

## **Chapter 14.12 WATER RATES AND CHARGES**

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### **14.12.010 Deposits.**

Every application for water service shall be accompanied by a cash deposit in lawful money of the United States in the amount specified in this chapter, except that an applicant whose credit with the city has been established need make no deposit. The payment by any person of his water bills promptly each month to the city for a period of at least one year shall be presumed to establish the credit of such person with the city. Owners of the premises upon which water service is furnished who have paid their water bills to the city promptly for a period of at least one year shall, upon demand, have their deposits returned to them. All other persons making a deposit hereunder shall have their deposits returned to them when their accounts are closed, but the amount of any unpaid bills shall be deducted from such deposit before such deposit is returned. No deposit need be returned without the surrender of the receipt issued therefor. At the expiration of one year after a closing bill has been rendered, and after two written requests to the record holder of the deposit receipt upon said account to redeem the deposit have been made the amount of the deposit or the balance thereof shall be forfeited and the same shall be transferred to the water operating fund. (Prior code § 7312)

### **14.12.020 Minimum deposit.**

A minimum deposit, based on the size of the water meter in question, shall be made upon application for water service, in an amount established by city council resolution. An extra service deposit, in a per-unit amount established by city council resolution, shall also be required for each unit where more than one dwelling, apartment, shop, office or similar addition are connected to one meter. (Ord. 1849 § 3, 1993; Ord. 1784 § 1, 1989; Ord. 1639 § 1, 1985; Ord. 1394 § 1, 1975; prior code § 7313)

### **14.12.030 Rates—Charges.**

The rates and charges set forth in this section and the succeeding sections are fixed and established and shall be paid by the consumers and shall be collected by the water department. (Prior code § 7314)

### **14.12.040 Service from mains.**

Except where, in the opinion of the city council, it is impractical to do so, all property shall be served with water from a water main installed in a street or right-of-way on which such property fronts or to which it is contiguous. If there is no such main, an extension of an existing water main shall be required as a condition to obtain service. (Prior code § 7314(A))

### **14.12.050 Connection to existing main.**

If there is an existing water main located within twenty-five feet and from which service may be obtained, property not previously connected to the main may receive water service through such main upon payment of the service connection installation charges provided for in Sections 14.12.100 through 14.12.230 of this code, and upon payment of the water main reimbursement charge provided for in subsection (2) of this section.

(1) Computation of Reimbursement Charge. When a water main reimbursement charge is required to be paid, the amount thereof shall be the percentage of the cost of the construction of the main that is equal to the percentage that the area sought to be connected is of the entire area of all land determined by the city engineer and city manager to be benefitted by the construction of such main. "Cost of construction" as used herein shall include all labor, materials, services, engineering and other incidental costs including overhead but not including any accrued interests thereon, all in the amounts determined by the city engineer and city manager.

(2) Disposition of Charges. Water main reimbursement charges shall be paid to the finance officer and shall be disposed of by him or her as set forth in Section 14.12.060(4). (Ord. 1348 § 1, 1973; prior code § 7314(B))

#### **14.12.060 Extensions—Expense—Construction type.**

Where a water main extension is required to provide water service, as follows: where it is necessary to extend the main by more than twenty-five feet, such extension shall be made at the expense of the person applying for such service. Such extension shall extend from the nearest adequate water main in place to and for the full length of that portion of the street or right-of-way on which the property to be served fronts or to which it is contiguous.

Such extensions shall be a ductile-iron pipe, or equal approved by the city engineer, of adequate capacity to meet the requirements for a distribution main in the territory to be immediately or ultimately served thereby as determined by the city engineer and city manager in accordance with efficient operating requirements of the water system.

##### **(1) Application—Deposit—Charges.**

(a) Upon the receipt of an application for a water main extension to serve property having no available water main, and a deposit in such an amount as the city manager and city engineer shall estimate to be sufficient to pay the cost of making the same, the city manager and city engineer shall cause such extension to be made. The application shall describe the property intended to be benefitted by such extension. The applicant may agree and bond him or herself, in the manner and means approved by the city attorney, to install such extension pursuant to plans approved by the city.

(b) Upon the completion of such extension and the determination of the actual cost thereof, any remaining portion of such deposit in excess of such cost shall be refunded. In case such deposit is insufficient, the applicant shall be liable to the city for such deficiency.

(c) The service connection installation charges provided for in Sections 14.12.100 to 14.12.230 of this code shall be in addition to the amounts herein required to be paid.

(2) Reimbursement of Construction Costs Where Privately Financed. If a water main extension is or has been installed after September 1, 1958, at no expense to the city either from its general fund, municipal water operating fund or from moneys derived from a bond issue authorized, by election, for the benefit of certain property, the water main reimbursement charges thereafter received by the city, within fifteen years from the date of the completion of the installation of such extension, for subsequent connections thereto from all other property in the benefitted area, shall be refunded to the person who paid for such extension or to his or her successors or assigns; provided, that the amount of such refund shall in no case exceed the actual cost of such extension less the amount which would have been required to be paid hereunder as a water main reimbursement charge for service to the property for the benefit of which the extension was originally made.

