

ORDINANCE NO. 171036

An ordinance amending Chapter VI of the Los Angeles Municipal Code to convert the Sewerage Facilities Charge (SFC) from an Incremental Cost basis to a System Buy-In basis, to consider wastewater strength in addition to flow in calculating the SFC, and to make needed technical changes to the SFC procedures.

THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS

Section 1. Paragraph 45.5 of Subsection A of Section 64.00 of the Los Angeles Municipal Code is hereby amended to read:

45.5 **Sewage Generation Factor** shall mean a unit rate of sewage discharge which, when multiplied by a parameter which indicates the level of activity in an occupancy such as floor area or number of seats, produces an estimate of the average sewage discharge from the occupancy.

Sec. 2. Subsection (a) of Section 64.11.2 of the Los Angeles Municipal Code is hereby amended by adding the figure "\$4,127" in lieu of the figure "\$12,138".

Sec. 3. Subsections (a) and (b) of Section 64.11.3 of the Los Angeles Municipal Code are hereby amended to read:

(a) There is hereby imposed a sewerage facilities charge which shall be a fee for access to the City's sewage system based upon a share of the equity of the system. The system equity shall include:

(i) the reproduction cost less depreciation value of the existing facilities; plus (ii) the applicable portion of sewage system reserve funds; less (iii) the outstanding debt of the sewage system.

The share of system equity included in the SFC shall be proportional to the flow, biochemical oxygen demand (BOD) and suspended solids (SS) of the wastewater discharged into the sewage system from the premises as compared with the total flow, BOD and SS discharged by all system customers.

(b) The sewerage facilities charge rates shall be \$262.00 per 100 gallons per day average flow, \$188.00 per pound per day of BOD and \$171.00 per pound per day of SS from the premises. These rates shall apply for all sewerage facilities charges and credits imposed pursuant to Section 64.16.1 of this Code. Any sewerage facilities charge paid on an installment basis shall be based on the charge rates in effect when the applicant entered into the installment payment agreement with the City.

Sec. 4. Subsections (a) and (b) of Section 64.16.1 of the Los Angeles Municipal Code are hereby amended to read:

(a) Before granting a permit to connect any lot or parcel or to connect a new building on such lot or parcel to a public sewer or house connection sewer pursuant to the provisions of Section 64.12 of this Code, including a replacement building following a demolition, except applications for permits to repair or replace existing sewer connections which repair or replacement is unrelated to any new construction or to new use or occupancy, the Board shall require, in addition to all other charges and fees imposed by Sections 64.12 to 64.22, inclusive, the payment by the applicant therefor of a Sewerage Facilities Charge fixed in accordance with Section 64.11.3. The Board shall provide a credit pursuant to Subsection (c).

(b) A Sewerage Facilities Charge, based upon the rates established in Section 64.11.3 of this article, shall also be imposed as follows:

1. Where a physical addition is made to an existing residential occupancy to create an additional dwelling unit or units, or where an existing residential occupancy is modified to create an additional dwelling unit or units, a charge shall be imposed for each additional dwelling unit on a lot or parcel created by the addition or modification. Where any existing dwelling unit is enlarged or modified to create an additional bedroom or bedrooms, a charge shall be imposed for each additional bedroom created on the lot or parcel by the addition or modification.

2. Where an addition is made to an existing commercial building, or an additional commercial building is constructed on a lot or parcel, a charge shall be imposed based on the increase in gross floor area or on the increase in such other indicator of activity as the Board may adopt.

3. Where the average flow discharge and/or the average discharge of mass emissions of biochemical oxygen demand (BOD) and/or suspended solids (SS) from industrial buildings on a lot or parcel are increased, a charge shall be imposed based on the average flow and the BOD and SS mass emissions (calculated as the flow rate multiplied by the BOD and SS concentrations and by a unit conversion factor) following the increase. The Board shall provide a credit pursuant to Subsection (c).

4. Where the use or occupancy of an existing building on a lot or parcel is changed, a Sewerage Facilities Charge shall be imposed based upon such new use or occupancy. The Board shall provide a credit pursuant to Subsection (c).

Sec. 5. Existing Subsections (c),(d),(e),(f),(g),(h),(i), and (j) of Section 64.16.1 of the Los Angeles Municipal Code are hereby re-lettered (d),(e),(f),(g),(h),(i),(j), and (k),respectively. New Subsections (c) and (m) are added to read:

(c) Whenever a credit is allowed, the credit shall be determined by first calculating flow, BOD and SS credits and therefrom calculating an aggregate monetary credit. The flow, BOD and SS credits shall remain with the lot or parcel except as provided in Section 64.16.2.

