

**Meeting Date: 6/18/2013**

**Report Type:** Consent

**Report ID:** 2013-00325

**Title: (Pass for Publication) Ordinances Amending City Code Chapters 13.04, 13.08, and 13.12, Relating to Water, Sewer, and Storm Drainage Service and Billing for Utility Services**

**Location:** Citywide

**Issue:** The proposed revisions and additions to the City Code relating to water, sewer, and storm drainage service, and utility service billing simplify and clarify some of the provisions, update the City Code to reflect current policies and practices, and provide for more effective administration and enforcement.

**Recommendation:** 1) Review: a) an Ordinance amending various sections of Chapters 13.04, 13.08, and 13.12 of the Sacramento City Code; repealing Section 13.04.780 of the Sacramento City Code; and adding Sections 13.04.305, 13.04.845, 13.08.145, 13.12.025, and 13.12.045 to the Sacramento City Code, relating to water, sewer, and storm drainage service and billing for utility services; and b) an Ordinance amending definitions in section 13.12.010 of the Sacramento City Code, relating to billing for utility services; and 2) Pass for Publication the Ordinance titles as required by Sacramento City Charter Section 32(c), to be considered by the City Council for adoption on June 25, 2013.

**Contact:** Jamille Moens, Business Services Manager, (916) 808-5988; Jenny Simpson, Program Specialist, (916) 808-1463, Department of Utilities

**Presenter:** None

**Department:** Department Of Utilities

**Division:** Fiscal and Administration Svcs

**Dept ID:** 14001611

**Attachments:**

1-Description/Analysis

2-Background

3-Ordinance amending 13.04 etc. Redline

4-Ordinance amending 13.04 etc. Clean

5-Ordinance amending definitions in section 13.12.010 Redline

6-Ordinance amending definitions in section 13.12.010 Clean

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**City Attorney Review**

Approved as to Form  
Joe Robinson  
6/4/2013 9:50:06 AM

**City Treasurer Review**

Reviewed for Impact on Cash and Debt  
John Colville  
5/31/2013 9:26:24 AM

**Approvals/Acknowledgements**

Department Director or Designee: Dave Brent - 6/3/2013 12:08:36 PM

## **Description/Analysis**

**Issue Detail:** A review of the City Code Chapters governing water, sewer, and storm drainage service, and utility service billing identified a need to revise and, in some cases, add to the City Code. These revisions and additions simplify and clarify some of the provisions, update the City Code to reflect current policies and practices, and provide for more effective administration and enforcement.

**Policy Considerations:** The Department of Utilities (Department) staff conducted a review of City Code Chapters 13.04, 13.08, and 13.12, and identified revisions that simplify and clarify certain sections governing water, sewer, and storm drainage service, and utility service billing and reflect the current policies and procedures for the Department. A summary of the ordinance provisions is provided in the Background section of this report. The second ordinance included in this report updates City Code citations to state law provisions that will be relocated and renumbered effective January 1, 2014.

**Economic Impacts:** None.

**Environmental Considerations:** Ongoing administrative activities, including general policy and procedure making such as adoption of the proposed ordinances, do not constitute a "project" under the California Environmental Quality Act (CEQA), and are exempt from CEQA review (see CEQA Guidelines Sections 15378(b)(2) and 15378(b)(5)).

**Sustainability:** Not applicable.

**Commission/Committee Action:** On May 28, 2013, the Law & Legislative Committee approved the proposed ordinances and forwarded them to the Council for adoption.

**Rationale for Recommendation:** These items will be considered for adoption on June 25, 2013. The adoption of the first ordinance included in this report will amend the City Code to simplify and clarify various provisions, to update the City Code to reflect current policies and practices, and to provide for more effective administration and enforcement. Adoption of the second ordinance included in this report updates citations in the definitions for City Code Chapter 13.12, which refers to California Civil Code provisions that will be relocated and renumbered effective January 1, 2014.

**Financial Considerations:** Administrative penalties for fire hydrant use violations will increase from \$300 to \$500 for the second violation and from \$500 to \$1,000 for the third violation in one year, and the monthly penalty for delinquent utility payments will be reduced from 1.5% to 0.5%. It is anticipated that these revisions will have minimal impacts on Department revenue and expenses.

**Emerging Small Business Development (ESBD):** No goods or services are being purchased under this report.

## **Background**

The proposed Ordinance updates various sections of Chapters 13.04 (Water Service), 13.08 (Sewer and Storm Drainage Service), and 13.12 (Utility Service Billing) to reflect current policies and procedures. The ordinance also adds Sections 13.04.305, 13.04.845, 13.08.145, 13.12.025, and 13.12.045 to these Chapters of the City Code. These changes are described below.

In addition, a separate ordinance is attached with an effective date of January 1, 2014. This ordinance will update certain definitions in Chapter 13.12 that refer to California Civil Code provisions that will be relocated and renumbered. The revisions of the California Civil Code go into effect on January 1, 2014.

### Revisions to Chapter 13.04

- Revises various definitions and adds new definition to reflect current policies and procedures.
- Adds language to give the Department flexibility to allow water service to parcels that are not adjacent to a distribution main in limited situations.
- Adds language to provide for Department access to customer premises to determine whether violations are occurring, and adds language allowing Department to bill customer for cost of corrective actions.
- Amends fire hydrant use provisions to be governed by a Temporary Water Use Policy adopted by the Utilities Director, and to increase the administrative penalties for the second and third violations occurring in a one-year period from \$300 to \$500 for the second violation and \$500 to \$1,000 for the third violation. The penalty for the first violation is \$100 and will remain the same. The revised penalty amounts are modeled on the maximum fines specified for recurring infractions of local business and safety codes in Government Code §36900(c).
- Existing code makes it unlawful for a person whose water service pipe is receiving water from the City to allow a connection to their water service to serve any other parcel, except for community gardens. This ordinance also makes it unlawful for the receiving party to receive water through an unauthorized connection, and

allows the Department to order the disconnection of, or disconnect, an unauthorized connection.