(3) Determination of Costs. "Costs" as used herein shall include all labor, materials, services, engineering and other incidental costs including overhead but not including any accrued interests thereon, all in the amounts determined by the city engineer and city manager.

(4) Finance Officer Duties. All receipts from water main reimbursement charges shall be designated by the finance officer as payable either to the city or refundable to the private persons entitled thereto as provided herein. All such receipts payable to the city shall be deposited into the water operating fund. All receipts refundable to private persons shall be deposited into a trust fund and shall be paid by the finance officer to the person or persons entitled thereto not less often than semiannually. (Ord. 1970 § 3, 2000; prior code § 7314(C))

#### **14.12.070 Additional supply installations charge.**

When application for a major water main extension is made, the applicant, in addition to all other charges herein provided for, may be required to pay an "additional supply installations charge." Such additional charge shall be made if expansion of the existing water system wells, storage tanks, booster stations or transmission mains is necessary to meet the applicant's water and fire flow demands. The need for the expansion and amount of charges shall be determined by the city engineer, subject to the appeal under Chapter 1.10. The charge shall include all labor, materials, services, engineering, administration and other incidental costs of the needed expansion and shall be deposited in the water operating fund. (Ord. 2132 § 1, 2016; Ord. 1498 § 1, 1979; Ord. 1348 § 2, 1973; prior code § 7314(D))

#### **14.12.080 Pumping, reservoir equipment—Installation.**

(a) Where a water main extension is required to serve property in a new subdivision, the provisions of Sections 14.12.060 and 14.12.070 shall apply. If there is an existing water main from which such property or any portion thereof may be served, water main reimbursement charges as provided for by Sections 14.12.050 and 14.12.070 shall be paid by the subdivider.

(b) Where it is necessary to install pumping and reservoir equipment to establish and maintain adequate water pressure for service to new subdivisions, as determined by the city engineer and city manager, the applicant shall deed to the city permanent sites for such equipment and pay the cost of furnishing and installing such appurtenances as may be necessary to connect such appurtenances to the water main extension.

(c) If the applicant is unable to immediately furnish such permanent sites and until he or she is able to do so, he or she shall provide, without expense to the city, a temporary reservoir, booster, or other appurtenance and temporary sites therefor, together with adequate assurance and bond for the permanent installation thereof.

(d) Where it is necessary to install pumping and reservoir equipment to establish and maintain adequate water pressure for service to new subdivisions, as determined by the city engineer and city manager, the applicant shall finance such construction and thereafter be entitled to reimbursement in the same manner as set forth in Sections 14.12.060 and 14.12.070 whenever such installations shall serve an area larger than the proposed subdivision. (Prior code § 7314(E))

#### **14.12.100 Metered water—Within city.**

(a) When calculating the charges for water, the city will not charge for water use that is less than one hundred cubic feet per billing period. Water meters will ordinarily be checked approximately every thirty days except for holidays and weekends. Meter readings may also be taken for any reasonable purpose, as determined by the director or designee including, without limitation, change of customer or changes of meter size. If a meter cannot be read or if a meter has not registered or has registered incorrectly, the quantity of water used will be estimated based on the average consumption at the property or substantially similar property during a like period of time.

(b) Computations of the flat rate portion of any monthly service charges for less than a full billing cycle is based on a daily rate. The daily rate will be determined by taking the monthly rate and dividing it by thirty. The daily rate is carried to four decimal places. If a customer discontinues service and closes the customer's account, service charges will be computed at the applicable daily rate from the last billing date to the account closing date. Service charges for a new customer will commence on the account opening date. No proration will be made on short term utility service where such service is required for total periods of less than two months. These customers will be charged for two months service. (Ord. 2175 § 2, 2020; Ord. 1849 § 4, 1993; Ord. 1821 § 1, 1991; Ord. 1810 § 1, 1990; Ord. 1784 § 1, 1989; Ord. 1737 § 1, 1988; Ord. 1639 § 2, 1985; Ord. 1621 § 1, 1984; Ord. 1537 § 1, 1980; Ord. 1502 § 1, 1979; Ord. 1446 § 1, 1977; Ord. 1394 § 1, 1975; Ord. 1342 § 1, 1973; Ord. 1192 § 2, 1967; prior code § 7315)

#### **14.12.110 Installations—Within city.**

For installation of water services, or enlargement of any service, a charge shall be made for cost of materials and labor; and in addition thereto, a charge of thirty percent of material and labor charges for supervision and overhead. Seventy-five percent of the estimated total cost shall be paid at time of application; the balance shall be paid within ten days of completion of installation. (Ord. 1502 § 1, 1979; Ord. 1446 § 1, 1977; Ord. 1394 § 1, 1975; Ord. 1192 § 2, 1967; prior code § 7316)

#### **14.12.115 Metered water service impact fee.**

(a) In addition to any deposit and charges established by city council resolution pursuant to this chapter, a metered water service impact fee shall be paid for the use of water meters before they are installed in an amount established by city council resolution.

