ORDINANCE NO. 2020 - 03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AVENAL AMENDING TITLE 6 "SANITATION AND HEALTH", CHAPTER 4 "WATER SERVICES", SECTION 6-4.02 THROUGH SECTION 6-4.08 OF THE AVENAL MUNICIPAL CODE IN ORDER TO ADDRESS REQUIREMENTS OF SB 998, "Water Shutoff Protection Act".

WHEREAS, in accordance with California State Law, the City of Avenal is required to meet the requirements of SB 998 which was enacted in September 2018 as the "Water Shutoff Protection Act"; and

WHEREAS, due to new requirements, the current "Water Services" section of the Code requires amending.

NOW, THEREFORE, BE IT RESOLVED that the following amendments shall be made to Title 6, Chapter 4, Sections 6-4.02 through 6-4.08 of the Avenal Municipal Code:

See attached document: Title 6. SANITATION AND HEALTH, Chapter 4, "WATER SERVICES" (as amended).

PASSED AND ADOPTED by the City Council of the City of Avenal on the June 11, 2020 by the following roll call vote:

AYES: **PRECIADO, WOOLLEY, HERNANDEZ, RAMIREZ, OVALLE.**
NOES: **NONE.**
ABSTAIN: **NONE.**
ABSENT: **NONE.**

BY: _____
Dagoberto Ovalle, MAYOR

ATTEST:
_____
Maria A. Ortiz, CITY CLERK

Title 6 SANITATION AND HEALTH

Chapter 4 WATER SERVICES

Sections:

6-4.01 Availability.

6-4.02 Applications—Form.

6-4.03 Establishment of credit—Prerequisite to obtaining water service.

6-4.04 Establishment of credit—Deposits.

6-4.05 Service connections—Installation—Fees.

6-4.06 Service connections—Charges.

6-4.07 Water services—Charges.

6-4.08 Water services—Charges—Billings—Delinquencies.

6-4.01 Availability.

The City shall furnish water service pursuant to the provisions of this chapter, and in accordance with other applicable rules and regulations, to any property within the City and to such areas outside the City as the Council may designate.

6-4.02 Applications—Form.

Each applicant for water service shall be required to sign an application form provided by the Utility Billing Department, online through the City website or make an application by letter, showing the date of the application, the location of the premises to be served, the mailing address, the date the applicant desires water service, and such other information as may be required. Where no main extension is required, application must be made twenty-four (24) hours prior to service being turned on except when made prior to a weekend or holiday.

Applications for water service to premises for which a service connection has already been installed may be made as provided in this chapter. Such application shall signify the customer's willingness and intention to comply with the provisions of this chapter and to make payment for water service rendered.

If the application is made for service to property where no service connection has been installed but where a distribution main is adjacent to the property, the applicant, in addition to making an application for water service, shall comply with the provisions of this chapter governing the installation of service connections. Where an extension of the distribution main in excess of one hundred (100) feet is necessary or a substantial investment is required to furnish service, the applicant shall be informed by the Public Works Department as to whether or not the distribution facilities can be extended pursuant to the regulations set forth in this chapter.

6-4.03 Establishment of credit—Prerequisite to obtaining water service.

(a) Original establishment. Each applicant, before receiving water service, may be required to establish credit by either of the following methods:

  (1) A cash deposit to secure the payment of the water bills as set forth in Section 6-4.04 of this chapter; or

  (2) The use of service for more than one year during the last twelve (12) months of which the customer paid all water bills promptly without a disconnection for nonpayment.

(b) Reestablishment. To reestablish credit, a customer shall be required to pay all delinquent bills, including penalties accrued, up to the time service was disconnected. The customer may be required to pay a reconnection charge and make a cash deposit as set forth in Section 6-4.04 of this chapter.

6-4.04 Establishment of credit—Deposits.

(a) Original establishment. Each applicant for service shall establish and maintain credit to the satisfaction of the City by a deposit, and the payment of all service charges as provided in this chapter, for each service.

(1) The amount required to establish credit for water service shall be set by resolution of the City Council.

(2) Such deposit will be collected prior to opening of service(s).

(3) No interest will be paid on deposits.

(4) A deposit shall be paid by every customer whether owner or renter, and regardless if prior service has been satisfactorily provided for each service under the customer's control or ownership.

(b) Reestablishment. To reestablish credit, a customer shall be required to deposit an amount equal to the amount required by Section 6-4.04(a).

(c) Delinquent accounts. The deposits required by the provisions of this section will be applied to delinquent bills for water service when such service has been discontinued. The Utility Billing Department may require the customer to deposit a specified amount before rendering water service again.

(d) Return of deposit.

(a) The deposit with the City made by a customer will be returned upon the discontinuance of service to the depositing customer after application of all charges due the City for utility services.

(b) The deposit will be refunded to all accounts after one full year of service, with the City, provided the customer has not incurred any delinquent shutoffs during the year. The deposit refund, for those customers who have completed one full year without incurring a delinquent shutoff, will automatically be made by deducting it from the customer's account during the next billing cycle. If a customer incurs a delinquent shutoff, a new year starts with the date that service was restored from the delinquent shutoff. If the delinquent shutoff occurs to a customer who has had their deposit refunded then, in addition to all other water service restoration charges, the customer shall be assessed a new deposit.

(c) Any deposit unclaimed within one year from the date service is discontinued will be retained by the City and may be transferred to the City's General Fund.