- Adds language allowing water shut-off if illegal connections are not corrected.
- Adds language requiring any person who turns on water after it is shut-off by the Department, without Department approval, to indemnify the City for any liability that results.
- Existing code specifies detailed requirements for temporary water service. This ordinance deletes those provisions and, instead, authorizes the Department Director to approve a Temporary Water Use Policy. Applicable fees, charges, and deposits would be established by City Council Resolution.
- Revises code provisions governing water service to condominiums and other common interest developments as follows:
  - Deletes unnecessary provisions regarding the authority of the owners' association.
  - Adds language to clarify that when an unmetered connection serving more than one unit is converted to a metered connection, the meter shall be placed on the existing connection. This provision also includes language that allows multiple meters to be installed if requested by the association and the owners, the director determines it is feasible to do so, and the association and owners install all necessary piping or other improvements and convey the necessary easements to the City.
  - Adds language stating that when a meter serves more than one unit, the association is billed and is responsible for payment as a condition of continuing to receive water service.
  - For conversion to metered connections serving multiple units in a common interest development that does not have an association, adds language that allows the Department to require the owners of the separate interests to put in separate connections, if they cannot form an association.

- Adds provision requiring metered water service customers to notify the Department of visible damage to the meter box or removal of lid, so the Department can take corrective action.
- Revises provision governing swimming pool approvals to reflect current policy and practice.
- Expands provision that requires payment of service charge prior to restoration of water service after disconnection for nonpayment, to cover disconnection made pursuant to any provision of the City Code, and provide for payment of the City's cost of disconnection and restoration of service.
- Revises vacancy credit provisions to address limited situations where City sewer customer receives water service from a different water supplier.
- The water system development fee provisions are revised:
  - To clarify that when an existing water service was oversized to meet fire protection requirements, and no fee was paid, no fee credit is provided for the increment of service size required solely to meet fire protection requirements.
  - To allow disconnection of water service if fee was not paid as required
- Adds provision allowing the Department to require new connections for irrigation of more than 5 acres to be obtained from a non-City supply, to reduce demand on the City's water distribution system and promote water conservation.

### [Revisions to Chapter 13.08](#)

- Revises various definitions, and adds new definition to reflect current policies and procedures.
- Adds provision to place the City's current standard for storm drainage mitigation in the City Code, and clarify authority for the design and procedures manual the Department uses for water, sanitary sewer, storm drainage, and water quality facilities.
- Expands provision that requires payment of service charge prior to restoration of sewer service after disconnection for nonpayment, to

cover disconnection made pursuant to any provision of the City Code, and provide for payment of the City's cost of disconnection and restoration of service.

- Adds language to clarify that payment of the combined sewer development fee is in addition to any mitigation requirement imposed under the design and procedures manual, and to any requirements to construct facilities for premises that are not served by a City sewer main or storm drain main.

#### **Rewards to Chapter 13.12**

- Revises various definitions, and adds new definitions to reflect current policies and procedures.
- Adds provision to allow for suspension of utility services (excluding storm drainage and street sweeping) when property is destroyed and cannot be rebuilt due to FEMA regulations or other law or regulation.
- Revises utility billing provisions for common interest developments:
  - To be consistent with, and cross-reference to, the other revisions made in the ordinance.
  - To clarify that when the association is billed for utilities, the City shall have no responsibility for the allocation, billing, and collection of costs by the association, and the association shall be considered the "owner" for purposes of the City Code's delinquent collection and termination of service procedures.
- Adds language clarifying that lessees of City-owned property may be billed for utility services where the lease requires the lessee to pay.
- Adds provisions for back-billing, and reimbursement of over-billing, to limit maximum payment to three years, consistent with City policy and practice.
- Under existing code, a 10% late payment penalty is imposed 35 days after the bill presentation date, and a 1.5% additional penalty accrues each month thereafter while the bill remains unpaid. This ordinance reduces the 1.5% monthly penalty to 0.5%, and clarifies

that the late payment penalty amount shall be reduced as needed to comply with any federal or state law.

- Reorganizes the sections governing notice of lien, lien hearing, and lien recording to make the requirements and time periods clearer.

## ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

### **AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTERS 13.04, 13.08, AND 13.12 OF THE SACRAMENTO CITY CODE; REPEALING SECTION 13.04.780 OF THE SACRAMENTO CITY CODE; AND ADDING SECTIONS 13.04.305, 13.04.845, 13.08.145, 13.12.025, AND 13.12.045 TO THE SACRAMENTO CITY CODE, RELATING TO WATER, SEWER, AND STORM DRAINAGE SERVICE AND BILLING FOR UTILITY SERVICES**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

#### SECTION 1.

A. The following changes are made to the definitions set forth in Section 13.04.030 of the Sacramento City Code:

1. The definitions for "Revenue Division" and "Revenue manager" are repealed.
2. The definitions for "Customer," "Point of service," "Room," "Service connection or water service connection," and "Standard specifications" are amended to read as follows:

a. "Customer" means the owner of the property to which water service is rendered, or an association or other entity managing a common interest development billed for water service pursuant to subsections A.1, A.2, or A.3 of section 13.04.220. As used herein, "association" and "common interest development" have the meanings specified in section 13.12.010.

a.b. "Point of service" means the location where the city's distribution main delivers water to the customer's private water line. For a metered water service connection, the city's point of service generally is located at the downstream side of the meter where it connects to the private water line; provided that in any location where the meter is outside of the city right-of-way containing the city distribution main, the city's point of service is located at the boundary of the city right-of-way. For

an unmetered water service connection. The city's point of service generally is located as follows:

Public Alleys. The point of service for an unmetered water services connectioned to a city distribution mains in a public alleys, paved or unpaved, is located at the alley right-of-way line.