(b) If a service is enlarged, the charge made for the meter shall be reduced by the amount previously paid under this section. (Ord. 1849 § 5, 1993; Ord. 1821 § 1, 1991; Ord. 1810 § 1, 1990; Ord. 1784 § 1, 1989; Ord. 1736 § 1, 1988; Ord. 1639 § 4, 1985; Ord. 1626 § 1, 1984).

**14.12.120 Metered water—Outside city.**

(a) Rates and charges for metered water sold outside the city limits for all uses shall be as set by city council resolution.

(b) Where the period of service is less than one full month, the charge shall be prorated based upon a daily basis, or on the monthly basis set by city council resolution, whichever is lower. (Ord. 1849 § 5, 1993; Ord. 1821 § 1, 1991; Ord. 1810 § 1, 1990; Ord. 1784 § 1, 1989; Ord. 1737 § 1, 1988; Ord. 1639 § 3, 1985; Ord. 1621 § 1, 1984; Ord. 1537 § 1, 1980; Ord. 1502 § 1, 1979; Ord. 1446 § 1, 1977; Ord. 1394 § 1, 1975; prior code § 7317)

**14.12.130 Installations—Outside city.**

For installation of water services, a charge shall be made for cost of materials and labor; and in addition thereto, a charge of thirty percent of material and labor charges for supervision and overhead. Seventy-five percent of the established total cost shall be paid at time of application. (Ord. 1502 § 1, 1979; Ord. 1446 § 1, 1977; Ord. 1394 § 1, 1975; Ord. 1192 § 2, 1967; prior code § 7318)

**14.12.140 Fire hydrant—Use permits.**

No person shall draw or use water from any city fire hydrant, risers or water main except through a meter:

(a) A permit and meter for use of water through fire hydrants will be issued by the water department upon receipt of a meter installation fee and a deposit, as established by city council resolution, to cover the cost of the water used and any damage to city equipment or facilities that result from the use of the fire hydrant.

(b) Rates for the water will be the same as domestic rates.

(c) The permit shall be located at the job site where the water is being drawn and shall be available for inspection by city personnel.

(d) If a water truck is to be used, the truck license number and equipment number will appear on the permit. If more than one truck is used, a permit for each truck will be issued and is good only for that truck and expires when the meter is returned to the city.

(e) All meters are to be returned at the end of the job designated on the permit. (Ord. 1970 § 4, 2000; Ord. 1498 § 1, 1979; prior code § 7319)

**14.12.160 Fire service charges.**

(a) Fire services in one- and two-family dwellings and manufactured homes may be combined with the domestic meter service. These installations shall meet the requirements and standards of the city of Monterey Park water system and fire department.

(b) All other fire services shall be equipped with detector checks with meter and check valves of the proper size attached. These fire services shall be a separate installation, and not be interconnected to the domestic service, and shall be two inches or larger.

(c) The monthly service charges for fire services and the size of the meter for each, within or outside city limits, shall be as established by city council resolution. (Ord. 1970 § 4, 2000; Ord. 1849 § 6, 1993; Ord. 1821 § 1, 1991; Ord. 1810 § 1, 1990; Ord. 1784 § 1, 1989; Ord. 1737 § 1, 1988; Ord. 1639 § 5, 1985; Ord. 1621 § 1, 1984; Ord. 1537 § 1, 1980; Ord. 1502 § 1, 1979; Ord. 1446 § 1, 1977; Ord. 1394 § 1, 1975; Ord. 1192 § 2, 1967; prior code § 7321)

**14.12.162 Combined residential domestic service—Fire sprinkler monthly service charge.**

(a) Any water service through a one-inch water meter which serves a combined fire sprinkler/domestic system for a residential development or manufactured homes of two units or less on a single parcel will be subject to the same monthly service charges as that for a three-fourths-inch meter without a combined fire service system.

(b) Any water service through a one and one-half-inch water meter which serves a combined fire sprinkler/domestic system for a residential development or manufactured homes of two units or less on a single parcel will be subject to the same monthly service charges as that for a one-inch meter without a combined fire service system. (Ord. 1970 § 4, 2000)

#### **14.12.165 Fire services impact fee.**

(a) In addition to any other deposit and charges established in the chapter, a fire service impact fee shall be assessed in an amount established by city council resolution.

(1) Any water service through a one-inch water meter which serves a combined fire sprinkler/domestic system for a residential development or manufactured homes of two units or less on a single parcel will be subject to the same fire service impact fee as that for a three-fourths-inch meter without a combined fire service system.

