

**ORDINANCE 974B**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LINCOLN  
AMENDING SECTIONS OF THE TITLE 13 – PUBLIC SERVICES OF THE  
LINCOLN MUNICIPAL CODE REGARDING WATER SERVICES

**Whereas**, there is a need to review and modify the water fees charged within the City of Lincoln; and

**Whereas**, a comprehensive rate study was completed by an independent consultant, Raftelis Financial Consultants, Inc., to calculate the recommended rates (the “Rate Study”); and

**Whereas**, the City mailed notices to property owners and customers within the City consistent with California Constitution Article XIII D section 6, also commonly known as a component of Proposition 218, notifying them of a public hearing to be held on August 14, 2018, and the City has complied with all relevant provisions of law, including, without limitation, California Constitution Article XIII D section 6.

**Whereas**, on August 14, 2018 the City Council opened said public hearing at which time the City Council heard objections and protests to the proposed water rates;

**Whereas**, written protests against the proposed water rates were not presented by a majority of the property owners, as provided in California Constitution Article XIII D section 6 and the Proposition 218 Omnibus Implementation Act, Gov. Code section 53750 et seq.;

**Whereas**, in conjunction with the adjustment of water rates, additional conforming changes to the City’s Municipal Code are appropriate.

**Now, therefore**, be it resolved by the City Council of the City of Lincoln that:

THE CITY COUNCIL OF THE CITY OF LINCOLN DOES HEREBY ORDAIN  
AS FOLLOWS:

Section 1. The Rate Study is hereby approved.

Section 2. Specified sections of Chapter 13.04 of the Lincoln Municipal Code are hereby amended to read per the attached Exhibit 1.

PASSED AND ADOPTED by the City Council of the City of Lincoln this 28th day of August, 2018, by the following vote:

AYES: COUNCILMEMBERS: Gilbert, Hydrick, Joiner, Karleskint, Nader

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

Signed: Stan Nader, Mayor

ATTEST:Gwen Scanlon, City Clerk

CHAPTER 13.04 - WATER

**Article I. - Service Regulations Generally**

13.04.10 - Purpose and intent.

The city council, in the interest of protecting the health, safety and general welfare of the people of the city, adopts the ordinance codified in this chapter to carry out the following purposes:

- (1) To supply treated water purchased from the Placer County Water Agency and Nevada Irrigation District to users;
- (2) To establish procedures for provision of water to residential, industrial and commercial users within the city;
- (3) To establish procedures for provision of water to certain limited users outside the city;
- (4) To provide for the ongoing implementation of a metered rate system.

(Ord. 364B §1.1, 1979)

(Ord. No. 888B, § 2, 11-12-2013)

13.04.015 - Definitions.

The meanings of terms used in this chapter are as follows:

"Director" means the city employee who is responsible for the management of the department or division to which specific actions or approvals are required. The director may authorize designated city employees under his/her direction to act on his/her behalf.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.020 - Service area.

- (a) The area in which service is or will be furnished by the city is that area lying within the city limits, as such limits now prevail or may from time to time exist.
- (b) The city may provide water service to users outside the city. The City shall determine if written consent is required from the Placer County Water Agency or Nevada Irrigation District.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.030 - Supply source, quality, continuity.

The city will exercise reasonable care to deliver a continuous and sufficient supply of water at the proper pressure to avoid any shortage or interruption in delivery. All customers shall be required to accept such conditions of pressure and service as are provided by the distribution system at their point of connection and the city shall not be liable for any damage arising from high or low pressures. The water will meet all federal, state and county minimum water-quality requirements for water for domestic use.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.40 - Classes of service.

Water service provided by the city will be classified as follows:

- (1) Residential and Non-Residential use:
  - a. Flat-rate,
  - b. Metered.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.050 - Service connection—Location.

To be eligible for water service, the property to which the service is to be extended must abut on a dedicated public easement in which a city water main is constructed at a point immediately adjacent to the property; provided, however, that if the preceding requirement is not met, the city engineer may authorize the extension of service if the applicant for water service cannot dedicate a public easement in which an existing water main is constructed. However, in the case of improvements installed pursuant to the subdivision regulations, all improvements shall be the sole responsibility of the developer. The size of the service connections and pipes shall be determined by the city engineer.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.060 - Service connection—Relocation.