~~The point of service for water connected to distribution mains in abandoned streets and alleys is the corporation stop/valve at the main.~~

Public streets. ~~The point of service for an unmetered~~ water services connectioned to a city distribution mains located in a public streets ~~the location of the point of service is located~~: at the edge of the public sidewalk adjoining the property served when the sidewalk is continuous with the curb and gutter, and, ~~is~~ at the edge of the curb adjoining the property served when the sidewalk is separated from curb and gutter by a planter strip; and, at the street right-of-way line. ~~The point of service for water services in~~for a public streets lacking curb, gutter, and sidewalk improvements ~~is located at the street right of way line.~~

Public utility easements, abandoned streets and alleys, and private streets and alleys. ~~The point of service for an unmetered water service connection to a city distribution main in a public utility easement, abandoned public street or alley, private street or alley, or other private parcel is located at the corporation stop/valve at the main.~~

Other. Where the exact location of the point of service is unclear, the ~~location shall be determined by the~~ director shall determine the location.

b.c. “Room” means an area with a minimum of ~~fifty~~ (50) square feet that is structurally or functionally distinct from other rooms or areas in a residential dwelling unit receiving domestic service, as determined by the department and/or the Revenue Division in accordance with the citydepartment’s billing criteria.

e.d. “Service connection” or “water service connection” means any tap, pipe, or other means of taking water from the city water distribution system. A water service connection occurs at the time that a tap, pipe, or other means of taking water is physically attached to the city water distribution system in a manner capable of taking water from the distribution system. ~~The water service connection includes the corporation stop/valve on the distribution main, and the meter and~~

~~curb stop on a metered water service or the curb stop on an unmetered water service.~~

d.e. “Standard specifications” means the ~~city's Standard Specifications for Public Construction dated June 2007, including any subsequent amendments of the city of Sacramento, adopted by Resolution No. 89-216 (June 1989), or such other standard specifications as may hereafter be adopted by the city council.~~

3. A new definition for “Water distribution facilities” is added to read as follows:

“Water distribution facilities” means city transmission mains and distribution mains, unless the context indicates otherwise.

- B. Except as specifically amended in subsection A above, Section 13.04.030 of the Sacramento City Code remains unchanged and in full force and effect.

## SECTION 2.

Section 13.04.060 of the Sacramento City Code is amended to read as follows:

### **13.04.060 Service connections generally.**

- A. Unless otherwise provided in this chapter, each lot or parcel shall have a separate water service connection, except for fire service connections serving more than one lot or parcel that are authorized pursuant to the provisions of this chapter. All water service lines shall be equipped with an approved corporation stop/valve at the distribution main, and with a curb/stop valve unless not required under specifications adopted by the department at the point of service. Water~~Such~~ service lines shall not cross another lot or parcel without first obtaining any and all rights-of-way, easements, and/or other approvals necessary to do so.
- B. To be eligible for water service, the property to which service is to be provided~~extended~~ must abut a dedicated public easement or a city right-of-way in which a distribution main is constructed at a point immediately adjacent to the property, unless the director authorizes the extension of a distribution main.
- C. The director may authorize water service for land locked parcels provided that the customer obtains recorded private easements from the affected owner(s) and all other applicable legal requirements are fulfilled. Private easements must abut a distribution main in a dedicated public easement or city right-of-way. Water service lines constructed in private easements are private water lines, and the city shall have no responsibility for the maintenance and repair of such lines.
- D. The director may authorize water service for a parcel that is not adjacent to a distribution main and is not land locked, on such terms and conditions as may be specified by the director, if the director determines based on written findings that it is

not feasible to extend a distribution main due to the unique physical characteristics of the parcel which are so unusual that complying with the requirements of this section would create an exceptional hardship to the parcel owner or the surrounding parcel owners.

- E. Except as provided herein, the director shall determine the maximum sizes of service connections ~~shall be determined by the director~~. For single-family domestic service connections, the maximum size shall be one inch, or one and one-half inches if residential fire sprinkler systems are present, unless otherwise authorized by the director.
- F. All water service connections are subject to the city's tap, meter, development, and abandonment, and other applicable fees established ~~from time to time~~ by city council resolution ~~of the city council~~, and to the department's ~~then current~~ cross-connection control standards.

## SECTION 3.

Section 13.04.065 of the Sacramento City Code is amended to read as follows:

### **13.04.065 Access to customer premises for water service work.**

A customer receiving city water service shall provide the ~~department~~city's employees and ~~or~~ contractors access to and use of the premises where city water service is received as may be required ~~by the city's employees or contractors~~ for the installation, maintenance, repair, or removal of any pipelines, water meters, and other appurtenances used to provide or measure city water service to the customer's premises or to adjacent premises; ~~and/or as may be required by the city or~~ for purposes of connecting, reconnecting, or relocating the connection for city water service to any such premises. Compliance with the foregoing requirements ~~shall be~~is a condition of the customer receiving or continuing to receive city water service, and the department may shut off water service at the distribution main if the customer refuses to allow access as required in this section. If the customer refuses to allow such access, the city ~~also~~ may seek authorization for access from any court of competent jurisdiction ~~for such access.~~

## SECTION 4.

Section 13.04.110 of the Sacramento City Code is amended to read as follows:

### **13.04.110 Inspections.**

~~It is unlawful for any~~No person ~~shall~~to interfere ~~or seek to interfere~~ with the inspection by city employees ~~the director~~ of any water fixture or water-using or water-distributing device ~~to which city water is~~ connected directly or indirectly to the city water distribution system, for the purpose of determining whether there is a violation of any provision of this chapter. ; ~~provided that, City employees shall obtain the consent of an adult occupant before entering occupied premises or dwellings~~ or premises for the purpose