(2) Any water service through a one and one-half-inch water meter which serves a combined fire sprinkler/domestic system for a residential development or manufactured homes of two units or less on a single parcel will be subject to the same fire service impact fee as that for a one-inch meter without a combined fire service system. (Ord. 1970 § 4, 2000; Ord. 1849 § 6, 1993; Ord. 1821 § 1, 1991; Ord. 1784 § 1, 1989; Ord. 1736 § 1, 1988; Ord. 1639 § 6, 1985; Ord. 1626 § 1, 1984)

#### **14.12.170 Purchased water.**

Rates, for all uses in sections of the city where service from the city is not available and where water is purchased by the city from another company, shall be the same as those charged by that company from whom the water is purchased. (Prior code § 7322)

#### **14.12.180 Extra rate charge.**

Where more than one dwelling, apartment, shop, office or similar addition are connected to one meter, each such additional unit shall be charged for water service at a rate set by city council resolution which shall be known as an extra rate. (Ord. 1849 § 7, 1993; Ord. 1821 § 1, 1991; Ord. 1810 § 1, 1990; Ord. 1784 § 1, 1989; Ord. 1737 § 1, 1988; Ord. 1621 § 1, 1984; Ord. 1537 § 1, 1980; Ord. 1502 § 1, 1979; Ord. 1446 § 1, 1977; Ord. 1394 § 1, 1975; Ord. 1342 § 1, 1973; Ord. 1192 § 2, 1967; prior code § 7323)

#### **14.12.185 Lifeline water rate.**

(a) On an annual basis, the city council may determine by resolution whether to make lifeline rates available to domestic water customers who qualify for such a discounted rate pursuant to this section. Nothing in this section creates, or is intended to create, a property right for qualified persons to a lifeline rate as described by this section. Rather, establishing a lifeline rate is a discretionary determination made by the city council annually that is dependent, among other things, on projected interest revenue derived from the city's water operating fund.

(b) Customers meeting the qualifications in this section may, but are not required to, pay a discounted rate equal to the monthly residential rates and charges established by this chapter minus a flat dollar amount determined by city council resolution. In adopting a resolution determining the flat dollar amount, the city council should consider the following:

- (1) The interest revenue anticipated by the city budget for the city's water operating fund;
- (2) The number of customers qualified to pay the discounted rate established by this section; and
- (3) The residential water rates and charges established by this chapter.

(c) To qualify, domestic residential water customers must meet the following criteria:

- (1) Be at least sixty-two years old;
- (2) Establish that they are disabled, such that the customer is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, which can be expected to result in death, or to be of long-continued and indefinite duration;

(3) Establish that the combined adjusted gross income (as used for purposes of the California Personal Income Tax Law) of all members of the household in which the customer resided was less than the figure in effect on the preceding first day of April as the “very low income” limitation for a family of two persons in the city of Monterey Park under the Section 8 housing programs of the United States Housing Act of 1937, as amended, as published by the United States Department of Housing and Urban Development. For each fiscal year, the director of management services, or designee, is directed to determine, and utilize as the prior calendar year’s adjusted gross income limitation, the figure in effect on the preceding first day of April as the “very low income” limitation for a family of two persons in the city of Monterey Park under the Section 8 housing programs of the United States Housing Act of 1937, as amended, as published by the United States Department of Housing and Urban Development; or

(4) Be a qualified participant in the California Alternate Rates for Energy (“CARE”) program established by Public Utilities Code Sections 739.1 and 739.2 as determined by the most recent California Public Utility Commission decisions; or California Universal Telephone Service program (“LifeLine”) established in compliance with Public Utilities Code Section 871, et seq.

(d) Applications for the lifeline rate must be filed with the management services director, or designee. The management services director may require such additional evidence as it deems necessary or appropriate in processing the claim. Only one person from each household is permitted. The city, at any time, may require a person to provide proof of continuing eligibility.

(e) The lifeline rate will first appear on the next full billing cycle after the date of approval. (Ord. 2174 § 1, 2020; Ord. 1849 § 7, 1993; Ord. 1821 § 1, 1991)

#### **14.12.190 Inaccurate meter register.**

If, during any period, a meter fails to register or is known to register inaccurately, the consumer shall be charged with the minimum rate for such meter of the period during which such meter failed to register or registered inaccurately. (Prior code § 7324)

#### **14.12.200 Vacant house.**

In case a house, or other building or part of building where water is furnished, becomes vacant, the regular rate shall be charged and collected from the owner thereof whether water is used or not, unless the water department is notified thereof in writing, requesting discontinuance of service. (Prior code § 7325)

#### **14.12.210 Rate disputes—Investigation by director.**

(a) The director of management services may adjust complaints, and in the event of any dispute as to the water rates to be paid by any customer, the director will determine the same, subject to the approval of the city council.

(b) The director will review the accounts of customers who dispute charges within thirty days after receiving a bill or request. For purposes of this section, a bill will be deemed received by a customer five days after mailing. A timely contest or request for investigation will be reviewed by the director, or designee, who will provide a written determination to the customer.

(c) If an error is found after such review, the city will promptly correct the error and, if required and at the city’s sole discretion, either credit the customer’s account or give the customer a refund, unless other arrangements are requested by the customer and proved by the director, or designee. The maximum period for retroactive adjustments is twelve months before the date that the city is first notified in writing, in the form and manner prescribed by the director, or designee, of the error.

