Subchapter Seven: Election of Sewer Service Charges for Each Fiscal Year

3.07.010 Short Title.

This ordinance may be cited as *Colma Sewer Service Charge Code.*

[*History*: formerly § 3.601; ORD. 320, 04/10/85; ORD. 638, 12/14/05]

3.07.020 Definitions.

Unless the context otherwise indicates, terms used herein have the following meanings:

(a) *Colma* means the Town of Colma;

(b) *City Council* is the City Council of Colma;

(c) *Sewer service charges* means fees, tolls, rates, rentals or other charges for services and facilities furnished by Colma in connection with its sanitation or sewerage system;

(d) *Premise* means any house, habitation or other structure requiring sewage disposal services;

(e) *Person.* [See, section 1.01.100]

(f) *Report* means the report referred to in Section 5473 of the Health and Safety Code of the State of California.

[*History*: formerly § 3.602; ORD. 320, 04/10/85; ORD. 638, 12/14/05, ORD. 643, 4/12/06]

3.07.030 Alternate Procedure.

The Council hereby declares that the procedure established herein for the collection of sewer service charges is an alternative procedure which shall be in addition to the authority provided in Subchapter Three of Chapter Three of the Colma Municipal Code, and in addition to the authority granted to Colma pursuant to any other law. If, for any reason, any premise having a sewer against which a sewer service charge is prescribed does not appear on the tax roll of the County of San Mateo, Colma shall collect said charge by any other procedure available to Colma pursuant to ordinance or law.

[*History*: formerly § 3.603; ORD. 320, 04/10/85; ORD. 638, 12/14/05]

3.07.040 Separability.

The Council hereby declares that it would have passed this code section and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional. If any provision of this code section or application thereof to any person or circumstance is held

invalid, the remainder of the code section or the application of such provision to other persons or circumstances shall not be affected thereby.

[*History*: formerly § 3.604; ORD. 320, 04/10/85; ORD. 638, 12/14/05]

3.07.050 Election to Collect on Tax Roll.

Colma hereby elects, pursuant to Section 5473 of the Health and Safety Code to have the sewer charges collected on the tax roll of San Mateo County in the manner provided by law and this code section.

[*History*: formerly § 3.605; ORD. 320, 04/10/85; ORD. 638, 12/14/05]

3.07.060 Report.

A written report shall be prepared and filed with the City Clerk which shall contain a description of each parcel of real property located in Colma and upon which is situate a premise receiving such services and facilities, and the amount of the charge for each parcel for said year, computed in conformity with the charges prescribed by ordinance.

[*History*: formerly § 3.606; ORD. 320, 04/10/85; ORD. 638, 12/14/05]

3.07.070 Hearing on Report.

The regular City Council meeting of July of each year, at the hour of 7:30 p.m., at the regular meeting place of said Council, City Hall, Colma, California, are hereby fixed as the time and place for hearing on said report filed with the City Clerk of Colma, and the Clerk shall publish notice of said hearing and of the filing of said report once a week for two successive weeks prior to the date set for hearing in a weekly newspaper of general circulation within Colma.

[*History*: formerly § 3.607; ORD. 320, 04/10/85; ORD. 638, 12/14/05]

3.07.080 Final Determination of Charges.

Upon the conclusion of the hearing on the report, the Council will adopt, revise, change, reduce or modify any charge, or overrule any or all objections and shall make its determination upon each charge as described in said report, which determination shall be final.

[*History*: formerly § 3.608; ORD. 320, 04/10/85; ORD. 638, 12/14/05]

3.07.090 Filing of Report with County Controller.

On or before the 10th day of August of each year, following the final determination of the Council, the City Clerk shall file with the County Controller of San Mateo County a copy of said report with a statement endorsed thereon over the City Clerk's signature that it has been finally

adopted by the Council, and the County Controller shall enter the amounts of the charges against the respective lots or parcels of land as they appear on the current assessment roll.

[*History*: formerly § 3.609; ORD. 320, 04/10/85; ORD. 638, 12/14/05]

3.07.100 Lien.

The amount of the charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of noon on the first Monday in March in the year in which the sewer service charges are fixed. The Tax Collector of the County of San Mateo shall include the amount of the charges on bills for taxes levied against the responsible lots and parcels of land.

[*History*: formerly § 3.610; ORD. 320, 04/10/85; ORD. 638, 12/14/05]

3.07.110 Tax Bill.

Thereafter, the amount of the charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for Colma, and shall be delinquent at the same time and, thereafter, be subject to the same penalties for delinquency.

[*History*: formerly § 3.611; ORD. 320, 04/10/85; ORD. 638, 12/14/05]

3.07.120 Collection.

All laws applicable to the levy, collection and enforcement of general taxes of Colma, including but not limited to those pertaining to the matters of delinquency, correction, cancellation, refund and redemption, are applicable to such charges.

[*History*: formerly § 3.612; ORD. 320, 04/10/85; ORD. 638, 12/14/05]

3.07.130 Compensation of County.

The Tax Collector may, in his discretion, issue separate bills for such charges and separate receipts for collection on account of such charges. The County shall be compensated for services rendered in connection with the levy, collection and enforcement of such charges for Colma in an amount to be fixed by agreement between the Board of Supervisors and the Council. The compensation shall not exceed one per cent of all money received. The compensation, if any, shall be paid into the County salary fund.

[*History*: formerly § 3.613; ORD. 320, 04/10/85; ORD. 638, 12/14/05]

3.07.140 Use of Revenues.

Revenues derived under this ordinance shall be used only for the acquisition, construction or reconstruction, maintenance and operation of sanitation or sewage facilities of Colma, and to

repay principal and interest on bonds issued for the construction of such sanitary or sewerage facilities and to repay federal or state loans or advances made to Colma for the construction of or reconstruction of sanitary or sewerage facilities; provided, however, that such revenue shall not be used for the acquisition or construction or new local street sewers or laterals, as distinguished from main truck, interceptor and out-fall sewers.

[*History*: formerly § 3.614; ORD. 320, 04/10/85; ORD. 638, 12/14/05]

3.07.150 Provisions to Remain in Effect.

The provisions of this Chapter Three, Subchapter 7 shall remain in effect from the effective date of its adoption through fiscal year 2005-2006.

[*History*: formerly § 3.615; ORD. 320, 04/10/85; ORD. 638, 12/14/05]