~~of making an inspection, the consent of the occupant thereof shall be secured. If consent is not obtained, the city may seek authorization for access from any court of competent jurisdiction. The director shall take steps to effect an inspection as provided by law.~~

## SECTION 5.

Section 13.04.130 of the Sacramento City Code is amended to read as follows:

### **13.04.130 Public fire hydrant use - requirementsIndemnity.**

A. No person other than authorized employees of the department or fire department, or other persons duly authorized by the city manager, shall open or operate any public fire hydrant or attach any hose, tubing, or pipe ~~to a public fire hydrant~~ ~~thereto~~ for any purpose, without first obtaining a fire hydrant use permit from the director. ~~Public fire hydrant use shall comply with the city's then-current Fire Hydrant in accordance with the Temporary Water Use Policy approved by the director pursuant to section 13.04.210. Permit applications shall be filed on forms provided by the department. The permittee shall at all times comply with the Temporary Water Use Policy, adopted from time to time by resolution of the city council, and any other conditions included in the fire hydrant use permit.~~

B. Permit applicants shall pay ~~such the fees, charges, and deposits as may be established~~ ~~required~~ by the ~~Temporary Water~~ ~~Fire Hydrant~~ Use Policy, ~~in the amounts established by city council resolution.~~

C. No person, whether authorized to open a public fire hydrant or not, shall leave a public fire hydrant open or leave the cap off the nozzle of a public fire hydrant after having ceased to use it.

A.D. Any person ~~who that~~ opens or operates a public fire hydrant, whether or not authorized as provided herein, shall indemnify and hold harmless the city, its officers, and employees from any claims, actions, costs (including attorney fees), damages, or other liability resulting or arising therefrom.

## SECTION 6.

Section 13.04.140 of the Sacramento City Code is amended to read as follows:

### **13.04.140 Public fire hydrants - Violationsand administrative penalties.**

~~In the event any person shall violate any provision of Section 13.04.130, the following shall apply:~~

A. ~~The department may require any person committing a violation at any time during the preceding five years, to provide a cash deposit in an amount established by the Fire Hydrant Use Policy as a condition of issuance for each and every fire hydrant~~

~~use permit requested by that person. Said deposit shall be refunded after one year without interest if no further violations have occurred.~~

~~B. If a person commits more than three violations the city may refuse to issue any further fire hydrant use permits to that person.~~

~~C.~~A. ~~The foregoing provisions shall be cumulative and in addition to any other penalty or remedy provided or authorized under any applicable law or regulation, including but not limited to, any applicable fire codes (including without limitation Chapters, or of this code), as well as the Any person violating any provision of section 13.04.130 is subject to administrative penalties provisions of pursuant to Section 1.28.010, of this code. The administrative penalty for violations of section 13.04.130 shall be one hundred dollars (\$100.00) for the first violation, ~~five~~ three hundred dollars (\$3500.00) for the second violation, and ~~one thousand~~ five hundred dollars (\$5100.00) for the third and all subsequent violations in a one-year period.~~

B. ~~If a person commits more than three violations of section 13.04.130 in a three year period, the director may refuse to issue any further fire hydrant use permits to that person for a period of one year.~~

~~D.~~C. The penalties set forth above also shall apply to persons using renting or borrowing a water transportation vehicle if the vehicle is found operating without a valid fire hydrant use permit as required under the Temporary Water Use Policy.

D. ~~Violation of any provision of section 13.04.130 is grounds for forfeiture of a deposit as provided in the Temporary Water Use Policy.~~

E. ~~The foregoing provisions are cumulative and in addition to any other penalty or remedy provided or authorized under any applicable law, regulation, or this code, including section 1.28.020 and chapters 2.24, 15.36, and 15.100.~~

## SECTION 7.

Section 13.04.150 of the Sacramento City Code is amended to read as follows:

### **13.04.150 Private fire hydrant use.**

Unmetered on-site fire protection facilities providing water supply to private fire hydrants shall be used for fire suppression purposes only, except as provided otherwise in this section herein. It shall be a violation for the owner or business where private fire hydrants are installed to No person shall use or allow others to use private fire hydrants for any purpose other than fire suppression without obtaining permission from the director. The director may require the property owner to purchase, install, and maintain a detector check on each fire service provided to the property. The size, location, and type of detector check shall be as specified by the director.

## SECTION 8.

Section 13.04.180 of the Sacramento City Code is amended to read as follows:

**13.04.180 Service pipes.**

- A. ~~It is unlawful for any~~No person whose water service pipe is attached directly or indirectly to a public water main ~~shall, to~~ allow any person to attach any pipe or hose connection to the plumbing on his or her lot or parcel for the purpose of providing water service to any other lot or parcel, except to provide irrigation for a community garden in accordance with ~~§~~ection 13.04.075 ~~of this code~~.
- B. No person shall receive water service on a lot or parcel by means of a pipe or hose connection to the plumbing on a different lot or parcel that is attached directly or indirectly to a public water main, except to provide irrigation for a community garden in accordance with section 13.04.075.
- B.C. The department may order the disconnection of any pipe or hose connection in violation of this section, or the department may disconnect the pipe or hose connection.