(d) Any customer whose timely request for an investigation pursuant to this section has resulted in an adverse determination may appeal to the city manager by filing a written notice of appeal with the city clerk within ten days of the city’s mailing of its determination. The decision of the city manager may be appealed to the city council. (Ord. 2175 § 3, 2020; Ord. 1498 § 1, 1979; prior code § 7326)

#### **14.12.220 Property damage.**

Where fire hydrants, meters, pipes or other fixtures, any of which being the property of the city, are broken off or damaged, the total cost of damage and labor, in addition to the loss of water, shall be paid by the person responsible for such damage and loss. The charge for loss of water shall be at a rate established by resolution of the city council. (Ord. 1849 § 8, 1993; Ord. 1821 § 1, 1991; Ord. 1810 § 1, 1990; Ord. 1784 § 1, 1989; Ord. 1737 § 1, 1988; Ord. 1621 § 1, 1984; Ord. 1537 § 1, 1980; Ord. 1502 § 1, 1979; Ord. 1446 § 1, 1977; Ord. 1394 § 1, 1975; prior code § 7327)

#### **14.12.230 Unnecessary city expense.**

Where building construction requires water and the meter is liable to be damaged, thereby causing unnecessary expense to the city, the meter may be omitted from the installation and the charge for water shall be the minimum for that size service. When construction is completed a meter of proper size shall be installed and the charge shall be as specified for metered services. (Prior code § 7328)

#### **14.12.240 Billing—Delinquency—Water shutoff.**

(a) The water department will render bills monthly or bimonthly for all charges hereunder. Such bills may be rendered in conjunction with bills for solid waste collection as provided in Section 6.08.040 of this code.

(b) Rendered bills are due and payable at City Hall on the date they are rendered, and any amount billed which is not paid within thirty days after the billing date are delinquent. If payment is received after the delinquent date, the sum of ten dollars or ten percent of the first delinquent bill, whichever is less, must be paid in addition to the bill(s) amount, unless the customer has entered into a repayment schedule authorized by the director, or designee.

(c) Where a bill is delinquent, notice of the delinquency and a copy of this chapter must be given to the customer(s) named on the account in accordance with the notice and service requirements outlined by this chapter.

(d) Service will be discontinued if after sixty days of the billing date payment has not been received and arrangements have not been made to pay the delinquent bill because of financial need. If payment is not made within the specified time as identified above or for any other reason relating to nonpayment of an outstanding bill or charge including, without limitation, checks returned for insufficient funds, credit card denial or other similar type of payment problem, a service charge, in an amount determined by the city council, will be charged, due and payable with research to each time service is discontinued. No utility service will be discontinued by the city, be reason of delinquency, on any Saturday, Sunday, legal holiday or at any time during which the business offices of the city are not open to the public.

(e) Except as provided in Public Utilities Code Section 10009, where utility service is shut off, service will not be restored until all required payments (including, without limitation, arrearage, penalties, deposits and service charges) are paid in full. Service will be reinstated only during regular working hours and only after payment has been received or special payment arrangements were made with the director, or designee. A charge, determined by city council resolution, may be made for any reconnection, together with all bills overdue, and a special deposit may be required to guarantee payment of bills in the future.

(f) The city will report the number of annual discontinuations of residential water service for inability to pay on its website and to the California Water Resources Control Board.

(g) Where water service is discontinued for nonpayment of bills, if service is turned on or permitted to be turned on by any person, the meter will be locked off and there will be a reconnection charge, established by city council resolution, in addition to the overdue bill. If the lock is broken and service is turned on or permitted to be turned on by any person, the meter will be removed and a reinstallation and reconnection charge, in amounts established by city council resolution, will be imposed before water service is reinstated. Such amounts are in addition to the overdue bill. (Ord. 2175 § 4, 2020; Ord. 1849 § 9, 1993; Ord. 1639 § 7, 1985; Ord. 1498 § 1, 1979; Ord. 1394 § 1, 1975; prior code § 7329)

#### **14.12.250 Discontinuation for nonpayment prohibited—Conditions.**

(a) The city cannot discontinue service for nonpayment of a delinquent account under any of the following situations:

(1) During the pendency of a request for extension of the period for the payment of a bill or contestation of charges by the customer; or

(2) When a customer has been granted an extension of the period for payment of a bill, provided the customer keeps the account current as charges accrue in each subsequent billing period.

