

Title 14
WATER SERVICE

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Chapter 14.04

GENERAL PROVISIONS*

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14.04.010 Short title. The ordinance codified in this title shall be known and may be cited as the Willits water service ordinance. (Ord. 95-4 §2(part)).

For statutory provisions on municipal water systems, see Government Code § 38730 et seq.

14.04.020 Water system. Water service will be provided by the city by means of an enterprise identified as the "Willits water system," which enterprise consists of improvements, buildings, subsystems, plants, facilities and

other undertakings used for or useful for the obtaining, conserving, treating and supplying of water for domestic use, irrigation, or any other public or private uses, within the city and as an incident thereto without the city. Without limiting the generality of the foregoing, the Willits water system shall include all lands, facilities, improvements, extensions, buildings and other structures, including (but not limited to) all dams, water reservoirs, wells, tanks, pumps, pipes, lines, treatment plants and other works, and all appurtenances thereto, together with all easements and other real property, including timber and minerals, and all permits, licenses, water and other rights, and all personal property which may be affixed to any thereof or which may have been affixed or a part thereof but which may have been severed therefrom, now or at any time used or useful in connection with the enterprise as distinguished from general city administration which may include administration of the enterprise as a part thereof. (Ord. 95-4 §2(part)).

14.04.030 Uniformity of application. Where provision is made in this title for the implementation of this title by resolution, the provisions of such resolution shall apply uniformly to all persons similarly situated and affected thereby. (Ord. 95-4 §2(part))

14.04.040 Separability. Severability. If any section, subsection, sentence, clause or phrase of this title is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this title. (Ord. 95-4 §2(part)).

14.04.050 Penalty for violation. For the failure of the customer to comply with all of this title, and any ordinance, resolution or order fixing rates and charges and rules or regulations of this city, the customer's service shall be discontinued and the water shall not be supplied such customer until he shall have complied with the rule or regulation, rate or charge which he has violated. (Ord. 95-4 §2(part)).

14.04.060 Relief on application. A. When any person, by reason of special circumstances, is of the opinion that any provision of this title is unjust or inequitable as applied to his premises, he may make written application to the city council, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his premises.

B. If such application be approved, the city council may, by resolution, suspend or modify the provision complained of, as applied to such premises, to be effective as

of the date of the application and continuing during the period of the special circumstances. (Ord. 95-4 §2(part)).

14.04.070 Oaths. Each member of the city council, or the city clerk, may administer oaths and affirmations in connection with the giving of testimony at any hearing, investigation, or other matter pending before the city council. (Ord. 95-4 §2(part)).

Chapter 14.08

DEFINITIONS

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- 14.08.005 Generally.
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- 14.08.140 Dwelling.
- 14.08.150 Extensions.
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- 14.08.190 Premises.
- 14.08.200 ~~Primary area.~~ Main zone
- 14.08.210 Private fire ~~protection.~~ Suppression service.
- 14.08.220 Public fire ~~protection~~ suppression service.
- 14.08.230 Service or service connection.
- 14.08.240 Unit.
- 14.08.250 Water department.
- 14.08.260 Water service, regular.
- 14.08.270 Water service, temporary.

14.08.005 Generally. As used in this title, and unless otherwise provided or unless the context otherwise requires as used in any ordinance, resolution or order fixing rates and charges and rules or regulations of this city, the definitions of terms set forth in this chapter shall apply. (Ord. 95-4 §2(part)).

14.08.010 Above primary. "Above primary" means that portion of the city wherein it is necessary that water be

pumped through a booster pumping system in order that it be delivered to the premises of the customers. (Ord. 95-4 §2 (part)).

14.08.020 Applicant. "Applicant" means a person making written application for main line extension, water service or a water subsystem within a tract of land. (Ord. 95-4 §2(part)).

14.08.030 City. "City" means the city of Willits. (Ord. 95-4 §2(part)).

14.08.040 City engineer. "City engineer" means the registered civil engineer appointed by the city council to act as such, either on a regular basis or from time to time. (Ord. 95-4 §2(part)).

14.08.050 City manager. "City manager" means the city manager of the city or his authorized representative. (Ord. 95-4 §2(part)).

14.08.060 Commercial/industrial property. "Commercial/industrial property" means the premises devoted primarily to the conduct of a business or trade, ~~exclusive of~~ including property utilized for motel, hotel, mobile home park or similar residential purposes. (Ord. 95-4 §2(part)).

14.08.070 Connection fee(s). "Connection fee(s)" means a fee to be paid by an applicant for new water service connections determined by the city council. (Ord. 95-4 §2 (part)).

14.08.080 Control valve. "Control valve" means a valve, independent of the city's facilities, located in the customer's piping as close to the meter as practicable, the operation of which will control the entire water supply from the meter. (Ord. 95-4 §2(part)).

14.08.090 Cross-connection. "Cross-connection" means any physical or potential connection between the piping system from the city service and that of any other water supply whereby water from the unapproved source may be forced or drawn into the city distribution mains. (Ord. 95-4 §2(part)).

14.08.100 Curb stop. "Curb stop" means a valve between the distribution main and the meter for the use of the city in controlling the water supply to a customer. (Ord. 95-4 §2(part)).

14.08.110 Distribution main. "Distribution main" means water lines located in streets, alleys, and easements that are used for public and private fire protection and for general distribution of water. (Ord. 95-4 §2(part)).

14.08.120 Domestic property. "Domestic property" means premises used for residential purposes, including such residential uses as are excluded, by definition, from commercial property. (Ord. 95-4 §2(part)).

14.08.130 Domestic service. "Domestic service" means the supplying of water for residential purposes. (Ord. 95-4 §2(part)).

14.08.140 Dwelling. "Dwelling" means a habitable place of residence, including but not limited to: (1) home; (2) apartment; (3) hotel room; (4) motel room; and (5) duplex unit. (Ord. 95-4 §2(part)).

14.08.150 Extensions. "Extensions" means the addition of distribution mains, exclusive of service connections, beyond existing facilities. (Ord. 95-4 §2(part)).

14.08.160 Multiple users. "Multiple users" means water service and facilities rendered for separate houses, buildings, living or business quarters, such as motels, mobile home parks, commercial and shopping centers, under single control or management, and/or a single premises. (Ord. 95-4 §2(part)).

14.08.170 Owner. "Owner" means the person(s) owning an interest in the fee, or the person(s) in whose name the legal title to the property appears, by deed duly recorded in the county recorder's office or the person(s) in possession of the property or buildings under claim of, or exercising acts of ownership over same for himself, or as executor, administrator, guardian or trustee of the owner(s). (Ord. 95-4 §2(part)).

14.08.180 Person. "Person" means an individual, company, association, co-partnership, public or private corporation, city, county, special district, state, the United States or agency thereof, any federally recognized Indian tribe, or any group or combination acting as a unit. (Ord. 95-4 §2(part)).

14.08.190 Premises. "Premises" means: (1) a vacant lot or parcel of real property under one ownership and (2) each dwelling, provided, however, that the water department may, in its sole discretion, treat any number of premises as a single premises. (Ord. 95-4 §2(part)).

14.08.200 Primary area. Main zone "Primary area" "Main zone" means that portion of the city wherein water need not pass through a booster pumping system in order that it be delivered to the premises of the customers. (Ord. 95-4 §2(part)).

14.08.210 Private fire protection suppression service. "Private fire protection suppression service" means water service and facilities for building sprinkler systems, hydrants, hose reels and other facilities installed on

private property for fire protection suppression and the water available thereto. (Ord. 95-4 §2 (part)).

14.08.220 Public fire protection suppression service. "Public fire protection suppression service" means the service and facilities of the entire water supply, 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. (Ord. 95-4 §2(part)).

14.08.230 Service or service connection. "Service" or "service connection" means the pipe line and appurtenant facilities such as the curb stop, meter and meter box, 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 ~~termed~~ deemed a separate service and each shall be separately metered. (Ord. 95-4 §2(part)).

14.08.240 Unit. "Unit" means one hundred cubic feet of water or seven hundred forty-eight gallons. (Ord. 95-4 §2(part)).

14.08.250 Water department. "Water department" means the department of the city which administers the Willits water system, which department is staffed by the city manager and other persons designated by the city council to perform functions related to water service within and without the city. (Ord. 95-4 §2(part)).