**SECTION 9.**

Section 13.04.190 of the Sacramento City Code is amended to read as follows:

**13.04.190 Water shut-off for illegal service connection~~Refusing entry to director.~~**

- A. If the department orders the disconnection of a pipe or hose connection in violation of section 13.04.180, and the pipe or hose connection is not disconnected with the time specified by the department, the department may shut off the water service connection providing water to the pipe or hose connection at the distribution main.
- B. If any person refuses to allow ~~an authorized employee of the~~ department ~~employees~~ to enter ~~the~~ any premises ~~of such person~~ for the purpose of disconnecting ~~the~~ a service pipe or hose connection ~~that supplies attached to the owner's plumbing for the purpose of supplying~~ city water to ~~another~~ any other lot or parcel ~~in violation of this chapter~~, the director shall immediately cause ~~the~~ department ~~may~~ shut off water service to the premises ~~of the person so refusing entry to be shut off~~ at the distribution main.

**SECTION 10.**

Section 13.04.200 of the Sacramento City Code is amended to read as follows:

**13.04.200 Use after shut-off; indemnity.**

Whenever, ~~from any cause~~, the department ~~shall~~ shuts off any pipe or any public or private fire hydrant ~~or pipe~~ carrying or discharging water from the city water distribution

system, ~~it shall be unlawful for any no person shall to open the pipe or such hydrant or pipe or to turn on or use any water from the pipe or such hydrant or water pipe without first obtaining prior approval from the director as provided herein. Any person who violates this section shall indemnify and hold harmless the city, its officers, and employees from any claims, actions, costs (including attorney fees), damages, or other liability resulting or arising therefrom.~~

## SECTION 11.

Section 13.04.210 of the Sacramento City Code is amended to read as follows:

### **13.04.210      Temporary water service.**

~~If temporary water service is requested, underground water service taps shall be provided in sizes ranging from one inch to four inches in diameter depending upon the capacity limits of the existing distribution system. The person requesting temporary water service shall furnish and install a reduced pressure principle backflow preventer, or, upon payment of an installation and testing fee, and provision of a security deposit in an amount established by the director, a reduced pressure principle backflow prevention assembly shall be installed and tested by city personnel. The security deposit shall be refunded if the meter, strainer, and backflow assembly is returned in satisfactory condition, less any installation, testing, and water use fees remaining unpaid when the assembly is returned.~~

~~If the department determines that it is impractical to furnish temporary water service through an underground water service tap, the city may allow temporary water service from a public fire hydrant. Temporary service from public fire hydrants includes: limited day use permits that shall be site specific and for a duration of sixty (60) days or less, or an annual permit that applies to water transport vehicles or portable water truck fill stations. Annual permits are city wide in application and are valid for a period of one calendar year.~~

- A.      The director shall adopt a written Temporary Water Use Policy that establishes policies, procedures, and requirements applicable to temporary water service, including procedures governing application for - and issuance, denial, renewal, and revocation of - fire hydrant use permits, and procedures for payment and forfeiture of deposits.
- B.      Any person requesting temporary water use shall comply with all requirements of the Temporary Water Use Policy, including the payment of all applicable fees, charges, and deposits in the amounts established by city council resolution.
- C.      Temporary water service shall be provided through a meter, at current city charges. The department may authorize, except for temporary water service for new residential construction prior to meter installation, that shall be provided upon payment, prior to issuance of a building permit, of a temporary water service fee, for each residential lot, equal to three times the city's then-current monthly flat rate for water service to a six nine room single-family residence with six to nine rooms.

## SECTION 12.

Section 13.04.220 of the Sacramento City Code is amended to read as follows:

### **13.04.220 Condominiums; common interest developments; common irrigation systems.**

- A. Notwithstanding any contrary provision of this code, if authorized by the director, and subject to such terms and conditions as may be specified by the director:
  1. Water service, and other city utility services as applicable, rendered to a condominium project's condominium units ~~and/or~~ common area(s) may be provided at a single point of service or multiple points of service and billed to the ~~condominium~~ association managing the condominium project, ~~provided that the condominium project's governing documents authorize the condominium association to obtain and pay for such service(s) for the condominium units and common areas, as applicable.~~
  2. ~~In a common interest development, if a meter is installed on an existing unmetered water service connection, or if an existing metered service connection is changed from flat rate to metered rate billing, water service provided at the service connection and billed at a metered rate shall be billed to the association managing the common interest development; this does not include water service provided at a water service connection serving only one separate interest, which shall be billed to the owner of the separate interest. Water service rendered to the separate interests and/or common area(s) of a common interest development, other than a condominium project, that are served by the same water service connection or connections and that are being changed from flat rate to metered rate water service, may be provided at a single point of service or multiple points of service and billed to the association managing the common interest development, but only if:~~
    - a. ~~The director determines that due to unique site conditions it is not feasible to provide a separate metered water service connection to each separate interest and/or the common area; and~~
    - b. ~~The common interest development's governing documents authorize the association to obtain and pay for water service for the separate interests and common areas, as applicable.~~
  3. Irrigation service rendered to the common area(s) of a common interest development may be provided at a single point of service or multiple points of service and billed to the association or other entity managing the common interest development, ~~provided that such association or other entity owns an easement that authorizes the association or other entity, or the common interest development's governing documents otherwise authorize the~~

~~association or other entity, to obtain and pay for irrigation service for the common area(s).~~

4. Irrigation service for a common irrigation system that crosses parcel lines in a commercial development that is not a common interest development, may be provided at a single point of service or multiple points of service and billed to a single owner or the owner's authorized representative, provided that:

- a. ~~t~~The owner owns all parcels served by the common irrigation system;  
or
- b. ~~t~~If the owner owns at least one, but not all, of the parcels served by the common irrigation system, the owner furnishes satisfactory evidence of an easement or other interest of record for the owns an easement on any such parcels not owned by the owner, that authorizes the owner or the owner's authorized representative to obtain and pay for irrigation service for the common irrigation system on those parcels.

B. If water service is billed to an association or other entity pursuant to subsections A.1, A.2, or A.3 above, the association or other entity shall be fully responsible for payment of the rates, fees, and charges for the water service as a condition of continuing to receive water service.

