

**ORDINANCE NO. 2023-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
LA PALMA, AMENDING ARTICLE II OF CHAPTER 42 OF  
THE LA PALMA MUNICIPAL CODE**

**WHEREAS**, the City Council of the City of La Palma wishes to amend the Municipal Code to adhere to the regulations and requirements set forth in the State of California's Water Shutoff Protection Act; and,

**WHEREAS**, the City Council of the City of La Palma desires to ensure that water service remains fiscally stable and well-maintained for the health and betterment of the community; and,

**WHEREAS**, notice of the City Council Public Hearing concerning this Ordinance was duly published in a local newspaper at least ten (10) days prior to the hearing and posted at City Hall, Central Park, and the Library; and,

**NOW, THEREFORE**, the City Council of the City of La Palma ordains as follows:

**SECTION 1.** The foregoing Recitals are incorporated herein and made a part hereof.

**SECTION 2.** The City Council finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to the California Code of Regulations, Title 14 Section 15061(b)(3) because this action will not result in direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, as defined in Section 15378.

**SECTION 3.** Article II of Chapter 42, Billing and Collection, of the La Palma Municipal Code is hereby revised in its entirety to read as follows:

**Sec. 42-29. Applications for service.**

Applications for water service shall be made on forms provided by the City, by telephone or in person, as required by the City.

**Sec. 42-30. Deposit for service.**

The amount of deposit required to reestablish credit for any customer whose service is discontinued pursuant to section 42-36(e) shall be the average or estimated two-month consumption for the service connection as determined by the City. New customers that lack creditworthiness, as determined by the City, may also be required to pay a deposit to establish credit. The deposit shall not be returned to the applicant unless the water service is discontinued, and then only in the event that all water bills, fines, and penalties of the customer or applicant have

been paid in full. However, the City may elect to apply the deposit to the final bill of the customer and refund any remaining portion of the deposit.

**Sec. 42-31. Inside City limits.**

The monthly rates to be charged and collected by the Water Division for water furnished by the City shall be:

(1) *Metered service rates.*

- a. *Generally.* Metered service rates shall be established from time to time by resolution of the City Council.
- b. *Multifamily residential service on master meters.* All apartment units and similar multiunit housing developments where two or more units are served by a single meter shall be charged the applicable minimum rate for the meter size plus an additional charge to be established by the City Council. All service will be billed at the adopted rates.

(2) *Temporary service rates.*

- a. Application shall be made to the Water Division for any temporary service desired by contractors, builders, or other applicants for temporary water. Upon the deposit of the amount specified by resolution of the City Council, a meter may be furnished for such service.
- b. The charge for such service will be at the rate established by resolution of the City Council.
- c. If, in the determination of the Water Superintendent, the setting of a meter is impractical or uneconomical for the supply of construction water, the quantity of such unmetered water shall be determined by the Superintendent and charged at the rate to be established by resolution of the City Council. Such charge shall be paid in advance of service being reactivated.
- d. The City shall cause to be installed and read a water meter for each unit immediately after the final clearance and approval for occupancy by the City Building Division.
- e. From the time of approval of occupancy, the developer (builder) shall be billed for any and all water registered by each water meter until such time that such meter is transferred to a different individual account. A minimum monthly charge per unit as established by resolution of the City Council shall apply during such period.

- (3) *Private fire service rates.* The monthly rates for private fire service protection shall be at the rate established by resolution of the City Council.

**Sec. 42-32. Outside City limits.**

The adopted rates to be charged and collected by the Water Division for services to consumers outside the City limits from City-owned and maintained water lines shall be the same as established by resolution of the City Council for water service within the City.

**Sec. 42-33. Meter failure.**

If a meter fails to register during any period or is known to register inaccurately, the consumer shall be charged for an average daily consumption determined by the City according to the same season as shown by the meter when in use and registering accurately.

**Sec. 42-34. Adjustment of billing.**

The Community Services Director or his or her delegate may authorize a one-time credit, within a seven year period, to an account in the event of any dispute as to a charge to a customer.

**Sec. 42-35. Billing cycle.**

Customers shall be billed on a monthly or bi-monthly basis.