14.08.260 Water service, regular. "Regular water service" means water service and facilities rendered for normal domestic, commercial or industrial purposes on a permanent basis, and the water available therefor. (Ord_ 95-4 §2(part)).

14.08.270 Water service, temporary. "Temporary water service" means water service and facilities rendered for construction work and other uses for a period not to exceed 90 days per location. ~~of limited duration, and the water available therefor.~~ (Ord. 95-4 §2(part)).

Chapter 14.12
WATER DEPARTMENT

14.12.010 Creation. A water department is created, consisting of the city manager, water department supervisor, and such other personnel as the city manager may designate. (Ord. 95-4 §2(part)).

Chapter 14.16
APPLICATION FOR WATER SERVICE

Sections:

14.16.010	Application-Required.
14.16.020	Application-Contents.
14.16.030	(Reserved for future use)
14.16.040	Undertaking of applicant.
14.16.050	Payment for previous service.
14.16.060	Installation of service.
14.16.070	Location of facilities.
14.16.080	Installation and hookup fees.
14.16.083	<u>Option to hire private contractor.</u>
14.16.085	Hookup credit.
14.16.090	Refund of fees.

14.16.010 Application--Required. Each applicant for regular water service shall be required to sign an application form provided by the city, ~~and approved by the city council. In the event the applicant is a renter, the application shall be signed by both the renter and the owner of the premises or the owner's authorized agent.~~ (Ord. 954 §2(part)).

14.16.020 Application--Contents. Each application shall be in a form and contain such information as the water department shall from time to time require. (Ord. 95-4 §2(part)).

14.16.030 (Reserved for future use.) (Ord. 95-4 §2(part)).

14.16.040 Undertaking of applicant. Such application will signify the customer's willingness and intention to comply with this and other ordinances, resolutions, rules or regulations relating to the regular water service and to make prompt payment for water service. (Ord. 95-4 §2(part)).

14.16.050 Payment for previous service. Unless payment in full has been made for service previously rendered to the applicant by the city, no water service shall be provided to the applicant at any premises unless the applicant pays a new deposit to the city and any delinquent or outstanding balance. ~~Water service to a particular premises shall not be resumed unless payment in full has been made for water service previously rendered to such premises, provided the city has given the owners of the premises written notice thereof at the address set forth on the last assessment roll for the county of Mendocino. (Ord. 95-4 52 (part)).~~

14.16.060 Installation of service. In addition to an applicant's payment of the expenses described at section 14.16.080 below, it shall be the sole responsibility of the applicant to bare all costs associated with providing metered service to a location determined by the water department in any of the following circumstances: ~~Where no connection exists, or where an (1) when an applicant cannot provide evidence satisfactory to the water department that the water service was previously provided to the premises; by the City, installation of a new service connection and meter shall be completed by the water department following receipt of the completed application and the connection fee and any other applicable charges. (2) where in the determination of the water department the applicant's proposed installation of a new service may cause an undue burden on existing services; and (3) where no metering or necessary service connection equipment exists.~~

(Ord. 95-4 §2(part)).

14.16.070 Location of facilities. Regular water service will be installed at the location determined by the water department. Service installations will be made only to property fronting on a main line in public streets or on such distribution mains as may be constructed in alleys or easements. The installation of such facilities may be required by the water department to be completed at the front corner property line, unless existing physical conditions warrant locating such facilities otherwise as the water department may determine. (Ord. 95-4 §2(part)).

14.16.080 Installation and Connection hookup fees. Every applicant for new service shall pay at the time of making application either: ~~(1) a connection hookup fee(s) including but not limited to meter installation deposit and capital improvement fee(s). and meter installation deposit; or (2) at the applicant's option, a connection hookup fee and in lieu of the installation deposit, hire a licensed contractor, to install the meter to~~

~~the city's specifications subject to inspection and approval by the water department. (Ord. 95-4 §2(part)).~~

14.16.083 Option to Hire Private Contractor.
Applicant may hire a licensed contractor for meter installation.

~~14.16.085 Hookup credit. Every applicant who pays a hookup fee shall not have to pay a new hookup fee if the applicant decreases or increases the size of the meter, provided the applicant or customer does not increase the size of the meter to a size larger than the original hookup. If the applicant or customer wants to install a meter larger than the original hookup, the applicant or customer shall pay a new hookup fee in an amount equal to the difference between the cost of the original hookup and the cost of the larger hookup. (Ord. 95-4 §2(part)).~~

14.16.090 Refund of fees. An applicant may request in writing to the city manager withdrawal of his application anytime within one hundred days from the date of the application. All fees and charges paid by applicant shall be refundable, less actual costs and expenses, including time and materials labor, incurred by the city in processing the application and performing the installation. (Ord. 95-4 §2(part)).

Chapter 14.20

WATER MAIN EXTENSIONS

Sections:

14.20.020	Application for main extension.
14.20.030	Term and conditions.
14.20.040	Deposit
14.20.050	Specifications and construction.
14.20.060	Maintenance bond.
14.20.070	Main extensions-Property of city.
14.20.080	Extensions by city.
14.20.090	Fees and deposits-Environmental quality.
14.20.100	Deposit of fees and costs.
14.20.110	Title insurance, easements.
14.20.120	Title insurance, other real property.
14.20.130	Application for meter.
14.20.140	Reimbursement agreement.
14.20.150	Special reimbursement agreements.

14.20.020 Application for main extension. Each application for a main extension shall include such information as the water department may from time to time require. (Ord. 95-4 §2(part)).

14.20.030 Terms and conditions. Any extensions of city water mains to service new customers shall be under such terms and conditions as the city council may establish from time to time by resolution. (Ord. 95-4 §2(part)).

14.20.040 Deposit. Applicants for main extensions shall be required to deposit with the city, before construction is commenced, cash or surety bonds approved by the city manager covering the estimated reasonable total installed cost of the necessary facilities, ~~exclusive of meters,~~ as estimated by the city engineer. The total installed cost shall include engineering, environmental, legal, inspection, reasonable overhead and other fees and costs attributable to a project in addition to the cost of labor and materials. (Ord. 95-4 §2(part)).

14.20.050 Specifications and construction. A. The size, type and quality of materials and location of the main line shall be specified by the city engineer. The actual construction will be done by a licensed contractor hired by the applicant and acceptable to the city and will be inspected by the city engineer. A detailed print of the proposed plan shall be submitted to the city manager by the applicant, and the city manager shall require ~~require~~ that this print be over the signature of a licensed engineer. No acceptance of a water main extension will be made unless and until all fees for inspection and all other charges therefor established have been paid to the city.

B. The applicant or his contractor shall provide bonds and insurance as required by the city's standard specifications, ~~seeifications,~~ as revised.

C. All work shall be done in accordance with said city standard specifications. (Ord. 95-4 §2(part)).

14.20.060 Maintenance bond. Before any main extension, which is installed pursuant to this chapter, shall be accepted by the city, the applicant shall file, or cause to be filed, a maintenance bond guaranteeing the main extension against defects in workmanship and materials. The bond shall be in an amount determined by the city manager but not less than twenty percent of the total cost of construction. The obligations of a maintenance bond shall be deemed fulfilled at the end of one year from the date of final acceptance of the main extension, provided that at that time the main extension is in good condition and meets the requirements of the plans and specifications. Any bond shall be approved by the city manager and city attorney

before being accepted for filing. (Ord. 95-4 §2(part)).

14.20.070 Main extensions--Property of city. All facilities installed pursuant to this chapter shall become the property of the city. (Ord. 95-4 §2(part)).

14.20.080 Extensions by city. The city may make or permit the making of extensions to the facilities constructed under this chapter without obligation to applicant. (Ord. 95-4 §2(part)).

14.20.090 Fees and deposits--Environmental quality
Where city is the lead agency or a responsible agency for any project under the state and local guidelines adopted pursuant to the California Environmental Quality Act of 1970, the National Environmental Policy Act, or other similar or successor acts, the person or persons beneficially interested shall deposit with the city the estimated costs of city preparation of materials, reports and the making of evaluations of the proposed project as estimated by the city manager. Should the amount of deposit be inadequate to meet the city's cost as lead agency or as a responsible agency involved in providing consultation to the lead agency, as required by law, city shall, prior to completion of the city's evaluation of the proposed project, notify the person or persons beneficially interested of the amount necessary

to complete the review of the proposed project, which shall be immediately deposited with the city. Should there be a surplus remaining in the deposit following completion of the city's evaluation of the project, the surplus shall be returned to the person or persons making such deposit. (Ord. 95-4 §2(part)).

