

CITY OF YUBA CITY
STAFF REPORT

Date: December 17, 2019
To: Honorable Mayor & Members of the City Council
From: Public Works Department
Presentation by: Benjamin Moody, Interim Assistant Public Works Director

Summary

Subject: Yuba City Water Regulations Ordinance Update
Recommendation: Adopt an Ordinance amending Yuba City Municipal Code Title 6 Chapter 6, Yuba City Water Regulations, and waive the second reading.
Fiscal Impact: Staff time to administrate and implement the Municipal Code changes.

Purpose:

To meet state regulations and provide improved customer service for the delivery and service of water.

Background:

Title 6 Chapter 6 of the City's Municipal Code, also known as "Yuba City Water Regulations," is the City's guiding legal code for all issues related to the water distribution system, water utility billing, and customer water usage. It was last updated in August 2016 to modify the billing, rates, and emergency water restrictions sections in response to the 2016 Proposition 218 rate update and the years of drought in California. The majority of Chapter 6 has not been updated since August 2011.

On September 28, 2018, California Senate Bill No. 998 (SB 998) was approved by the Governor. SB 998 requires public utilities to update the timeline, notices, and circumstances regarding discontinuance of water service. Compliance with SB 998 is required by February 1, 2020, prompting staff to review and update the current Yuba City Water Regulations.

Upon review, staff also has identified and recommends a number of additional new sections and clarifying edits prompted by customer and developer feedback. The updated Yuba City Water Regulations ordinance was introduced to Council on November 19, 2019.

Analysis:

There are four major proposed additions to the Yuba City Water Regulations which are described below: SB 998 updates, water fees financing, water leak adjustments, and emergency water restrictions (Attachment 1).

SB 998 Updates:

Senate Bill 998 requires public utilities to implement specific timelines, issue a number of notices, and recognize certain exemptions from the standard regulations regarding discontinuance of water service, in order to protect customers from loss of water without due process. For Yuba City water customers, this primarily means an extension of the shut-off timeline from 45 to 60 days, additional communication notices to both property owners and residents, and alternative payment arrangements for written medical exemptions. SB 998 also provides that a tenant or tenants may take on the fiscal responsibility for an entire multi-family unit on a single meter in order to prevent shut-offs. The SB 998 updates will be implemented by the Finance Department's Customer Service Division.

Water Fees Financing:

The lump sum payment of connection and extension fees required for connecting to City water service may be prohibitive or discouraging for property owners or developers wishing to connect to City water. In order to aid properties wishing to connect to City water and gain new customers, staff is proposing a water fees financing program. The recommended Municipal Code addition would provide a method for customers to have the connection and extension fees be added to their property taxes as a lien over a 10-year period, along with interest and administrative fees. This method would ensure that the beneficiary of the water service is responsible for the costs and allows the addition of new services which might otherwise have been discouraged by the up-front costs. Each applicant for water fees financing will be presented to City Council for review and approval per the proposed section, allowing Council to determine which customers and types of services will be acceptable. A similar regulation was recently implemented by the City of Chico for their sewer line connection fees in March 2019.

- The water fees financing program is a policy decision for City Council, both whether to allow the program as well as to determine which property types and customers are applicable (e.g. existing homes, large developments, etc.). The current proposed section is written to be open to all applicants, which allows the program to serve many types of properties and may result in increased development and customers; however, this program would result in less up-front available funds and staff time to administrate.

Water Leak Adjustment:

When water leaks occur in a customer's service line after the meter, customers are regularly required to pay any resultant charges for the excess water, whether or not the customer is aware of the leak. In cases where the leak was not caused by any willful or negligent action of the customer, staff is recommending establishing criteria to allow for a cost adjustment for customers who apply and present proof of the repair of the leak. The adjustment would be for one month and customers would only be eligible every 24 months. A similar policy was recently adopted by the City of West Sacramento in June 2019.

- The creation of a water leak adjustment program is a policy decision for City Council. The program would be an opportunity to provide high quality customer service and may reduce water loss by encouraging efficient service repairs; however, these refunds are currently not required by the Municipal Code, resulting in some lost revenue.

Emergency Water Restrictions:

The current emergency water restrictions in the Municipal Code were enacted in August 2016 in response to the long-term drought and the subsequent “lifelong” water conservation measures adopted by the State of California; however, these regulations conflict with the restrictions developed and adopted by Council in the City’s Urban Water Management Plan. They also do not provide any sort of flexibility or recognition of any emergency restrictions which may be enacted at the state level during a drought. The proposed changes to the Municipal Code resolve these conflicts by eliminating the specified restrictions and instead referring to the Urban Water Management Plan, which is updated every five years, and state regulations.

In addition, many of the edits in the attached redlined ordinance are minor clarification language changes or codification of practices already implemented by Council action or daily operations. Examples include clarification of the corner lot extension fee calculation and codification of the process by which customers request a temporary service shut-off in order to make repairs.

Fiscal Impact:

There is no immediate cost to enacting the ordinance outside of staff time to develop and implement the changes to the Municipal Code. Further fiscal impacts will depend on customer and developer utilization of the ordinance changes.

Alternatives:

Modify the proposed criteria or do not recommend one or all sections of the ordinance for future approval. If the specific sections are not modified to reflect SB 998, the City may no longer comply with the updated state regulations.

Recommendation:

Adopt an ordinance amending Yuba City Municipal Code Title 6 Chapter 6, Yuba City Water Regulations, and waive the second reading.

Attachments:

1. Ordinance – Yuba City Water Regulations

Prepared by:

[*/s/ Scarlett O. Harris*](#)
Scarlett O. Harris
Administrative Assistant

Submitted by:

[*/s/ Michael Rock*](#)
Michael Rock
City Manager

Reviewed by:

Department Head

[DL](#)

Finance

[RB](#)

City Attorney

[SLC by email](#)

ATTACHMENT 1

ORDINANCE NO. _____

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
AMENDING CHAPTER 6 OF TITLE 6, WATER SYSTEM, KNOWN AS THE
YUBA CITY WATER REGULATIONS**

WHEREAS, the City Council of Yuba City (“City”) is authorized by the California Constitution, Article XI, Section 7 to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, the City Council has adopted the Yuba City Municipal Code, which it periodically updates to protect the public health, safety and welfare; and

WHEREAS, City Council desires to update and amend the section known as the Yuba City Water Regulations in a fair manner that best addresses the public health, safety and welfare, and to ensure consistency with the recently enacted SB 998.

NOW THEREFORE, the City Council of the City of Yuba City does ordain as follows:

Section 1. The above recitals are all true and correct and are hereby adopted as findings.

Section 2. The proposed ordinance was assessed in accordance with the authority and criteria contained in CEQA, the State CEQA Guidelines (“CEQA Guidelines”), and the environmental regulations of the City. The City Council finds and determines that the proposed ordinance is not a “project” for the purposes of CEQA and consistent with CEQA Guidelines Section 15378, as it promotes environmental conditions by providing improved processes and programs for the delivery of water service, and will not result in direct or indirect substantial, adverse physical changes in the environment as compared to the current baseline. Additionally, the City Council finds and determines for the same reasons that even if the proposed ordinance were a project for the purposes of CEQA, there is no possibility that this project may have a significant adverse effect on the environment pursuant to CEQA Guidelines, Section 15061(b)(3). Therefore, the proposed ordinance is not subject to CEQA.

Section 3. Chapter 6 of Title 6 (Water System) of the Yuba City Municipal Code hereby is amended to read in its entirety as follows:

CHAPTER 6. - WATER SYSTEM

Sec. 6-6.01. - General provisions.

- (a) *Short title.* This chapter shall be known and may be cited as the "Yuba City Water Regulations."
- (b) *Words and phrases.* For the purposes of this chapter, all words used in this chapter in the present tense shall include the future tense, all words in the plural number shall include the singular number, and all words in the singular number shall include the plural number.
- (c) *Water system.* The City shall furnish a system, plant, works, and undertaking used for and useful in obtaining, conserving, and distributing water for public and private uses, including all parts of such system, all appurtenances to such system, and lands, easements, rights in land, water rights, contract rights, franchises, and other water supply, storage, and distribution facilities and equipment.
- (d) *Separability.* If any section, subsection, sentence, clause, or phrase in this chapter is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter.
- (e) *Pressure conditions.* All applicants for service connections or water service shall be required to accept such conditions of pressure and service as are provided by the distribution system at the location of the proposed service connection and to hold the City harmless for any damages arising out of low-pressure or high-pressure conditions or interruptions in service.
- (f) *Tampering with City property.* No one, except an employee or representative of the City, shall at any time in any manner operate the curb cocks or valves, main cocks, gates, or valves of the City's system or interfere with meters or their connections, street mains, or other parts of the water system.
- (g) *Penalties for violations.* For the failure of the customer to comply with all or any part of this chapter, or any ordinance, resolution, or order fixing rates and charges of the City, a penalty for which has not hereafter been specifically fixed, the customer's service shall be discontinued, and the water shall not be supplied to such customer until he or she shall have complied with the rule, regulation, rate, or charge which he or she has violated or, in the event he or she cannot comply with such rule or regulation, until he or she shall have satisfied the City that in the future he or she will comply with all the rules and regulations established by the laws of the City and with all rates and charges. In addition thereto, he or she shall pay the City all fines and fees established in Section 6-6.18 and Section 6-6.20 of this chapter.
- (h) *Rulings final.* All rulings of the Council shall be final. All rulings of the City Manager shall be final unless appealed in writing to the Council within five days. When appealed, the Council ruling shall be final.
- (i) *Repeals.* Ordinance Nos. 272, 307, and 506, and all other ordinances or parts of ordinances in conflict with this chapter, are hereby repealed.
- (j) ~~*Effective date.*~~ The effective date of this chapter is July 1, 1975.
- (k) ~~*Plan check and inspection fee.*~~ In connection with any work of construction required by the terms of this chapter, a plan check and inspection fee shall be charged, the amount thereof being as set forth in the City's fee schedule.

Sec. 6-6.02. - Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Council* shall mean the City Council of the City.
- (b) *City* shall mean the City of Yuba City, and the City Council of the City performing functions related to the City water service, together with the City Manager, the Public Works Director, the Finance Director, and other duly authorized representatives.
- (c) *Distribution mains* shall mean water lines in streets, highways, alleys, and easements used for public and private fire protection and for the general distribution of water.
- (d) *Service* or *service connection* shall mean the pipe line and appurtenant facilities, such as curb stop, meter, and meter box, if any, all used to extend water service from a distribution main to premises. Where services are divided at the curb or property line to serve several customers, each such branch service shall be deemed a separate service.
- (e) *Public fire protection service* shall mean the service and facilities of the entire water supply and storage and distribution system of the City, including the fire hydrants affixed thereto and the water available for fire protection, excepting house service connections and appurtenances thereto.
- (f) *Regular water service* shall mean the water service and facilities rendered for normal domestic, commercial, and industrial purposes on a permanent basis and the water available therefor.
- (g) *Temporary water service* shall mean the water service and facilities rendered for construction work and other uses of limited duration and the water available therefor.
- (h) *Private fire protection service* shall mean the water service and facilities for building sprinkler systems, hydrants, hose reels, and other facilities installed on private property for fire protection and the water available therefor.
- (i) *Premises* shall mean a lot or parcel of real property under one ownership, except that any separate structure may be deemed separate premises. Apartment houses, motels, office buildings, and structures of like nature may be classified as single premises.
- (j) *Cross-connection* shall mean any physical connection between the piping system from the City service and that of any other water supply that is not, or cannot be, approved as safe and potable for human consumption, whereby water from the unapproved source may be forced or drawn into the City distribution mains.
- (k) *Owner* shall mean the person owning the fee, or the person in whose name the legal title to the property appears, by deed duly recorded in the County Recorder's office, or the person in possession of the property or buildings under claim of, or exercising acts of ownership over the same for himself or herself, or as executor, administrator, guardian, or trustee of the owner.
- (l) *Person* shall mean any human being, individual, firm, company, partnership, association, private, public, or municipal corporation, the United States of America, the State of California, and any district, political subdivision, governmental agency, and subsidiary thereof.
- (m) *Cost* shall mean the costs of labor, materials, transportation, supervision, engineering, and all other necessary or reasonable expenses.