C. If irrigation service is billed to an owner or the owner's authorized representative pursuant to subsection A.4 above, the owner or the owner's authorized representative shall be fully responsible for payment of the rates, fees, and charges for the irrigation service as a condition of continuing to receive irrigation service.

BD. As used in subsection A above, the terms "common area," "condominium project," "~~condominium association~~," "~~governing documents~~," "common interest development," "separate interest," and "association" ~~shall~~ have the meanings specified in ~~Section 13.12.010 of this code.~~

## SECTION 13.

Section 13.04.305 is added to the Sacramento City Code to read as follows:

### **13.04.305 Conversion to metered connections for common interest developments.**

A. If an existing unmetered water service connection in a common interest development is changed to a metered connection, the meter shall be installed on the existing connection. If the water service connection serves more than one separate interest, separate metered water service connections may be installed for the separate interests if requested by the association managing the common interest development and the owners of the separate interests, and the director determines that it is feasible and appropriate to do so:

1. Provided that the association and owners, at no cost to the city:
  - a. Install all piping and other improvements required by the director to install separate metered water service connections; and
  - b. Convey to the city all easements or other property rights required by the director; and
2. Subject to such other terms and conditions specified by the director.

B. If an existing unmetered water service connection serving more than one separate interest in a common interest development is changed to a metered connection, and the common interest development does not have an association, the director may require that the owners of all separate interests in the common interest development, at no cost to the city, and as a condition of continuing to receive city water service:

1. Install all piping and other improvements required by the director to install separate metered water service connections for the separate interests; and
2. Convey to the city all easements or other property rights required by the director.

C. As used in this section, the terms “association,” “common interest development,” and “separate interest” have the meanings specified in section 13.12.010.

## SECTION 14.

Section 13.04.330 of the Sacramento City Code is amended to read as follows:

### **13.04.330 Water meter use - Indemnity and notification.**

No person other than authorized employees of the department or other persons ~~duly~~ authorized by the director shall install, maintain, repair, move, replace, adjust, tamper with, manipulate, damage, disconnect, or remove any water meter. Any person ~~or entity~~ performing any of the foregoing actions, whether or not authorized by the ~~director or department~~, ~~shall pay the city's costs of investigating and repairing any resulting damage and/or replacing any removed item(s), and~~ shall indemnify and hold harmless city, its officers, and employees from any claims, actions, costs (including attorney fees), damages, or other liability resulting or arising from such ~~actions damage or removal, and~~ ~~shall pay the city's costs of investigating and repairing any resulting damage or replacing any removed items.~~ Customers with metered water service connections shall notify the department of any visible damage to, or removal of, any portion of the meter box containing the water meter.

## SECTION 15.

Section 13.04.420 of the Sacramento City Code is amended to read as follows:

#### **13.04.420      Permit ~~required~~—Application.**

The application for the permit required by ~~the preceding~~ section 13.04.410 shall be on a form provided by the department, and shall be accompanied by payment of the application fee established by city council resolution.

#### **SECTION 16.**

Section 13.04.490 of the Sacramento City Code is amended to read as follows:

#### **13.04.490    Swimming pools.**

Prior to the issuance of a plumbing permit for the installation of a swimming pool, a plan showing the water supply and drainage piping of the swimming pool shall be submitted for approval by the Community Development Department ~~of Planning and Building~~. This drawing shall indicate all valves, size of piping, and filter pump capacity. No plumbing permit shall be issued without prior approval by the director. Except when authorized by the director pursuant to section 13.04.230, No pool or pond, nor any associated decking, may be constructed within a public water, or sewer, or drainage easement, or within six feet of a city water, sewer, or drainage pipe and no concrete or permanent decking may be installed above said piping. Redwood or removable decking may be installed with the approval of the director.

#### **SECTION 17.**

Section 13.04.760 of the Sacramento City Code is amended to read as follows:

#### **13.04.760    Additional charges.**

The director may cause to be accomplished any extra work or service that the director deems reasonably necessary to provide water service to a property ~~within the water service area~~ in a manner that maintains the safety of the city's water supply or corrects any condition in violation of this chapter. The ~~director shall cause the~~ cost thereof ~~shall~~ to be added to the regular billing for such water service and ~~to~~ be collected in the same manner as other utility service charges are collected pursuant to Chapter 13.12 ~~of this code~~.

#### **SECTION 18.**

Section 13.04.780 of the Sacramento City Code is repealed.

#### **13.04.780 — Collection of water service charges with charges for other utility services — Nonpayment of bill.**

~~If all or part of the bill is not paid, the revenue manager shall order the discontinuance of any and all utility services for which the bill is rendered, including, but not limited to, water service. Before any service is discontinued, the revenue manager shall follow the procedures for notice and opportunity for hearing contained in Chapter 13.12 of this code.~~

## SECTION 19.

Section 13.04.800 of the Sacramento City Code is amended to read as follows:

### **13.04.800 Fees for disconnection and restoration of water service.**

- A. In the event that If water service to any premises is disconnected pursuant to any provision of this code discontinued for nonpayment, the owner shall be responsible and liable for payment of the fee established by city council resolution to cover the city's costs to turn off the water, and that fee may be added to the regular billing for the water service and be collected in the same manner as other utility service charges pursuant to chapter 13.12.
- B. If water service to any premises is disconnected, the owner shall be responsible and liable for payment of the fee established by city council resolution to cover the city's costs to turn the water back on, and water shall not again be turned on until the fees established pursuant to subsection A and this subsection the amount due and a fee established by resolution of the city council to cover the cost of making a service call to turn on the water are paid in full.
- C. In the event that If any person turns on water service or allows or causes it to be turned on, after it has been turned off by the city for nonpayment of the utility services bill or for other reasons, the department revenue manager may turn off the water service and may charge and collect the applicable fees established by resolution of the city council each time this occurs, in addition to other amounts due, before water service is restored.