(d) The provisions of this section shall apply to the occupants of trailer houses located in established trailer parks in the City and in territory outside and adjacent to the City, as well as to any property within the City and outside the City.

(Ord. 91-06 §§ 14, 15, 1991)

6-4.05 Service connections—Installation—Fees.

Water service connections shall be installed in the size and at the location desired by the applicant where such requests are reasonable. Service connections shall be made only to the property abutting on public streets or to such distribution mains as may be constructed in alleys or rights-of-way at the convenience of the Public Works Department. Service connections installed in new subdivisions prior to the construction of streets or in advance of street improvements shall be accepted by the applicant in the installed location. A connection fee shall be established by the City Council by resolution. Such fee shall be paid prior to the issuance of building permits.

(Ord. 91-06 § 16, 1991)

6-4.06 Service connections—Charges.

(a) Charges for new service connections shall be as follows:

(1) Inside the City limits. Charges for new service connections shall be established by the City Council

by resolution.

(2) Outside the City limits. Charges for new service connections shall be established by the City Council by resolution.

(3) Miscellaneous charges. Miscellaneous charges shall be established by the City Council by resolution.

(b) Adjustment of fees.

All fees and changes provided for in this Chapter or in the Water Shut-off Policy may be established, adjusted, modified, amended or revoked by resolution of the City Council.

(Ord. 91-06 § 17, 1991)

6-4.07 Water services—Charges.

All persons using the potable water system of the City shall pay for such service at the rates established by the City Council by resolution.

(Ord. 91-06 §§ 18—21, 1991)

6-4.08 Water services—Charges—Billings—Delinquencies.

(a) Payment for water service and bills.

(1) All customers shall be responsible to pay for services provided at the rates in effect upon presentation of a City utility bill. The water billing period shall be monthly, and the payment date shall be the first of the month following the date of presentation. The City deems water bills delinquent on the first day of the calendar month (or next business day) following the date of presentation. Delinquent accounts shall be subject to all penalties and disconnection of service as provided in the Water Shut-off Policy.

(2) Water billing periods, and delinquency dates shall be established and fixed by City Council resolution except for discontinued service which shall be billed as provided for hereafter.

(3) Opening and closing bills.

(a) Opening and closing bills for less than the normal billing period shall be prorated both as to minimum charges and quantity blocks.

(b) Closing bills may be estimated by the City for the final period as an expedient to permit the customer to pay the closing bill at the time service is discontinued or processed in the normal final billing process as determined by the City Manager.

(4) Discontinuance upon vacating premises.

(a) Customers desiring to discontinue service shall so notify the Utility Billing Department two days prior to vacating the premises.

(b) Unless discontinuance of service is ordered by the customer or the customer's representative, the customer shall be liable for charges whether or not any water is used.

(b) Delinquent Account – Penalty Charge.

(1) All delinquent accounts shall be handled as provided in the Water Shut-off Policy.

(2) A customer's water service may be discontinued if a bill is not paid within sixty (60) days after such bill becomes delinquent. The service shall not be discontinued, however, until the amount of the deposit made to establish credit for that service has been fully absorbed.

(3) A customer's water service may be discontinued if water service furnished at a previous location is not paid for within sixty (60) days after the presentation of a bill.

(c) Reconnection charge.

A reconnection charge as established in the City's fee schedule will be levied and collected and said

customer's deposit may be increased to the current deposit amount prior to renewing service following a discontinuance for any reason provided for in this Chapter.

(d) Billing separate meters/service.

(1) If a customer received water service at more than one location and the bill for the service at any one location is not paid within sixty (60) days after is presentation, water service at all locations may be turned off. Separate bills will be rendered for each meter/service installation unless a combined billing is requested in writing by the customer.

(2) All charges for water services, sewer services, refuse collection services, and any other services rendered by the City may be billed upon the same bill and collected as one item. If all or a part of such bill is not paid, any or all of the services for which the bill is rendered may be discontinued.

(e) Water billing – delinquent account – service resumption upon payment – fee.

Water service will be resumed to a delinquent customer only upon payment in full of the delinquent bill plus penalties accrued. A reasonable final notice penalty fee will be charged by the City as set by City Council resolution. This fee must be paid to the City prior to the resumption of water service.

(f) Appeal of Water billing.

Any customer who disputes a water bill as provided for in this chapter shall have the right to an administrative review by the City Manager of the disputed amount. Said customer shall file the appeal in writing. The customer will be notified in writing of the City Manager's decision. If the decision is in favor of the customer, the customer's water account shall be adjusted accordingly. If the decision is against the customer, the customer shall be afforded an appeal to the City Council within 30 days of the City Manager's decision. To appeal, the customer must request the hearing in writing to the City Manager within 15 days of the date of the adverse decision by the City Manager. Documents used by the City Manager shall be submitted to the City Council for its review. Any person aggrieved by the decision of the City Council following an appeal, may obtain review of the Administrative Decision of the City Council by filing a Petition for Review with the Kings County Superior Court, Limited Jurisdiction, in accordance with the time lines and provisions as set forth in California Government Code Section 53069.4.

(g) Disputed charges.

The provisions of this chapter shall not prohibit the City Council from entering into contracts with a business, industry or governmental agency to supply water, water service and all things pertaining to the furnishing of water to such agencies at rates different than those provided for in this chapter, or established by resolution of the City Council.