- (n) *Dwelling* shall mean any residence, apartment, habitation, or other structure customarily occupied by a single person or family and which contains facilities for the preparation of meals.
- (o) *Resale* shall mean any change of ownership by sale, or transfer, of real property as recorded by the Sutter County Recorder, except sale or transfer between members of an immediate family. Immediate family being limited to husband-wife, brother-sister, parent-child.

Sec. 6-6.03. - Notices.

Notices from the City to a customer shall normally be given in writing and either delivered or mailed to their last known address. When conditions warrant and in emergencies, the City may resort to notification either by telephone, ~~or messenger,~~ text, or email.

Sec. 6-6.04. - Administration.

- (a) *Council*. The management, control, and care of the Municipal Water System of the City shall be vested in and under the direction of the Council.
- (b) *Finance Director*. The Finance Director shall operate under the direction of the City Manager and shall be in charge of the billing, collecting, and maintenance of the bookkeeping system for the Municipal Water System. The Finance Director shall be responsible for the collection and banking of all money due the City and shall keep controlling records which shall reflect monthly transactions of individual accounts.
- (c) *Public Works Director*. The Public Works Director shall operate under the direction of the City Manager and shall perform all the duties connected with, and have supervision of, the water works system, other than the office of bill collection and bookkeeping, and shall perform such other duties as may be required by the City Manager.

Sec. 6-6.05. - Application for regular water service.

- (a) *Applications for service to premises with a service connection*. Applicants requesting service to commence during regular business hours will be connected without charge, provided a good payment history has been established with the City. Other customers may be requested to provide payment in advance and/or credit references before connection. There will be a service charge, as determined by Section 6-6.18 of this chapter, for customers requesting turn-on or turn-off to be performed on weekends, holidays, and after hours.
- (b) *Applications for water service with ~~No~~ existing service connection*. Applications for regular water service where no main extension is required shall be made upon a form provided by the City.
- (c) *Undertaking of applicant*. Each application shall signify the customer's willingness and intention to comply with the regulations relating to the regular water service and to make payment for the water services required.
- (d) *Payment for previous service*. An application shall not be ~~honored-granted~~ unless payment in full has been made for water services previously rendered to the applicant by the City.
- (e) *Delinquencies on accounts in the name of a commercial or residential tenant*. In the event that a tenant of a residential or commercial rental property, where water service is furnished in the tenant's name, leaves delinquent and unpaid water charges when the tenant vacates

the premises, the City may require any future service to be only in the name of the property owner and not in the name of any subsequent tenant.

- (f) *Tenant application.* A tenant applying for water services must provide to the City a valid signed lease or rental agreement along with identification for all persons listed on the agreement over the age of 18. Identification provided must be in the form of a California identification card, military identification card, California driver's license, or other valid picture identification. ~~The required advanced payment will also be collected at the time of application as described in Section 6-6.10(g).~~
- (g) *Installation of services.* Regular water service shall be installed at the location desired by the applicant. The size of such service shall be finally determined by the City. Service installations may be made only to property abutting on public streets or abutting on such distribution mains as may be constructed in alleys or easements, at the convenience of the City. Services installed in new subdivisions prior to the construction of streets or in advance of street improvements shall be accepted by the applicant in the installed location.
- (h) *Changes in customers' equipment.* Customers making any material change in the size, character, or extent of the equipment or operations utilizing water service, or whose change in operation results in a large increase in the use of water, shall immediately give the City written notice of the nature of the change and, if necessary, amend their applications.
- (i) *Installation charges.* Charges for installing a water service line from the main to the curb stop shall be established by Section 6-6.18 of this chapter.
- (j) *Extension charges.* Extension charges provide for the extension of mains and the installation of necessary fire hydrants within the street right-of-way only, based on property zoned R-1 and R-2 paying one-half the cost of an eight-inch line and all other property paying one-half the cost of a ~~10~~ten-inch line. The extension charge shall be as set forth in Section 6-6.18 of this chapter.

Corner lots and lots having more than one frontage where water mains exist or are planned shall pay extension fees based on 60% of the first 175 ~~feet~~ of total frontage (as measured to ~~PI's or property line return~~the point of intersection of the property lines or the point of intersection of the prolongation of the property lines) and 100% of all frontage in excess of the first 175 ~~feet~~.

This reduction shall apply only to existing corner lots and shall not apply to corner lots which would be created by a new subdivision, parcel map, or development. Such parcels shall pay extension fees based on 100% of all applicable frontage as measured prior to the creation of the side street.

Extension fees will not be applicable to lands within a subdivision or Special Assessment District if the water main was installed at no cost to the City (other than oversizing costs) unless an agreement exists providing for the repayment of extension costs to the original developer or to the Special District.

Where a water main only serves property on one side of the water line, the charge shall be double the current extension fee.

- (k) *Connection charges.* The connection charge is designed to recover the capital costs of the treatment plant, reservoirs, and transmission lines.

The charge shall be paid at the owner's option at either the issuance of a building permit or at certificate of occupancy, not at the date of application for a building permit. The amount of the connection charges to be paid shall be those charges in effect at the time of ~~building permit issuance~~payment of said connection fees. Charges shall be paid at the same time the owner

chooses to pay all other development impact fees, if any. If no building permit is to be obtained, the charge shall be collected before service is established.

When a user requires a larger service than that which was previously serving the parcel, the user shall pay the difference between the old service and the new service based on those charges in effect at the time of the request as set forth in Section 6-6.18 of this chapter.

Sec. 6-6.06. - Main extensions.

(a) *Main extensions.* The following rules are hereby established:

- (1) *Determination.* Upon the receipt of any application for water service or request for an application form, the City shall determine whether, in its judgment, a main extension is necessary to provide service. A main extension shall be installed in the manner provided in this section whenever, in the judgment of the City, such main extension is necessary to provide regular water service to the property described in such application or request.
 - (2) *Applications.* Any owner or subdivider of one or more lots where, in the opinion of the Public Works Director, an extension is required shall make a written application. Such application shall contain a legal description of the property to be served, a map showing the location of the proposed connection, and any additional information which may be required.
 - (3) *Investigations.* Upon the receipt of the application, the City shall make an investigation of the proposed extension and reject, amend, or approve the application.
 - (4) *City lines.* All extensions provided for in accordance with these regulations shall be and remain the property of the City.
 - (5) *Dead-end lines.* No dead-end lines shall be permitted, except as approved by the Public Works Director.
 - (6) *Extent and design.* All main extensions shall extend to the far property line of developed property. All main extensions shall be subject to design approval by the City.
- (b) *General.* Where the City, at its own expense, extends a main to serve property within the corporate limits of the City, the extension charge shall be governed by the applicable portion of subsection (j~~h~~) of Section 6-6.05 of this chapter.
- (c) *Main extensions by applicants.* If the cost of a main extension is in excess of what the City is prepared to appropriate, it shall be the responsibility of the applicant to provide for the main extension at his or her own expense to the standards established by the City and in accordance with an agreement for such extension.

Sec. 6-6.07. - Main extensions to subdivisions.

Where water main extensions are required for subdivisions, it shall be the responsibility of the owner or subdivider to pay the entire cost for the complete installation of all water facilities required within the subdivision and for the extension of water transmission mains from the subdivision to the nearest existing main of adequate capacity for the area to be served. Such transmission mains shall be subject to all the requirements set forth in the subdivision regulations (Chapter 2 of Title 8 of this Code) and to any and all modifications and supplements to such regulations. Upon official acceptance by the City, the City shall assume the full ownership, maintenance, and control of such mains.

Sec. 6-6.08. - General use regulations.

(a) *Number of services per premises.* The applicant may apply for as many fire or landscape services as may be reasonably required for the parcel and approved by the Public Works Director provided the pipeline system from each service shall be independent of the others and they shall not be interconnected, except for approved internal loops. The cost of all services shall be borne by the applicant. No connection shall provide service to more than one parcel.

(1) Minimum size of service: Single-family—one-inch diameter.

(2) Residential, single-family, and multi-family: Only one domestic service and meter shall be allowed per parcel.

(3) Commercial/industrial: Only one domestic service and meter shall be allowed per parcel without approval from the Public Works Director.

(b) *Water waste.*

(1) No customer shall permit leaks or the waste of water. When water is wastefully or negligently used on a customer's premises, the City may discontinue the service if such conditions are not corrected.

(2) *Water leak adjustment.* Should a customer experience a leak that is not due to negligent or willful acts, the customer may be eligible for a leak adjustment in the form of a water service billing credit.

(i) *Qualifying criteria.* The following criteria must be met for the customer to be eligible for a water leak adjustment.

A. Leak(s) must be located in the customer's service line and be beyond the control of the owner, agents, tenants, contractors, or anyone else occupying or using the property. Leaking faucets, fixtures, appliances, and other leak causes which could have been reasonably foreseen do not qualify for adjustment.

B. Excess water use must be at least 100% higher than normal usage, based on an average of the same billing period for the previous three years (or the available history for the account).

C. A leak adjustment must not have been granted for the customer in 24 months.

D. Proof that repairs were completed must be included with the request form.

E. The request form may only be submitted within three (3) months after the repair.

F. If any insurance payment is received, the customer must immediately notify the City, and may be required to pay back the adjustment.

(ii) *Procedure.*

(a) Customers may request a leak adjustment credit by completing a water leak adjustment request form, which is available at City Hall and the City's website.

The completed form must be accompanied by proof of repair in the form of a receipt or invoice.

(b)The Finance Director or designee shall determine if the leak and form meet the requirements of this section and whether to grant or deny the leak adjustment request. All decisions from the Finance Director or designee are final.

(a)(c) If the leak adjustment is granted, staff will enter the adjustment as a bill credit. The credit is for one billing cycle only and shall be no more than \$500 in value.