(b) Any service wrongfully discontinued must be restored without charge for the restoration of service and a notation of such restoration must be mailed to the customer at his or her billing address. (Ord. 2175 § 5, 2020; Ord. 1970 § 4, 2000; Ord. 1639 § 8, 1985; Ord. 1394 § 1, 1975; prior code § 7330)

#### **14.12.260 Complying with conditions.**

On failure to comply with the rules and regulations established as a condition of the use of water, water may be shut off on any and all services where the consumer is being supplied with water, following compliance with the following notice procedures. Notice of failure to comply with a specified rule(s) and/or regulation(s) established as a condition of the use of water must be given to the person or persons responsible for payment who will be notified that water service may be discontinued unless, within ten days of such notification, each and every specified failure to comply is corrected. Water service may be discontinued without further notice where any specified failure to comply is not so corrected. Where service is discontinued, the responsible person or persons will be subject to a special charge for reconnection, in addition to the regular reconnection fee, in an amount established by resolution of the city council. If the lock is broken and service is turned on or permitted to be turned on by the owner or consumer, the meter will be removed and there will be a special charge for reinstallation and reconnection, in addition to the regular connection fee, in an amount established by resolution of the city council. (Ord. 2175 § 6, 2020; Ord. 1849 § 10, 1993; prior code § 7331)

#### **14.12.270 Liability for delinquent charges.**

(a) In addition to any other remedy provided herein for the enforcement and collection of any water rate, charge or account, all unpaid charges provided for in this chapter are against the property to which water is being furnished, or the customer named on the account.

(b) If, for any cause, any sums owing for water imposed pursuant to this chapter become delinquent, the customer named on the account is responsible to the city in an action brought by the city in any court of competent jurisdiction for the amount as may be due and unpaid, together with all penalties provided herein and costs. For purposes of this section only, sums owing for water service are delinquent when the customer failed to pay such sums in full within thirty days of the billing date and has not entered into repayment plan with the city.

(c) On June 1st of each calendar year, the city manager, or designee, will prepare a complete list of delinquent charges applicable to the service connection where the property owner is the customer for the period ending on April thirtieth of each calendar year.

(d) The city will give at least forty-five days' notice before the public hearing of such delinquencies to the customer to which each such delinquency relates.

(e) The city council will schedule a noticed public hearing for its second meeting in June of each calendar year at which time delinquent charges together with penalties, will be placed on the equalized assessment roll for the fiscal year commencing on the July 1st following the conduct of such hearing for collection. Notice of the public hearing will be made in accordance with Government Code Section 6066.

(f) Thereafter, the delinquent charges, together with penalties, will be collected in the same manner, by the same persons, and at the same time as, together and not separately from, general taxes collected on behalf of the city and other taxing authorities. The provisions of this subsection will only be applicable to delinquent charges where the customer is the landowner or has executed a lien authorization agreement.

(g) Civil Debt. All charges and penalties imposed pursuant to this chapter are civil debts owed to the city by the customer as to the account to which such charges and penalties apply. (Ord. 2175 § 7, 2020; Ord. 1849 § 10, 1993; prior code § 7332)

#### **14.12.280 Property tax lien procedure.**

In addition to any other remedy provided herein, upon delinquency of any sums owing on combined charges for solid waste collection and water, the city may collect all such fees and/or charges against the property owner as provided in

Section 6.08.070 of this code. (Ord. 1849 § 11, 1993)

#### **14.12.290 Low-income customer—Defined.**

For the purposes of this chapter, a “low-income” customer means:

- (a) A current recipient of:
  - (1) California’s Work Opportunity and Responsibility to Kids program benefits (CalWORKs) as identified in Welfare and Institutions Code Sections 11200—11526.5,
  - (2) CalFresh, as identified in Welfare and Institutions Code Sections 18900—18928;
  - (3) General Assistance program benefits, as identified in Welfare and Institutions Code Sections 17000—17030,
  - (4) Medi-Cal program benefits, as identified in Welfare and Institutions Code Section 14131, et seq.,
  - (5) Supplemental Security Income/State Supplementary Payment Program benefits, as identified in Welfare and Institutions Code Section 12000, et seq., or
  - (6) California Special Supplemental Nutrition Program for Women, Infants and Children program benefits, as identified in Health and Safety Code Sections 123275—123355; or
- (b) An occupant of a household where the household’s annual income is less than two hundred percent of the federal poverty level. (Ord. 2175 § 8, 2020)

#### **14.12.300 Notice.**

(a) Notice of Delinquent Payment. The city will not discontinue service for nonpayment of a delinquent account unless the city first gives notice of the delinquency and impending discontinuance to a competent adult person residing at the premises of the utility customer either verbally or in writing. The city will allow every customer at least thirty days from the date a bill was mailed to pay for utility services. A notice of delinquent payment must contain the following:

- (1) The customer’s name and address;
- (2) The amount of the delinquent payment;
- (3) The date by which payment or arrangement for payment is required to avoid discontinuation of utility service;
- (4) The period and manner in which the customer may apply for an extension of time to pay the delinquent charges;
- (5) The period and manner in which the customer may contest the bill;
- (6) The period and manner in which the customer may request a repayment plan for the delinquent utility service charges;
- (7) The period and manner in which the customer may apply for the city’s lifeline and utility user’s exemption plan; and
- (8) Information on how to restore utility service, if disconnected by the city.