1. The flow credit shall be calculated as the total of the following:

(i) the largest average flow rate of discharge from the lot or parcel to a public sewer determined by the City Engineer to have occurred before establishment of the Sewerage Facilities Charge, provided that it shall be the applicant's responsibility to submit documented evidence satisfactory to the City Engineer to obtain this credit; plus

(ii) the average flow rate of discharge for which a Sewerage Facilities Charge has been paid in cash, by transferral from a revitalization, enterprise, or empowerment zone per Section 64.16.2, or by construction of an offsite sewer pursuant to Section 64.11.3, provided that offsite sewer construction shall have been accomplished and its cost documented in accordance with the policies of the City Engineer to obtain this credit; minus

(iii) the average flow rate of discharge which is equivalent to the flow component of any refunds which have been paid; minus

(iv) the average flow rate of discharge which has been transferred away pursuant to Section 64.16.2.

2. The Board shall adopt rules to determine the initial BOD and SS credits allocable to a lot or parcel upon implementation of this subsection (c).

3. The credits for strength (BOD and SS) parameters shall be calculated as the total of the following:

(i) the largest average rate of mass emissions discharge from the lot or parcel to a public sewer determined by the City Engineer to have occurred before establishment of the Sewerage Facilities Charge, provided that it shall be the applicant's responsibility to submit documented evidence satisfactory to the City Engineer to obtain this credit; plus

(ii) the average rate of mass emissions discharge for which a Sewerage Facilities Charge has been paid in cash, by transferral from a revitalization, enterprise, or empowerment zone per Section 64.16.2, or by construction of an offsite sewer pursuant to Section 64.11.3, provided that offsite sewer construction shall have been accomplished and its cost documented in accordance with the policies of the City Engineer to obtain this credit; minus

(iii) the average rate of mass emissions discharge which is equivalent to the mass emissions component of any refunds which have been paid; minus

(iv) the average rate of mass emissions discharge which has been transferred away pursuant to Section 64.16.2.

The monetary credit shall be calculated by multiplying the rates established pursuant to Section 64.11.3 by the flow, BOD and SS credits and summing the results, provided that the total credit shall not exceed the Sewerage Facilities Charge required to be paid except as provided in Subdivision 6 of Subsection (a) of Section 64.19.

Notwithstanding the previous sentence, in the case of reconstruction of a building damaged by the earthquake of January 17, 1994, the amount of the credit shall be the Sewerage Facilities Charge which would have been applicable on January 17, 1994, or the Sewerage Facilities Charge based on the rates established pursuant to Section 64.11.3, whichever is greater.

(m) Notwithstanding subsection (a) of this Section, where the application is for the connection of a temporary field office at a construction site to a sewer, no Sewerage Facilities Charge shall be collected.

Sec. 6. Subdivision 6 of Subsection (a) of Section 64.19 of the Los Angeles Municipal Code is hereby amended to read:

6. Where payment was made per Section 64.16.1 for a new building and later a demolition occurs on the same lot or parcel, a refund shall be allowed for the demolished building subject to the following:

(i) The demolition must occur within two years of the payment of the Sewerage Facilities Charge for the new building.

(ii) The written application for refund must be made within one year of said demolition and must be accompanied by proof of demolition satisfactory to the City Engineer.

The amount of the refund shall be the amount of monetary credit calculated per Section 64.16.1, Subsection (c), applicable to the demolished building at the time of sign-off of the Demolition Certificate but shall not exceed the amount of the charge which has been paid for the new building on the same lot or parcel.

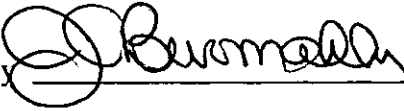
Sec. 7. Subsection (b) of Section 64.19 of the Los Angeles Municipal Code is hereby amended to read:

(b) The right to any refund under this section is payable to the permittee. After the time provided in this section to apply for a refund expires, the right to the credit runs with the land.


Sec. 8. The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of APR 17 1996.

ELIAS MARTINEZ, City Clerk

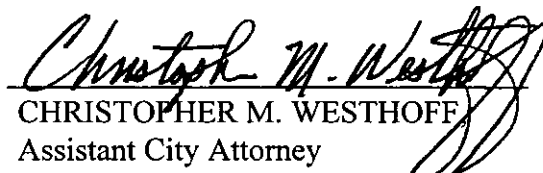
By  Deputy

Approved APR 30 1996

By  Mayor *SR*

Approved as to form and Legality

JAMES K. HAHN, City Attorney

By 
CHRISTOPHER M. WESTHOFF
Assistant City Attorney

File No. 95-2314