- (c) *Responsibility for equipment on customer premises.* All facilities installed by the City on private property for the purpose of rendering water service shall remain the property of the City and may be maintained, repaired, or replaced by the City without the consent or interference of the owner or occupant of the property. The property owner shall use reasonable care in the protection of the facilities. No payment shall be made for placing or maintaining such facilities on private property. No person shall place or permit the placement of any object in a manner which will interfere with the free access to a service cock or meter box or which will interfere with the reading of the meter. The City is responsible for all piping and equipment up to and including the water meter and check valve. The property owner is responsible for all equipment, piping, and appurtenances downstream of the water meter and check valve.
- (d) *Damages to water system facilities.* The customer shall be liable for any damages to the City-owned customer water service facilities when such damages are from causes originating on the premises by an act of the customer or his or her tenants, agents, employees, contractors, licensees, or permittees, including the breaking or destruction of locks by the customer or others on or near a meter, and any damage to a meter which may result from hot water or steam from a boiler or heater on the customer's premises. The City shall be reimbursed by the customer for any such damage promptly on presentation of a bill. No seal placed on a meter by the City shall be altered or broken except by an authorized employee.
- (e) *Control valve on customer property.* The property owner is responsible for all equipment, piping, and appurtenances downstream of the water meter and check valve. The property owner shall install a shutoff valve as required by the building code. The customer shall not use the service curb stop to turn water on and off for their convenience.
- (f) *Cross-connections.* See Cross-Connection Control Program, Section 6-6.21 of this chapter.
- (g) *Direct connections to stationary steam boiler, hydraulic elevators, power pumps, and similar apparatus.* See Cross-Connection Control Program, Section 6-6.21 of this chapter.
- (h) *Ingress and egress.* Representatives from the City shall have the right of ingress and egress to the customer's premises at reasonable hours for any purpose reasonably connected with the furnishing of water service.
- (i) *Commercial and industrial cooling systems.* See Cross-Connection Control Program, Section 6-6.21 of this chapter.
- (j) *Pools and tanks.* See Cross-Connection Control Program, Section 6-6.21 of this chapter.

(k) *Responsibility for equipment.* The customer shall, at his or her own risk and expense, furnish, install, and keep in good and safe condition all equipment which may be required for receiving, controlling, applying, and utilizing water. The City shall not be responsible for damages to property caused by faucets, valves, and other equipment which is open when water is turned on at the meter, either originally or when turned on after a temporary shutdown.

(l) *Unlawful connections.* For any premises found to be receiving City water service without being billed for said service, for whatever reason, the customer may be billed for all services rendered since the installation of the water service. The decision of the Finance Director or designee as to the time and amount of prior costs due shall be final.

Sec. 6-6.09. - Meters.

(a) *Installation.* All services as specifically designated by this chapter, or those as ordered so by the Public Works Director, shall be metered. The sum of money set forth in subsection (i) and subsection (j) of Section 6-6.05 of this chapter shall be paid to the City prior to the installation of the meter facilities to pay all the costs of such installation, except as provided in subsection (b) of this section. The service connection, whether located on public or private property, shall be the property of the City, unless specifically otherwise provided, and the City hereby reserves the right to repair, replace, and maintain such service connection, as well as to remove it upon the discontinuance of service. Meters shall be located as close to the street as possible, preferably, within one foot of back of sidewalk.

(b) ~~*Meters—General.*~~ All services shall be metered.

(c) *Change in location of meters.* Meters moved for the convenience of the customer shall be relocated at the customer's expense. Meters moved to protect the City's property shall be moved at the City's expense.

(d) *Changes in size of meter.* Changes in the size of the meter shall be made on the request of the customer at his or her own expense. An allowance not to exceed one-half of the current cost of the replaced meter may be made.

(e) *Meter reading.* Meters shall be read as nearly as possible on the same day each month.

(f) *Meter testing.* Upon the deposit of a sum as determined by Section 6-6.18 of this chapter by any consumer, the City shall test the meter. The consumer shall be notified when the test is to be performed and may be represented at such test.

If the meter is found to over-register more than 2%, an accurate meter shall be installed, the deposit shall be repaid to the depositor and the excess charge for the time service was rendered the customer requesting the test or for a period of six months, whichever shall be the lesser, shall be refunded to the customer.

If the meter is found to be correct or to register less than the actual quantity of water passing through it, the deposit shall be retained by the City.

If a meter tested at the request of a customer is found to be more than 25% slow, in the case of domestic services, or more than 2% slow, for other than domestic services, the City may bill the customer for the amount of the undercharge based upon corrected meter readings for the period, not exceeding six months, the meter was in use.

All meters shall be tested prior to installation, and no meter which registers more than 2% fast shall be installed.

- (g) *Nonregistering meters.* If a meter is found to be not registering, the charges for service shall be at the minimum monthly rate, or based on the estimated consumption for a comparable period, or by such other method as is determined by the City, and its decision shall be final.

Sec. 6-6.10. - Billing.

- (a) *Billing period.* The regular billing period shall be monthly for all services. ~~Unmetered services shall be payable in advance.~~

- (b) *Opening and closing bills.* Opening and closing bills for less than the normal billing period may be prorated. Closing bills may be estimated by the City for the final period as an expediency to permit the customer to pay the closing bill prior to the time service is discontinued. See Section 6-6.05 for requirements for opening an account.

- (c) *Payment of bills.* Bills for water service and sanitary sewer service shall be rendered at the end of each billing period. Bills shall include the charges for water and sewage and shall be inseparable. Delinquency in any part of the bill shall be sufficient cause for the discontinuance of water service. Bills shall be payable on presentation. On each bill for water and sewer service rendered by the City shall be printed substantially the following: "If this bill is not paid on or before the ~~45th~~ 60th day after the bill was sent, service may be discontinued. A delinquency charge will be made and collected prior to renewing service following a discontinuance."

- (d) *Delinquency notices.* The City shall make the following reasonable, good faith efforts to notify the customer that their account has become delinquent and may be discontinued:

(1) *Additional Notifications.* The City will make a reasonable, good faith effort to notify the customer that the account remains past due and further collection action will be forthcoming approximately 60 days after bill issuance. The means of notification will be based upon the notification preference selected by the customer, e.g. text, phone, or email. Customers who have not selected a means of notification will be notified by phone. The City assumes no responsibility for phone or email contact information that has not been kept up-to-date by the customer.

(2) *Written disconnection notice.* The City shall not discontinue water service for nonpayment until payment by the customer has been delinquent for at least 60 days. The City will make a reasonable, good faith effort to contact the customer in writing at least ten (10) business days before discontinuation of water service for nonpayment.

- (i) The written disconnection notice will be mailed to the mailing address designated on the account. If the mailing address and the address of the property which water service is provided are different, a second notice will be mailed to the physical service address. The written disconnection notice will include:

A. Customer's name and address

B. Amount that is past due

C. Date by which payment or payment arrangements are required to avoid discontinuation of service

D. Description of the process to apply for an amortization plan

E. Description of the process to dispute or appeal a bill

F. City phone number and a web link to the City's Municipal Code Section 6-6.10.(k) – Collection of delinquent water charges

(ii) *Notice to residential tenants/occupants in an individually metered residence.* The City will make a reasonable, good faith effort to inform the occupants, by means of written notice, when the water service account is in arrears and subject to disconnection at least 10 days before water service is shut off. The written notice will advise the tenant/occupant that they have the right to become customers of the City without being required to pay the amount due on the delinquent account, as long as they are willing to assume financial responsibility for subsequent charges for water service at that address. In order for the amount due on the delinquent account to be waived, the tenant/occupant must provide verification of tenancy in the form of a rental agreement or proof of rent payments.

(iii) *Notice to tenants/occupants in a multi-unit complex served through a master meter.* The City will make a reasonable, good faith effort to inform the occupants, by means of written notice hung on the door of each residence, when the water service account is in arrears and subject to disconnection at least 10 days before water service is shut off. The written notice will advise the tenant/occupant that they have the right to become customers of the City without being required to pay the amount due on the delinquent account, as long as they are willing to assume financial responsibility for subsequent charges for water services at the address(es) served by the master meter. If one or more of the occupants are willing and able to assume responsibility for the subsequent charges for water service to the satisfaction of the City, or if there is a physical means, legally available to the City, of selectively terminating service to those occupants who have not met the requirements for service, the City will make service available to the occupants who have met those requirements.

(iv) If the written disconnection notice is returned through the mail as undeliverable, the City will make a reasonable, good faith effort to visit the residence and leave a notice of discontinuance for nonpayment.

(3) *48-hour notice of termination.* The City will make a reasonable, good faith effort to notify the customer 48 hours in advance of disconnection of water service for non-payment. The means of notification will be based upon the notification preference selected by the customer, e.g. text, phone, or email. Customers who have not

selected a means of notification will be notified by phone. The City assumes no responsibility for phone or email contact information that has not been kept up-to-date by the customer.

(i) If the City is unable to make contact by text, phone, or email, a good faith effort will be made to visit the residence and leave a notice of termination of service.

- (ed) *Separate billing.* Separate bills may be rendered for any service which has a separate connection to a City waterline. All City meters shall be billed separately.
- (fe) *Responsibility.* Where there is more than one usage charge on a single parcel being served through a single service, such as a parcel with multiple dwellings, there shall be charged and collected from the parcel owner; the water charge for the entire parcel.
- (gf) *Liability for services rendered.* The owner of single- and multi-family residential property served by the City shall be charged with, and shall be personally responsible for, the water bills incurred for water service to such property. The owner of nonresidential property served by the City may assign responsibility for the water bills incurred for water service to such property to the owner's tenants or lessees. While the tenants or lessees of the premises may sign up for water service, the property owner shall remain ultimately responsible for any incurred water bills.
- (hg) ~~Residential rental account. Advanced payment of \$60 is required.~~ Disputed bills. If a customer disputes the water bill and exercises their right to appeal to the City Council, the City will not disconnect water service for nonpayment while the appeal is pending.
- (ih) *Delinquent charges.* Where a rental property owner has past due charges for utility services, no new account can be established for service at the same property until payment is rendered for those same charges, unless a tenant or tenants elect to assume the responsibility for the account per Section 6-6.10.(d)(iii) – Notice to tenants/occupants in a multi-unit complex served through a master meter.
- (ii) *Owner responsible.* Notwithstanding any provisions of this chapter, the property owner shall be additionally responsible for payment of all unpaid water/sewer bills and other fees owed to the City. Any agreement between landlords and tenants to the contrary will not relieve the landlord or record owner of the property of the responsibility for payment of the water and/or sewer service charges to the City.
- (kj) *Collection of delinquent water charges.* All rates, charges, penalties and interest which remain delinquent as of June 30 of each year may be collected in the same manner as the general taxes for the City for the forthcoming fiscal year, as follows:
- (1) The City's ~~F~~finance ~~D~~department shall prepare a written report, which shall be filed with the City Clerk. The report ~~that~~ shall describe each parcel of real property for which there are any delinquencies in any rates or charges for services rendered to each parcel during the preceding year, and the amount of the delinquency. The report of delinquent water charges may be combined with the report of any other delinquent charges, as long as the report identified the delinquent charges for each service for each parcel.
 - (2) The City Clerk shall publish notice of the report's filing and of the time and place of hearing on the report, prior to the date set for the hearing. The notice shall be published once a week for two successive weeks prior to the hearing. The City

Clerk Finance Department shall also mail written notice of the report's filing to each property owner whose property or parcel is identified as being subject to delinquent charges setting forth individually each property and each of the services and charges due for that property.

