

CHAPTER 1

THE LOS RANCHITOS ASSESSMENT DISTRICT

Section 1. Purpose. The purpose of this ordinance is to delay, subject to certain conditions herein specified, the requirement that certain premises within the area of the Los Ranchitos Assessment District connect to the public sewer system of the Las Gallinas Valley Sanitary District and to waive the pump surcharge within said area in those situations where, upon connection to the public sewer system, the premises are too low to be served by gravity and a pump is required to be installed by said Sanitary District.

A further purpose of this ordinance is to establish conditions of equality between those persons paying fully for their share of the cost of constructing sanitary sewage facilities within said area and those persons benefiting therefrom but not fully participating in their pro rata share of the cost thereof. Each property within the area of said Los Ranchitos Assessment District was assessed in said proceedings for one (1) benefit unit regardless of the size or configuration of the property and no attempt was made to determine whether any of said properties was divisible into more than one (1) single-family parcel inasmuch as such a determination was not within the jurisdiction of the District. The adoption of this ordinance by the District Board is intended to compel payment by the owners of property of a Special Equalization Charge in those instances where property is subsequently divided and, as a result, receives more than one benefit unit.

Section 2. Liberal Construction. This ordinance shall be liberally construed to effect its purpose.

Section 3. Definitions. Unless the context otherwise requires, the following words and phrases as used herein shall have the meanings stated in this section.

BENEFIT UNIT means benefit equivalent to that received by one single-family parcel.

DISTRICT means the Las Gallinas Valley Sanitary District, Marin County, California.

ENGINEER'S REPORT shall mean the report of the Engineer of Work prepared in those certain special assessment and assessment bond proceedings undertaken by the District pursuant to the Municipal Improvement Act of 1913 and Resolution of Intention No. 1566 adopted by the Sanitary Board of the District on March 10, 1993, as amended, copies of which are on file in the office of the Secretary of the District.

LOS RANCHITOS ASSESMENT DISTRICT means that area more particularly shown on a map thereof entitled, "Proposed Boundaries of Los Ranchitos Assessment District," approved by the Sanitary Board on January 28, 1993, and filed in the office of the County Assessor-Recorder of the County of Marin on March 12, 1993 in Book 3 of Maps of Assessment and Community Facilities Districts at page 90, a copy of which is also on file in the office of the Secretary of said District.

WORK AND IMPROVEMENTS shall mean the acquisitions and improvements more particularly described in said special assessment proceedings and in said Engineer's Report.

Section 4. Connection to Public Sewer. Notwithstanding the requirements of Section 305 of Article III of Ordinance No. 66 adopted by said Board on May 13, 1976, the owner of any property within the area of the Los Ranchitos Assessment District shall not be required to connect to the sanitary sewer system constructed therein for a period of five (5) years from the date of acceptance by the District of said sanitary sewer system provided that:

- a) The owner of any such property can, within twelve (12) months of the date of such acceptance, provide documentation from a septic system specialist that the septic system on such property has, within the period of twelve (12) months prior to acceptance of such system to twelve (12) months subsequent to such acceptance, passed a hydraulic load and dye test as then specified by the Environmental Health Services of the County of Marin.
- b) Such exemption may be extended by the District Engineer Manager provided that the owner of any such property, prior to the expiration of the initial five (5) year period specified in (a) above, has provided to the Engineer Manager documentation that the septic system on said property

has satisfied the site evaluation criteria of the Environmental Health Services of the County of Marin then prevailing.

- c) Such exemption shall be null and void and an immediate connection to said system shall be required upon the occurrence of any one of the following events:
- i) Transfer of title to said property except for transfer to a revocable inter vivos (living) trust with the current owners named as trustees.
 - ii) Application for a building permit to increase habitable space as defined by the building department of the jurisdiction having the power to issue such permit.
 - iii) A determination by the Environmental Health Services of the County of Marin that the septic system upon such property is failing.

Section 5. Waiver of Sanitary Sewer Pump Surcharge. Notwithstanding Section 807(G) of Article VIII of said Ordinance No. 66, as amended by Ordinance No. 103, adopted by said Board on January 10, 1991, the pump surcharge imposed, thereby is hereby waived if any property, or any portion thereof, is too low to be served by gravity and a pump is required to be installed by said District in order to serve any such property within the area of the Los Ranchitos Assessment District.

Section 6. Special Equalization Charge. In addition to any other fees and charges established by the ordinances, rules and regulations of the District, there shall be collected, prior to the issuance of a permit for connection to the sanitary sewerage system of the District, such Special Equalization Charges as may be specified by the District in order to establish conditions of equality between those persons paying for such works and improvements on the basis of one benefit unit for each single- family parcel and those persons who subsequently divide their properties into two (2) or more single-family parcels.

The amount of the Special Equalization Charge to be levied will be determined as follows:

- (a) Where the property was not assessed in said special assessment proceedings for one benefit unit as its pro rata share of the cost of said work and improvements, the amount of the Special Equalization Charge shall be the equivalent of the assessment to similar properties within the assessment district together with interest at the rate of five (5%) per annum from the date of the bonds sold to represent the unpaid assessments in said proceedings to the date of payment.
- (b) Where the property was assessed for one (1) benefit unit and said property was subsequently divided into two (2) or more parcels, the amount of the Special Equalization Charge shall be the equivalent of the assessment for the first unit of benefit levied in the assessment district proceedings on said parcel multiplied by the number of additional parcels created as a result of the division of the parcel together with interest thereon at the rate of five (5%) per annum from the date of the bonds sold to represent the unpaid assessments in said proceedings to the date of payment.