A service connection may be relocated by the city at a customer's request, providing the relocation, in the judgment of the city engineer, is not detrimental to the city's water system. The cost of the relocation shall be paid by the customer. The cost shall be estimated by the city engineer and shall be paid in full prior to the performance of the work. Where a service connection is relocated for the convenience or protection of the city, the relocation will be at the expense of the city.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.065 - Ground wire attachments.

The city is not responsible for providing an electrical ground through the water service equipment. Customers shall not attach any ground wiring to plumbing which is or may be connected to city service equipment.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.70 - Application for new water service.

A property owner desiring water service for any purpose from the city shall apply at the office of the building department, and no person shall use any city water without first making such an application. The application, which shall be on a form prescribed by the city, shall set forth:

- (1) The address and, if necessary, the definite boundaries of the premises to be serviced;
- (2) The purpose and use of the water; and
- (3) Such other information considered proper by the city.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.75 - Reapplication.

If a new water service connection is not established within 180 days of filing an application with the office of the building department pursuant to Section 13.04.070, the property owner desiring water service must reapply at the office of the building department in order to use any city water.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.76 - Establishment of water service connection.

New water service connection is deemed established when all structures to be constructed on the property for which water service is being requested have been supplied with cold running water.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.080 - Application for water agency annexation.

Water service to property in the City's current and future boundaries may require annexation to one or both of the water agencies serving the City. The City shall determine if the property requires annexation to a service zone of Placer County Water Agency or Nevada Irrigation District, or both. All costs associated with such annexation shall be the sole responsibility of the property owner.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.090 - Interruption of service.

In case of fire, or alarm of fire, or in making repairs, or in constructing new work, or when required by the necessities of the service of the city, the city may shut off water from any customer or number of customers without notice for as long as is necessary, and the city shall not be liable for damage resulting from such discontinuance.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.100 - Right of entry for inspection.

Any authorized agent or employee of the city, with the consent of the owner, occupant or consumer, or pursuant to court order, shall be allowed free access at any reasonable hour to any premises where water is served for the purpose of inspecting the condition of the water pipes or service or for the purpose of establishing the rate to be charged.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.110 - Shutoff at customer request.

Any property owner who desires to discontinue water service shall submit a request in writing or in person at the office of the utility billing department not less than two working days before the date on which discontinuance is desired. The request shall contain the date upon which water service is to be discontinued and a forwarding address for the customer. Water service may be discontinued only on ordinary working days. No service may be discontinued for a period of less than 30 days.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.120 - Reconnection after shutoff.

Water shall not be restored to any premises after service has been discontinued until payment of all fees, charges and service charges have been paid.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.130 - Temporary connection.

Whenever possible, all water furnished through a temporary service connection shall be metered. A permit for a temporary service connection is valid for a period not more than 60 days after installation. The city may extend the permit upon request. The temporary service shall be discontinued and dismantled or removed upon termination of the permit period or completion of use.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.140 - Fire hydrants.

- (a) Use. Fire hydrants are for use by the organized fire protection agencies and by the water department. Other parties, including contractors, desiring to use fire hydrants for any purpose must first obtain a temporary permit in accord with this article prior to use and shall operate the hydrant in accordance with instructions issued by the water department and pay all required fees and charges.
- (b) Obstructions. It is unlawful for any person to blockade or obstruct any fire hydrants of the city in such a manner that it would be difficult or impossible to attach a fire engine hose thereto.
- (c) Permits. An applicant for a permit to use a public fire hydrant shall pay a permit fee at the time of application. In addition, a monthly use fee (for each month a hydrant is used, or portion thereof) shall be paid by the applicant.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.150 - Meter installation required.

