

ORDINANCE NO. 2022-1

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE TEMPLETON COMMUNITY SERVICES DISTRICT
AMENDING DISTRICT SEWER CODE REGARDING CERTAIN DWELLINGS**

BE IT ORDAINED by the Board of Directors of the Templeton Community Services District as follows:

SECTION ONE. PURPOSE AND FINDINGS.

The Board of Directors of the Templeton Community Services District (“District”) finds and determines as follows:

- a. The purpose of this ordinance is to update and amend the District Sewer Code provisions concerning connections to the District’s public sewer system.
- b. Government Code section 61100 authorizes the Board District to collect, treat, and dispose of sewage, while Government Code section 61060(b) authorizes the District Board to adopt and enforce rules and regulations relating to the administration, operation, use and maintenance of the District’s sewage system.
- c. The Board finds it is necessary and proper to amend the District Sewer Code to clarify when certain dwellings will be required to connect to the District’s public sewer system.

SECTION TWO. AUTHORITY.

This Ordinance is adopted under the authority found in Government Code sections 61100(b) and 61060(b), and other applicable law.

SECTION THREE. AMENDMENTS TO DISTRICT SEWER CODE.

A. AMENDMENTS TO DISTRICT SEWER CODE.

Section 10.08.280 of the District Sewer Code is deleted and replaced as follows:

- (a) Except as provided in this section, all new buildings requiring sewage disposal shall connect to an available district sewer system and all land development projects shall include provisions for the connection of future buildings to the district sewer system.
 - (1) The owner of any building situated within the district requiring sewage disposal and abutting on any street, public right-of-way, or easement in which there is now located a public sewer of the district is hereby required at that owner's expense to connect said building directly with the public sewer in accordance with the provisions of this chapter, within 90 days after the date on which the district provides the owner written notice to do so, provided that the

district's public sewer is within 400 feet of the owner's property for new buildings and within 200 feet of the owner's property for existing buildings. For single-family residential purposes, only gravity sewer within any street, public right-of-way, or easement shall be considered as available sewer.

(2) A secondary dwelling may connect through an existing sewer connection of a primary residence provided that the secondary dwelling:

- (A) Is on a single-family lot and there is no other secondary dwelling on the lot;
- (B) Is within a zone for single-family use;
- (C) Is contained within the existing space of a single-family residences or accessory structure (e.g., studio, pool house, or similar structure);
- (D) Has independent exterior access from the primary residences; and
- (E) Has side or rear setbacks that are sufficient for fire safety.
- (F) For sewer service billing purposes, a property with a second dwelling that shares a lateral with the primary residence, shall be treated as though it is a multi-family residence. A primary residence with a second dwelling will be charged two times the residential sewer rate per month.

For a secondary dwelling that does not meet these requirements, the district may require a new or separate service connection between the secondary dwelling and the district, subject to payment of hookup fees.

(3) If a non-dwelling building is located on the same parcel as an existing building, the district shall have discretion to permit the owner to connect that building to a private sewer main on the same lot. Each building connected to a private sewer main, shall have its own sewer service account and charged the monthly sewer rate.

(b) Notwithstanding subdivision (a), the district shall not require the following buildings to connect to the district's public sewer system:

(1) A new accessory dwelling unit (as defined in Government Code § 65852.2, subdivision (i)(4)) if, at the time of construction, all of the following conditions are met:

- (A) the county has approved a private wastewater disposal system for the building;
- (B) an existing single-family residential building on the same parcel is served by a county-approved private wastewater disposal system; and,
- (C) the district's public sewer does not abut the owner's property.

The owner of any building subject to this subdivision (b) shall: comply with all rules, regulations, and ordinances of county building, health departments, and the district concerning private sewage disposal, and obtain a sewer release letter from the district confirming that the building is subject to this subdivision (b).

SECTION FOUR. INCONSISTENCY.

This Ordinance supersedes and replaces the Code sections and Ordinances specified in Section Three. To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any other prior District Code sections, ordinances, resolutions, rules, or regulations governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, resolutions, rules, or regulations are hereby repealed.

SECTION FIVE. SEVERABILITY.

If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, no other provision of this Ordinance shall be affected thereby.

SECTION SIX. PUBLICATION AND EFFECTIVE DATE.

The Secretary of the Board of Directors is directed to publish this Ordinance or a summary thereof once with the names of the members voting for and against the Ordinance, in a newspaper published in the District within 15 days after the adopting of this Ordinance. This Ordinance shall take effect 30 days after its final passage.

INTRODUCED by the Board of Directors of the Templeton Community Services District on February 15, 2022.

PASSED AND ADOPTED by the Board of Directors of the Templeton Community Services District on March 1, 2022, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

By: _____
President, Board of Directors

ATTEST:

Secretary, Board of Directors

CERTIFICATE

I hereby certify that the foregoing is a full, true, and correct copy of Ordinance No. 2021-1, duly and regularly adopted by the Board of Directors of TEMPLETON COMMUNITY SERVICES DISTRICT, County of San Luis Obispo, on March 1, 2022.

Secretary, Board of Directors
TEMPLETON COMMUNITY SERVICES
DISTRICT