14.20.100 Deposit of fees and costs. All administrative fees and costs, legal fees and costs and engineering fees and costs incurred by the city in relation to the proposed facilities shall be paid by the applicant. For

this purpose, the city shall collect in advance a minimum deposit to be established by resolution of the city council prior to commencing any preliminary review. Should city expense at any time exceed the deposit, the city shall require an additional deposit prior to proceeding with the preliminary review. Any excess will be refunded to the applicant. (Ord. 95-4 §2(part)).

14.20.110 Title insurance, easements. When any extension is to be constructed within easements over private property, the city shall require an applicant to furnish at applicant's expense title insurance to evidence title satisfactory to the city. Such insurance shall be provided prior to commencement of construction and as a condition of acceptance of the extension and the facilities by the city. (Ord. 95-4 §2(part)).

14.20.120 Title insurance, other real property.

Title to any property conveyed to the city for the construction of or otherwise in connection with water facilities shall be evidenced by title insurance furnished at applicant's expense. (Ord. 95-4 §2(part)).

14.20.130 Application for meter. The installation of a meter shall be completed by the water department following receipt of the completed application for regular water service and the connection fee, cost of meter and any other applicable charges. (Ord. 95-4 §2(part)).

14.20.140 Reimbursement agreement. Where the cost of the public water main extension has been paid by the person making such extension, the city may thereafter, but not for longer than ten years after the date such extension is originally connected to the city's water system, collect from any person connecting to such extension, except the person originally installing such extension, that fraction of the cost of such extension, as approved by the city, as the amount of lineal footage of recorded parcels along such extension owned by such person subsequently connecting to such extension bears to the total amount of lineal footage

of recorded parcels held by potential users along the extension as determined by the city as of the time the extension is connected to the city's water system. Such sums as are thus actually received by the city shall be paid by the city to the person originally making such extension, but the city shall in no way be obligated to assure that the person making such extension is paid the total cost thereof nor to initiate any action nor incur any expense to collect any sum to be paid such person; nor shall such refund be made from any other revenues of the city. Where more than one person contributes toward the making of the extension, such sums as are actually collected shall be refunded to such persons, pro rata, according to the amount which they severally contribute toward the cost of the extension and pursuant to the preceding formula.

(Ord. 95-4 §2(part)).

14.20.150 Special ~~Social~~ reimbursement agreements. Where special conditions exist, in the opinion of the city, relating to any agreement pursuant to the immediately preceding section of this title, they shall be the subject of a special contract between the city and the person making the public water main extension. (Ord. 95-4 §2(part)).

Chapter 14.24

SUBDIVISIONS

Sections:

14.24.010	Subdivisions.
14.24.020	Application.
14.24.030	Application-Contents.
14.24.040	Investigation.
14.24.050	Agreement, design and construction.
14.24.060	Deposit before construction.
14.24.070	Property of city.
14.24.080	Service connections.
14.24.090	Meters.
14.24.100	Improvement district.
14.24.110	Further requirements.
14.24.120	Extensions by city.
14.24.130	Time limit on application.
14.24.140	Environmental quality.

14.24.010 Subdivisions. A subdivision is a tract of land consisting of five or more parcels. (Ord. 95-4 §2 (part)).

14.24.020 Application. A person desiring to provide a public water system for a tract of land, which he proposes to subdivide, shall make written application therefor. (Ord. 95-4 §2(part)).

14.24.030 Application--Contents. The application shall state the number of the tract, the name of the subdivision and its location. It shall be accompanied by a copy of the tentative map and of the plans, profiles and specifications of the street work, sanitary sewer, water and storm drain work therein. (Ord. 95-4 §2(part)).

14.24.040 Investigation. Upon receiving the application, the city manager shall make an investigation of the proposed subdivision and shall report his findings to the city council including a recommendation as to the facilities required and the estimated cost of the proposed water system therefor. The size, type and quality of materials shall be in accordance with the city's standards and specifications in effect at the time of application. (Ord. 95-4 §2(part)).

14.24.050 Agreement, design and construction. A. A person desiring to provide a water system for a subdivision shall enter into a subdivision agreement with the city.

The applicant shall have prepared, by a licensed engineer,

project plans and specifications acceptable to the city.

B. The size, type and quality of materials, and the location of the lines, shall be specified by the city engineer. The actual construction will be done by a licensed contractor hired by the applicant and acceptable to the city, and inspected by the city engineer. The applicant shall submit a detailed print of the proposed project to the city council.

C. The applicant or his contractor shall provide bonds and insurance as required by the city's standard specifications.

D. All work shall be done in accordance with said city's standard specifications. (Ord. 95-4 §2(part)).

14.24.060 Deposit before construction. Applicants for main extensions to service subdivisions, tracts or housing projects shall be required to deposit with the city before construction is commenced cash or surety bonds approved by the city manager, covering the estimated reasonable total installed costs, as estimated by the city engineer, of the necessary facilities exclusive of meters. (Ord. 95-4 §2(part)).

14.24.070 Property of city. All water facilities shall be the property of the city and shall be conveyed to the city by a proper instrument in writing at or before the time the facilities are completed and before they are accepted by the city. (Ord. 95-4 §2(part)).

14.24.080 Service connections. The subdivider shall, at his cost, provide and install the service connection to each premises in the tract, in accordance with city specifications and/or details. (Ord. 95-4§2(part)).

14.24.090 Meters. The applicant shall, at the time of the application for water service, pay the city connection fee and other applicable charges in effect at the time of application, including the cost of a meter. (Ord. 95-4 §2(part)).

14.24.100 Improvement district. All necessary facilities for providing water service to a new subdivision or area may be financed through the formation of an improvement district or special assessment district, in which event all costs mentioned in this chapter may be provided through such financing; provided, however, that the use of such procedures shall remain at the sole discretion of the city council. (Ord. 95-4 §2(part)).

14.24.110 Further requirements. In granting an application, the city council may make whatever further requirements or establish such conditions as may appear to it to be necessary or desirable. (Ord. 95-4 §2(part)).

14.24.120 Extensions by city. The city may make extensions to the facilities constructed under this chapter

without obligation to applicant. (Ord. 95-4 §2(part)).

14.24.130 Time limit on application. If work under an application is not commenced and completed within the time specified in the subdivision agreement, the city council may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the subdivider. (Ord. 95-4 §2(part)).

14.24.140 Environmental quality. The requirements of Section 14.20.090 of this title shall be applicable under this chapter and are incorporated by reference. (Ord. 95-4 §2(part)).

Chapter 14.28

COMMERCIAL AND SHOPPING CENTERS

Sections:

- 14.28.010 Application.
- 14.28.020 Requirements for water service.

14.28.010 Application. A person desiring to provide a public water system for a tract of land proposed for a commercial or shopping center shall make written application therefor. (Ord. 95-4 §2(part)).

14.28.020 Requirements for water service. The ordinances, rules and regulations of the city and all provisions of Chapter 14.24 are applicable to commercial and shopping centers and are incorporated by reference. (Ord. 95-4 §2(part)).

Chapter 14.32

GENERAL USE REGULATIONS

Sections:

- 14.32.010 Supply to separate dwellings.
- 14.32.020 Supply to multiple users.
- 14.32.030 Charges to multiple users.
- 14.32.040 Water waste.
- 14.32.050 Owner of facilities.
- 14.32.060 Responsibility for equipment on premises.
- 14.32.070 Damage to water system facilities.
- 14.32.080 Control valve on the customer's property.
- 14.32.090 Control of backflow and cross-connections.
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14.32.110	Ingress and egress.
14.32.120	Resale of water.
14.32.130	Health and safety-Discontinuance of service
14.32.140	Investigation-right of entry.
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14.32.010 Supply to separate dwellings. No more than one premises shall be served from each service connection, and there shall be only one service connection per premises, except as provided for in Section 14.32.020. (Ord. 954 §2(part)).

14.32.020 Supply to multiple users. Separate houses, buildings, living or business quarters and motor homes or travel trailers on the same parcel of land, occupied for less than ninety days, may be served at the option of the city, under such terms and conditions as the water department, in its sole discretion shall determine. (Ord. 95-4 §2(part)).

14.32.030 Charges to multiple users. Charges for water service to multiple users may be fixed by the city council by resolution or ordinance. (Ord. 95-4 §2(part)).