- (a) No tentative map shall be approved after September 30, 1979 unless, as a condition of approval, water meters are installed and dedicated to the city as part of the subdivision's improvements.
- (b) Building permits and construction permits for any construction started after September 30, 1979 will be conditioned upon the installation of a water meter.
- (c) All new commercial and industrial applicants for water service shall provide appropriately sized water meters as determined by the director. The city reserves the right to review the anticipated water demands based upon type of service, number of fixtures, irrigation, and all other factors affecting water use, and the right to require larger service connection or meter if anticipated demands exceed the capacity of the meter size requested.
- (d) The director may place meters upon any service connection and thereafter charge the general service metered rate when the director determines, in their discretion, that the high consumption of water for the particular service requires metering. The expense of such installation shall be charged to the consumer. Upon application, any consumer may request the installation of a meter at the consumer's expense, and after such installation, the consumer shall be charged the appropriate metered water rate.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.152 - Meter size change.

Any customer desiring to change the size of any meter that has been installed shall make application to the city for such change.

- (1) Increase in Meter Size. The applicant shall pay the applicable fee for the new larger meter and if the change necessitates, in the city's judgment, a larger service connection, the applicant shall pay all costs associated with the installation of the new service connection.
- (2) Reduction in Meter Size. The applicant shall provide the city with documentation as deemed necessary by the city to recognize the permanent relinquishment of water capacity to the city. The city shall not be obligated to reimburse the applicant for any water connection fees related to the relinquishment of the water capacity. The relinquishment shall permanently transfer the water capacity to the city and the city shall be allowed to sell such capacity to other water customers. The proceeds of such sale of water capacity in the form of water connection fees shall be used by the city at its sole discretion.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.155 - Meter accessibility.

It is the customer's responsibility to ensure accessibility to the meter at all times. When a meter cannot be read because of an obstruction, the customer will be notified and shall correct the condition(s). Failure to remove the obstruction within 30 days after notification shall result in the disconnection of service. All fees applicable to the disconnection shall be applied to the customer's account. This is the customer's responsibility.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.158 - Tampering charge.

Facility tampering includes, but is not limited to, interference with a meter, meter box, or locking mechanism; or unauthorized reconnection of a meter, or unauthorized use of water or damage to a fire hydrant. Additionally, any city facilities that have been damaged or altered will be billed for time and materials. The tampering charge shall be \$250.00 per occurrence, and upon the third occurrence the city may remove the meter and lock the service.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.160 - Water connection charge.

The basic connection unit charge for water for residential and non-residential shall be \$5,558.00 per equivalent dwelling unit (EDU). One water connection EDU is equal to 1,150 gallons per day.

- (1) Reserved for "Residential Facilities - Except Hotel and Motel."
- (2) Reserved for "Hotel and Motel"
- (3) Non-Residential Facilities. Customers requesting service must submit the following information to the city for evaluation and calculation of the required water connection:
  - a. Type of use.
  - b. The anticipated routine patterns of use, including:
    1. Estimated maximum day demand in gallons.
    2. Estimated peak consumption rate in gallons per minute.
    3. The meter size requested.
  - c. Type of fire facilities required, including:
    1. Size of the fire connection.
    2. Estimated rate of use.
    3. Storage capacity requirements.
    4. Description of the on-site fire protection facilities.
  - d. Type of cross-connection prevention facilities required by the city.
- (4) Connection charges shall be the greater of the water service size or the water volume required. The EDU capacities for water meters one and one-half inch and greater are as follows:
  - a. 1½-inch meter ..... 5 EDU
  - b. 2-inch meter ..... 8 EDU
  - c. 3-inch meter ..... 16 EDU
  - d. 4-inch meter ..... 25 EDU
  - e. 6-inch meter ..... 40 EDU
- (5) General regulations.

- a. Not less than one connection per building.
- b. Classification of shell buildings having no use when connecting to the water system shall be determined based on the judgment of the city based on building permit data, applicable zoning, and plans of the developer. Subsequent modifications to such buildings may result in reclassification and the assessment of additional incremental charges. No refunding of previously paid connection charges will be made where modifications are made to any structure which place it in a classification with a lower connection charge rates.
- c. When the use of a building changes, the city retains the right to review the previously paid connection charges and require the payment additional connections charges based upon the new use. No refunding of previously paid connection charges will be made where the change in use is within a classification with lower connection charge rates.