(b) Final Notice of Termination. Whenever the city determines that a customer has failed to comply with the terms and conditions of a repayment agreement, or has otherwise violated this chapter, the city will serve a written “final notice of termination” on the customer(s) by posting such notice in a prominent and conspicuous location at the property. The city will not discontinue service without giving notice to the customer at least five days before discontinuance. This notice does not entitle the customer to further investigation by the city.

(c) Issuing a notice under this section does not obligate the city to discontinue residential water service.

(d) Notices under this section will be provided in English, Spanish, Chinese, Tagalog, Vietnamese, Korean and any other language spoken by at least ten percent of the people residing in its service area. (Ord. 2175 § 9, 2020)

#### **14.12.310 Service of notice.**

(a) Any notice required by this chapter may be served by personal delivery or by first class mail, not less than seven business days before city’s discontinuation of the utility service for nonpayment. Alternatively, the city may make a

reasonable attempt to contact a competent adult person residing at the premises of the utility customer by telephone or personal contact regarding, discontinuance of service, at least seven days before discontinuance.

(b) If the customer's address is not the address of the property where the utility service is being provided, the notice must also be sent to the location of the utility service, addressed to "Occupant."

(c) If any written notice is returned as undeliverable, or the city is otherwise unable to make telephonic contact with the customer or a competent adult occupying the residence, the city must post on the property where the utility service is being provided, in a conspicuous location, a copy of the notice and this chapter.

(d) The city will make available to its customers who are sixty-five years of age or older, or who are dependent adults as defined in Welfare and Institutions Code Section 15610(b)(1), a third-party notification service as specified in Public Utilities Code Section 10010.1(c). Should such customers designate a third-party, the city will attempt to notify a person designated by the customer to receive any notification subject to this chapter. The residential customer must make a written request for third-party notification on a form provided by the city and include the written consent of the designated third party. The third-party notification does not obligate the third-party to pay the overdue charges nor prevent or delay service termination. (Ord. 2175 § 10, 2020)

#### **14.12.320 Right of appeal from a notice of delinquent payment.**

(a) A customer may contest a notice of delinquent payment by filing a written request for an appeal with the city clerk within ten calendar days of service of the notice of delinquent payment. A written request for appeal must contain the following information:

- (1) Name, address and telephone number of each customer who is appealing the notice of delinquent payment;
- (2) Address of the property where the utility service is being provided;
- (3) Date of the notice being appealed;
- (4) Grounds for appeal in sufficient detail to enable the director to understand the nature of the controversy; and
- (5) The signature of at least one appellant.

(b) Failure of the city clerk to receive a timely appeal constitutes a waiver of the right to contest a notice of delinquent payment. In this event, the notice of delinquent payment is final and binding. (Ord. 2175 § 11, 2020)

#### **14.12.330 Extensions and other alternative repayment arrangements.**

(a) If a customer is unable to pay a bill during the normal payment period, the customer may request an extension or other alternative payment arrangement described in this section if the customer, or tenant of the customer: (1) submits to the city the certification of a primary care provider (as that term is defined in Welfare and Institutions Code Section 14088(b)(1)(A)) which substantially states that discontinuation of water services will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises where the water service is being provided; and (2) demonstrates that they are unable to facilitate payment of water services in accordance with the city's normal billing cycle because a resident of the premises is low income. Such a request must be submitted before the date and time of discontinuance of service as stated on the notice of discontinuation. The request will be reviewed by the director, or designee. The director must review the request and consider the customer's ability to pay, past payment history, and the amount due, and may approve an extension or alternative repayment schedule, not to exceed twelve months. Determinations made pursuant to this section will be set forth in writing and provided to the customer, in English, Spanish, Chinese, Tagalog, Vietnamese, Korean and any other language spoken by at least ten percent of the people residing in its service area. Any customer whose request has resulted in an adverse determination by the director may appeal the determination within five days to the city manager, or designee. The decision of the city manager will be final.

(b) Extension. If approved by the director, a customer's repayment of an unpaid balance may be temporarily extended for a period not to exceed six months after the balance was originally due. The director, or designee, will determine the duration of the extension provided to the customer. The customer will pay the full unpaid balance by the date set by the director and must remain current on all water service charges accruing during any subsequent billing periods.

(c) Amortization. If approved by the director, a customer's repayment of an unpaid balance may be amortized over a period not to exceed twelve months, as determined by the director or designee. If amortization is approved, the unpaid

balance will be divided by the number of months in the amortization period, and that amount will be added to the customer's monthly bills for water service until fully paid. During the amortization period, the customer must remain current on all water service charges accruing during any subsequent billing periods.

(d) **Alternative Repayment Schedule.** If approved by the director, a customer may repay an unpaid balance pursuant to an alternative payment schedule that will not exceed twelve months, as determined by the director or designee. If approved, the alternative payment schedule may allow periodic lump-sum payments that do not coincide with the city's established payment date or may provide for payments made more or less frequently than the city's regular payment date. During the period of the alternative payment schedule, the customer must remain current on all water service charges accruing during any subsequent billing periods.

(e) **Payment Correction.** At the discretion of the director, a customer may receive a reduction of the unpaid balance owed by the customer for any water service. The director will determine whether to grant a reduced payment.