14.32.040 Water waste. It is unlawful for any person to willfully or negligently use water supplied by the city, without reasonable control or supervision thereof, in such manner as to waste the same by flowing from the premises of the user onto other premises or onto the public streets or thoroughfares in excessive or unusual amounts; or to sprinkle or irrigate any yard, lawn or premises with water supplied by the city between the hours of twelve midnight and five a.m., unless the water device being used is controlled by an automatic shutoff device or an individual in immediate attendance and view; or to water any lawns with water

supplied by the city except by the use of a hose held in the hand or a sprinkling device. (Ord. 95-4 §2(part)).

14.32.050 Owner of facilities. All facilities installed from the main up to and including the meter box shall be and shall remain the property of the city and may be maintained, repaired or replaced by the water department

without the notification, consent or interference of the owner or occupant of the property. (Ord. 95-4 §2(part)).

14.32.060 Responsibility for equipment on 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 water department without the notification, 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 facilities on private property. (Ord. 95-4 §2(part)).

14.32.070 Damage to water system facilities. The customer shall be liable for any damage and the resultant water loss to the city-owned customer water service facilities when such damage results from causes originating on the premises. The cost for repairing any such damage and water loss shall be paid by the customer, and the cost shall be due and payable to the city upon the city's rendering a bill therefor. (Ord. 95-4 §2(part)).

14.32.080 Control valve on the customer's property. The customer shall not use the city meter curb stop to turn the water on or off. If a customer shutoff valve exists between the meter and the home, it can be used for the customer's convenience. If the meter is not equipped with a customer shutoff valve on their side of the meter, the water department must be contacted to turn the city meter curb stop. (Ord. 95-4 §2(part)).

14.32.090 Control of backflow and cross-connections.
A. General. In accordance with the requirements of the regulations of the California Administrative Code, Title 17, Chapter V, Sections 7583 to 7622, inclusive, and any subsequent amendments thereto no water service connection to any premises shall be installed or maintained by the city unless the public water supply is protected as required by said state regulations and the requirements stated below. This section supplements and does not supersede local plumbing regulations, codes or ordinances, or State Board of Public Health Regulations relating to water supply

B. Where Protection is Required. Backflow prevention devices shall be installed on the service connection to any premises having:

1. Access to any auxiliary water supply;
2. Any substance handled under pressure in such fashion as to permit entry into the water system; Any material dangerous to health or toxic substance that might possibly be introduced into the water system;
3. Any lawn or garden sprinkling system, not installed in accordance with the Uniform Plumbing Code;
4. Swimming pool or spa system.

C. Type of Protection. In general, types of backflow prevention devices shall be required as follows:

1. A service connection to premises having an auxiliary water supply, internal pressure boosting system, or internal systems containing water of deteriorated quality shall be protected by an approved double check valve assembly.

2. A service connection to premises handling dangerous or toxic materials such as industrial plants, wharves, hospitals, mortuaries, etc., shall be protected by an approved reduced pressure principle backflow prevention device properly located and installed.

3. A service connection to any sewage treatment

plant or sewage pumping station shall be protected by an air-gap separation properly located and installed.

D. Responsibility for Installation, Inspection and Maintenance. Backflow prevention devices required herein shall be approved by the city and shall be installed, inspected and maintained at the expense of the customer. The backflow prevention device shall be inspected at least annually by the water department or its authorized subcontractor. The city shall charge and the customer shall pay a monthly fee established from time to time by resolution of the city council to cover the cost of the inspection.

E. Discontinuance of Service. The city may discontinue service of water to any premises and may physically disconnect the customer's piping from the city's water distribution system if a backflow prevention device required by this section is not installed, tested and maintained, or if any defect is found in an installed backflow prevention device, or if it is found that a backflow prevention device has been removed or bypassed or if unprotected cross-connections exist on the premises; and service will not be restored until such conditions or defects are corrected.

F. Right of Ingress to and Egress from Customer's Premises. Water department personnel and representatives of the state and county shall have the right of ingress and egress of the customer's premises at all reasonable hours for any purpose reasonably related to the furnishing of water service and the exercise of any and all rights secured to it by law or these regulations, including inspection of the customer's piping and equipment as to compliance.

G. Prevention of Flow from One Service Connection Through Another. If premises are supplied by more than one water connection to the city's facilities, the customer shall be required to install an approved backflow prevention device at each service connection to prevent the backflow of water from one service through another.

H. Exception. Any installation of equipment, such as sprinkler systems, pools, spas, etc., installed in accordance with the Uniform Plumbing Code and providing backflow devices shall be exempt from this section. (Ord. 95-4 §2 (part)).

14.32.100 Interruptions in service. The city shall not be liable for damage which may result from an interruption in service from a cause beyond the control of the water department. Temporary shut-downs may be made by the water department to make improvements and repairs. The city reserves the right to shut off the water to any premises or to any part of the system as long as necessary and without notice to customers at any time when the exigencies of the occasion may require it, but in all cases of extensions or connections, and otherwise whenever possible and as time permits, the water department will notify customers and the departments of the necessity of shutting off water and the probable length of time the water shall be shut off before taking such action. Affected fire departments will be notified promptly upon restoration of service. (Ord.

95-4 §2(part)).

14.32.110 Ingress and egress. Representatives of the water department 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. (Ord. 95-4 §2(part)).

14.32.120 Resale of water. Except by agreement with the city, no customer shall resell or make profit from any of the water received by him from the city, nor shall such water be delivered to premises other than those specified in the application for service. (Ord. 95-4 §2(part)).

14.32.130 Health and safety--Discontinuance of service. If a condition on the customer's premises is found to be hazardous to the health and safety of the public arising from the use of water, the use and maintenance of any apparatus, appliances or equipment or otherwise, the water department may discontinue service to such premises without notice. The water department in such event shall make reasonable effort to notify the customer of the discontinuance of service, and corrective action shall be taken by the customer before service will be restored. (Ord. 95-4 §2(part)).

14.32.140 Investigation--Right of entry. Any duly authorized agent of the water department shall have the authority to enter any building or premises for the purpose of investigating the property of any applicant or consumer of water in order to designate the rate to be applied to the property and to view the water lines and equipment connected therewith. Except in emergency situations, such agents of the water department shall not enter any building or premises without the consent of the owner or occupant thereof, unless an investigation warrant authorizing such entry and investigation is first obtained. No person shall hinder or prevent the agents of the water department while in the performance of the duties described in this section from entering upon and into any and all property at all reasonable hours for the purpose of inspecting the same in order to carry out the provisions of this chapter. No person except a duly authorized agent of the water department shall turn the water on or off from any building or premises, and no person shall tap, cut or move any water line laid in streets or alleys unless permission to do so has been granted by the water department supplying the water. (Ord. 95-4 §2(part)).

14.32.150 Unlawful acts. A. It is unlawful for any person to do any of the following:

1. Open any street hydrant or valve or tamper with

or interfere with any street service, water connection, reservoir, pumping plant, or any water meter attached to any service line connected with the city mains or water lines or hydrants of the city;

2. Turn on and off water mains or water lines of the city or occupy premises the water service to which has been turned on without authorization of the ~~city manager~~ water department after having been shut off for a violation of this title or other rules or regulations; or tap, break or damage any water main, water line, meter or other fittings of the city laid in any easement, right of way, ~~or street,~~ avenue, alley, or other public place;

3. Tamper with, deposit, or cause to be deposited in any water main or line of the city any fluid or solid matter or substance of any kind or to do any act that might cause water to become polluted;

4. Make or add any water connection, line, main or service not authorized by the ~~city manager~~ water department.

5. Take, pump or draw water from any water main, line or hydrant of the city without first arranging with the water department for the same and paying the established rate therefore.

B. If an unlawful water connection, line, main or service or water consumption is found to exist on any premises by the water department ~~city manager~~, the water department ~~city manager~~ shall post in a conspicuous place on the premises a written notice specifying that the same are in violation of this section, giving the particulars thereof; and if the violation shall thereafter continue for forty-eight hours without correction, the water department ~~city manager~~ shall terminate water service to the premises, which water service shall not again be turned on until the violation has been cured in accordance with the specifications of the water department ~~city manager~~ and the charge for a renewal of service has been paid. In addition to and at the time of posting the notice, a copy thereof shall be mailed to the person occupying the premises addressed to the address of the premises or in lieu thereof, delivered personally to the occupant. (Ord. 95-4 §2(part)).

