

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FRESNO,  
CALIFORNIA, AMENDING THE FRESNO MUNICIPAL  
CODE RELATING TO PAYMENT OF SEWER CHARGES  
AND LOANS.

WHEREAS, the City has adopted a policy of transitioning every building or structure containing plumbing fixtures and piping conveying sewage and other liquid waste on premises within the City sewer system if such system is available to avoid public health and safety impacts due to nitrate leaching from septic tanks and cesspool systems; and

WHEREAS, on May 5, 2011, Council adopted Ordinance 2011-14 amending Section 6-305 of the Fresno Municipal Code to permit a loan program for abandonment of single family residential septic tank and cesspool systems and sewer line installation and connection to the City sewer system ("loan program"), and subsequently adopted Resolution 2011-147 establishing the loan program; and

WHEREAS, the loan program established a maximum loan limit per parcel of \$5,000, not to exceed \$3,000 for septic/cesspool abandonment and not to exceed \$2,000 for house branch costs, with a loan maturity date not to exceed fifteen years; and

WHEREAS, the homeowner's cost of connection routinely exceeded the maximum value of \$5,000; and

WHEREAS, in an effort to facilitate a greater number of conversions, the City

desires to increase the maximum available loan amount to \$15,000, with a loan maturity date not to exceed twenty years.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 6-305 of the Fresno Municipal Code is amended to read:

**SEC. 6-305 PAYMENT OF SEWER CHARGES AND LOANS.**

(a) The amount of any sewer connection charges or sewer facility charges prescribed under the provisions of this article shall be deemed a debt owing to the city which, until paid, shall be a continuing obligation of the owner of such property for connection to the regional sewer system. Any person who makes a connection to the regional sewer system without having paid such charges in full or having accomplished the execution, acceptance and recording of an agreement to pay therefor as herein provided, shall be liable in an action in the name of the city in any court of competent jurisdiction for the amount of such charge. The conviction or punishment of any person for connecting to the regional sewer system without obtaining a permit shall not relieve such person from paying the charges due and unpaid at the time of such conviction.

(b) This section shall neither apply to the construction or payment for sewers which have been provided for under procedures regulating the division of land or the connection of sewers to property owned by a government or governmental agency, nor whenever the Council or Board of Supervisors of the county, whichever is applicable, has adopted a resolution of intention to construct improvements by special assessments within a district which includes said lot.

(c) Payment of sewer connection charges or sewer facility charges together with interest on the unpaid balance, payable because of connection of existing single-family residences anywhere in the City's service area, and commercial or industrial development in the Enterprise Zone, may be deferred by an agreement between the property owner and the city, to pay such charges together with interest on the unpaid balance, over a period of not more than fifteen years, in accordance with the following provisions:

(1) The agreement shall provide for substantially equal ~~bimonthly~~ **monthly** installments amortized over a period of not more than fifteen years, at a rate of interest as periodically established by the Controller and adopted by the Council in the Master Fee Resolution.

(2) The sewer connection charges which may be deferred, and limitations, if any, on the amounts that may be deferred, shall be as established in the Master Fee Resolution.

(3) The agreement shall be of a form and content prescribed by the Controller and approved by the City Attorney.

(4) The agreement shall be signed by all persons having a record title interest in the real property being served by the city sewer system, to which connection is requested, and shall include the legal description of the property.

(5) The agreement shall provide that the whole, or any part of the balance of charges due at any time under the agreement may be accelerated and paid at any time, at the option of the payer.

(d) The agreement provided for in subdivision (c) above shall be in the form of a covenant running with the land, and shall establish a lien against the property in favor of the city in the amount of all deferred charges, and shall be recorded in the office of the Fresno County Recorder.

(e) The agreement and lien shall be enforceable by the city in any manner available at law or in equity, including but not limited to private foreclosure and sale of the property in the manner provided by Section 2924 of the California Civil Code.

(f) Notwithstanding subsections (a) through (e) of this section and in addition thereto, Council may establish by resolution a program, policies and procedures loaning annually allocated and available funds, not to exceed specified dollar caps, ~~consistent with subsection (c) (1) above,~~ for the cost to abandon existing single family residential septic tanks and cesspools, and install and connect a privately owned sewer line/house branch from the single family residence to the City sewer.

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

\* \* \* \* \*

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2016  
Mayor Approval/No Return: \_\_\_\_\_, 2016  
Mayor Veto: \_\_\_\_\_, 2016  
Council Override Vote: \_\_\_\_\_, 2016

YVONNE SPENCE, CMC  
City Clerk

BY: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
CITY ATTORNEY'S OFFICE

BY: \_\_\_\_\_  
Amanda B Freeman, Deputy [date]

Attachment:

- Ordinance 2011-14
- Resolution 2011-147

ABF:cg:[68529cg/ord]7/17/15