## SECTION 20.

Section 13.04.810 of the Sacramento City Code is amended to read as follows:

### **13.04.810 Vacancy credit.**

- A. If a customer requests that the customer's water service and/or city sewer service be temporarily discontinued because all of the buildings receiving water service and/or city sewer service are vacant or have been demolished, the director shall grant a credit for nonuse of the customer's water service connection and/or city sewer service connection if authorized under this section and upon satisfaction of all of the following conditions:
  1. Execution of a temporary stop service agreement as required by the department, which shall include authorization for disclosure to the department of the customer's water usage records if the customer is provided water by another water purveyor;
  2. Payment of the applicable service and/or processing fee(s) established by city council resolution of the city council;
  3. Payment of the current city utility bill in full;

4. The water service connection is turned off by department personnel, provided that this requirement shall not apply to any of the water service connections described in subsection C of this section;
5. If the customer receives city sewer service but is provided water by another water purveyor, verification from the other water purveyor of water shut-off or nonuse as required by the department; and
56. If the credit for nonuse is requested because all of the buildings receiving water service and/or city sewer service have been demolished, all demolition work must have been completed and given final approval by city officials in accordance with the applicable provisions of ~~Chapter 8.96, 8.100, or 15.44 of this code~~.

B. The credit for nonuse of a water service connection being charged a flat rate shall be equal to the difference between the monthly flat rate and the monthly basic service charge that would apply to the connection if it were being charged a metered rate.

C. No credit shall be allowed or provided for nonuse of an irrigation service connection, fire service connection, or any other water service connection that has a water meter and is being charged a metered rate.

D. A credit for nonuse of water service and/or city sewer service shall be terminated when the water service is turned on by department personnel, upon occupancy of any building that receives the water service or city sewer service, or as provided in subsection E or F of this section.

E. For a parcel with a metered water service connection that has a water meter and is being charged a metered rate, other than an irrigation service or fire service connection, a credit for nonuse of city sewer service on the parcel shall be terminated if the water meter indicates that water is being used.

F. For a parcel with city sewer service but provided water by another water purveyor, a credit for nonuse of city sewer service on the parcel shall be terminated if the other water purveyor verifies that water is being used on the parcel.

## SECTION 21.

Section 13.04.820 of the Sacramento City Code is amended to read as follows:

### **13.04.820 Water system development fee.**

A. General. Every lot or parcel that not connected to the city water distribution system prior to January 1, 1980, shall be subject to a water system development fee established to recover the capital costs of the city's existing and/or new water diversion, treatment, storage, and distribution facilities. No water service shall be furnished to the lot or parcel unless this fee has been paid. This requirement does not apply to the extent that the fee established by this section, or the equivalent thereof, has been previously been paid by the owner of the such lot or

parcel, or a predecessor of ~~the such~~ owner, or if the lot or parcel meets the qualifications for an infill site as established by city council resolution. Payment of this fee ~~is shall be~~ in addition to payment of all other applicable fees and charges.

- B. Amount of water system development fee. The fee established by this section ~~is shall be~~ determined by reference to a schedule of fees adopted ~~from time to time~~ by ~~city council~~ resolution ~~of the city council~~, subject to annual adjustment made by the director as provided in subsection C.
- C. Annual ~~A~~adjustment. In January of each year, the director shall ~~adjust determine whether~~ the water system development fee schedule then in effect ~~shall be adjusted~~ to compensate for an increase in construction costs ~~that has occurred~~ since the previous adjustment. ~~This determination shall be made~~ by applying the following methodology:
  - (1.) The director shall first calculate the “current construction cost index,” ~~which that~~ shall be the average of: (a) the average construction cost index for 20 U.S. Cities published in the appropriate January issue of “Engineering News Record” (ENR) magazine; and (b) the construction cost index for San Francisco published in the same issue of ENR magazine.
  - (2.) The director shall then calculate the “fee adjustment factor,” by dividing the current construction cost index calculated pursuant to subsection ~~C.1(E)(1)~~ by the construction cost index that was calculated in January of the last year in which the water system development fee schedule was changed.
  - (3.) If the fee adjustment factor calculated pursuant to subsection ~~C.2(E)(2)~~ is one or less, the water system development fee schedule then in effect shall remain unchanged. If the fee adjustment factor calculated pursuant to subsection ~~C.2(E)(2)~~ is greater than one, the director shall adjust the water system development fee schedule then in effect by multiplying each of the fees therein by the fee adjustment factor. If the water system development fee schedule is adjusted as provided herein, the adjusted water system development fee schedule shall become effective on July 1st following the January when the fee adjustment factor is calculated pursuant to subsections ~~C.1(E)(1)~~ and ~~C.2(2)~~.
- D. Replacement ~~S~~ervices. If an existing water service connection or meter is replaced by one of a larger size at the owner’s request, the water system development fee ~~shall be equals to~~ the difference between the current fee for the existing service connection size and the current fee for the replacement service connection size. If the existing water service connection was oversized to provide water for fire protection in addition to commercial or domestic service, and no water system development fee was paid for the existing service, the calculation of the current fee for the existing service size excludes the size increment that was required solely for fire protection.

- E. Fire Protection Services. ~~If a service can be used only for fire protection, the water system development fee does shall not apply to connections made solely for fire service.~~
- F. Credit for Major Facilities. Nothing in this ordinance ~~shall~~ prohibits the city council from authorizing appropriate credit toward water system development fees for property owners who were assessed or in some manner paid all or a portion of the cost of ~~major~~ water diversion, treatment, storage, ~~and/or~~ transmissiondistribution facilities.
- G. Appeal. There is established a water system development fee determination board. The board's membership ~~shall~~ consists of the director and the building official, or their respective designees. Any person aggrieved by the determination of the water system development fee for property owned by such person may file a written appeal with the building official. The appeal shall be reviewed by the board, and notice of the determination of the board shall be given to the property owner. ~~If~~In the event the appeal is granted, an appropriate refund shall be made, based on the recalculated development fee.  
  