Chapter 14.36

METERS

Sections:

- 14.36.010 Installation.
- 14.36.020 Meter installations.
- 14.36.030 Meter readings.
- 14.36.040 Non-registering meters.
- 14.36.050 Meter maintenance.
- 14.36.060 Change in location of meters.
- 14.36.070 Meter tests.
- 14.36.080 Access to meter and curb stop.

14.36.010 Installation. All active services shall be metered. The applicable fees and charges shall be paid to the city prior to installation of the facilities, together with any deposits required under this code and any resolutions enacted pursuant thereto. Title to the meters shall be held by the city. (Ord. 95-4 §2(part)).

14.36.020 Meter installations. Meters will be installed at the location determined by the city. (Ord. 95-4 §2(part)).

14.36.030 Meter readings. Meters will be read as nearly as possible on the same calendar day of each billing period. (Ord. 95-4 §2(part)).

14.36.040 Non-registering meters. If a meter is found not to be registering, the charges for service shall be based on the estimated consumption. Such estimates shall be made from previous consumption for a comparable period or by such other method as is determined by the city manager, and its decision shall be final. (Ord. 95-4 §2(part))

14.36.050 Meter maintenance. The city shall maintain, repair and renew all meters when such maintenance, repair or renewal is made necessary by reason of normal wear and tear. (Ord. 95-4 §2(part)).

14.36.060 Change in location of meters. Meters moved for the convenience of the customer or to provide required access to the meter will be relocated at the customer's expense. Any relocation must be approved by the city manager in writing. Meters moved to protect the city's property will be moved at its expense. Meters shall be relocated only by the water department or under the supervision of the water department. This section applies only to the change in location of the meter at a single premises, and on the same parcel of land. (Ord. 95-4 §2(part)).

14.36.070 Meter tests. All meters are tested prior

to installation, and no meter will be installed which registers more than two percent fast. Any customer may request that the meter serving his premises be tested by the water department. Such request shall be in writing and shall be accompanied by a deposit, the amount of which shall be determined from time to time by resolution of the city council. Upon receipt of such request and the required deposit, the city manager shall cause the meter to be tested. The customer or his representative may, but need not, be present during the conducting of the test. If the meter is shown to be defective, the city shall refund the deposit to the customer. (Ord. 95-4 §2(part)).

14.36.080 Access to meter and curb stop. It shall be the duty of each customer to keep the space about the meter and curb stop servicing his property free and clean of trash, garbage, barrels or boxes, dirt, oil, building material, or other obstructions that may in any way interfere with the free access to the same by the employees of the water department at any time; and upon failure to do so, the city manager may cause notice to be given, either in writing or in person, to the owner or occupant of the property to remove such obstruction within twenty-four hours; and on failure to do so, the obstruction may be removed by the water department and the cost thereof charged against the customer or the property owner thereof, or the water department may remedy the obstruction as directed by the city manager, including (but not limited to) movement of the meter or curb stop, and the charge therefor shall be due and payable at the same time and in the same manner and upon the same bill, together with and not separately from the other charges thereon. (Ord. 95-4 §2(part)).

Chapter 14.40

CREDIT

- 14.40.010 Establishment and maintenance of credit.
- 14.40.020 Application of deposit to water bill.
- 14.40.030 Interest on deposit.
- 14.40.040 Return of deposit.
- 14.40.050 Inability to return deposit—Transfer to water enterprise fund.

14.40.010 Establishment and maintenance of credit. Each applicant for water service shall pay a deposit to the city. The amount of the deposit shall be established, from time to time, by resolution of the city council. ~~In addition, the city council may require a security deposit from the owner(s) of the property to which, or in connection with which, water service is rendered. The applicant for service and the owner of the property, if the applicant is not the owner, shall be jointly and severally liable for the payment of all amounts due the city for providing water~~

~~service to the property.~~ (Ord. 95-4 §2(part)).

14.040.020 Application of deposit to water bill. The city may apply, without notice, the amount of any deposit prescribed herein toward the payment of any water bill or other indebtedness which may become past due and owing the city and to unpaid bills for water service when such service has been discontinued. (Ord. 95-4 §2(part)).

14.40.030 Interest on deposit. No interest shall be paid to any applicant or owner on any deposit made with the city pursuant to the provisions of this title. (Ord. 95-4 §2(part)).

14.40.040 Return of deposit. Upon or after discontinuance of service or after one year, the city shall ~~refund~~ apply any balance of the deposit in excess of unpaid bills or other indebtedness to the city to the customer's account, providing that the customer is in good standing. (Ord. 95-4 §2(part)).

14.40.050 Inability to return deposit--Transfer to water enterprise fund. Should the customer entitled to the refund of a deposit be unavailable at the time the refund is to be made, and should the city be unable to locate said customer for a period of six months following discontinuance of the customer's water service, the amount of said deposit shall be transferred to the water enterprise fund of the city. (Ord. 95-4 §2(part))

Chapter 14.44

BILLING

Sections:

14.44.010	Billing period.
14.44.020	Opening and closing bills.
14.44.030	Payment of bills.
14.44.040	Penalties for nonpayment.
14.44.050	Billings of separate meters not combined.
14.44.060	Public fire protection <u>suppression</u> service charge.
14.44.070	Collection
14.44.080	Delinquency date.

14.44.010 Billing period. The regular billing period will be monthly or bimonthly at the option of the city. (Ord. 95-4 §2(part)).

14.44.020 Opening and closing bills. Opening and closing bills for less than the normal billing period shall be prorated. (Ord. 95-4 §2(part)).

14.44.030 Payment of bills. A customer shall be

charged for water service by the unit. Bills for water service shall be mailed or delivered to each customer as soon as convenient after the monthly billing period for which the bill is rendered. Bills shall be due and payable on presentation. (Ord. 95-4 §2(part)).

14.44.040 Penalties for nonpayment. In addition to the discontinuance of service as provided in Chapter 14.04 of this title, penalties, as determined from time to time by resolution of the city council, for nonpayment of charges for water service shall become due. (Ord. 95-4 §2 (part)).

14.44.050 Billings of separate meters not combined. Separate bills will be rendered for each meter installation except where the water department has, for its convenience installed two or more meters in place of one meter. Where such installations are made, the meter readings will be combined for billing purposes. (Ord. 95-4 §2(part)).

14.44.060 Public fire protection suppression service charge. Bills for public fire protection service shall be rendered as the city council may provide by resolution. (Ord. 95-4 §2(part)).

14.44.070 Collection. Where property is subject to rates and charges for other water service, such rates and charges shall be collected, together with and not separately from the rates and charges herein provided for public fire protection service. (Ord. 95-4 §2(part)).

14.44.080 Delinquency date. Rates and charges which are not paid on or before the thirtieth day following the billing date shall be delinquent, at which time a notice will be sent advising that the service will be discontinued if payment is not received within fifteen days. (Ord. 95-4 §2(part)).

Chapter 14.48

COLLECTION BY SUIT

Sections:

- 14.48.010 Suit.
- 14.48.020 Assignment of debt.

14.48.010 Suit. All unpaid rates, charges and penalties may be collected by suit against the applicant/customer or owner or both. If the city has to initiate suit to collect any unpaid rates, charges or penalties, and the city is a prevailing party, the city shall be entitled to recover its costs and attorneys' fees. (Ord. 95-4 §2

(part)).

14.48.020 Assignment of debt. The city shall have the right to assign and sell any unpaid rates, charges and/or penalties due the city to any collection agency. (Ord. 95-4 §2(part)).

Chapter 14.52

COMPLAINTS

Sections:

- 14.52.010 Report and adjustment.
- 14.52.020 Appeal to board.

14.52.010 Report and adjustment. Should any customer have complaints with regard to water service, such customer shall contact the water department supervisor for adjustment. (Ord. 95-4 §2(part)).

14.52.020 Appeal to board. Should a customer be unable to have his complaint resolved by the water department supervisor, or should he object to the water department supervisor's decision, he may make appeal to the city manager. After receipt of all necessary information a decision by the city manager shall be rendered within thirty days and shall be final. (Ord. 95-4 §2(part)).