- (3) At the time stated in the notice for the prehearing, the Finance Director and/or designee shall hear and consider all objections or protests, if any, to the report concerning the delinquencies in a "prehearing." Thereafter, the City Finance Director may revise, change, reduce, or modify any delinquency, or overrule any or all objections thereto. The Finance Director shall then make his or her determination on each delinquency identified in the report, and present the list to the City Council for final determination at the public hearing stated in the notice.
- (4) At the time stated in the notice, following the prehearing and prior to submission to the County of Sutter, the City Council shall hear and consider all objections or protests, if any, to the report concerning the delinquencies. Thereafter the City Council may adopt, revise, change, reduce or modify any delinquency or overrule any or all objections thereto. The City Council shall then make its determination on each delinquency identified in the report; the City Council's determination shall be final.
- (54) Following the hearing, on or before August 10 of each year, the City Clerk shall file with the City's Finance Director a copy of the signed report to submit to the County. The Finance Director will submit a request to the ~~Sutter~~ County of Sutter to include the amount of delinquencies on the bills for taxes levied against the properties identified in the report.

Sec. 6-6.11. - Discontinuance of service.

- (a) ~~(a)~~ *Discontinuance of service for nonpayment.* Service may be discontinued for the nonpayment of bills on or after the ~~45th-60th~~ day after the bill was sent.
 - (1) Before service is disconnected, the customer will be notified by a written disconnection notice at least ten (10) days prior to termination and a second notice 48 hours prior to termination of service by phone, text, or email and by written door hanger. The failure of the City to send, or any such person to receive, such notice shall not affect the City's power hereunder.
 - (2) A customer's water service may be discontinued if water service furnished at a previous location is not paid for within the time fixed in this subsection for the payment of bills.
 - (3) If a customer receives water service at more than one location, and the bill for service at any one location is not paid within the provided time for payment, water service at all locations may be turned off.
 - ~~(1)~~(4) Domestic service, however, shall not be turned off for the nonpayment of bills for other classes of water service, such as ~~(landscape or fire service).~~
- (b) *Delinquency charges.* A delinquency charge as determined by Section 6-6.18 of this chapter shall be made and collected on the date of scheduled shut-off and thereafter for nonpayment or other violations of this chapter. When bills are delinquent, the City may demand that the full amount of both delinquent and current bills be paid.
- (c) *Unsafe apparatus.* Water service may be refused or discontinued to any premises where apparatus or appliances are in use which might endanger or disturb the service to other customers.

- (d) *Fraud or abuse.* Service may be discontinued if necessary to protect the City against fraud or abuse.
- (e) *Noncompliance with regulations.* Service may be discontinued for noncompliance with the provisions of this chapter or any other laws or regulations relating to water service.
- (f) *Vacation of premises.* Customers desiring to discontinue service shall so notify the City in order to be relieved of continued liability for service charges.
- (g) —*Short-term disconnections for repairs.* Upon notification to the City, short-term disconnections shall be made ~~where the time involved comprises multiples of the minimum billing period in order for the customer to complete necessary repairs to their service line.~~ Disconnections will be made at the earliest convenience of the City.
- (h) Reestablishment of service. In order to resume or continue service that has been disconnected for any reason except short-term disconnections for repairs, the customer must pay a reestablishment fee. The customer will be charged a fee to reestablish service in the billing system regardless of whether the meter has physically been turned off.
 - (1) The City will endeavor to reconnect service as soon as practicable but, at a minimum, will restore service before the end of the next working day following payment of any past due amount, delinquent fees attributable to the termination of service, and/or the abatement of any noncompliance issues.
 - ~~(1)~~(2) Water service that is turned on by any person other than City personnel or without City authorization may be subject to fines or additional charges or fees. Any damages that occur as a result of unauthorized restoration of service are the responsibility of the customer.

Sec. 6-6.12. - Collection by suit.

- (a) *Suits.* All unpaid rates and charges provided for in this chapter may be collected by suit.
- (b) *Costs.* The defendant shall pay all the costs of suit in any judgment rendered in favor of the City.

Sec. 6-6.13. - Public fire protection.

- (a) *Use of fire hydrants.* Fire hydrants shall be for use by the City or by organized fire protection agencies. Other persons desiring to use fire hydrants for any purpose shall first obtain written permission from the City prior to use and shall operate the fire hydrant in accordance with instructions issued by the City. Unauthorized use of fire hydrants shall be prosecuted according to law and ~~are~~is subject to enforcement measures established in Section 6-6.20.
- (b) *Moving fire hydrants.* When a fire hydrant has been installed in the location specified by the proper authority, the City shall have fulfilled its obligation. If a property owner or other person desires a change in the location of the fire hydrant, he or she shall bear all costs of such changes, without refund. Any change in the location of a fire hydrant shall be approved by the City.
- (c) *Public fire protection service.* Where water is furnished for public fire protection through the public distribution system, within and outside the corporate limits of the City, the City may make a charge for such protection.

Sec. 6-6.14. - Private fire protection service.

- (a) *Adequate prevention—General.* A private fire protection service connection, two-in. pipe size and larger, shall be furnished only if adequate provision is made to prevent the use of water from such services for purposes other than fire extinguishing.
- (b) *Unlawful connections.* No person shall make, or allow to exist, any connection to any portion of any line used exclusively for unmetered private fire service ~~or~~ for any other purpose.
- (c) *Check valves and bypass meters.* There shall be installed on all fire-line connections, two-in. pipe size and larger, used exclusively for unmetered private fire services, a detector check valve of a type approved by the National Board of Fire Underwriters and equipped with a bypass meter. Such installations shall be located within public streets, alleys, rights-of-way, or easements.
- (d) *Payment.* If the City installs the private fire protection service, the applicant shall make a deposit, in advance, of the estimated cost of installing the private fire protection service. The charge for such installation shall be based on the City's total cost of all labor, materials, equipment, and other costs incidental to the installation, including the cost of the detector check valve and bypass meter assembly if installed by the City.
- (e) *Title.* The service connection and all equipment appurtenant thereto, including the detector check valve and bypass meter assembly, shall be the sole property of the City, and no part of the cost shall be refunded to the applicant.
- (f) *Use.* The unmetered private fire service line shall be used only for fighting accidental fires and for testing the fire prevention system. No charge shall be made for water used for these two purposes.

Water lost through leakage, or used in violation of these regulations, shall be paid for by the applicant at double the rate charged for general use.

The City shall read such bypass meters for the purposes of detecting any unauthorized use of water through the system. If water is used in violation of these regulations, the City may, at its option, discontinue and remove the service.

- (g) *Rates.* There will be no monthly service charge for fire protection systems.

Sec. 6-6.15. - Temporary service.

- (a) *Duration of service.* Temporary service connections shall be disconnected and terminated within six months after their installation, unless an extension of time is granted in writing by the City.
- (b) *Deposits.* A deposit shall be paid for temporary service per Section 6-6.18 of this chapter. Upon the discontinuance of the service, an adjustment will be made as an additional charge, refund, or credit for the actual cost of installing and removing the facilities required to furnish such service, exclusive of the cost of salvageable materials, as determined by the City, ~~an adjustment will be made as an additional charge, refund, or credit.~~

If service is supplied through a fire hydrant, the applicant shall be charged a flat charge per connection for the installation, moving, and removal of service facilities, including the meter and a deposit as determined by Section 6-6.18 of this chapter. The City will be notified when the service is no longer required. Billing for the usage of water will be at the metered rate schedule and deducted from the deposit, or an additional billing will be made if the usage exceeds the amount of the deposit.

- (c) *Installation and operation.* All facilities for temporary service to the customer connection shall be ~~made~~ installed by the City and shall be operated in accordance with its instructions.
- (d) *Responsibility for meters and installation.* The customer shall use all possible care to prevent damages to the meter or any other loaned facilities of the City which are involved in furnishing the temporary service from the time they are installed until they are removed, or until 48 hours after notice in writing has been given to the City that the contractor or other person is through with the meter and the installation. If the meter or other facilities are damaged, the cost of making repairs shall be paid by the customer.
- (e) *Temporary service from fire hydrants.* If temporary service is supplied through a fire hydrant, a permit for the use of the fire hydrant shall be obtained from the City. It is specifically prohibited to operate the valve of any fire hydrant other than by the use of a spanner wrench designed for such purpose.
- (f) *Unauthorized use of hydrants.* Tampering with any fire hydrant, or the unauthorized use of water therefrom, or for any other purpose, shall be unlawful and ~~are~~ subject to enforcement measures established in Section 6-6.20.
- (g) *Rates.* The rates for temporary service shall be in accordance with regular service. The minimum charge for water shall be as set forth by Section 6-6.18 of this chapter.
- (h) *Credit.* The applicant shall pay the estimated cost of ~~of~~ service in advance or shall be otherwise required to establish credit.

Sec. 6-6.16. - Vacancies.

If vacancies occur in any unmetered housing units, other than those on a reduced rate with no credit for vacancies, and if the water pipelines within and/or without any building or combination of buildings have been provided by owners with shutoff valves, there shall be no charge for such unit or units after such valve or valves have been closed and sealed by the City. The type of shutoff valves to be installed shall be approved by the City, and they shall be located in readily accessible places.

Where there are unusual circumstances which result in a substantial hardship upon the property owner from the strict application of the provisions of this section, the City Manager may grant a variance to these provisions; ~~provided,~~ however, such variance shall be conditioned to the faithful and accurate reporting of vacancies and service renewals which shall be checked by the City and verified in lieu of the turning on or off of the shutoff valve and, ~~provided,~~ further, such variance shall be revoked automatically if it is found by the City that service renewals have not been promptly, accurately, and faithfully reported by the owner or person in responsible charge, and such persons shall not be allowed to declare any vacancies unless each unit is equipped with a shutoff valve as specified in this section.

Sec. 6-6.17. - Reserved.

Sec. 6-6.18. - Summary of charges.

All the latest and current charges shall be found in the City's fee schedule document. The City updates the fee schedule document annually and posts it on the City's website. This section shows the applicable ~~feecharges from July 1, 2016, to June 30, 2017. The charges for all the subsequent years will only be available in City's fee schedule document. categories, which will be reviewed and adjusted by the City Council annually.~~

Beginning in 2017, all the charges related to the use of City water treatment and distribution system set out in Section 6-6.18(j) of this chapter will be reviewed by the City Council on an

annual basis as part of the fiscal year budget review process, prior to the July 1 implementation of the increase for each year. The City Council will retain the authority to set by resolution the actual rates less than the maximum rates set out in Section 6-6.18(j) of this chapter.

- (a) ~~Charges-Fee categories~~ *for installing a water service line from the main to the curb stop.*

1" service without meter
1" meter
1" residential dual water meter (w/fire service)
1 1/2" service without meter
1 1/2" meter
2" service without meter
2" meter

Service lines larger than two-inch shall be charged for actual time and materials (service and/or meter). A deposit will be required based on the cost estimate furnished by the Public Works Department.