**Sec. 42-36. Payment of bills; penalties for delinquent and nonpayment.**

- (a) All water bills shall be due and payable upon presentation and shall become delinquent if no payment is received by 5:00 p.m. on the due date shown on the statement.
- (b) A delinquent fee in an amount established by resolution shall be charged for each notice of delinquency, discontinuance of service notice, and regular bill with a balance forward.
- (c) When a bill for utility service is delinquent for 60 days from the due date stated on the statement and a discontinuance of service notice has been issued, service may be discontinued if any outstanding charges and fees are not paid within the time required by such notice.
- (d) A fee established by resolution will be charged to any customer who requests that a water service be established or service restored by the department at times other than regular working hours.
- (e) In case water is turned off and a customer did not appeal or apply for alternative payments schedules as provided in subsection (e) of this section, water service shall not be turned on again until payment in full of the following charges has been made:
  - (1) Outstanding statement balance;

(2) All charges for making a service call to turn the water on or off, as established by resolution of the City Council; and

(3) All related charges, fees and deposit, as provided in this section.

The City may bring an action in a court of competent jurisdiction for any amount due and payable, together with charges and fees as herein provided, attorney's fees, costs of such suit, and for such other and further relief as to the court appears appropriate in the circumstances. Protocols and procedures pertaining to water shutoff shall be governed by an administrative policy established by the City as stipulated in the California Water Shutoff Protection Act.

(f) Prior to water shutoff, a customer may is entitled to apply for an extension, amortization payment, or alternative payment schedule if they satisfy the eligibility requirements stipulated in the California Water Shutoff Protection Act.

**Sec. 42-37. Property owner responsible.**

All charges for utility service, as well as all other related charges and fees, shall constitute a valid and subsisting claim in favor of the City and against the owner, property manager, and/or occupant of the property.

**Sec. 42-38. Performance of water billing functions.**

The City shall have the authority to perform meter readings, billings and/or collection functions for the water service either by City employees or by private contractors, as determined by the City Council. In the event that the City contracts with one or more private contractors to perform any or all of the water meter readings, billings and/or collection functions, each such private contractor shall be an agent of the City for the sole purpose of performing such function or functions.

**Sec. 42-39. Change of address.**

Water service shall not be activated for any customer upon change of address until all delinquent charges and fees owed at a former place of residence or business within the City is fully paid.

**Sec. 42-40—42-66. Reserved.**

**SECTION 4.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid by a final judgment of a 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, subdivision, sentence, clause, phrase, or portion of this Ordinance irrespective of the fact that one or more sections, subdivisions, sentences, clauses, phrases, or portions of this Ordinance be declared invalid.

**SECTION 5.** All required proceedings and consideration precedent to the adoption of this Ordinance have been regularly taken in accordance with applicable law.

**SECTION 6.** The City Clerk is authorized and directed to publish this Ordinance or a summary thereof in the manner provided by law and in accordance with procedures normally taken.

**SECTION 7.** The City Clerk shall certify to the passage of this Ordinance and cause the same to be published as required by law, and the Ordinance shall take effect thirty (30) days after adoption.

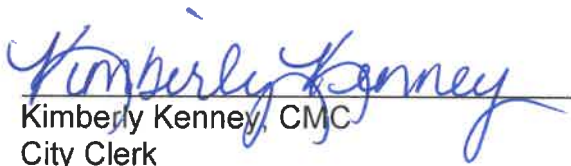
**SECTION 8.** Upon the effective date of this Ordinance, all former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance are hereby repealed and declared to be of no further force and effect.

**APPROVED AND ADOPTED** by the City Council of La Palma at a regular meeting on the 7th day of February, 2023.



Debbie S. Baker  
Mayor

ATTEST:



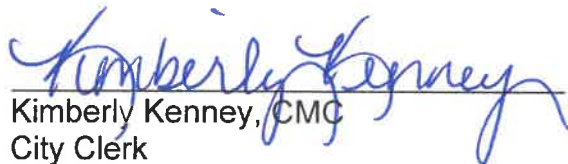
Kimberly Kenney, CMC  
City Clerk

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) SS.  
CITY OF LA PALMA )

I, KIMBERLY KENNEY, City Clerk of the City of La Palma, California, DO HEREBY CERTIFY that the foregoing Ordinance was adopted by the City Council of said City at a regular meeting of said City Council held on the 7th day of February 2023 and that it was so adopted by called vote as follows:

AYES: Baker, Conklin, Goodman, Patel, and Waldman

NOES: None

  
Kimberly Kenney, CMC  
City Clerk