Chapter 14.56

DISCONNECTION OF SERVICES

Sections:

- 14.56.010 Mailed notices.
- 14.56.020 Procedure for disputed bills.
- 14.56.030 Notify ~~health department~~ Code Enforcement Officer
- 14.56.040 Notices.
- 14.56.050 Additional ~~security~~ deposit.
- 14.56.060 Conditions for restoring service.
- 14.56.070 Disconnection by customer.
- 14.56.080 Temporary disconnection.
- 14.56.90 Meters installed but not yet activated.
- 14.56.100 Connection fees paid and meter not installed.

14.56.010 Mailed notices. When a water bill becomes delinquent, the city manager shall mail or cause to be mailed a notice to the delinquent customer ~~and property owner, if the customer is different from the property owner,~~ notifying the customer that water service will be disconnected if the bill is not paid within fifteen days after the date of mailing. If full payment is not received, or

arrangements for payments have not been made to the satisfaction of the city, the service shall be disconnected as provided in the notice. (Ord. 95-4 §2(part)).

14.56.020 Procedure for disputed bills. If a customer disputes the correctness of the billing, the water department supervisor shall hear and investigate or cause to be heard and investigated the dispute and shall make adjustments as he/she deems appropriate under the circumstances. The customer may appeal the decision of the water department supervisor to the city manager whose decision shall be final. The customer shall file his notice of appeal with the city manager within ten days after receiving notice of the water department supervisor's decision. The water department supervisor's decision shall be in writing and shall state the customer's right of appeal and that if the notice of appeal is not filed, the service will be disconnected without further notice. If the customer does not appeal and full payment is not received, the service shall be disconnected. If the customer files an appeal but does not comply with the decision of the city manager and full payment is not received, the service shall be disconnected. (Ord. 95-4 §2(part)).

14.56.030 Notify Code Enforcement Officer health department. Upon discontinuance of service, the ~~city manager~~ water department may notify the city ~~and county health department~~ code enforcement officer of the service disconnection. (Ord. 95-4 §2(bart)).

14.56.040 Notices. All notices shall be in a form established from time to time by the city clerk in consultation with the city attorney. (Ord. 95-4 §2(part)).

14.56.050 Additional ~~security~~ deposit. If a customer has been previously delinquent in the payment of its water bill or bills or has been previously disconnected ~~from~~ for nonpayment of a bill, the city manager may require ~~that an~~ an additional ~~security~~ deposit ~~be posted,~~ in excess of the regular deposit ~~a amount~~ to be set by the city council per section 14.40.010. The amount of the additional deposit may not exceed the amount set forth in section 14.72.080 ~~be posted,~~ in addition to the regular deposit required by Section 14.40.010, with the city to guarantee payment of future water bills by the customer (Ord. 95-4 §2(part)).

14.56.060 Conditions for restoring service. Water service will not be restored to the disconnected property until all delinquent water charges, late fees, interest charges, penalties for disconnection and required security deposits have been paid. (Ord. 95-4 §2(part)).

14.56.070 Disconnection by customer. A request for disconnection for customer service shall only be honored by the city from the customer in whose name the service was

established. (Ord. 95-4 §2(part)).

14.56.080 Temporary disconnection. If a customer requests that water service be temporarily disconnected, the water department shall terminate water service by turning off the service at the meter and, in such event, the customer shall be subject to the monthly water meter minimum charge. ~~If the discontinuance of service lasts sixty days or more, then the customer shall pay a reconnection fee in an amount to be set from time to time by resolution of the city council.~~ (Ord. 95-4 §2 (part)).

14.56.090 Meters installed but not yet activated. Meters installed at the customers request but not yet activated shall be subject to the monthly water meter minimum charge.

14.56.100 Connection fees paid and meter not installed. The meter must be installed within a twelve month period after fees have been paid or connection fees shall be refunded to applicant, and connection forfeited.

Chapter 14.60

PUBLIC FIRE PROTECTION SUPPRESSION

Sections:

- 14.60.010 Use of fire hydrants.
- 14.60.020 Penalties.

14.60.010 Use of fire hydrants. A. Fire hydrants are only for use by the city or by organized fire protection agencies. Other parties desiring to use fire hydrants for any purpose must first obtain written permission from the water department prior to use, and shall operate the hydrant in accordance with instructions issued by the water department, and they shall pay all applicable fees.

B. The cost of repairing damage to the water system caused by the improper use of any fire hydrant shall be paid by the person using the fire hydrant. (Ord. 95-4 §2 (part)).

14.60.020 Penalties. The city council shall provide penalties for the unauthorized use of hydrants. Unauthorized use of hydrants will be prosecuted according to law. (Ord. 95-4 §2(part)).

Chapter 14.64

PRIVATE FIRE PROTECTION SUPPRESSION SERVICE

Sections:

- 14.64.010 Payment of cost .
- 14.64.030 Use.
- 14.64.040 Meter rates.
- 14.64.050 Monthly rates.

14.64.010 Payment of cost. The applicant for private fire ~~protection~~ suppression service shall pay the total actual cost of installation of the service. All maintenance required on private fire suppression service, from a location at the city water main to its terminus, shall be the sole responsibility of the owner. (Ord. 95-4 §2(part)).

14.64.030 Use. There shall be no water used throughout the fire ~~protection~~ suppression service except for fire repression and for testing the fire fighting equipment. (Ord. 95-4 §2 (part)).

14.64.040 Meter rates. Any consumption of water recorded on the meter will be charged for at applicable rates, except that no charge will be made for water used to extinguish accidental fires where such fires have been reported to the fire and water departments. (Ord. 95-4 §2 (part)).

14.64.050 Monthly rates. The rates for private fire protection service shall be applicable. (Ord. 95-4 §2 (part)).

Chapter 14.68

TEMPORARY SERVICE

Sections:

- 14.68.010 Deposit.
- 14.68.020 Installation and operation.
- 14.68.030 Rates.
- 14.68.040 Duration.

14.68.010 Deposit. An applicant shall make application for temporary water service on an approved city form and deposit, in advance, the costs and fees established from time to time by resolution of the city council. (Ord. 95-4 §2(part)).

14.68.020 Installation and operation. All facilities for temporary service to the customer connection shall be

installed by the water department and shall be operated in accordance with its instructions. (Ord. 95-4 §2(part)).

14.68.030 Rates. The rates for temporary service shall be the applicable rates in effect at the time of application. (Ord. 95-4 §2(part)).

14.68.040 Duration. The city's water department supervisor may grant a temporary service pursuant to Chapter 14.68 for a period of time not to exceed six months and may extend the six-month period for an additional six-month period upon receipt of payment in advance of the costs and fees established pursuant to Section 14.68.010. (Ord. 95-4 §2(part)).

Chapter 14.72

RATES AND CHARGES

Sections:

- 14.72.010 Rate schedule.
- 14.72.020 Penalty on delinquent accounts.
- 14.72.025 Delinquent accounts on undeveloped premises.
- 14.72.030 Renewal of service.
- 14.72.040 Connection fee(s).
- 14.72.050 Deposit for meter test.
- 14.72.060 Adjustment for meter errors.
- 14.72.070 Relocation / Meter change.
- 14.72.080 Security Additional maximum amount of deposit.
- 14.72.090 Replacement of change of deposit.
- 14.72.100 Fire protection suppression rates.
- 14.72.110 Unauthorized use of fire hydrants.
- 14.72.120 After hour service.
- 14.72.130 Charge for city employees performing work beyond normal duties.
- 14.72.140 Cost of standard specifications.
- 14.72.150 Subsequent rate changes.
- 14.72.160 Service outside city.
- 14.72.170 Leak adjustment.

14.72.010 Rate schedule. Rates for water service are to be established by resolution of the city council. (Ord. 95-4 §2(part)).

14.72.020 Penalty on delinquent accounts. The basic penalty for nonpayment of charges for water service shall be established from time to time by resolution of the city

council. (Ord. 95-4 §2(part)).

14.72.025 Delinquent accounts on undeveloped premises. If a delinquent account exceeds twelve months on undeveloped premises the owner shall forfeit the capital improvement fees and, connection for metered service. (Ord. 95-4 §2(part)).

14.72.030 Renewal of service. The amount to be paid for renewal of a customer's service which has been discontinued for a violation of city's rules, regulations and ordinances is to be established by resolution of the city council in addition to all other charges provided for or established pursuant to said rules, regulations and ordinances. (Ord. 95-4 §2(part)).

14.72.040 Connection fee. The connection fee per service connection, exclusive of service, meter and meter installation charges, is to be established by resolution of the city council. (Ord. 95-4 §2(part)).