- (b) *Other fees.*

Relocate existing water meter
Fire system flow test
Hot Tap—4"
Hot Tap—6"
Hot Tap—8"
Hot Tap—10"

- (c) *Extension charges (Section 6-6.05(j)).*

Parcels zoned <u>(extension fee per front foot*)</u>
R-1 and R-2
All others

* The indicated extension fee includes a surcharge of \$4 per front foot for fire hydrant installations where the City has installed, or plans to install, street fire hydrants serving the property.

(d) *Connection charges (Section 6-6.05(k)).*

Meter Size	Maximum Continuous Flow	Factor
1"	25 GPM	1.00
1½"	50 GPM	2.00
2"	100 GPM	4.00
3"	400 GPM*	16.00
4"	800 GPM*	32.00
6"	1,500 GPM*	60.00
8"	3,500 GPM*	140.00

* Compound meter

Meter type for connections two-inches size and larger will be determined by Yuba the City after consultation with the new customer. ~~Any customer that will utilize, in any month, totaling more than 5% of the maximum continuous meter rating shall have a separate connection charge based on the customer's individual usage characteristics.~~

Any customer that purchases a connection charge prior to July 1, 2000, may complete the project at any time, and is not subject to connection charge rate adjustments or credit of interest. Any connection charges paid on or after July 1, 2000 and the project is completed within 18 months, will not be subject to any additional connection charges or interest credits. A project is deemed completed when all building permits are paid and a final inspection report is issued. Any connection charges paid on or after July 1, 2000, and the project is not completed

≤1"	11	\$21.59	\$28.50	\$33.91	\$39.49	\$41.01	\$42.59
1.5"	22	\$43.18	\$57.00	\$67.83	\$78.98	\$82.03	\$85.18
2"	44	\$86.37	\$114.01	\$135.67	\$157.99	\$164.07	\$170.39
3"	176	\$345.47	\$456.02	\$542.66	\$631.93	\$656.26	\$681.53
4"	352	\$690.95	\$912.05	\$1,085.34	\$1,263.88	\$1,312.54	\$1,363.08
6"	660	\$1,295.52	\$1,710.09	\$2,035.00	\$2,369.76	\$2,461.00	\$2,555.74
8"	1,540	\$3,022.89	\$3,990.21	\$4,748.36	\$5,529.46	\$5,742.34	\$5,963.42
Water Flow Rate: Per Excess HCF		\$1.430	\$1.430	\$1.701	\$1.981	\$2.057	\$2.137

* 1 HCF = 748 gallons

(3) *Unmetered service.* Reserved.

(k) *Meter surcharge for unmetered services.* Reserved.

(l) *Annual adjustments.* Annually on July 1 of each year fees and charges in the following sections shall be adjusted based on the previous April value of the Twenty City Average of Engineering News Record Construction Index: 6-6.18(a), (b), (c) and (d).

Annually on July 1 of each year fees and charges in the following sections shall be adjusted based on the previous April value of the California Consumer Price Index (CPI) for all urban consumers: 6-6.18(e), (f), (h), (i), (m), and (n).

Annually on July 1 of each year fees and charges in the following sections shall be adjusted as shown in that section per Council approval, not to exceed the listed maximums shown in: 6-6.18(j).

(m) *Fees for cross-connection control program.*

(1) Application for backflow tester: ~~—\$56.00~~

(2) Backflow test tags (~~—\$11.00 per tag~~)

(3) Air gap inspection/sticker ~~—\$56.00 per vehicle/equipment piece~~ (~~—~~)

(n) *Water service disconnection.*

(1) Disconnect service (for non-payment): ~~—\$59.00~~

- (2) Meter lock-off
(continued non-payment and/or illegal use): ~~— \$70.00~~
- (3) Meter removal
(continued non-payment and/or illegal use): ~~— \$116.00~~
- (4) After hours reconnection: ~~— \$103.00~~
- (5) Notice served in lieu of disconnect service (plus delinquency charge): ~~— \$36.00~~

(o) Special water surcharge.

(1) Purpose and application. A special water surcharge shall be applied solely and strictly to the service area known as Regions 1, 2, and 3 of the “Former Hillcrest Water System” in accordance with City Resolution No. 10-114 dated December 21, 2010. The region map for the Former Hillcrest Water System is on file at the office of the Public Works Director.

(2) Schedule of special water surcharge and collection thereof. The surcharge shall be applied to the regular utility billing for City water customers within the Former Hillcrest Water System for a period of 20 years beginning in February 2011, in order to pay the determined portion of the two State Revolving Fund loans which were obtained for the conversion of the water system from groundwater to surface water, as determined by the Proposition 218 process and resolved by City Council. The water rate surcharge should not be indexed; the schedule of rates is shown in the chart below:

<u>Service Size</u>	<u>Surcharge Amount</u>
<u>Up to 1”</u>	<u>\$13.57 /month</u>
<u>1-1/2”</u>	<u>\$27.14 /month</u>
<u>2”</u>	<u>\$54.28 /month</u>
<u>3”</u>	<u>\$173.70 /month</u>
<u>4”</u>	<u>\$312.11 /month</u>
<u>6”</u>	<u>\$578.50 /month</u>

(3) Prepayment. Surcharge installments may be prepaid at any time between the date of adoption of the City Council resolution and the date the last surcharge installment is due and payable, by depositing with the City Finance Director a sum equal to the unpaid principal of any remaining surcharge installments, exclusive of any interest or fees thereon.

(a) Upon declaration of the City Council that water supply conditions are such that they dictate and justify the implementation of emergency water restrictions, the following mandatory regulations shall apply to the use of water from the City's municipal public water supply system: the regulations in the Water Shortage Contingency Plan within the City's adopted Urban Water Management Plan will apply.

(b) In the event that any provision of this section or the City Municipal Code conflicts or overlaps with any mandatory state regulation related to water conservation, the mostre stringent shall apply.

(a)(c) Violation of any water restrictions in effect shall be subject to the penalties enumerated in Section 6-6.20 – Enforcement measures.

~~(a) Lawn watering is permitted only as follows:~~

- ~~(1) Wednesdays and Saturdays for those whose address ends with an even number;~~
- ~~(2) Thursdays and Sundays for those whose address ends with an odd number; and~~
- ~~(3) New lawns may be watered three times each day for the first three weeks after planting provided that notification is given to the City Public Works Department of the new planting either at the time of planting or as soon thereafter as is practicable.~~
- ~~(4) Lawn watering is prohibited after 8:00 a.m. and before 8:00 p.m. on any day listed above in Section 6-6.19(a)(1), (2) and (3) during the emergency water restrictions implementation period.~~

~~(b) Cleaning of sidewalks, driveways, parking lots, buildings and other impermeable surfaces by the use of water is prohibited.~~

~~(c) All evaporative coolers must be of the recirculating type.~~

~~(d) Public agencies and/or commercial/industrial companies using City water to irrigate large turf areas greater than 0.5 acre shall submit an irrigation schedule for approval by the Public Works Director. This schedule shall provide for a reduction of water use based on a percentage of previous usage. The actual percentage and base year of usage shall be established by the Public Works Director as approved by the City Council and will be in accordance with the severity of the water shortage declared by the City Council.~~

~~(e) An automatic shutoff nozzle shall be attached to all hoses for all uses except lawn watering as set forth in subsections (a) and (d) above. The use of free flowing hoses is prohibited.~~

~~(f) Car washing will be allowed on the owner's residential property. All other car washing must be done at a commercial car wash facility. Washing of cars in parking lots or other commercial or industrial areas is prohibited except for vehicles owned by the person or agency who leases or owns said property.~~

~~(g) Leaking customer pipes, sprinklers, or other water facilities shall be repaired promptly, and not later than five days after being notified of such leak by the City. In the event of a severe leak, as determined by the City, the repairs shall be made in the shortest time reasonably possible.~~

~~(h) Commercial nurseries will be allowed to apply water to plant materials located on their property as needed to maintain said plant material. Watering shall be by a method~~

~~which does not allow the waste of water. This permission does not apply to turf or lawn material. Turf or lawn materials shall be watered in accordance with either subsection (a) or (d) of this section.~~

- ~~(i) Watering of trees, shrubs, hedges and other plant materials excepting lawns shall be done with a drip system, by a hand held hose with an automatic shutoff nozzle, or by use of a water bucket. There shall be no runoff caused by watering of these plant materials.~~
- ~~(j) Decorative water facilities such as ponds or fountains are prohibited unless they are equipped with a recycling device approved by the City.~~
- ~~(k) All restaurants and other food and drink establishments shall furnish water only at the request of the customer.~~
- ~~(l) Allowing water to run off beyond the owner's property lines is prohibited.~~

Sec. 6-6.20. - Enforcement measures.

- (a) For each violation of any of the provisions/regulations set forth in this chapter, there shall be assessed against the responsible party for the property on which the violation occurs, i.e. the owner, lessee, person in possession of said property, or the person reflected in the Yuba City utility records as the party to whom the water bill is sent, the following penalties:
 - (1) First violation: A written warning of such violation.
 - (2) Second violation: \$50 surcharge which shall appear on the next monthly water billing.
 - (3) Third violation: \$100 surcharge which shall appear on the next monthly water billing.
 - (4) Fourth and subsequent violations: \$250 surcharge which shall appear on the next monthly water billing.
- (b) For each violation of any of the cross-connections or other provisions/regulations as set forth in Section 6-6.08 or 6-6.21 there shall be assessed against the responsible party for the property on which the violation occurs, i.e. the owner, lessee, person in possession of said property, or the person reflected in the Yuba City utility records as the party to whom the water bill is sent, the following penalties:
 - (1) First violation: A written warning of such violation and five times the value of the water.
 - (2) Second violation: \$500 surcharge and ten times the value of the water, which shall appear on the next monthly water billing.
 - (3) Third and subsequent violation: \$5,000 surcharge and ten times the value of the water, which shall appear on the next monthly water billing.

Sec. 6-6.21. - Cross-connection control program.

A cross-connection control program is established as provided in this section.

- (a) *Purpose/references/case history.*

- (1) *Purpose.*

- (i) To protect the public water supply against actual or potential cross-connection by isolating within the premises contamination that may occur because of some undiscovered or unauthorized cross-connection on the premises;

- (ii) To eliminate existing connections between drinking water systems and other sources of water that are not approved as safe and potable for human consumption;
- (iii) To eliminate cross-connections between drinking water systems and sources of contamination;
- (iv) To prevent the making of cross-connections in the future;
- (v) This section is adopted pursuant to the State of California Code of Regulations, Title 17 and 22 Public Health, and entitled "Regulations Relating to Cross-Connections," requiring the water supplier to administer a program to ensure cross-connection devices are installed, maintained, and tested annually.

(2) *References.*

- (i) Under Public Law 99-339 the Safe Drinking Water Act inclusive of amendments;
- (ii) California Plumbing Code Chapter 6602.0602.1 602.2 602-3 602-4;
- (iii) California Administrative Code Titles 17 and 22;
- (iv) City of Yuba City Standard Details 408408A 410 413;
- (v) Manual of Cross Connection Control, 9th Edition, published by University of Southern California Foundation for Cross-Connection Control and Hydraulic Research.

(3) *Case History.* Manual of Cross Connection Control, 9th Edition, published by University of Southern California Foundation for Cross-Connection Control and Hydraulic Research.