The Water connection charge set forth herein shall be subject to an annual adjustment up to the change in the San Francisco Construction Cost Index (CCI) as reported by the Engineering News Record (ENR) for the 12-month period beginning January 1 as determined by resolution of the city council. The annual adjustments shall be effective each May 1.

(Ord. No. 888B, § 2, 11-12-2013; Ord. No. [919B](#), § 2(Att. 2), 10-11-2016)

#### **Article II. - Out-of-Town Service**

13.04.170 - Approvals required—Standard for approval.

Any application for use of water outside the city after the effective date of the ordinance codified in this chapter shall not be granted without written approval by the city council. The city council shall approve the furnishing of city water to users outside the city only if it finds that the provision of such service will not interfere with proper service to water users within the city, that the provision of such service is economically feasible, that all plumbing and service connections are adequate to prevent backflow. The City shall determine if consent is required from the Placer County Water Agency or Nevada Irrigation District.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.180 - Use.

No water shall be furnished outside the city boundaries for other than domestic and ordinary commercial uses.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.190 - Continuity not guaranteed.

The city does not guarantee continuity of service or adequate pressure to users of water located outside the city. The city may discontinue service to any user outside the city if the city council determines that the discontinuance of such service is necessary to assure adequate water service to users within the city or that the continuation of the service is no longer economically feasible.

(Ord. No. 888B, § 2, 11-12-2013)

#### **Article III. - Rates and Billing**

13.04.200 - Rate classifications.

- (a) The city will operate and maintain its water systems in an efficient and economical manner to distribute and supply water as fairly and equitably as possible. The charges to be made for service

will be set at rates no higher than necessary to enable the city to recover all costs of distributing and supplying water and shall include any costs for:

- (1) Purchasing, pumping, transmitting, and distributing water;
  - (2) Customer service;
  - (3) Administration;
  - (4) Overhead;
  - (5) Debt service; and
  - (6) Renewal and replacements of facilities.
- (b) Water user rates shall be of two types, flat rate and metered rate, and shall be set by the city council, as provided in this chapter.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.202 - Flat water use rates.

The monthly charge for flat rate water use shall be \$44.74 per month.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.205 - Metered water use rates.

The monthly charges for metered water use shall include two components; monthly service charges and volumetric charges.

Monthly Service Charges:

<u>Meter Size</u>	<u>Monthly Service Charge</u>
¾"	\$ 32.89
1"	\$ 54.81
1.5"	\$ 131.54
2"	\$ 208.27
3"	\$ 476.82
4"	\$ 822.09
6"	\$ 1,753.79
8"	\$ 3,069.14

Volumetric Charges:

The volumetric rate per 1,000 gallons shall be \$2.37.

(Ord. No. 888B, § 2, 11-12-2013; Ord. No. [938B](#), § 2, 2-28-2017)

13.04.207 - Water use rates for construction water.

It is recognized that the costs of administering construction water meters, for taking readings on construction water consumption and for billing is higher for construction water services. The charge for each 1,000 gallons of construction water use shall be \$ 4.74.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.209 - Water use rates—Outside the city.

The monthly charge for water use outside the city shall be the same rates for customers by meter size within the city.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.210 - Billing—Meter reading.

- (a) Flat-rate accounts for each month are due and payable the first of the month and are payable at the office of the water department.
- (b) Metered accounts shall be billed monthly and meters shall be read as nearly as possible at regular intervals, and service bills are due and payable for the preceding period for which the meter has been read. Meters will be read as required for closing bills. Each meter on a customer's premises will be billed separately and the readings of two or more meters will not be combined unless for water system operating convenience or necessity two or more meters are installed in place of one.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.220 - Payment responsibility—Property owner defined.

