presence or absence of any unauthorized and/or unpaid devices or connections to the building sewer; or~~
 - ~~d. Compliance with this Title.~~~~
 - ~~2. Facilitating the enforcement, from time to time, by said District, of any and all of its applicable Rules and Regulations, each such inspector, agent and/or employee shall be furnished with, and upon request of the customer shall display, appropriate evidence of identification.~~~~

~~(Ord. No. 32-D, § 2(Exh. A), 4-22-2014)~~

~~5.04.090 – Prohibitions and restrictions of sewer use.~~

~~Residential Self-Regenerating Water Softening Devices.~~

~~It is unlawful to install or cause to be installed, replace, or enlarge any self-regenerating water softening appliance which is used for softening all or any part of the water supply to any premises, when such appliance is regenerated by the on-site application of a salt-containing brine solution with the regenerated wastes being discharged to the Cucamonga Valley Water District's community sewer system. This Section shall not apply to any portable exchange water softener of the type which is regenerated off-site at a lawfully regulated location.~~

~~(Ord. No. 32-D, § 2(Exh. A), 4-22-2014)~~

Chapter 5.08 - CHARGES, RATES AND TOLLS^[2]

Footnotes:

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Editor's note— Exhibit A of [Ord. No. 32-D](#), adopted April 22, 2014, amended ch. 5.08 in its entirety to read as herein set out. Former ch. 5.08 pertained to the same subject matter, consisted of §§ 5.08.010—5.08.090, and derived from Ord. 32-B, 2000; Ord. 200-6-2, 2000; Ord. 32-C, 2001; Ord. 2001-6-1, 2001; Ord. 2002-4-3, 2002; Ord. 2006-4-1, 2006; Ord. 2007-4-1, 2007; Ord. 2007-5-2, 2007; Ord. 2008-4-2, 2008; Ord. 2008-4-3, 2008; and Ord. No. 2010-4-1, adopted April 27, 2010.

5.08.010 - Sewer service rate.

The Sewer Service Charge Rate is the sum of the effective Local Service Charge and the Treatment Charge. Charges are based on Equivalent Dwelling Units [EDU] per month.

- A. The Local Service Charge (CVWD portion) for Sewer Service per EDU is as follows:
 - Effective 7/1/2013: Five dollars and seventy-three cents (\$5.73).
- B. The Treatment Charge (IEUA portion) for Sewer Service per EDU is as follows:
 - Effective 7/1/2013: Thirteen dollars and thirty-nine cents (\$13.39).
 - Effective 7/1/2014: Fourteen dollars and thirty-nine cents (\$14.39).
 - Effective 10/1/2015: Fifteen dollars and eighty-nine cents (\$15.89).
 - Effective 7/1/2016: Seventeen dollars and fourteen cents (\$17.14).
- C. An approved range of incremental increases in the Sewer Service Charge Rate will be imposed in any fiscal year within which the Inland Empire Utilities Agency [IEUA] adopts an increase in the Treatment Charge imposed by IEUA on the District. Said Sewer Service Charge Rate increases for any applicable year, in connection with this Pass-Through Rate Structure, shall not exceed an amount equal to the percentage increase in the Treatment Charge imposed by IEUA on the District. Therefore, in any fiscal year within which IEUA adopts an increase in its Treatment Charge, the Treatment Charge portion of the Sewer Service Charge Rate shall be increased in an amount equal to the percentage increase in the Treatment Charge. Provided, however, in no event shall the Treatment Charge component of the Sewer Service Charge Rate exceed the cost of providing sewer service.
- D. Sewer Service Billing Schedule. Sewer service shall be billed on a ~~bimonthly~~ monthly basis and the charges for sewer service shall be indicated on the customer's water and sewer bill. After July 1, 2019, the District may discontinue bimonthly billing and bill customers on a monthly

basis. The service charge imposed on a monthly basis will equal half of the service charge imposed on a bimonthly basis. The District may pro-rate the service charges on a per-day basis if necessary during the transition period from bimonthly billing to monthly billing.