(b) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Air-gap separation (AG)* shall mean a physical break between a supply pipe and a receiving vessel. The air-gap shall be at least double the diameter of the supply pipe measured vertically above the top rim of the vessel, in no case less than one inch.
- (2) *Approved backflow prevention device* shall mean devices which have passed laboratory testing and field evaluation tests performed by a recognized testing organization which has demonstrated their competency to perform such tests to the (AWWA) American Water Works Association and possess a valid certification.
- (3) *Approved water supply* shall mean any water supply whose potability is regulated by a State-state or local health agency, including the water supplier.
- (4) *Auxiliary water supply* shall mean any water supply on or available to the premises other than the approved water supply.
- (5) *AWWA standard* shall mean an official standard developed and approved by the American Water Works Association (AWWA).
- (6) *Backflow* shall mean a flow condition, caused by a differential in pressure, that causes the flow of water or other liquids, gases, mixtures, or substances into the distributing pipes of a potable supply of water from any source or sources other

than an approved water supply source, whether caused by back siphonage, backpressure, or otherwise.

- (7) *Contamination* shall mean a degradation of the quality of the potable water by any substance which creates a hazard to the public health or which may impair the usefulness or quality of the water.
 - (8) *Cross-connection* shall mean any actual or potential connection between a potable water system used to supply water for potable purposes and any source or system containing unapproved water or a substance that is not or cannot be approved as safe, wholesome, and potable. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, or any other devices through which backflow could occur, shall be considered to be cross-connections.
 - (9) *Double check-valve assembly* shall mean an assembly of at least two independently acting check-valves including tightly closing shutoff valves on each side of the check-valve assembly and test cocks available for testing the water-tightness of each check-valve.
 - (10) *Health agency* shall mean the California Department of Public Health.
 - (11) *Local health agency* shall mean ~~the~~ Sutter County Environmental Health.
 - (12) *Person* shall mean an individual, corporation, company, association, partnership, municipality, public utility, or other public body or institution.
 - (13) *Premises* shall mean any and all areas on a property which ~~is-are~~ served or ~~has~~ have the potential to be served by the public water system.
 - (14) *Public water system* shall mean water provided by the City of Yuba City.
 - (15) *Reclaimed water* shall mean a wastewater which as a result of treatment is suitable for uses other than potable use.
 - (16) *Reduced pressure principle backflow prevention assembly* shall mean an assembly incorporating two or more check-valves and an automatically operating differential relief valve located between the two checks, a tightly closing shut-off valve on each side of the check-valve assembly, and equipped with necessary test cocks for testing.
 - (17) *Service connection* shall mean and refer~~s~~ to the point of connection of a water user's piping to the water supplier's facilities.
 - (18) *Unprotected cross-connection* shall mean any cross-connection not outfitted with an air-gap separation, double check-valve assembly or reduced pressure principle backflow prevention assembly.
 - (19) *Water supplier* shall mean the City of Yuba City who operates the approved water supply system. For the purposes of this document, the term "water supplier" shall mean the City.
 - (20) *Water user* shall mean any person obtaining water from an approved water supply system of the City of Yuba City.
- (c) *Cross-connection protection requirements.*
- (1) *General provisions.*

- (i) It is unlawful for any person, firm, or corporation at any time to make or maintain or cause to be made or maintained, temporarily or permanently, for any period of time whatsoever, any cross-connection between plumbing pipes of water fixtures being served with water by the City and any other source of water supply, or to maintain any sanitary fixture or other appurtenances or fixtures which by reason of their construction may cause or allow backflow of water or other substances into the water supply system of the City and/or the service of water pipes or fixtures of any water user of the City.
- (ii) Unprotected cross-connections with the City's water supply are prohibited.
- (iii) Whenever the water supplier, health agency, or local health agency determines that backflow protection is required on a premises, the City will require the water user to install an approved backflow prevention device at his/her expense for continued services or before a new service will be granted or continued.
- (iv) Wherever the water supplier, health agency, or local health agency determines that backflow protection is required on a water supply line entering a water user's premises, then any and all water supply lines from the City's mains entering such premises, buildings, or structures shall be protected by an approved backflow prevention device, to be installed at the water user's expense. The type of device to be installed will be in accordance with the requirements of this section.
- (v) Every fire protection system served by the water supplier shall be separately connected to the public water system, and not interconnected to plumbing systems serving domestic or irrigation water unless approved by the Public Works Director.
- (vi) All services to commercial or industrial users who apply for new construction or remodel permits shall at that time upgrade all service connection points to current standards. This includes domestic/irrigation/fire water service connection points.
- (vii) Any current device that does not meet current standards must be replaced. The water user must retrofit their assembly to meet current standards at the water user's expense.
- (viii) Backflow preventive assemblies shall have at least the same cross-sectional area as the water meter or less than the cross-sectional area with exception of those in parallel. In those instances where a continuous water supply is necessary ~~and~~, two sets of backflow preventive assemblies shall be installed in parallel, if the water supply cannot be temporarily interrupted for the testing of or the repair of the assemblies.
- (ix) *Cross-connections.* The customer shall comply with State-state and Federal federal laws governing the separation of dual water systems or installations of backflow protective devices to protect the public water supply from the danger of cross-connections. Backflow protective devices shall be installed as near the service as possible and shall be open to tests and inspections by the City. Plans for the installation of backflow protective devices shall be approved by the City prior to installation.

- (x) In special circumstances, where the customer is engaged in the handling of especially dangerous or corrosive liquids or industrial or process waters, the City may require the customer to eliminate certain plumbing or piping connections as an additional precaution and as a protection to the backflow preventive devices.
 - (xi) As a protection to the customer's plumbing system, a suitable pressure relief valve shall be installed and maintained by him or her, at his or her expense, when check valves or other protective devices are used. The relief valve shall be installed between the check valves and the water heater. The devices shall be serviced, overhauled, or replaced whenever they are found defective, and all costs of repair, replacement, and maintenance shall be borne by the customer.
 - (xii) *Direct connections to stationary steam boiler, hydraulic elevators, power pumps, and similar apparatus.* No person shall draw water from City pipes directly into any stationary steam boiler, hydraulic elevator, power pump, or similar apparatus.
 - (xiii) Where City water is used to supply a steam boiler, hydraulic elevator, or power pump, its owner shall provide tankage of sufficient capacity to afford a supply of at least 12 hours, into which the service pipe shall be discharged.
 - (xiv) *Commercial and industrial cooling systems.* All commercial and industrial businesses shall be required to equip all air conditioning and evaporative cooler units using City water with cooling towers and/or recirculating water pumps in order to conserve City water.
 - (xv) *Responsibility for equipment.* The customer shall, at his or her own risk and expense, furnish, install, and keep in good and safe condition all equipment which may be required for receiving, controlling, applying, and utilizing water. The City shall not be responsible for damages to property caused by faucets, valves, and other equipment which is open when water is turned on at the meter, either originally or when turned on after a temporary shutdown.
- (2) *Where protection is required.*
- (i) Each service connection from the City water system for supplying water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the public water system.
 - (ii) Each service connection from the City water system for supplying water to any premises on which any substance, which has the potential to create contamination, is handled in such fashion as may allow its entry into the water system, shall be protected against backflow of the water from the premises into the public system by a backflow prevention device to be installed at the water user's expense. Backflow prevention devices shall also be installed, at the water user's expense, for service connections handling process waters and waters originating from the City water system which have been subjected to contamination from the premises.
 - (iii) Backflow prevention devices shall be installed on all service connections to any premises having any of the following:

- A. Internal cross-connections that cannot be permanently corrected and controlled to the satisfaction of the State-state or local health agency and the City; or
 - B. Intricate plumbing and piping arrangements; or
 - C. Where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not cross-connections exist; or
 - D. Any premises that has pumps to increase water pressure from the supplier.
- (iv) Any system or premises designated to serve multiple residential, commercial, or industrial tenants whose water practices are unknown at the time the plumbing or building permit is issued shall be protected against backflow of water from the premises to the public water system by a backflow prevention device of the type required by the City, health agency, or local health agency. The determination of the type of backflow prevention device required shall be based on a determination of the potential hazard that may reasonably be expected to be encountered in buildings of similar type or nature.
- (v) All portable pressure spray or cleaning units (including water trucks, street sweepers, etc.) that have the capability of connecting to any water supplier's system shall be provided with an air-gap separation.
- (3) *Type of protection required.*
- (i) The type of protection that shall be provided to prevent backflow into the approved water supply shall be commensurate with the degree of hazard that exists on the consumer's premises. The type of protective device that may be required (listed in an increasing level of protection) includes: double check-valve assembly (DC), reduced pressure principle backflow prevention device (RP), and an air-gap separation (AG). The water user may choose a higher level of protection than required by the City, health agency, or local health agency. The minimum types of backflow protection required to protect the approved water supply at the user's water connection to premises with varying degrees of hazard are given in Table 1. Situations which are not covered in Table 1 shall be evaluated on a case-by-case basis and the appropriate backflow protection shall be determined by the City or health agency, consistent with the highest practicable protection of potable water supplies.

TYPE OF BACKFLOW PROTECTION REQUIRED
TABLE 1

Degree of Hazard	Minimum Type of Backflow Prevention
Sewage and Hazardous Substances	<u>See below</u>

(1) Premises where the public water system is used to supplement the reclaimed water supply.	AG
(2) Premises where there are wastewater pumping and/or treatment plants and there is not interconnection with the potable water system. This does not include a single-family residence that has a sewage lift pump. An RP may be provided in lieu of an AG if approved by both the health agency and the City.	AG
(3) Premises where reclaimed water is used and there is no interconnection with the potable water system. An RP may be provided in lieu of an AG if approved by both the health agency and the City.	AG
(4) Premises where hazardous substances are handled in any manner in which the substances may enter a potable water system. This does not include a single-family residence that has a sewage lift pump. An RP may be provided in lieu of an AG if approved by both the health agency and the City.	AG
(5) Premises where there are irrigation systems into which fertilizers, herbicides, or pesticides are, or can be, injected or assimilated.	RP
Auxiliary Water Supplies	See below
(1) Premises where there is an unapproved auxiliary water supply which is interconnected with the public water system. An RP may be provided in lieu of an AG if approved by both the health agency and the City.	AG
(2) Premises where there is an unapproved auxiliary water supply and there are no interconnections with the public water system. A DC may be provided in lieu of an RP if approved by both the health agency and City.	RP
Fire Protection Systems	See below
(1) Premises where fire system is directly supplied from the public water system and there is an unapproved auxiliary water supply on or to the premises (not interconnected).	RP
(2) Premises where the fire system is supplied from the public water system and interconnected with an unapproved auxiliary water supply. An RP may be provided in lieu of an AG if approved by both the health agency and City.	AG
(3) Premises where the fire system is supplied from the public water	RP

system and where either elevated storage tanks or fire pumps which take suction from the private reservoirs or tanks are used.	
(4) Dockside watering points and marine facilities.	RP
(5) Premises where there are marine facilities.	RP
(6) Premises where entry is so restricted that the City determines that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross-connections do not exist.	RP
(7) Premises where cross-connections have been established or reestablished two or more times or any other water service that the health agency or the City determines that a cross-connection hazard may exist.	RP

(d) *Backflow prevention devices.*

(1) *Approved backflow prevention devices.*

- (i) Only backflow prevention devices which have been approved by the City shall be acceptable for installation by a water user connected to the City's potable water system.
- (ii) The City will provide, upon request, to any affected customer a list of approved backflow prevention devices.

