

## ORDINANCE NO. 656

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA AMENDING TITLE 13, PUBLIC SERVICES, CHAPTER 13.08 SEWER SERVICE, SPECIFICALLY SECTION 13.08.270 - REIMBURSEMENT AGREEMENT OF THE CALISTOGA MUNICIPAL CODE, TO REMOVE SUNSET TIMELINES FOR REPAYMENT.

The City Council of the City of Calistoga does hereby ordain as follows:

#### SECTION ONE:

**WHEREAS**, the City Council of the City of Calistoga at its regular meeting of February 17, 2009 considered as one of its items of business, noticed in accordance with Government Code 65090, this Ordinance for introduction in accordance with Code Section 65850; and

**WHEREAS**, the City Council finds that the City's Sewer Service Ordinance specifically Section 13.08.270 (Reimbursement Agreement) is to be amended and

**WHEREAS**, the City Council finds that this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

#### SECTION TWO:

Chapter 13.08 of Title 13 (Pubic Services) pertaining to Reimbursement Agreements is hereby deleted and replaced in its entirety as follows:

### Chapter 13.08

#### Sewer Service

#### Section:

13.08.270 Reimbursement Agreement.

- A. Where the cost of the public sewer main extension has been deposited or paid by the person making such extension, the City may thereafter, ~~but not for longer than 10 years after the date such extension is originally connected to the City sewer system~~, collect from any person connecting to such extension, except the person originally installing such extension, that fraction of the cost of such extension, as approved by the City, as the amount of front footage owned by such person subsequently connecting to such extension bears to the total amount of front footage held by potential users along the extension as determined by the City as of the time the extension is connected to the City sewer system. Such sums as are thus actually

received by the City shall be paid by the City to the person originally making such extension, but the City shall in no way be obligated to assure that the person making such extension is paid the total cost thereof nor to initiate any action nor incur any expense to collect any sum to be paid such person; nor shall such refund be made from any other revenues of the City.

**SECTION THREE:**

If any section or portion of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

**SECTION FOUR:**

**THIS ORDINANCE** shall take effect thirty (30) days after its passage and before the expiration of fifteen (15) days after its passage, shall be published in accordance with law, in a newspaper of general circulation published and circulated in the City of Calistoga.

**THIS ORDINANCE** was introduced with the first reading waived at the City of Calistoga City of Council meeting of the 17<sup>th</sup> day of February, 2009 and was passed and adopted at a regular meeting of the Calistoga City Council on the 3<sup>rd</sup> day of March 2009 by the following vote:

**AYES:** Councilmembers Kraus, Garcia, Slusser, Vice Mayor Dunsford,  
Mayor Gingles

**NOES:** None

**ABSTAIN/ABSENT:** None

**ATTEST:**

  
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**SUSAN SNEDDON, City Clerk**

  
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**JACK GINGLES, Mayor**