

TOWN OF SAN ANSELMO

ORDINANCE NO. 798

AN ORDINANCE OF THE TOWN OF SAN ANSELMO  
ADDING CHAPTER 5 TO TITLE 8 OF THE SAN  
ANSELMO MUNICIPAL CODE ESTABLISHING A  
SPECIAL TAX FOR STORM DRAINAGE REHABILITATION AND IMPROVEMENTS

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The Town Council of the Town of San Anselmo does ordain as follows:

Section 1. Chapter 5 entitled "Storm Drainage Facilities Special Tax" is hereby added to Title 8 of the San Anselmo Municipal Code to read as follows:

Chapter 5

Storm Drainage Facilities Special Tax

Section 8-5.01 - Definitions

For the purposes of this chapter, certain words and phrases used herein are defined as follows:

(a) Commercial means any use of a property other than residential use. Commercial includes, but is not limited to, business and industrial uses together with institutional and governmental uses exempt from income or property taxes by reason of State or Federal law.

(b) Drainage Facilities Charge is a special tax as specified in Article XIII A of the Constitution of the State of California, as approved by two-thirds of the voters voting upon a Town ballot measure to authorize such charge.

(c) Drainage System shall include any storm sewers, pipes, culverts, channels, gutters, drains, catch basins, and other appurtenances which are part of the drainage facilities owned or operated

by the Town.

(d) Engineer means the Town of San Anselmo Director of Public Works or other duly qualified engineer appointed, employed, retained or designated by the Town Council to perform engineering work for the Town.

(e) Legal Building Site means any site, lot, piece or parcel of real property which conforms to all applicable zoning regulations, or by reason of the enactment of subsequent zoning regulations has become legal, non-conforming.

(f) Person means any individual, firm, company, corporation, non-profit corporation, partnership, association, organization, entity, political subdivision, city, county, district, the State of California, or the United States of America, or any department or agency thereof. The singular in each case shall include the plural.

(g) Property means any site, lot, or parcel of real property improved or unimproved within Town's corporate limits.

(h) Residential means any use of a property as a living, dwelling or housekeeping unit, including single-family or multi-family occupancy.

(i) Storm Drainage Rehabilitation and Improvements shall mean all repairs, replacements, additions, other improvements and new construction of catch basins, gutters, storm drains, culverts, drainage ditches, retaining walls, street paving to aid drainage and other physical facilities related to control of drainage water.

(j) Storm Drainage Unit is also known as Unit or SDU and means the measure of the amount of charge assigned to each property.

Section 8-5.02 Drainage Facilities Charge

For each property in Town, the annual drainage facilities charge shall be established by resolution adopted prior to August 1st of each fiscal year. The charge may be levied in the fiscal year following approval of this Chapter by the voters, and thereafter for not to exceed fourteen (14) additional consecutive fiscal years.

Section 8-5.03 Maximum Drainage Facilities Charge

The maximum annual drainage facilities charge shall be sixty dollars (\$60.00) per Storm Drainage Unit (SDU) including collection costs.

Section 8-5.04 Assignment of Storm Drainage Units (SDU's)

(a) Each property shall be assigned a minimum of one-half ( $\frac{1}{2}$ ) SDU. Where applicable, assignments as calculated herein shall be rounded to the nearest one-half ( $\frac{1}{2}$ ) unit.

(b) Residential property shall be assigned SDU's as follows:

i. Single-family. Each single-family residence shall be assigned one (1) SDU. This assignment includes those homes with second unit facilities authorized under use permits or duly registered with Town.

ii. Multi-family. Each dwelling unit in a multi-family residence shall be assigned one-half ( $\frac{1}{2}$ ) SDU.

(c) Each commercial property shall be assigned one SDU for each fifteen hundred (1,500) square feet of floor space.

(d) Vacant land

i. Each legal building site shall be assigned one-half ( $\frac{1}{2}$ ) SDU per acre.

ii. No drainage facilities charge shall be imposed on a parcel which does not contain a legal building site.

Section 8-5.05 Collection and Penalty

The Drainage Facilities Charge shall be collected by the Marin County Tax Collector with regular property tax collections, or by such alternate method as the Town Council may determine, and in either case shall constitute a lien against the property as provided in the Revenue & Taxation Code of the State of California. Payments of Drainage Facilities Charges not made by the dates general property taxes are due shall be subject to penalty as provided in the Revenue & Taxation Code for delinquent ad valorem taxes.

Section 8-5.06 Low Income Rebate

The Town Council by resolution may establish a plan to rebate up to fifty (50) percent of the Drainage Facilities Charge to qualifying low-income persons. Town Council shall establish the qualifying criteria.

Section 8-5.07 Protests Regarding Assignment of Storm Drainage Units

A protest regarding the assignment of a SDU must be submitted to Town in writing before the end of the fiscal year for which the charge has been levied. Engineer shall have the authority to make appropriate adjustments in SDU assignments based on factual data submitted by the protestor or as obtained independently by the Engineer.

Section 8-5.08 Appeal of Drainage Facilities Charge

Any decision of Engineer provided for herein may be appealed in accordance with the provisions of Chapter 4 of Title 1 of this Code.

Section 8-5.09 Severability


If any provision of this chapter or the application thereof to any person or circumstances is held invalid, no other provision of

this chapter shall be affected thereby.

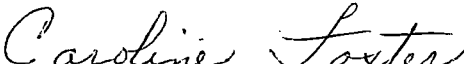
Section 8-5.10 Operative Date

This chapter shall before the expiration of fifteen (15) days after its passage be published once with the names voting for and against it in a newspaper of general circulation, and shall only become operative if approved by two-thirds of the voters voting on a Town ballot measure on June 2, 1981 authorizing its adoption.

Dated: February 24, 1981.

  
WOODROW V. CAPURRO, Mayor

ATTEST:

  
CAROLINE FOSTER, Town Clerk

The foregoing ordinance was read and introduced at a regular meeting of the San Anselmo Town Council held on the 10th day of February, 1981, and adopted at a regular meeting of the San Anselmo Town Council held on February 24, 1981 by the following vote:

AYES: Councilmembers Toal, Convis, Wooliever, Buckle, Capurro

NOES: None

ABSENT: None

  
CAROLINE FOSTER, Town Clerk