- E. Prorated Sewer Service Charge. For customers who are billed on a flat rate basis, when service is initiated or discontinued at the request of the customer within the ~~bimonthly-monthly~~ service period and the actual service period is less than ~~fifty-five (55) days-twenty-five (25) days~~, the sewer service charge shall be prorated on a ~~sixty thirty~~-day basis, except that the minimum charge shall be ten (10) percent of the ~~bimonthlymonthly~~ flat rate charge.
- F. Minimum Sewer Service Charge. For customers who are billed on a flat rate basis, such as residential accounts, the minimum charge shall be ten (10) percent of the ~~bimonthly-monthly~~ flat rate charge. For all other customers, the minimum charge shall be equal to the Sewer Service Rate on a ~~bimonthly-monthly~~ basis.
- G. Application of Sewer Service Rate. An occupant, owner, or tenant whose premises are served by a connection to the District sewer system, whereby the domestic or non-domestic wastewater, or both, are disposed by the District through the regional treatment and disposal works, or otherwise, shall pay a Sewer Service Rate. The Sewer Service Rate shall be applied to a customer's sewer account in accord with the applicable methods described in Section 5.08.020, Section 5.08.030, or Section 5.08.040 of this Chapter. Determination of the appropriate method of Sewer Service Rate application (Domestic, Commercial, or Industrial) shall be made by the General Manager.

([Ord. No. 32-D, § 2\(Exh. A\), 4-22-2014](#) ; [Ord. No. 2014-5-1, § 3\(a\), \(b\), 5-27-2014](#))

5.08.020 - Residential sewer service.

Residential sewer service customers include single family residences, apartment units, town houses, condominiums, and mobile homes. All residential customers shall be charged one EDU per dwelling unit, per month.

([Ord. No. 32-D, § 2\(Exh. A\), 4-22-2014](#))

5.08.030 - Commercial sewer service.

Commercial sewer service customers shall be those customers identified by the type of commercial use listed in the Commercial Sewer Use Table, Section 5.08.030(A); the District shall determine the appropriate category for each customer's sewer account. Commercial sewer service fees are based upon the assigned EDU factor per category as provided in Section 5.08.030(A) and in accord with Section 5.08.030(B) through Section 5.08.030(D). Commercial sewer service fees shall be calculated as follows:

- Category I through VIII accounts with separate (dedicated) landscape water meters, or without landscape irrigation:

$$\text{Sewer Fee} = \text{EDU factor} \times [\text{domestic HCF}] \times [\text{Sewer Service Rate}]$$

- Category I through VIII accounts with a combined domestic/landscape water meter:

$$\text{Sewer Fee} = \text{EDU factor} \times [\text{total HCF}] \times 55\% \times [\text{Sewer Service Rate}]$$

- Category IX and X accounts (Schools):

$$\text{Sewer Fee} = \text{EDU factor} \times [\text{number of students}] \times [\text{Months}] \times [\text{Sewer Service Rate}]$$

A. Commercial Sewer Use Table.

Category	Type of Commercial Use	EDU factor
I	<ul style="list-style-type: none"> • Office • Daycare center • Market without grinder • Public facility without dining • Bar/Tavern without food • Retail/Service • Recreation/Amusement without dining 	0.0729
II	<ul style="list-style-type: none"> • Mortuary 	0.1052
III	<ul style="list-style-type: none"> • Hotel with dining • Motel with dining • Bar/Tavern with dining • Public facility with dining • Recreation/Amusement with dining • Hospital - full service • Convalescent facility 	0.1050
IV	<ul style="list-style-type: none"> • Laundromat • Car Wash 	0.0626
V	<ul style="list-style-type: none"> • Laundry - commercial/industrial • Dry Cleaner 	0.1215
VI	<ul style="list-style-type: none"> • Motel without dining • Health spa • Church/Worship 	0.0670
VII	<ul style="list-style-type: none"> • Outpatient facility • Doctor office • Dental office 	0.0671
VIII	<ul style="list-style-type: none"> • Restaurant - full service • Restaurant - fast food • Market with grinder • Bakery 	0.1042
IX	<ul style="list-style-type: none"> • School - Public/Private: 	0.0185