(2) *Backflow prevention device installation.*

- (i) Backflow prevention devices shall be installed in a manner prescribed in Section 7603, Title 17/22, of the California Administrative Code of Regulations. Location of the devices shall be as close as practical to the user's connection to the public water supply. The City shall have the final discretionary authority in determining the required location of a backflow prevention device.

A. *Air-gap separation (AG).* The air-gap separation shall be located on the user's side of and as close to the service connection as is practical. All piping from the service connection to the receiving tank shall be above grade and be entirely visible. No water use shall be provided from any point between the service connection and the air-gap separation. The water inlet piping shall terminate a distance of at least two pipe diameters of the supply inlet, but in no case less than one ~~inch~~ above the overflow rim of the receiving tank.

B. *Reduced pressure principal backflow prevention device (RP).* The approved reduced pressure principal backflow prevention device shall be installed on the user's side of and as close to the service connection as is practical. The device shall be installed a minimum of 12 ~~inches~~ above

grade and not more than 36 ~~inches~~ above grade measured from the bottom of the device and with a minimum of 12 ~~inches~~ side clearance. The device shall be installed so that it is readily accessible for maintenance and testing. Water supplied from any point between the service connection and the RP device shall be protected in a manner approved by the City.

- C. *Double check-valve assembly (DC)*. The approved double check-valve assembly shall be located as close as practical to the user's service connection and shall be installed above grade, if possible, and in a manner where it is readily accessible for testing and maintenance. If a double check-valve assembly is put below grade it must be installed in a vault such that there is a minimum of six ~~inches~~ between the bottom of the vault and the bottom of the device, so that the top of the device is no more than eight ~~inches~~ below grade, so there is a minimum of six ~~inches~~ of clearance between the side of the device with the test cocks and the side of the vault, and so there is a minimum of three ~~inch-in~~ clearance between the other side of the device and the side of the vault. Double check-valve assemblies of the "Y" type must be installed on their "side" with the test cocks in a vertical position so that the check-valve may be removed for service without removing the device. Vaults which do not have an integrated bottom must be placed on a three-inch layer of gravel.

(3) *Backflow prevention device testing and maintenance.*

- (i) California Department of Public Health requires that the City administer a cross-connection program to ensure that annual testing is completed. The owners of any premises on which, or on account of which, backflow prevention devices are installed, shall have the devices tested by a person certified by the American Water Works Association and approved by the City. Backflow prevention devices must be tested at least annually and immediately after installation, relocation, or repair. The City may require a more frequent test schedule if it is determined to be necessary. No device shall be placed back in service unless it is functioning as required. A report in a form acceptable to the City shall be filed with the City each time a device is tested, relocated, or repaired. These devices shall be serviced, overhauled, or replaced whenever they are found to be defective and all costs of testing, repair, and maintenance shall be borne by the water user.
- (ii) The City will supply affected water users with a list of persons acceptable to the City to test backflow prevention devices. The City will notify affected customers by mail when annual testing of a device is needed and also supply users with the necessary forms which must be filled out each time a device is tested or repaired.

(4) *Backflow prevention device removal.*

- (i) Approval must be obtained from the City before a backflow prevention device is removed, relocated, or replaced.
- A. *Removal*. The use of a device may be discontinued and the device removed from service upon determination by the City that a hazard no longer exists or is not likely to be created in the future. All well(s) must be abandoned by permit through Sutter County Environmental Health.

- B. *Relocation.* A device may be relocated following confirmation by the City of Yuba City that the relocation will continue to provide the required protection and satisfy installation requirements. The City shall require a retest following the relocation of the device to verify the required level of protection.
 - C. *Repair.* A device may be removed for repair, provided the water use is either discontinued until repair is completed and the device is returned to service, or the service connection is equipped with other backflow protection approved by the City. The City shall require a retest following the repair of the device to verify the required level of protection.
 - D. *Replacement.* A device may be removed and replaced provided the water use is discontinued until the replacement device is installed. All replacement devices must be approved by the City and must be commensurate with the degree of hazard involved or updated to current standards.
- (e) *User supervisor.* At each premise where it is necessary, in the opinion of the City, a user supervisor shall be designated by and at the expense of the water user. This user supervisor shall be responsible for the monitoring of the backflow prevention devices and for avoidance of cross-connections. In the event of contamination or pollution of the drinking water system due to a cross-connection on the premises, the City shall be promptly notified by the user supervisor so that appropriate measures may be taken to overcome the contamination. The water user shall inform the City of the user supervisor's identity annually, and whenever a change occurs. Any cost incurred by the City due to contamination by the failure/tampering or removal of the backflow device caused by user negligence shall be the responsibility of the water user or the property owner.
- (f) *Administrative procedures.*
- (1) *Water system survey.*
 - (i) The City shall review all requests for new services to determine if backflow protection is needed. Plans and specifications must be submitted to the City upon request for review of possible cross-connection hazards as a condition of service for new service connections. If it is determined that a backflow prevention device is necessary to protect the public water system, the required device must be installed before service will be granted.
 - (ii) The City may require an on-premises inspection to evaluate cross-connection hazards. The City will transmit a written 48-hour notice requesting an inspection appointment to each affected water user. Any customer ~~which~~ who cannot or will not allow on-premises inspection of their piping system shall be required to install the backflow prevention device the City considers necessary.
 - A. *Right of entry for inspections.* Upon presentation of official identification, any authorized employee of the City on official business shall be allowed access at reasonable hours to any premises supplied by City water supply.
 - B. Any person who, as owner or occupant of any premises, refuses admittance to or hinders or prevents inspection by an authorized

employee of the City may have all water service to the premises terminated. Water will not be restored until an inspection is performed and any corrective action has been addressed. A reconnection fee will be charged in accordance with the fees established in Section 6-6.18 of this chapter.

- C. The City may, at its discretion, require a re-inspection for cross-connection hazards of any premises to which it serves water. The City will transmit a written 48-hour notice requesting an inspection appointment to each affected water user. Any customer ~~which~~ who cannot or will not allow on-premises inspection of their piping system shall be required to install the backflow prevention device the City considers necessary.

(2) *Customer notification—Device installation.*

- (i) The City will notify any affected water user of the survey findings, listing corrective action to be taken if required. A period of 30 days will be given to complete all corrective action required including installation of backflow prevention devices.
- (ii) A second notice will be sent to each water user which does not take the required corrective action prescribed in the first notice within the 30-day period allowed. The second notice will give the water user a 15-day period to take the required corrective action. If no action is taken within the two-week period the City may terminate water service to the affected water user until the required corrective actions are taken. A reconnection fee will be charged per the City's fee schedule.

(3) *Customer notification—Testing and maintenance.*

- (i) The City will notify each affected water user 15 days prior to the time for the backflow prevention device installed on their service connection to be tested. This written notice shall give the water user 60 days to have the device tested and supply the City with a completed test report. All test reports are due annually on the first day of the month in which the device was installed, repaired, or replaced.
- (ii) A second notice shall be sent 30 days after the first notice to each City water user which does not have his/her backflow prevention device tested as prescribed in the first notice within the 60-day period allowed. The second notice will give the water user a 30-day period within the original 60-day period to have his/her backflow prevention device tested.
- (iii) A third and notice shall be sent to have his/her backflow prevention device tested. If no action is taken within the remaining 14--day period, a 48-hour notice will be hand--delivered prior to the shut off time and date stated in the third notice. The City may terminate water service to the affected water user at that time to the premises until the subject device is tested. A reconnection fee will be charged in accordance with the City's fee schedule before the water service will be restored.

(g) *Tester requirements.*

- (1) ~~Business license required.~~ All testers must possess a current business license issued by the City.

- (2) *Application for testers.* All parties that wish to test backflow prevention devices within the City surface or groundwater systems shall complete an application for approval to the City cross-connection control program and pay all applicable fees as set forth in Section 6-6.18 of this chapter. All fees for applications are non-refundable regardless of approval. If approved, this will permit testing for a period of three years from the approval date. Before the expiration of the initial three-year period, a notification letter of upcoming expiration will be sent. For renewal, a new application and all applicable fees must be paid. Notification by phone or mail will occur regardless of approval. All test equipment must be calibrated within the last 12 months and calibration reports must be submitted with each application. The responsibility for maintaining current approval status is solely the applicant's responsibility. Tester fees and backflow tag fees shall be waived for City employees for the testing of municipal devices only.
 - (3) *Backflow tags.* Every individual backflow device must have a backflow test tag. Serial numbers from tags must be printed on all test report forms submitted. A new tag must be placed on each device at the number one test cock each time the device is tested, repaired, or relocated. All backflow tags must be purchased at the City Finance Department, 1201 Civic Center Boulevard, Yuba City, California, 95993 in accordance with the fees established in Section 6-6.18 of this chapter. Tags are valid from January 1 through December 31 of each year. Tags will expire on December 31 of every calendar year and each year's tags will be of differing color. Tag fees are nonrefundable and unused tags may not be returned for a refund.
 - (4) *Application forms.* All application forms can be picked up and returned with fees paid at the time of application to the City of Yuba City Finance Department, 1201 Civic Center Boulevard, Yuba City, California, 95993 (Attention Cross-Connection Control Program).
 - (5) *Test forms.* All test forms must be approved by The City of Yuba City Cross-Connection Program.
- (h) *Water service termination.*
- (1) *General.* When the City encounters water uses that represent a clear and immediate hazard to the potable water supply that cannot be immediately abated, the City shall institute the procedure for discontinuing the City water service.
 - (2) *Basis for termination.* Conditions or water uses that create a basis for water service termination shall include, but are not limited to, the following items:
 - (i) Refusal to install a required backflow prevention device;
 - (ii) Refusal to test a backflow prevention device;
 - (iii) Refusal to repair a faulty backflow prevention device;
 - (iv) Refusal to replace a faulty backflow prevention device;
 - (v) Direct or indirect connection between the public water system and a sewer line;
 - (vi) Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants;
 - (vii) Unprotected direct or indirect connection between the public water system and an auxiliary water system;

(viii) A situation which presents an immediate health hazard to the public water system.

(3) *Water service termination procedures.*

(i) For conditions (i), (ii), (iii) or (iv) of subsection (h)(2) of this section, the City will terminate service to a customer's premises after two written notices have been sent specifying the corrective action needed and the time period in which it must be done. If no action is taken within the allowed time period, water service may be terminated.

(ii) For conditions (v), (vi), (vii) or (viii) of subsection (h)(2) of this section, the City will take the following steps:

A. Make reasonable effort to advise the water user of intent to terminate water service;

B. Immediately terminate water supply and lock service valve. The water service will remain inactive until correction of violations has been approved by the City. A reconnection fee will be charged in accordance with the City's shutoff policy.