- (a) The customer shall be responsible for prompt payment of all fees and charges. However, the property owner shall bear the final responsibility for payment in the event the customer fails to make prompt payment.
- (b) As used in this article and Article IV, "property owner" means the person to which the property was assessed on the last equalized assessment roll of the county.
- (c) The owner of the property as identified by the Placer County Clerk-Recorder's Office, or their designated property manager, shall be the customer named on all service accounts established after September 30, 2018. Tenants will not be added as customers after September 30, 2018.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.225 - Due date.

Charges for service shall be due and payable on the first day following the month or other established billing period such services were used unless otherwise provided.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.230 - Delinquency.

All fees or charges which are not paid on or before the thirtieth day following the date such charges were due and payable are delinquent and a penalty of ten percent of the charge shall be imposed on the thirtieth day following the date such charge was due and payable. In addition, a penalty of one-half of one percent per month of the basic charge plus the ten percent penalty shall be imposed on the sixtieth day following the date such charge was due and payable and on each thirtieth day thereafter until there is payment in full of the charge plus all penalties. Penalties imposed pursuant to this section shall be billed and collected in the same manner as other fees and charges imposed pursuant to this chapter.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.232 - Delinquent fees or charges.

Delinquent fees or charges which remain unpaid for a period of 60 or more days after the date upon which they were billed shall become a lien upon the property and may be subject to collection pursuant to the procedures set forth in Article IV of this chapter. In addition, water service and other city utility services at the service location may be terminated for nonpayment pursuant to Section 13.04.240 and Section 13.14.020. If a customer receives service at more than one service location and the bill for any one of that customer's accounts becomes delinquent, charges for services at all other locations may also be collected pursuant to the procedures set forth in Article IV.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.240 - Shutoff for nonpayment.

- (a) In addition to all other remedies which the city may have for the collection of delinquent water service charges, the city may terminate water service for nonpayment of a delinquent account.
- (b) At least 15 calendar days prior to the proposed termination, the city shall give notice of the delinquency and the impending termination by first-class mail to the customer to whom the water service is billed and the property owner. Notice to the property owner shall be sent to the address shown on the last equalized assessment roll of the county.
- (c) Any customer who has initiated a complaint or requested a hearing within five days of receiving the notice of termination shall be given an opportunity for review of such complaint by the city manager or his designated representative.
- (d) The city shall not terminate water service during the pendency of an investigation or review of a customer dispute or complaint or prior to any hearing initiated pursuant to this section.
- (e) The city manager is authorized to resolve complaints or disputes initiated pursuant to this section.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.250 - Reestablishing service after shutoff.

- (a) Water services discontinued because of delinquency in payment or upon the customer's request shall not be reestablished until all fees and charges, together with a service charge, have been paid. In case of delinquent payment, a cash deposit may be required by the city as a condition to reestablishment of service.
- (b) In the event service is discontinued for delinquency in payment and service is resumed without authorization, the city may discontinue the water service and may charge and collect a penalty for each occurrence in addition to such other amount which may be due from the customer. Such charges shall be paid before service is reestablished.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.255 - Billing with other utilities.

The city council may provide that fees and charges for water service pursuant to this chapter shall be collected with the rates and charges for any other utility services furnished by the city and that any or all such charges may be itemized and billed with the same bill and collected as one item.

(Ord. No. 888B, § 2, 11-12-2013)

**Article IV. - Delinquency Collection**

13.04.260 - General taxes collection authorized.

All delinquent water-service charges which have accrued, together with interest or penalties thereon, and service charges at other locations as provided in Section 13.04.230 may be collected on a secured tax roll, in the same manner and at the same time as general property taxes, provided that this section shall not be construed to prohibit the city from collecting any and all of the charges in any other manner provided by ordinance or law.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.270 - Report to city clerk.

A written report containing a description of each parcel of real property receiving services and facilities and the amount of the delinquent water service charges for each parcel computed in conformity with the provisions of this chapter shall be prepared and filed with the city clerk. The real property may be described by reference to the county assessor's maps or by such other reference sufficient to identify the property affected.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.280 - Notice of hearing.