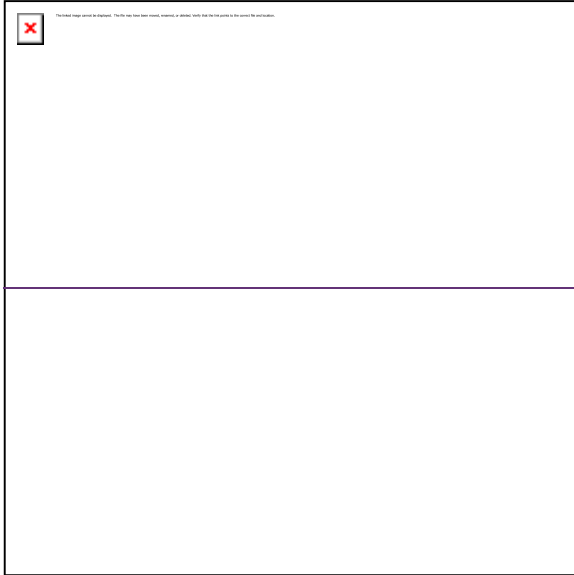
	Kindergarten through 12 th grade	
X	• School - Public/Private: College	0.0370

- B. Domestic Water Consumption Determination. For the purpose of calculating sewer service charges, domestic water consumption shall mean the volume of water received by the customer from a District water supply meter, either potable water or recycled water, where such water consumption results in a sewer discharge to the District sewer system.
 - 1. Water meters designated by the District for exclusively landscape and irrigation purposes are specifically excluded from sewer rate determinations.
 - 2. Water consumption, or portion thereof, used to generate Industrial wastewater discharges to the sewer shall be excluded from Commercial sewer rate determinations. Industrial wastewater discharges are defined in Section 5.08.040 of this Chapter.
 - 3. If a commercial sewer customer has a combined domestic/landscape water meter account, then fifty-five (55) percent of the measured water consumption from said meter shall be used rather than one hundred (100) percent for accounts assessed sewer fees based upon water consumption.
- C. Multiple Commercial Use Account. If a commercial sewer customer has multiple commercial uses for a single account, then the General Manager, on a case-by-case basis, shall determine and assign the appropriate EDU factor.
- D. Student Count for Commercial Use Categories IX and X. Upon request the customer shall submit to the District a total student count for sewer accounts identified in Category IX or X of Section 5.08.030(A). The total student count shall be reported as the school's October Average Daily Attendance for the current school year. Current student counts shall be resubmitted to the District annually and sewer accounts shall be adjusted accordingly.

([Ord. No. 32-D, § 2\(Exh. A\), 4-22-2014](#))

5.08.040 - Industrial sewer service.

- A. For purposes of this Chapter, Industrial sewer customers shall be defined as those non-domestic sewer customers not identified in Section 5.08.020 or Section 5.08.030, and those customers that purchased Capital Capacity [remitted Capital Capacity Reimbursement Fees] based on the EDU Formula in Section 5.08.060(B)(4)(c) of this Chapter.
- B. The sewer service fee for Industrial sewer customers shall be the product of the Sewer Service Charge Rate and the sum of total Domestic EDUs and Industrial EDUs discharged, divided by the number of calendar days for the billing period.
 - 1. Determination of Domestic EDU Contribution. Domestic EDU contribution from the Industrial sewer customer shall be calculated per Category I of Section 5.08.030(A).
 - 2. Determination of Industrial EDU Contribution. Industrial EDU contribution shall be calculated using the following EDU formula.



$$EDU = \frac{Q}{270} \times \left[0.37 + \left(0.31 \times \frac{BOD}{230} \right) + \left(0.32 \times \frac{TSS}{220} \right) \right]$$

Where:

Q = Industrial wastewater flow to sewer for the billing period (measured in gallons)

BOD = Biochemical Oxygen Demand (mg/l)

TSS = Total Suspended Solids (mg/l)

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3. Industrial sewer customers shall be monitored by the District to collect representative data with regard to wastewater discharge BOD, TSS and Flow, adequate for determination of industrial sewer service fees. Industrial sewer customers shall be required to provide and maintain requisite facilities and equipment for that purpose.