(i) *Fire hydrant use.*

(1) ~~[Hydrant meter required.]~~ It is unlawful for any unauthorized person to draw, cause to be drawn, or allow to be drawn, for any purpose whatsoever, any water from any fire backflow device or fire hydrant within the City's public water supply (surface or groundwater) without a hydrant meter issued from the Finance Department, ~~with exception to~~ any authorized fire personnel. All unauthorized water use will be considered theft of a public utility and subject to the fees/fines established in Section 6.20 of this chapter. All conditions of subsection B of this section shall apply and the City may require additional backflow prevention devices in companion with the hydrant meter. The additional backflow device will be at the user's expense.

(2) ~~Air-gap inspection and stickers.~~ All water trucks, tanks, and other equipment drawing water from within the City's public water supply (surface or groundwater) shall be inspected annually and approved by the Public Works Department for proper air gap prior to drawing water. Upon approval by the Public Works Department a color-coded verification sticker that contains a specific serial number shall be applied to the vehicle's windshield or rear bumper. The sticker will be valid for one year from the date of issuance. All inspections are to be paid for in advance at the City of Yuba City Finance Department, 1201 Civic Center Boulevard, Yuba City, California, 95993 in accordance with the fees established in Section 6.18 of this chapter. All unauthorized water use will be considered theft of a public utility and subject to the fees/fines established in Section 6.20 of this chapter.

(3) *Pools and tanks.* When an abnormally large quantity of water is desired for filling a swimming pool or for other purposes, arrangements shall be made with the City prior to taking such water.

Sec. 6-6.22 – Assessment installments in lieu of payment of water fees.

(a) Purpose/findings/definitions.

(1) Purpose.

- (i) To authorize and establish a procedure for levying assessment installments in lieu of payment of fees associated with the initial extension and connection of water service as outlined in Section 6-6.05. – Application for regular service and Section 6-6.18. – Summary of charges.

(2) Findings.

- (i) There remain within the City's Sphere of Influence a number of residential and non-residential premises which are still being served by private wells rather than being connected to the City water distribution system.
- (ii) One means of facilitating connection of the premises to the City water system is to provide the owners of such premises with an alternate means of financing the water extension and connection fees for assessment installments in lieu of lump sum payment of the fees, which ordinarily become due and payable at the time of connection of the premises to the City water system and before service is established, per the provisions of Section 6-6.05 – Application for regular water service.
- (iii) The intent in enacting this section of the Municipal Code is to provide such financial assistance by allowing payment of such fees over a ten-year period through the levying of assessment installments in lieu of payment of water fees in the manner provided for by this section.

(3) Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (i) *Water fees* shall mean any and all fees and charges associated with the extension and connection of new regular water services, as described in Section 6.6-18 – Summary of charges. All charges and fees related to the installation of service, including meters and material costs, shall be made in lump sum at the time of request.
- (ii) *Assessment installments* shall mean the assessments levied on the property's taxes over a ten-year period following approval by the City Council and direction to the County Auditor. This shall include any interest thereon or subject administrative fees.
- (iii) *Engineer* shall mean the City Engineer, who may also be the Public Works Director.
- (iv) *City water service area* shall mean the area within the City's incorporated limits and Sphere of Influence which is or may be served by City water.

(b) Applicability. The provisions of this section shall apply to and authorize the levy of assessment installments in lieu of payment of water fees for the following residential and non-residential premises within the City water service area connecting to the City water distribution system:

(1) Premises within the incorporated territory of the City of Yuba City. Where premises connecting to the City water distribution system are located in that part of the City water service area within the incorporated territory of the City, this section shall authorize the levy of assessment installments in lieu of payment of water fees if, and only if, such assessment has been approved and authorized by the City Council, and if such premises are presently being served by a private well, it will be abandoned entirely or separated from the City's water distribution systems by means of an approved backflow prevention device in accordance with Section 6-6.21 – Cross-connection control program.

(2) Premises within the City's Sphere of Influence in the County of Sutter. Where the premises being connected to the City water distribution system are located in that part of the City water service area within the City's Sphere of Influence in the County of Sutter, this section shall authorize the levy of assessment installments in lieu of payment of water fees if, and only if, such assessment has been approved and authorized by the City Council; if such premises are presently being served by a private well, it will be abandoned entirely or separated from the City's water distribution system by means of an approved backflow prevention device in accordance with Section 6-6.21 – Cross-connection control program; and upon execution of an extraterritorial agreement with the City.

(c) Petition for levying assessment installments in lieu of payment of water fees.

(1) Proceedings for levying assessment installments in lieu of the payment of water fees shall be initiated by a petition filed in the office of the Engineer.

(2) Such petition shall describe the premises to be connected to the City water distribution system by street address or other method sufficient to enable the Engineer to identify the location and boundaries of such premises; shall include a declaration that if the premises are presently being served by a private well, it will be abandoned entirely or separated from the City's water distribution system by means of an approved backflow prevention device in accordance with Section 6-6.21. – Cross-connection control program; shall set forth the requests of the petitioners for the City Council to levy an assessment in lieu of payment of water fees in the manner provided for by this section; and shall be signed by and set forth the mailing address of all persons owning an interested in the fee title to the premises.

(3) Any such administrative or operational costs incurred by the processing of the petition in the manner provided for by this section may be charged as a petition fee at the discretion of the Engineer.

(d) Report of Engineer on assessment petition.

(1) Following receipt of an assessment petition, the Engineer shall promptly cause a report to be made on the petition.

(2) The report shall set forth the following:

- (i) A description of the premises which are the subject of the petition both by legal description and assessor's parcel number;
- (ii) The name and mailing address of all persons owning an interest in the fee title to the such premises;
- (iii) A determination as to whether the premises are located in that part of the City water service area within the incorporated territory of the City or that part of the City water service area within the City's Sphere of Influence in the County of Sutter;
- (iv) A computation of the total amount of the water fees which would become due and payable in accordance with the provisions of Sections 6-6.05. and 6-6.18. of this chapter at the time of connection of the premises to the City water distribution system and before service is established; and,
- (v) A schedule of the assessment installments to be levied against the subject premises in order to pay all such water fees, together with interest and an administrative fee thereon, in ten annual installments, all at the time, in the amounts, and in the manner hereinafter provided by this section.

(3) Following completion of such report, the Engineer shall cause the petition and report to be brought before the City Council for consideration for approval and authorization.

(e) Consideration of assessment petition by City Council.

(1) On the date and at the time of the City Council meeting on the assessment petition, the City Council shall consider the assessment petition, the report of the Engineer on the assessment petition, and any other relevant matters bearing on the petition and/or the assessment installments to be levied in lieu of payment of water connection fees pursuant to the assessment petition.

(2) Following consideration, of the assessment petition and report, the City Council may, by resolution:

- (i) Grant the petition and levy assessment installments in lieu of payment as outlined herein this section;
- (ii) Direct the City Manager, Engineer, Finance Director, and any other necessary staff to conduct any required action(s);

(iii) Approve an extraterritorial agreement in cases where the subject premises fall outside of City limits but within the City's Sphere of Influence.

(f) Establishment of assessment installments.

- (1) Upon receipt of a certified copy of a resolution of the City Council levying assessment installments in lieu of payment of water fees, the Engineer shall cause the resolution to be recorded in the official records of the County of Sutter.
- (2) After the date of such recordation, the assessments provided for by such resolution shall constitute a lien upon the premises which are the subject of the resolution which shall have the priority and effect of an assessment lien as provided for by Article 13, Chapter 4, Part 1, Division 2, Title 5 of the California Government Code (commencing with Section 53930) or any other law of the State of California applicable to assessment liens levied by a municipality.
- (3) Following recordation, the Engineer shall ensure that such resolution be transmitted to the Sutter County Auditor with the request that the assessment installments levied by the resolution be added to the County tax rolls at the time and manner provided therein.
- (4) Thereafter, all assessment installments provided for in the resolution which become due in any year, together with all interest thereon, shall be payable in the same manner and at the same time that general taxes of the County on real property are payable, and such assessment installments and all interest and fees thereon shall become delinquent at the same time and bear the same proportional penalty and interest after delinquency as do the general taxes of the County on real property.

(g) Assessment installments.

- (1) Timing of payment. Assessments in lieu of the payment of water fees, including interest thereon and any required administrative fees, shall be levied in ten equal installments of principal, interest, and administrative fees due and payable as follows:
 - (i) Where the resolution levying the assessment installments is adopted by the City Council between January 1st and July 10th, assessment installments shall be due payable commencing on November 10th of the calendar year in which the resolution was adopted and on November 10th of each year thereafter until all assessment installments have been paid in full, November 10th being the same date that County property taxes are due and payable under the laws of the State of California.
 - (ii) Where the resolution levying the assessment is adopted by the City Council between July 11th and December 31st, assessment installments shall be due and payable commencing on November 10th of the calendar year next succeeding the calendar year in which the resolution was adopted and on November 10th of each year thereafter until all assessment installments have been paid in full.

(2) Calculation of interest. Interest on assessment installments shall be computed on the basis of an interest rate equal to the rate of cash held in pooled investments (LAIF), as calculated and published for the previous fiscal quarter, together with all appurtenant documents and fees required by this section, is filed in the office of the Engineer, plus two percent (2%) annual interest and an annual administrative fee of two percent (2%).

(3) Prepayment. Assessment installments may be prepaid at any time between the date of adoption of the City Council resolution and the date the last assessment installment is due and payable by depositing with the Treasurer-Tax Collector of the County of Sutter a sum equal to the principal, interest, fees, and any penalties due on any delinquent installments on prior tax years and a sum equal to the principal, interest, and fees due on the current tax year assessment roll, and then depositing with the City Finance Director a sum equal to the unpaid principal of any remaining assessment installments, exclusive of any interest or fees thereon.

(i) Upon prepayment of the remaining assessment installments, the City Finance Director shall request the Sutter County Auditor to remove all such assessment installments from the County tax rolls and shall also cause the assessment lien levied by the City Council resolution to be released in the manner herein provided by this section.

(4) Penalty for unpaid assessment installments. In the event any assessment installment levied per this section and/or any interest, penalties, or other charges accruing thereon are not paid when due, the City Council may, not later than four years after the due date of the last such installment, order that the same be collected by an action brought in the Superior Court to foreclose the lien thereof, all in the manner provided for by the Improvement Bond Act of 1915, as set forth in Part 14, Division 10 of the Streets and Highways Code.

(h) Release of assessment lien.

(1) Where all assessment installments levied in the manner provided for by this chapter have been paid in full, either by reason of the prepayment of such assessment installments or otherwise, the Finance Director shall execute and record in the official records of the County of Sutter a notice stating that the assessment lien levied by the City Council resolution is being released.

Section 4. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

Section 7. This Ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption. Within fifteen (15) calendar days after its adoption, the Ordinance, or a summary of the Ordinance, shall be published once in a newspaper of general circulation.

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Introduced and read at a regular meeting of the City Council of the City of Yuba City on the ____ th day of _____, 2019, and passed and adopted at a regular meeting held on the ____ th day of _____, 2019.

AYES: _

NOES: _

ABSENT:

ABSTAIN:

Mayor

ATTEST:

Patricia Buckland, City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

SHANNON CHAFFIN, City Attorney
Aleshire & Wynder, LLC