

ORDINANCE NO. 3067

1 AN UNCODIFIED ORDINANCE AMENDING SECTIONS 3 AND 5 OF  
2 UNCODIFIED TULARE COUNTY ORDINANCE NO. 2924 (AS PREVIOUSLY  
3 AMENDED) PERTAINING TO ALLOWING ALTERNATIVE PROCEDURES FOR THE  
4 SETTING OF FEES AND CHARGES TO COVER THE COSTS OF PROVIDING  
5 SEWER SERVICES IN COUNTY SERVICES AREAS NOS. 1 AND 2 OF THE  
6 COUNTY OF TULARE AND TO ADD THE TONYVILLE ZONE OF BENEFIT WITHIN  
7 THE COUNTY SERVICE AREA NO. 1 OF THE COUNTY OF TULARE TO THE  
8 LIST OF AREAS WHEREIN SUCH ORDINANCE APPLIES.

9 THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE ORDAINS AS  
10 FOLLOWS:

11 Section 1. "SECTION 3. APPLICATION" of Tulare County  
12 Ordinance No. 2924 as previously amended is hereby amended to  
13 read as follows:

14 SECTION 3. APPLICATION: This Ordinance applies to all  
15 land owned by any individual[s], firm, partnership, joint  
16 venture, association, corporation, estate or trust within the  
17 Delft Colony, Seville, Tonyville, Tooleville, Traver and Yettem  
18 Zones of Benefit within the County Service Area No. 1 and in the  
19 County Service Area No. 2 (commonly known as "Wells Tract"). In  
20 addition, it also applies to any land owned by the United States  
21 and any agency of the United States, the State of California and  
22 any agency of the State, any city, and any public district or  
23 political subdivision of the State of California within such  
24 areas insofar as it is legally possible to enforce this  
25 Ordinance, or any portion thereof, against such entities.

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1 Section 2. Section 5 of Tulare County Ordinance No. 2924  
2 as previously amended is hereby amended to read as follows:

3 SECTION 5. FEES, TOLLS, RATES, RENTALS OR OTHER CHARGES:

4 The Board of Supervisors may establish, set and change by  
5 resolution any and all fees, tolls, rates, rentals or other  
6 charges reasonable and necessary to cover the full costs of  
7 providing sewer services and sewerage facilities in the Zones of  
8 Benefit within County Service Area No. 1 and in County Service  
9 Area No. 2 described in Section 3 of Tulare County Ordinance No.  
10 2924 as amended from time to time. If the Board desires to  
11 adopt reduced (less than proportionate share) fees, tolls,  
12 rates, rentals or other charges for low income residential  
13 owners (any owner in residence on the served property whose  
14 income is below the poverty rate established within the County)  
15 and recover these costs from other owners, the resolution shall  
16 reflect this structure and describe its impacts. All fees,  
17 tolls, rates rentals or other charges shall constitute a lien  
18 upon the real property served and shall be established, set, or  
19 changed and collected according to the following procedures:

20 a. Each year in which the Board of Supervisors  
21 desires to impose new or change the current standby or  
22 availability charges or assessments for the sewer services  
23 addressed by this ordinance, the Board of Supervisors shall  
24 elect by resolution the procedure by which it will fix,  
25 increase, levy or collect any standby or availability charge or  
26 assessment and it may elect to use for this purpose the  
27 procedure allowed under the Uniform Standby Charge Procedures  
28 Act or any alternative allowed by law.

1           b. Each year in which the Board of Supervisors  
2 desires to impose new or change any current fees, tolls, rates,  
3 rentals or other charges for the sewer services addressed by  
4 this ordinance, other than standby or availability charges or  
5 assessments, the Board of Supervisors shall elect by resolution  
6 the procedure by which it will fix, increase, levy or collect  
7 such fees, tolls, rates, rentals or other charges and it may  
8 elect to use for this purpose the same procedure or procedures  
9 it elects under subsection (a) or any alternative allowed by  
10 law.

11           c. The Board of Supervisors may elect each year by  
12 resolution to collect or levy all or part of the charges, fees  
13 or assessments imposed hereunder and/or any delinquencies  
14 thereof through periodic billings, through the filing of liens  
15 against the served property or as assessments imposed on the  
16 County tax rolls as allowed by statute, or through any other  
17 alternative allowed by law.

18           d. A defect or omission by any County officer or the  
19 Board of Supervisors in compliance with any procedure elected  
20 hereunder or failure to technically comply with any notice and  
21 hearing requirements of such elected procedure shall not  
22 invalidate the proceedings or fees, tolls, rates, rentals,  
23 standby or availability charges, or other charges established,  
24 set, or changed so long as the owners or the owners' agents  
25 receive constructive notice of the actions taken.

26           Section 3. The foregoing ordinance shall take effect  
27 thirty (30) days from the date of the passage hereof, and prior  
28 to the expiration of fifteen (15) days from the passage hereof

1 shall be published once in the Lindsay Gazette, a  
2 newspaper printed and published in the County of Tulare, State  
3 of California, together with the names of the Board of  
4 Supervisors voting for and against the same.

5 THE FOREGOING ORDINANCE was passed and adopted by the Board  
6 of Supervisors of the County of Tulare, State of California, on  
7 the 1st day of March, 1994, at a regular meeting of  
8 said Board, duly and regularly convened on said day, by the  
9 following vote:

10 AYES: William Sanders, District One  
11 Melton Richmond, District Two  
12 Charles Harness, District Four  
13 James E. Maples, District Five

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17 NOES: None

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20 ABSENT: Supervisor Maze, District Three

21  
22 James E. Maples  
23 Chairman, Board of Supervisors



24 ATTEST: LOUIS J. FERNANDEZ  
25 County Administrative Officer/  
26 Clerk of the Board of Supervisors  
27 of the County of Tulare

28 By Janice McFarlin  
Deputy

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February 14, 1994