The city clerk shall cause notice of the filing of the report and notice of the time and place of the hearing thereon by the city council to be published once a week for two successive weeks prior to the date set for hearing in the News-Messenger, a newspaper of general circulation within the city. Prior to collection of charges on the tax roll, the city clerk shall mail written notice of the filing of the report and of the time and place of hearing thereon to each person to whom any part or parcel of real property described in the report was assessed on the last equalized assessment roll. Notice shall be mailed to the address shown on the roll.

(Ord. 408B §4 (part), 1982: Ord. 364B §3.7, 1979)

13.04.290 - Hearing.

At the hearing provided for in Section 13.04.280, the city council shall hear any objections or protests by landowners liable to be assessed for delinquent fees. The council may make such revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.300 - Report to county auditor.

On or before August 10 in each year following the final determination and confirmation of the report by the city council, the city clerk shall file with the county auditor a copy of the report with a statement endorsed thereon over the city clerk's signature that it has been finally adopted by the city council, and the auditor shall enter the amounts of the delinquent fees as special assessments against the respective lots or parcels of land as they appear on the current assessment roll. Where any such lots are outside the boundaries of the city, they shall be added to the assessment roll of the city for the purpose of collecting such charges.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.310 - Parcels not on assessment roll.

If the property is not described on the roll, the auditor shall enter the description thereon together with the amounts of the delinquent charges, as shown on the report.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.320 - Attachment of lien.

The amount of the charges as set forth in the confirmed report shall constitute special assessments against the respective parcels of property and are a lien against the lot or parcel of land against which the water service has been supplied. The lien shall attach upon recordation in the office of the Placer County recorder of a certified copy of the report and the resolution confirming the report. The tax collector shall include the amount of the delinquent charge on bills for taxes levied against the respective lots and parcels of land.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.330 - Collection with general taxes.

After the attachment of the lien, as provided in Section 13.04.320, the amount of the delinquent water charges shall be collected at the same time and in the same manner and by the same person as, together with and not separately from, the general taxes for the city, and shall be delinquent at the same time and thereafter by subject to the same penalties for delinquency as other taxes and assessments.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.340 - Applicable laws generally—Transfer or conveyance—Lien of encumbrancer.

All laws applicable to the levy, collection and enforcement of general taxes of the city, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund and redemption, are applicable to such water service charges, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this article shall not attach to such real property and the delinquent fees, as confirmed, relating to such property, shall be transferred to the unsecured roll for collection.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.350 - Compensation to county.

The county shall be compensated for services rendered in connection with the levy, collection and enforcement of such charges for the city in an amount fixed by agreement between the board of supervisors and the city council.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.355 - Civil action.

In addition to any other remedy that the city may have for the collection of delinquent fees or charges, all fees, charges, penalties and interest imposed by this chapter shall constitute a debt of the city and the city may institute a civil action to recover delinquent fees, charges, penalties and interest. In such action, reasonable attorneys' fees shall be awarded to the city.

(Ord. No. 888B, § 2, 11-12-2013)

#### **Article V. - Connection Fees**

13.04.360 - Established—Apportionment—Purpose.

(a) There shall be a charge for a new service connection or for a change in size or location for the customer's benefit which shall be paid before work is started. Water connection fees shall include the city's water connection charge pursuant to Section 13.04.160 and either the Placer County Water

Agency Water Connection Charge (PCWA WCC) or the Nevada Irrigation District Water Connection Charge (NID WCC), as determined by the city, in effect at the time of payment.

- (b) Connection fees for every service connection to the city water system are established for the purpose of providing funds for the payment of the costs for design and construction of the city's water system and to make the required service connection payments to the Placer County Water Agency and in order that such costs be shared by those receiving the benefits.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.362 - Indoor fire sprinkler requirement.

The water connection fees for customers required to install indoor fire sprinklers shall be based upon the size meter that would otherwise be used to serve the customer but for the requirement of a larger meter for the sprinklers.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.370 - Use of revenues.

Amounts collected shall be set aside in separate funds and used for the purposes enumerated in Section 13.04.360.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.380 - Other costs—Indemnification of city.

In addition to the connection charge, all costs and expenses incident to the installation of a water connection shall be borne by the owner. The owner shall indemnify the city against any loss or damage that may result directly or indirectly from the performance of the construction and installation of the water connection.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.390 - Oversized capacity reimbursement.