In cases where direct sewer flow monitoring or wastewater quality monitoring is not feasible, the General Manager may approve methods for estimation. Such methods shall be documented and enforced in a Non-domestic Sewer Discharge Permit issued per Title 6 of the District Code.

([Ord. No. 32-D, § 2\(Exh. A\), 4-22-2014](#))

5.08.050 - Sewer system capacity fees.

- A. Domestic Sewer Service. Sewer System Capacity Fees for domestic sewer service shall be assessed for each domestic dwelling unit, which includes Single-Family Residences, each Multiple Family Dwelling Unit, and each Mobile Home Unit. These each shall be referred to as Residential Dwelling Units.
 1. Sewer System Capacity Fee: One thousand two hundred thirty-nine dollars (\$1,239.00) per Dwelling Unit.
 2. The Sewer System Capacity Fee shall be imposed as a condition of property development and not as an incident of property ownership.

B. Commercial, Industrial and Public Facility Sewer Service. Sewer System Capacity Fees for commercial, industrial and public facility sewer services shall be assessed for each non-irrigation water meter based on the following meter size schedule.

1. Sewer System Capacity Fee Table.

Meter Size	Sewer System Capacity Fee
¾"	\$1,239.00
1"	2,070.00
1½"	4,127.00
2"	6,605.00
3"	13,223.00
4"	20,658.00
6"	49,570.00
8"	66,089.00
10"	99,140.00

2. The Sewer System Capacity Fee shall be imposed as a condition of property development and not as an incident of property ownership.

([Ord. No. 32-D, § 2\(Exh. A\), 4-22-2014](#))

5.08.060 - Capital capacity reimbursement fees.

A. The Capital Capacity Reimbursement Fee per EDU, as per the IEUA Regional Sewage Service Contract is as follows.

- Effective 1/1/2016: Five thousand four hundred fifteen dollars (\$5,415.00).
- Effective 1/1/2017: Six thousand nine dollars (\$6,009.00).
- Effective 7/1/2017: Six thousand three hundred nine dollars (\$6,309.00).
- Effective 7/1/2018: Six thousand six hundred twenty-four dollars (\$6,624.00).
- Effective 7/1/2019: Six thousand nine hundred fifty-five dollars (\$6,955.00).

B. The following computations shall be used to determine EDUs for residential, commercial and industrial sewer services for the Capital Capacity Reimbursement Fee.

1. Domestic Sewer Service.

- Single-Family Residence = One EDU
- Multiple Family Dwelling = One EDU per Dwelling Unit
- Mobile Home = One EDU per Dwelling Unit

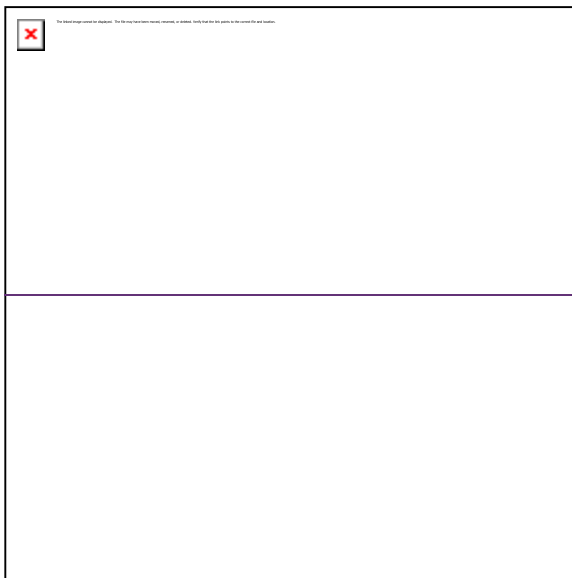
2. Commercial Sewer Service. Commercial sewer service EDUs shall be the product of the Total Sewer Drainage Fixture Units and the Sewage Factor for each applicable commercial use category listed in the Capital Capacity EDU Table, Section 5.08.060(B)(3). Sewer Drainage Fixtures and values are defined in the Uniform Plumbing Code and the IEUA Regional Sewage Service Contract Exhibit J.

