

ORDINANCE 1047B

AN ORDINANCE OF THE CITY OF LINCOLN AMENDING CHAPTER 13.04.160 OF THE LINCOLN MUNICIPAL CODE ESTABLISHING WATER CONNECTION CHARGES

Recitals

WHEREAS, there is a need to review and modify the water connection fees charged within the City of Lincoln; and

WHEREAS, City Council recognizes that water connection charges for service should be in accordance with the anticipated demand of each customer class; and

WHEREAS, a comprehensive Public Facilities Element Fee Program Nexus Study Update was completed in 2022 that identified the proper connection charges for each customer class; and

WHEREAS, the nexus study recommends adjusting the water connection annually by the change in the San Francisco Construction Cost Index (CCI) as reported by the Engineering News Record (ENR) for the 12-month period beginning April 1; and

WHEREAS, adjustment of water connection charges with conforming changes to the City's Municipal Code are therefore necessary and appropriate.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Lincoln does hereby ordain as follows:

Section 1. The City Council hereby incorporates by reference the recitals set forth above.

Section 2. This Ordinance is not subject to the California Environmental Quality Act ("CEQA"), as codified at Public Resources Code §§ 21000, *et seq.*, and as further governed by 14 California Code of Regulations §§ 15000, *et seq.*, because it is not a project as contemplated by 14 C.C.R. § 15378. In addition, even if this Ordinance were subject to CEQA, the City Council finds this Ordinance would be exempt from the requirements of CEQA pursuant to 14 C.C.R. § 15061(b)(3), because there is no possibility it will have a significant effect on the environment.

Section 3. If any section, sub-section, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. City Council hereby declares that it would have adopted the Ordinance and each section, sub-section, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases or portions to be declared invalid or unconstitutional.

Section 4. Within fifteen days of passage of this Ordinance, the City Clerk shall cause the full text of the Ordinance, with the names of those City Councilmembers voting for and against the Ordinance, to be published in the Lincoln News Messenger. In lieu of publishing the full text of the Ordinance, the City Clerk, if so directed by the City Attorney and within fifteen days, shall cause a summary of the Ordinance, prepared by the City Attorney and with the names of the City Councilmembers voting for and against the

Ordinance, to be published in the Lincoln News Messenger, and shall post in the office of the City Clerk a certified copy of the City Councilmembers voting for and against the Ordinance. The publication of a summary of the Ordinance in lieu of the full text of the Ordinance is authorized only where the requirements of Government Code § 36933(c)(1) are met.

Section 5. Section 13.04.160 is hereby amended to the Lincoln Municipal Code to read as follows:

13.04.160 Water Connection Charge.

The basic City storage, transmission and distribution connection unit of capacity for residential and non-residential connections shall be at the cost established by the most recently adopted Public Facilities Element Fee Program Nexus Study Update for each Equivalent Dwelling Unit that shall be equal to 1,150 gallons per day.

(1) Residential Facilities – Except Hotel and Motel.

- a. Very Low Density: 2.50 EDU
- b. Low Density: 1.00 EDU
- c. Medium Density: 1.00 EDU
- d. High Density: 1.00 EDU
- e. High Density – Twelve Bridges: 1.00 EDU
- f. Age Qualified – Low Density: 1.00 EDU
- g. Age Qualified – Medium Density: 1.00 EDU
- h. Age Qualified – High Density: 1.00 EDU

(2) Reserved for “Hotel and Motel”

(3) Non-Residential Facilities. Customers requesting service must submit the following information to the City for evaluation and calculation of the required water connection:

- a. Type of Use.
- b. The anticipated routine patterns of use, including:
 - 1. Estimated maximum day demand in gallons.
 - 2. Estimated peak consumption rate in gallons per minute.
 - 3. The meter size requested.
- c. Type of fire facilities required, including:
 - 1. Size of the fire connection.
 - 2. Estimated rate of use.
 - 3. Storage capacity requirements.
 - 4. Description of the on-site fire protection facilities.
- d. Type of cross-connection prevention facilities required by the City.

(4) Connection charges shall be based on the gallons of water volume required, but in no cases shall the connection charge be less than 1,150 gallons per day. Applicant shall be responsible for paying the cost of the meter equipment. Capacities for water meters one and one-half inch and greater are as follows, shown in gallons per day:

a. 1 ½-inch meter	5,750
b. 2-inch meter	9,200
c. 3-inch meter	18,400
d. 4-inch meter	28,750
e. 6-inch meter	46,000

(5) General regulations.

- a. Not less than one connection per building.
- b. Classification of shell buildings having no use when connecting to the water system shall be determined based on the judgment of the City based on building permit data, applicable zoning, and plans of the developer. Subsequent modifications to such buildings may result in reclassification and the assessment of additional incremental charges. No refunding of previously paid connection charges will be made where modifications are made to any structure which place it in a classification with a lower connection charge rates.
- c. When the use of a building changes, the City retains the right to review the previously paid connection charges and require the payment of additional connection charges based upon the new use. No refunding of previously paid connection charges will be made where the change in use is within a classification with lower connection charge rates.
- d. If the average day consumption during the months of July or August exceeds the amount of the capacity purchased, the City reserves the right to require the property owner to pay the difference in additional capacity charges of the difference between what was originally purchased and that amount used on the average day during the months of July and August.

The water connection charge set forth herein shall be subject to an annual adjustment up to the change in the San Francisco Construction Cost Index (CCI) as reported by the Engineering News Record (ENR) for the 12-month period beginning April 1 as determined by resolution of the City Council. The annual adjustments shall be effective each July 1.

Section 6. Publication and Effective Date. This Ordinance shall become effective thirty (30) days after its adoption and within fifteen (15) days of the passage of this Ordinance, a copy shall be published once in the newspaper for general circulation in the City.

ADOPTED this 12TH day of July, 2022.

AYES: COUNCILMEMBERS: Joiner, Silhi, Karleskint, Lauritsen, Andreatta

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:


Holly Andreatta, Mayor

ATTEST:


Gwen Scanlon, City Clerk