

**RANCHO MURIETA COMMUNITY  
SERVICES DISTRICT**

**DISTRICT CODE**

**CHAPTER 12**

**MISCELLANEOUS FEES CODE**

Approved by Ordinance  
March 16, 1988

Revised by Board Action  
May 8, 2002

# DISTRICT CODE

## CHAPTER 12

### MISCELLANEOUS FEES CODE

#### SECTION 1.00 GENERAL PROVISIONS

- 1.01            Title. This chapter shall be known as the "Miscellaneous Fees Code" and may be cited as such.

#### SECTION 2.00 TRANSFER FEE

- 2.01            Purpose of Transfer Fee. The transfer fee is designed to recover the District's actual costs in matters relating to the transfer of title of property within the District. Such costs include, but are not limited to, staff time spent changing District records; staff time spent corresponding with escrow agents or similar services about the status of an account; the costs of supplemental meter readings when necessary; and costs of notices to owners.

- 2.02            Person. For purposes of sections 2.00-2. 11, "person" shall mean any person, firm, company, corporation, partnership, association, any public corporation, political subdivision, city, county, district, the State of California, or the United States of America, or any department or agency thereof.

- 2.03            Owner. For purposes of sections 2.00-2.11, "owner" shall mean any person who by contract of sale; deed; deed with security as trust deed, mortgage, or other evidence of indebtedness; estate or other color of right; or color of title; has fee title or demonstrates, or ostensibly demonstrates the authority to grant, or accept the incidents of ownership to any lot of land within the District.

- 2.04            District. For purposes of sections 2.00-2.11, "District" shall mean the Rancho Murieta Community Services District.

- 2.05            Lot. For purposes of sections 2.00-2. 11, "lot" shall mean any piece or parcel of land within the District that is bounded, defined, or shown upon a map or deed recorded or filed in the office of the County Recorder of Sacramento, County.

- 2.06            Sale. For purposes of section 2.00-2. 11, " sale" shall mean the transfer of

fee interest in a lot by contract of sale; deed; deed with security as trust deed, mortgage, or other evidence of indebtedness; sale with lease back; or other manner of grant of the incidents of ownership of any lot. "Sale" shall include a donative transfer or any other transfer without consideration, but shall not include either a transfer to a lien-holder following any foreclosure of that lien-holder's interest, or an involuntary transfer upon inheritance or devise. "Sale" shall include, however, any resulting transfer to a new owner by a lien-holder who has foreclosed or by an owner who acquired an interest in the lot upon inheritance or devise.

- 2.07 Transfer Fee. At the time that an escrow agent, or similar service, requests information from the District regarding the status of an owner's account in anticipation of a sale of an owner's lot or lots, the District may fix onto the account of such owner a transfer fee of \$150.00 per lot to be sold. Adjoining or multiple lots that are the subject of the purposed sale shall be considered separate lots for purposes of this transfer fee. In the event that a sale of a lot or lots occurs without the aid of an escrow agent or similar service, the transfer fee shall be assessed onto the new owner's account at the time that the District is informed of the sale. (revised 5/8/02)
- 2.08 Failure to Close. In the event that the proposed sale does not occur, the District shall not collect the transfer fee or fees and shall credit any account upon which a fee had been imposed in anticipation of the proposed sale.
- 2.09 Collection of Fee. The transfer fee or fees shall be separately itemized and added to the final statement of account sent to the escrow agent or similar service. The transfer fee or fees shall be collected by the escrow agent or other similar service as part of the closing of the sale and forwarded to the District. Upon receipt of both the transfer fee or fees, and a copy of the deed or other instrument of transfer, the District shall credit the new owner's account. In the event that the buyer and seller do not use an escrow agent or similar service, or if the District does not receive the transfer fee or fees from the escrow agent or similar service, the new owner of the lot or lots shall remain liable to the District for such fees and will be billed directly.
- 2.10 Delinquency. In the event that the District separately bins the new owner in accordance with section 2.07 and 2.09 of this Miscellaneous Fees Code, the charges for such transfer fee or fees shall be due and payable when mailed or delivered. Unpaid bills for transfer fees shall be deemed delinquent, and delinquent charges imposed and collected, in the same manner as described in sections 9.05 through 9.07 and 9.09, including any subsequent amendments, of the District's Water Code.
- 2.11 Changes of Fee Amount by Resolution. The District may change the

amount of the transfer fee from time to time by resolution or ordinance duly adopted by its Board of Directors.

### Section 3.00 Enforcement

- 3.01 Lien. Delinquent fees and charges imposed under this chapter shall become liens upon the lot or lots for which the fee was imposed in the same manner as described in section 9.08 of the District's Water Code.
- 3.02 Recovery of Costs. In the event that the District is required to bring legal action to enforce any provision of this Chapter, including but not limited to, the collection of delinquency fees and charges, the District shall be entitled to recover its reasonable attorney's fees, interest and other costs of suit.
- 3.03 Means of Enforcement Only. The District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinance, rules and regulations, and not as a penalty.
- 3.04 Cumulative Remedies. All remedies set forth herein for the connection and enforcement of rates, charges, and penalties are cumulative and may be pursued alternatively, concurrently, or consecutively.

### Section 4.00 Severability

- 4.01 Severability. The Board hereby declares that it would have passed this ordinance and thereby adopted this Chapter, or any section, subsection, sentence, clause or phrases thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared to be unconstitutional.

If any section, subsection, sentence, clause or phrase of the ordinance or the application thereof to any person or circumstances is for any reason held unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Chapter or the application or such provisions to other persons or circumstances.