3. Capital Capacity EDU Table.

Category	Type of Commercial Use	Sewer Factor
I	<ul style="list-style-type: none"> • Motel/Hotel • Recreation/Amusement • Restaurant (fast food) <ul style="list-style-type: none"> • Office • Retail store • Market (without butcher shop) <ul style="list-style-type: none"> • Bar/Tavern 	0.0444
II	<ul style="list-style-type: none"> • Market (with butcher shop) <ul style="list-style-type: none"> • Bakery • Mortuary 	0.1081
III	<ul style="list-style-type: none"> • Convalescent home <ul style="list-style-type: none"> • Hospital • Health spa with pool • Restaurant (full service) 	0.1780
IV	<ul style="list-style-type: none"> • Laundromat <ul style="list-style-type: none"> • Laundry • Dry cleaner (processor) 	0.2499
V	<ul style="list-style-type: none"> • Car wash (coin operated) 	0.4910
VI	<ul style="list-style-type: none"> • Church • School • Public facility 	0.0630

VII	<ul style="list-style-type: none"> • Heath spa without pool • Laundromat with high efficiency front-loading washers 	0.1555
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4. Industrial Sewer Service. An Industrial sewer user facility may contain sewer drainage fixtures that receive domestic wastes, commercial wastes, or industrial wastes. The total Capital Capacity EDUs for an Industrial sewer service shall be the sum of EDUs as determined in Section 5.08.060(B)(4)(a) through Section 5.08.060(B)(4)(c).
- a. Sewer drainage fixtures used exclusively for domestic purposes. EDUs shall be the product of the Total Sewer Drainage Fixture Units [SDFUs] and the Sewage Factor of 0.0741. This shall apply only to sewer drainage fixtures that are not otherwise associated with a commercial use category listed in the Capital Capacity EDU Table, Section 5.08.060(B)(3) of this Chapter. Sewer Drainage Fixtures and unit values are defined in the Uniform Plumbing Code and the IEUA Regional Sewage Service Contract Exhibit J. The Total SDFUs shall be determined using the approved sewer plumbing plans.
 - b. Sewer drainage fixtures used for commercial purposes. EDUs shall be the product of the Total Sewer Drainage Fixture Units and the Sewage Factor for each applicable commercial use category listed in the Capital Capacity EDU Table, Section 5.08.060(B)(3) of this Chapter. Sewer Drainage Fixtures and values are defined in the Uniform Plumbing Code and the IEUA Regional Sewage Service Contract Exhibit J.
 - c. Sewer drainage fixtures used for industrial purposes. EDUs shall be calculated using the following EDU formula.



$$EDU = \frac{Q}{270} \times \left[0.37 + \left(0.31 \times \frac{BOD}{230} \right) + \left(0.32 \times \frac{TSS}{220} \right) \right]$$

Q = Maximum daily wastewater flow to sewer based on a calendar month average (measured in gallons per day)

BOD = Biochemical Oxygen Demand (mg/l)

TSS = Total Suspended Solids (mg/l)

([Ord. No. 32-D, § 2\(Exh. A\), 4-22-2014](#); Res. No. 2015-10-2, § 2, 10-27-2015)

5.08.070 - Miscellaneous charges.

- A. Payment Refund Charge for Sewer Accounts without a District Water Service: Two dollars fifty cents (\$2.50).
- B. Payment Extension Charge for Sewer Accounts without a District Water Service (limit two per customer per billing period): Five dollars (\$5.00).
- C. Returned Payment for Sewer Accounts without a District Water Service: Twenty-five dollars (\$25.00).
- D. Delinquent Charge for Sewer Accounts without a District Water Service shall be the greater of three dollars (\$3.00) or 0.5% of the current bill.
- E. Physical disconnection or severance of sewer service. Physical termination of sewer connection shall be at cost for man hours, equipment rental, and material.

([Ord. No. 32-D, § 2\(Exh. A\), 4-22-2014](#))

5.08.080 - Development subdivision fees.