14.72.050 Deposit for meter test. Any customer requesting that the meter serving his premises be tested for accuracy by the water department shall do so in writing, and his request shall be accompanied by a deposit to be established by resolution of the city council. If the meter is found to register over two percent more water than actually passes through it, the deposit will be refunded, but if the meter registers less than two percent more water than actually passes through it, the deposit will be retained by the city to offset the administrative cost of such testing. (Ord. 95-4 §2(part)).

14.72.060 Adjustment for meter errors. If a meter shall be found to register over two percent more water than actually passes through it, the water bill for the current billing period shall be adjusted proportionately. (Ord. 95-4 §2(part)).

14.72.070 Relocation / Meter change. A customer requesting a meter change or relocation for his/her own convenience shall pay the cost of the installation and all work associated thereto in addition to a relocation application fee in an amount to be set from time to time by resolution of the city council. All applications for the relocation of meters or change of meter shall be determined by the water department. (Ord. 95-4 §2(part)).

14.72.080 Security Additional maximum amount of deposit. A minimum cash deposit to be established by resolution of the city council shall be required of each applicant for water service. For good cause, the city manager may require an security additional deposit in excess of said minimum cash deposit from an applicant or user, but not to exceed one year's charges for water service. Good cause shall include but not be limited to: 1) History of late payment or failure to pay; 2) Violation

of General Use Regulations as set forth in Chapter 14.32; and 3) Damaging City equipment. (Ord. 95-4 §2(part)).

14.72.090 Replacement or change of deposit. The city manager may require, as a condition of service at any time, that the deposit prescribed herein be replaced if the deposit or any part thereof has been applied to the payment of any bill or indebtedness to the city, or may require that the deposit be increased if depleted, found to be insufficient, or good cause otherwise exists. (Ord. 95-4 §2(part)).

14.72.100 Fire ~~protection~~ suppression rates. The monthly rates for private fire ~~protection~~ suppression ~~are to shall~~ be established by resolution of the city council. (Ord. 95-4 §2(part)).

14.72.110 Unauthorized use of fire hydrants. A penalty to be established by resolution of the city council shall be charged for water estimated to have been taken or wasted by the unauthorized use of a fire hydrant. The estimate shall be made by the city manager, and the penalty charges shall be due and payable on demand. (Ord. 95-4 §2 (part)).

14.72.120 After hours service. There shall be a charge to be established by resolution of the city council for customer-requested turn-on or turn-off of water service at any time other than during normal working hours, which are from eight a.m. to twelve noon and from one p.m. to five p.m., Monday through Friday, excepting holidays. (Ord. 95-4 §2(part)).

14.72.130 Charge for city employees performing work beyond normal duties. The charge to persons for work performed by city employees beyond their normal duties is established at two and one-half times the hourly wage rate of said city employees for each hour or part of an hour worked. (Ord. 95-4 §2(part)).

14.72.140 Cost of standard specifications. The city's standard specifications for water facility installations shall be available at the city office for use and examination and copies shall be made available to interested persons at a cost to be established by resolution of the city council. (Ord. 95-4 §2(part)).

14.72.150 Subsequent rate changes. All rates or charges established by this title are to be established by resolution of the city council. (Ord. 95-4 §2(part)).

14.72.160 Service outside city. Nothing contained in

this title shall be construed to preclude any special agreement or arrangement between the city and any person or entity whereby water service may be furnished by the city outside its boundaries, subject to payment therefore and to such other terms and conditions as may be established by resolution of the city council and other regulatory agencies. (Ord. 95-4 §2(part)).

14.72.170 Leak adjustment. Customers may request a leak adjustment on the water bill and the city may make a reasonable adjustment to the customers account following proof of repair(s). There will be only one leak adjustment per address per year.

Chapter 14.80

SPECIAL AGREEMENTS

Sections:

14.80.10 Service outside city - Special agreements

14.80.010 Service out city - Special agreements.

No statement contained in this title shall be construed as preventing any special agreement or arrangement between the city or any person or entity whereby water may be accepted or provided by the city subject to such terms and conditions as might be required by the city as set forth in a resolution of the city council.

Chapter 14.90

WATER SHORTAGE EMERGENCIES

Sections:

14.90.010 Procedure for Establishment of Water Emergency
Limitation Phases
14.90.015 Discontinuance of Service
14.90.020 Phase I Water Regulations
14.90.030 Phase II Water Regulations
14.90.040 Phase III Water Regulations
14.90.050 Phase IV Water Regulations
14.90.060 Phase V Water Regulations
14.90.070 Termination of Water Emergency Regulation Phases
14.90.080 Exception Permits
14.90.090 Violation--Misdemeanor

14.90.010 Procedure for Establishment of Water Emergency

Limitations Phases: At any time that the council finds and determines that a water shortage emergency condition exists within the criteria of Sections 14.90.020 through 14.90.060 of this article, and that it is necessary to limit usage by the customers of the municipal water department (Department), the council shall adopt a resolution setting forth the applicable regulatory phase. As soon as is practicable after adoption of such resolution, the clerk shall cause to be published at least once, in a newspaper of general circulation published and circulated in the City, a notice declaring the establishment of such regulatory phase. Such notice shall set forth the limitations of water use applicable to the particular phase being established and shall further declare that violations of such limitations are punishable in accordance with the provisions of Section 14.90.090 of this article. The establishment of a particular phase shall be completed and effective at midnight of the day on which the newspaper containing such notice is distributed.

14.90.015 Discontinuance of Service:

- A. The wasteful use of water shall be prohibited and is determined to be detrimental and injurious to the City and its residents. The City may, at any time, refuse to furnish water and may discontinue service to any premises where the Manager or his or her designee finds that wasteful or negligent use of water exists on any premises which affects the City's water service. The City shall have the right to refuse or discontinue water service to any premises if necessary to protect itself against fraud or abuse.
- B. Enforcement by City Manager: The City Manager, or his or her designee, (hereinafter Manager) is charged with the enforcement of all the provisions of this chapter and any water restriction or conservation regulations hereafter adopted by the Council.
- C. Discontinuance for Certain Violations: In the event of violation, other than nonpayment of water service charges, of any terms of this chapter, the Manager may disconnect any premises from the water system after first notifying in writing the person causing, allowing or committing such violation, specifying the violation and, if applicable, the time after which, upon the failure of such person to prevent or rectify the violation, the Manager will exercise his or her authority to disconnect the premises from the water system; provided, that such time shall not be less than five (5) days after the deposit of such

notice in the United States Post Office at Willits, Mendocino County, California, addressed to the person to whom notice is given; provided, however, that in the event such violation results in a public hazard or menace, then the Manager may enter upon the premises without notice and do such things and expend such sums as may be necessary to abate such hazard, and the reasonable value of the things done and the amounts expended in so doing shall be a charge upon the person so in violation.

- D. Reconnection Fee: Whenever any premises have been disconnected from the water system for any violation of this chapter, such premises shall not be reconnected to the water system until all delinquent charges, penalties and interest have been paid, together with a reconnection charge as may be set by resolution of the council.

14.90.20 Criteria for Establishing Phase I through Phase V Emergencies; and Phase I Water Regulations:

The criteria for establishing a Phase I through Phase V water emergency shall be based upon the total combined storage volume in Centennial and Morris Reservoirs including 150 acre feet of dead pools ("Reservoirs"). Each of the five phased water emergencies set forth herein shall be triggered if the total storage volume is less than the value indicated within Phases I through V.

- A. The criteria for establishing Phase I shall be that:
1. The water in storage in the City Reservoirs on February 1 is less than 290 acre feet (AF); or on May 1 is less than 1,170 AF; or on August 1 is less than 830 AF; or on November 1 is less than 500 AF; or
 2. Conditions requiring the establishment of a Phase II water emergency appear to be imminent.
- B. The following voluntary conservation measures by customers of the Department shall be encouraged and publicized by the City:
1. All customers are encouraged to conserve water and to reduce their monthly water consumption by a minimum of ten percent (10%) from their customary monthly consumption for the

applicable months.