The city may require, pursuant to the Subdivision Map Act and the subdivision regulations of the city, oversized capacity, in which case the city shall reimburse the applicant pursuant to the provisions of the law then in effect for such oversized capacity based on the prevailing costs of material and labor for such work.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.400 - Temporary connection charges.

- (a) An applicant for a temporary connection shall make a nonrefundable cash deposit and shall supply all materials and labor necessary for connection.
- (b) Upon request for disconnection, an applicant shall make a refundable cash deposit. This fee shall be refunded, less unpaid charges, upon dismantling and removal of the connection.
- (c) Monthly charges for water usage shall be assessed in accordance with the water use rates for construction water as provided in Section 13.04.207.
- (d) Temporary connections shall be one-inch metered connections unless otherwise approved by the city. Fees for any other type or size of temporary connection shall be determined by the city.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.405 - Connection fee due for reapplication.

If a reapplication is made pursuant to Section 13.04.075, the person desiring water service must pay the new water connection fee due at the time reapplication is made with credit being given for any previously paid connection fees.

(Ord. No. 888B, § 2, 11-12-2013)

**Article VI. – Conservation**

13.04.410 - Condition of plumbing.

All consumers, whether owners or not, shall maintain and keep in good repair the water pipes on the interior and exterior of the property served. Such persons shall not allow faucets or water closets to leak, and such fixtures must not be left running.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.420 - Watering spray or nozzle required.

Watering of lawns and gardens from an open hose is prohibited. A spray or nozzle must, in all cases, be used.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.430 - Irrigation hours.

The city reserves the right to limit irrigation hours in the case of water shortages or emergencies.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.440 - Gross waste.

It is unlawful and an infraction for any person to cause or allow any water received by such person to flow away in unreasonable amounts, from property owned or occupied by such persons, in any gutter, ditch or other manner over the surface of the ground.

(Ord. No. 888B, § 2, 11-12-2013)

**Article VII. – Wells**

13.04.450 - Permit requirements.

No person shall drill for water without first obtaining a permit from the director and from the county health officer. The director may deny the issuance of a permit if, in his opinion, the premises where the well is to be located can be served by the city water system. If a permit for a potable drinking water well is issued, it shall be conditioned upon connection to the city water system and discontinuance of the use of such well will be conditioned upon notice from the director that the premises may be served by the city water system. The health officer may deny the issuance of a permit if, in his opinion, the proposed well will contaminate existing water sources or be a health menace to the community. The applicant for the permit may appeal to the city council from the decision of the health officer or the director by filing a notice of appeal, in writing, with the city clerk within 15 days of the date of the decision, and the city clerk shall place the appeal on the agenda for the next regular meeting of the city council.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.460 - Workman qualifications.

Wells shall be constructed, reconstructed or destroyed by persons licensed in accordance with the provisions of the Contractor's License Law (Chapter 9, Division 3 of the Business and Professions Code), unless such persons are exempted from licensing by that Act.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.470 - Inspections.

Inspections may be made by the county health officer or the department of public services during the process of well construction. A final inspection shall be made when the well construction is completed.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.480 - Protection from contamination—Surface water diversion.

In cases where the area adjacent to the well is susceptible to contamination, the well shall be properly protected. Drainage shall be away from the well. No well shall be located any closer than the distances specified in the permit. All surface water shall be properly diverted away from a well site during construction or repairs. Disposal of this water shall be made in such a manner so as not to flood adjacent property or constitute a public nuisance. No waste discharge from well-drilling operations shall be allowed to enter a sanitary sewer.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.490 - Forced abandonment—Filling holes.

- (a) Upon determination that a well is polluted or contaminated and reasonable efforts to clear the pollution or contamination have been unsuccessful, the county health officer shall have the authority to enforce the permanent abandonment of such wells. Wells must be abandoned according to health department rules and regulations.
- (b) Abandoned wells or test holes shall be filled with selected material to protect the water-bearing formation against possible contamination or pollution and to eliminate a potential hazard to public health and safety.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.499 - Potable wells prohibited; exceptions.