(f) **Failure to Comply.** If a customer fails to comply with a payment arrangement approved by the director under this section or fails to pay his or her current charges for water service, and the original amount due is more than sixty days delinquent, the city may discontinue water service. The city will post a final notice of termination in a prominent and conspicuous location at the service address at least five days before discontinuation of service. This notice will not entitle the customer to any investigation or review by the city. (Ord. 2175 § 12, 2020)

#### **14.12.340 Low-income customers.**

For all low-income customers identified within this chapter, the city must comply with Health and Safety Code Section 116914. (Ord. 2175 § 13, 2020)

#### **14.12.350 Additional customer rights—Rental customers.**

The following provisions apply when there is a landlord-tenant relationship between the residential occupants and the owner, manager or operator of the property where the utility service is being provided.

(a) When the city furnishes service to residential occupants of a detached single-family dwelling, a multiunit residential structure, mobile home park, or permanent residential structures in a labor camp, as defined in Health and Safety Section 17008, where the owner, manager or operator is listed by the city as the customer of record, the city will make a good faith effort to give written notice to the residential occupants at least ten days before utility service termination regarding the utility account delinquency and utility service termination date. The notice will further inform the residential occupants that they have the right to become customers, to whom the service will then be billed, without being required to pay any amount which may be due on the delinquent account.

(b) The city will make service available to the actual residential occupants if each occupant agrees to the terms and conditions of service and meets the requirements of the city's rules and regulations. Notwithstanding, if one or more of the occupants are willing and able to assume responsibility for the subsequent charges to the account to the satisfaction of the city, or if there is a physical means, legally available to the city, of selectively discontinuing service to those occupants who have not met the requirements of the city's rules and regulations, the city will make service available to those occupants who have met the requirements.

(c) Any occupant who becomes a customer of the city and whose periodic payments, such as rental payments, include charges for residential water service, where those charges are not separately stated, may deduct from the periodic payment each payment period all reasonable charges paid to the city for those services during the preceding payment period.

(d) In the case of a detached single-family dwelling, the city may either:

(1) Give final notice of termination at least seven days before the proposed discontinuance; or

(2) Require an occupant who becomes a water customer of the city to verify that the delinquent account customer of record is or was the landlord, manager or agent of the dwelling in order for the amount due on the delinquent account to be waived. Verification may be accomplished with evidence satisfactory to the director demonstrating the occupant's tenancy. (Ord. 2175 § 14, 2020)

#### **14.12.360 Creditworthiness.**

To avoid paying a security deposit, persons seeking to establish a utility service account must establish credit, which may be established upon qualifying under any one of the following criteria:

- (a) The applicant is a current utility customer with the city and has paid all bills for service without having been temporarily or permanently discontinued for nonpayment during a period of twelve consecutive months immediately before applying for a new utility account;
- (b) The applicant was a utility customer with the city in the past two years and during the last twelve consecutive months that service was provided paid for all bills for such service without having been temporarily or permanently discontinued for nonpayment;
- (c) The applicant owns the premises upon which the city is requested to furnish utility service; or is the owner of other local real estate. If the applicant is seeking to open a commercial account, the real estate must be owned by the business to which service would be provided;
- (d) The applicant for residential service was continuously employed by the applicant's present employer (including military) for a period of two years or more, or is retired on pension;
- (e) The applicant furnishes a guarantor in a form satisfactory to the city attorney to secure payment of utility service bills; or
- (f) The applicant otherwise establishes credit to the city's reasonable satisfaction. (Ord. 2175 § 15, 2020)

#### **14.12.370 Security deposits.**

- (a) The city may require a customer to deposit a sum of money with the city to guarantee payment of all utility charges.
- (b) The director, or designee, may set the amount of the deposit up to three times the amount of the historic average monthly bill for the property served or for substantially similar property. The city must credit the amount of the deposit, without an interest payment, to the customer's account upon the discontinuance of any service and after applying the deposit to any outstanding customer utility bill(s). Any balance of the deposit then remaining with the city will be returned to the person making such deposit, without interest.
- (c) Any applicant who is the property owner of record, or any applicant who has the written approval of the property owner of record, may choose to enter into a lien authorization agreement, in the form and manner prescribed by the director, or designee, in lieu of a cash deposit. By doing so, the applicant and/or the property owner of record agree that, pursuant to applicable government, Health and Safety codes, and upon the direction of the city council, the city is authorized to collect and annually transfer to the county auditor for inclusion on the next year's tax bill of the respective property owner any delinquent fee or charge imposed by the provisions of this chapter, including interest and penalties. Alternatively, an action in the name of the city may be commenced in any court of competent jurisdiction for the amount of any delinquent fees or charges and if legal action is brought by the city or its assignee to enforce collection of any amount charged and due under this chapter, any judgment rendered in favor of the city will include costs of suit incurred by the city or its assignee including reasonable attorney's fees. (Ord. 2175 § 16, 2020)

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