- A. Single-Family Dwellings.
 - 1. Plan Check: The greater of six dollars and seventy-five cents (\$6.75) per unit or twenty cents (\$0.20) per linear foot or forty-five dollars (\$45.00).
 - 2. Inspection: The greater of eleven dollars (\$11.00) per unit or fifty-nine dollars (\$59.00).
- B. Apartments or Condominiums.
 - 1. Plan Check: The greater of three dollars and forty cents (\$3.40) per unit or twenty cents (\$0.20) per linear foot or forty-five dollars (\$45.00).
 - 2. Inspection: The greater of seven dollars and thirty cents (\$7.30) per unit or fifty-nine dollars (\$59.00).
- C. Commercial/Industrial.
 - 1. Plan Check: The greater of twenty cents (\$0.20) per linear foot or one hundred two dollars (\$102.00).
 - 2. Inspection: The greater of forty-five cents (\$0.45) per linear foot or two hundred twenty-five dollars (\$225.00).
- D. Manhole and Lateral Inspection.
 - 1. To Property Line: Eighteen dollars (\$18.00) per Installation.
- E. Sewer System Cleaning/Inspection.
 - 1. Cleaning/Inspection: The greater of thirty-five cents (\$0.35) per linear foot or two hundred twenty-five dollars (\$225.00) minimum.
 - 2. Hourly Rate, Cleaning: One hundred twenty-three dollars (\$123.00) per hour.
 - 3. TV Inspection: One hundred two dollars (\$102.00) per hour.

F. Original Plans.

1. Original Check-Out Deposit: One hundred dollars (\$100.00) per set.

([Ord. No. 32-D, § 2\(Exh. A\), 4-22-2014](#))

5.08.090 - Easement processing fees.

The following services shall have fees assessed as per Title 4 Chapter 4.08 of the District Code:

- A. Grant of Sewer Easements.
- B. Release of Wandering Easement.
- C. Quitclaim of Specific Easement.
- D. Document Recordation.

([Ord. No. 32-D, § 2\(Exh. A\), 4-22-2014](#))

5.08.100 - Utilities research.

The following services shall have fees assessed as per Title 4 Chapter 4.08 of the District Code:

- A. Processing and Research (per hour).
- B. Photocopies, up to eleven (11) inches x seventeen (17) inches (per page).
- C. Printing, twenty-four (24) inches x thirty-six (36) inches (per plan page).

([Ord. No. 32-D, § 2\(Exh. A\), 4-22-2014](#))

5.08.110 - Development fees payment schedule.

- A. Plan check fees shall be paid prior to plan approval by the District.
- B. The following fees shall be paid prior to any sewer utility installation being performed:
 1. Inspection Fees.
 2. Easement Fees.
- C. The following fees shall be paid prior to any sewer connections being performed:
 1. Sewer System Capacity Fees.
 2. Capital Capacity Reimbursement Fees.

([Ord. No. 32-D, § 2\(Exh. A\), 4-22-2014](#))

5.08.120 - Tenant improvement fees.

- A. Plan Check Fees:
 1. Flat Rate per building/structure: One hundred two dollars (\$102.00).
 2. Each separate building footprint/ structure with sewer system improvements or water system improvements shall be received by the District as a separate and distinct plan submittal and assessed accordingly.
- B. Inspection Fees:

1. Inspection Fee per building/structure: Two hundred twenty-five dollars (\$225.00).
2. Each separate building footprint/ structure with sewer system improvements or water system improvements shall be received by the District as a separate and distinct plan submittal and assessed accordingly.

([Ord. No. 32-D, § 2\(Exh. A\), 4-22-2014](#))

5.08.130 - Tenant improvement fees payment schedule.

- A. Plan check fees shall be paid prior to plan approval by the District.
- B. The following fees shall be paid prior to any sewer utility installation or any sewer connection being performed:
 1. Inspection Fees.
 2. Plan Check Fees.
 3. Capital Capacity Reimbursement Fees.
 4. Sewer System Capacity Fees.

([Ord. No. 32-D, § 2\(Exh. A\), 4-22-2014](#))