Except as otherwise authorized by the city council, connection to the city water system is required for all drinking water. Potable water wells are prohibited within the city unless owned and operated by the city and incorporated as part of the city's water system, or unless otherwise authorized by the city council.

(Ord. No. [901B](#), § 2, 6-23-2015)

#### **Article VIII. - Prohibitions and Violations**

13.04.500 - Use in violation.

It is unlawful for any person to use, turn on or tap water except in accord with this chapter and without obtaining a permit as required by Article I.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.510 - Heating and cooling devices.

It is unlawful for any heating or cooling device to use water that is not re-circulated. The only water added to such systems shall be limited to the purposes of making up losses in the process. Under no

circumstances shall water be returned to the distribution system of the city. This prohibition shall apply to all devices for heating or cooling, whether used for residential, commercial, industrial or manufacturing purposes.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.530 - Fluoridation.

It is unlawful for any agent or employee of the city or any person, firm or corporation acting in behalf of the city under a contract with the city or otherwise, to mingle or combine any fluorides in any form or in any quantity or in any manner with the public water supply of the city.

(Ord. No. 888B, § 2, 11-12-2013)

13.04.540 - Penalties for violation.

- (a) A first violation of any provision of Article VI is an infraction punishable as provided in the general state law for infractions. A second or subsequent violation of a provision of Article VI during any calendar year is a misdemeanor as provided in subsection (b) of this section.
- (b) Any violation of this chapter, except as provided in subsection (a) of this section, is a misdemeanor. Each day that a violation exists constitutes a separate and distinct offense.
- (c) In addition to a prosecution for a violation of this chapter, a consumer or occupant, or owner of property served by the city with water may have such service discontinued if, after a noticed hearing, the director determines that such person willfully wastes water on a continuing basis. The determination of the director may be appealed to the city council if a notice of appeal has been filed with the city clerk within ten days after the determination of the director to discontinue service has been delivered in writing to the person whose service is being discontinued. During the pendency of an appeal to the council, whose decision shall be final, water service shall be maintained in effect.

(Ord. No. 888B, § 2, 11-12-2013)

#### **Article IX. - Water Conservation; Penalties**

13.04.600 - City manager authority to impose water conservation restrictions.

The city manager is authorized to enact, impose, implement, and modify water conservation restrictions in order to meet the state or local water conservation standards, and to declare the appropriate water conservation stage as provided in the city's water shortage contingency plan.

(Ord. No. [900B](#), § 2, 6-9-2015)

13.04.610 - Penalties for violation of water conservation restrictions.

Notwithstanding any other provision of law, any person who violates any ordinance, resolution, standard, or other restriction relating to water conservation shall be subject to the following penalties:

- (1) The first and second violations within a one-year period shall be subject to an oral or written warning.
- (2) The third violation within a one-year period shall be punishable by a fine not to exceed fifty dollars per occurrence. The city manager or his appointee may waive these fines if the violating party participates in a water conservation education course provided or approved by the city.
- (3) The fourth and following violations within a one-year period shall be punishable by a fine not to exceed five hundred dollars per occurrence.
- (4) For purposes of this article, each day that a violation occurs shall be considered a separate occurrence.

- (5) The city manager or his/her designee(s) shall be authorized to enforce the provisions of this article.

(Ord. No. [899B](#), § 3, 5-26-2015; Ord. No. [900B](#), § 2, 6-9-2015)

13.04.620 - Appeals.

Penalties imposed pursuant to Section 13.04.610 may be appealed to a hearing officer or hearing body appointed by the city manager. Any such appeal shall be submitted in writing to the city clerk within ten days of the notice of the violation. The decision of the hearing officer or hearing body shall be final and subject to no further administrative appeals. To the extent that is not inconsistent with the provisions of this article, the provisions of Chapter 1.20 shall govern the administrative citation and appeal process for fines imposed hereunder.

(Ord. No. [899B](#), § 3, 5-26-2015; Ord. No. [900B](#), § 2, 6-9-2015)