2. All customers are encouraged to immediately install water-saving devices in their plumbing, appliances, or improvements.
3. All customers are encouraged to limit the expansion or installation of new water-using appliances, plumbing or improvements, such as lawns, gardens, landscaping, pools, sprinkler irrigation systems, wash-down equipment, larger washing machines or garbage disposal units.
4. Customers are encouraged to only wash cars, other vehicles, and other hard surfaces from buckets, with a quick rinse from a hose equipped with a shut-off nozzle.
5. All schools, social and professional groups, etc., are encouraged to discuss water conservation as a regular agenda item and to exchange information with the Department for consideration and implementation.
6. All public facilities are encouraged to establish the following irrigation program: hand watering for all plants and shrubs; use shut-off nozzle on hoses used for hand watering; maintenance watering of lawns and fields; maximum water for lawns and fields, forty (40) minutes per week; night watering of fields and lawns to be watered between 7 p.m. and 10 a.m.
7. Wasting water is prohibited by Section 14.90.015 and is sufficient grounds to discontinue service to the premises of the customer.

14.90.030 Phase II Water Regulations:

- A. The criteria for establishing Phase II shall be that:
 1. The water in storage in the City Reservoirs on February 1 is less than 270 AF; or on May 1 is less than 1,070 AF; or on August 1 is less than 760 AF; or on November 1 is less than 470 AF; or
 2. Conditions requiring the establishment of a Phase III water emergency appear imminent.
- B. All voluntary measures established by Phase I,

- B. All voluntary measures established by Phase I, Section 14.90.020 shall be encouraged and publicized by the City, except insofar as they are inconsistent with subsection (C).
- C. The following mandatory restrictions by customers of the Department shall be enforced by the Manager:
 - 1. The mandatory measures in Section 14.90.030 shall be enforced except insofar as they are inconsistent with this subsection (C).
 - 2. Commercial and industrial users shall reduce their water use by fifteen percent (15%) of their use during the corresponding period of the preceding non-rationed year, provided that no commercial or industrial user will be required to reduce usage to less than one hundred (100) gallons per day. Users with no prior record of use shall be governed by comparable facilities' usage records as determined by the Department.
 - 3. Residential users shall be limited to two hundred fifty (250) gallons per occupied residential unit per day (10 units per month).
 - 4. All nonessential uses of water shall be prohibited. Nonessential uses shall include, but not be limited to, the following:
 - a. The washing of sidewalks, walkways, driveways, parking lots, tennis courts, and all other hard surfaced areas;
 - b. The washing of motor vehicles, trailers, airplanes, or boats;
 - c. The refilling of swimming pools, hot tubs and spas, except as required by the fire chief for use as standby neighborhood fire protection. (The fire chief shall cause a list of such pools as he or she determines are necessary to be kept full to be filed with the department.)

14.90.50 Phase IV Water Regulations:

- A. The criteria for establishing Phase IV shall be:
 - 1. The water in storage in the City Reservoirs on

February 1 is less than 250 AF; or is less than 870 AF on May 1; or is less than 630 AF on August 1; or is less than 400 AF on November 1; or.

2. Conditions requiring the establishment of a Phase V water emergency appear imminent.
- B. All voluntary measures established by Phase I, Section 14.90.020 (B) shall be encouraged and publicized by the City except insofar as they are inconsistent with subsection (C).
- C. The following mandatory restrictions by customers of the Department shall be enforced by the Manager:
1. The mandatory restrictions in Section 14.90.030(C) and 14.90.040(C) shall be enforced except insofar as they are inconsistent with this subsection (C).
 2. Commercial and industrial users shall reduce their water use by twenty-five percent (25%) of their use during the corresponding period of the preceding non-rationed year, provided that no commercial or industrial user will be required to reduce usage to less than seventy-five (75) gallons per day. Users with no prior record of use shall be governed by comparable facilities usage records as determined by the Department.
 3. Residential users shall be limited to two hundred (200) gallons per occupied residential unit per day (8 units per month).
 4. No new water connections or expansions of existing uses will be permitted even if previously authorized by building permit.
 - a. A "new water connection" is defined as a water connection for the benefit of any user or use of water, whether industrial, commercial, residential, institutional, or otherwise, who or which was not currently receiving water from the Department at the time Phase IV conditions were established.
 - b. A user whose water was temporarily disconnected at the establishment of Phase IV shall not be deemed a "new water connection".

- c. All new construction, not actually receiving water for other than construction uses at the time of establishment of Phase IV, shall be deemed a new water connection, notwithstanding the fact that such new construction may have received all permits and consents required of it by any governmental agency, including the City, and notwithstanding the fact that the applicable fees for water connection may have been prepaid by the applicant.

14.90.060 Phase V Water Regulations:

- A. The criteria for establishing Phase V shall be:
 1. The water in storage in City Reservoirs on February 1 is less than 230 AF; or less than 760 AF on May 1; or less than 560 AF on August 1; or less than 360 AF on November 1; or
 2. The sources of water storage, supply, production and replenishment appear to be insufficient to furnish the necessary water to service the minimum requirements of the Department's customers, thereby constituting an immediate hazard to the safety and welfare of the and its residents and other customers of the Department.
- B. All voluntary measures established by Phase I, Section 14.90.020(B), shall be encouraged and publicized by the City, except insofar as they are inconsistent with subsection (C).
- C. The following mandatory restrictions by customers of the Department shall be enforced by the Manager:
 1. The mandatory restrictions in Sections 14.90.030, 14.90.040 and 14.90.050 of this article shall be enforced except insofar as they are consistent with this section.
 2. Commercial and industrial users shall reduce their water use by thirty-five percent (35%) of their use during the corresponding period of the preceding non-rationed year, provided that

no commercial or industrial user will be required to reduce usage to less than fifty (50) gallons per day. Users with no prior record of use shall be governed by comparable facilities' usage records as determined by the Department.

3. Residential users shall be limited to one hundred fifty (150) gallons per occupied residential unit per day (6 units per month).
4. The use of water for watering or irrigation purposes shall be prohibited unless accomplished within the limitation of 150 gallons.

14.90.065 Authority to Establish Phase I through V Water Regulation in Extraordinary Circumstances: In addition to the criteria set forth within Sections 14.90.020 through 14.90.060, the City Council may also by resolution impose a Phase I through V Water Regulation as provided in this Chapter, upon its determination that extraordinary circumstances exist and that such imposed water regulation is necessary to maintain an adequate water supply for essential water service.

14.90.070 Termination of Water Emergency Regulation Phases: Water emergency limitation phases shall be terminated or changed to a less critical phase in the same manner as they are established in accordance with criteria set forth in the preceding sections and at the discretion of the City Council.

14.90.080 Exception Permits:

- A. Under a Phase III, Phase IV or Phase V water emergency, the Manager shall, upon such conditions as seem to him or her to be reasonable, grant exception permits authorizing residential water usage up to a maximum of four hundred (400) gallons per day (16 units per month) on application of a water customer submitted under penalty of perjury, and based on the following:

1. For each full-time resident of a dwelling exceeding four (4) residents, the quantity of fifty (50) gallons per day; or

2. For medical conditions of a resident, a quantity as required to maintain health standards.
- B. Any decision of the Manager in granting or denying exceptions may be appealed by the applicant to the City Council by filing a written appeal with the City Clerk within five (5) days after the date of mailing of written notice to the applicant of the decision rendered. The City Council shall attempt to hear such appeal within twenty (20) days, and shall affirm, reverse or modify the decision.
 - C. The City Council may hereafter prescribe necessary procedures for the application for and use of exception permits.
 - D. The City Council may grant permits for uses of water or for exceptions to water conservation measures or for water connections otherwise prohibited by Sections 14.90.040, 14.90.050 and 14.90.060 of this article if it finds and determines that such regulations would:
 1. Cause an unnecessary and undue hardship to the applicant or to the public; or
 2. Cause an emergency condition affecting the health, sanitation, fire protection, or safety of the applicant or public;
 - E. Any decision of the City Council shall be the final administrative decision of the City, subject to judicial review pursuant to the provisions set forth at WMC 1.12.180.

14.90.090 Violation-Misdemeanor: Notwithstanding any provision of this code to the contrary, the provisions of Section 377 of the California Water Code shall be applicable to any violation of this article. Any person violating any of the provisions of this article shall be guilty of a misdemeanor. Upon conviction thereof, such person shall be punished by imprisonment in the county jail for not more than thirty (30) days or by a fine not exceeding one thousand dollars (\$1,000.00), or both. Upon the discretion of the Manager, such violations may be prosecuted as infractions.

SECTION THREE.

1. Severability: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Willits hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.