~~If the~~In the event that an appeal is not granted, notice shall be given to the property owner that shall briefly specify the reason for the decision of the board. Any property owner who receives such notice and who desires to have the appeal reconsidered by the board may apply for a hearing by filing a written application with the building official not later than ~~fifteen~~(15) calendar days following the property owner's receipt of the notice that the written appeal was denied. The board shall, not later than ~~thirty~~(30) calendar days after application for a hearing, schedule a hearing upon ~~ten~~(10) days written notice to the property owner. The property owner or his or her representative may present at the hearing any evidence relevant to the appeal. The board shall reevaluate the appeal. In considering the appeal, the board may obtain an inspection report from the department. Written notice of the board's action shall be given to the property owner and the order of the board shall be final.
- H. Nonpayment. If water service is initiated without payment of the water system development fee as required by this section, water service may be disconnected until the fee is paid.

## SECTION 22.

Section 13.04.845 is added to the Sacramento City Code, to read as follows:

### 13.04.845 Irrigation service for area exceeding five acres.

To reduce demand on the city water distribution system and promote water conservation, the director may require water for the irrigation of areas exceeding five acres to be obtained from a private well, recycled water supply, or other water source, instead of allowing an irrigation service connection from the city water distribution system.

## SECTION 23.

A. The following changes are made to the definitions set forth in Section 13.08.020 of the Sacramento City Code:

1. The definition of "Customer" is amended to read as follows:

"Customer" means the owner of the property to which sewer service or storm drain service is rendered, or an association managing a condominium project billed for sewer service or storm drain service pursuant to subsection A.1 of section 13.04.220. As used herein, "association" and "condominium project" have the meanings specified in section 13.12.010.

2. A new definition for "Room" is added to read as follows:

"Room" means an area with a minimum of 50 square feet that is structurally or functionally distinct from other rooms or areas in a residential dwelling unit receiving domestic sewer service or storm drain service, as determined by the department in accordance with the department's billing criteria.

3. The definition of "Sewer point of service" is amended to read as follows:

"Sewer point of service (POS)" means the location where the city sewer main connects to the private sewer line. point within the public right of way up to which department personnel perform inspection, maintenance and repair of the city sewer main and, to the extent provided by the provisions of this chapter, may inspect, maintain or repair a portion of the customer's private sewer line, located as follows:

1. Public Streets. When a city sewer main providing commercial or domestic sewer service is located in a public street, and the private sewer line receiving the service is equipped with a "Y" cleanout that is visible and accessible to department personnel, the sewer point of service is located: (a) at the edge of the sidewalk adjoining the property served, when the sidewalk is continuous with the curb and gutter; or (b) at the edge of the curb adjoining the park strip, where there exists a park strip between the curb and the sidewalk; or (c) at the public right of way line, if the street lacks curb, gutter and sidewalk improvements.

2. Alleys. When a city sewer main providing commercial or domestic sewer services is located in a public alley, and the private sewer line receiving the service is equipped with a "Y" cleanout visible and accessible to department personnel, the sewer point of service is located: (a) at the alley right of way line; or (b) when the edge of a building is located at the alley right of way line, as close to the building as feasible.

3. No "Y" Cleanout. When a city sewer main providing commercial or domestic sewer service is located in a public street or alley, but there is no "Y" cleanout installed on the private sewer line receiving the service or the "Y" cleanout is not visible and accessible to department personnel, the sewer point of service is located at the point where the city sewer main connects to the private sewer line.

4. ~~Utility Easements. When a city sewer main providing commercial or domestic sewer service is located in a utility easement, the sewer point of service is located at the point where the city sewer main connects to the private sewer line.~~

B. Except as specifically amended in subsection A above, Section 13.08.020 of the Sacramento City Code remains unchanged and in full force and effect.

## SECTION 24.

Section 13.08.145 is added to the Sacramento City Code to read as follows:

### **13.08.145 Mitigation of drainage impacts; design and procedures manual for water, sanitary sewer, storm drainage, and water quality facilities.**

A. When property that contributes drainage to the storm drain system or combined sewer system is improved or developed, all stormwater and surface runoff drainage impacts resulting from the improvement or development shall be fully mitigated to ensure that the improvement or development does not affect the function of the storm drain system or combined sewer system, and that there is no increase in flooding or in water surface elevation that adversely affects individuals, streets, structures, infrastructure, or property.

B. The director shall develop and maintain a design and procedures manual setting forth standards, criteria, and requirements for the planning, design, and construction of water, sanitary sewer, storm drainage, and water quality facilities, to assure that these facilities are properly planned, designed, and constructed, and to comply with the mitigation requirement set forth in subsection A. The director shall have the authority to change, update, or revise this manual.

C. The improvement or development of property that receives city water service, contributes sewage to the separate sewer system or combined sewer system, or contributes drainage to the storm drain system or combined sewer system, shall comply with applicable provisions of the design and procedures manual as a condition of receiving any permit or approval required for the improvement or development.

## SECTION 25.

Section 13.08.450 of the Sacramento City Code is amended to read as follows:

### **13.08.450 Fees for disconnection and restoration of sewer service.**

A. —If city sewer service to any premises is disconnected pursuant to any provision of this code discounted for nonpayment, the owner shall be responsible and liable for payment of the fee established by city council resolution to cover the city's costs to disconnect the sewer service, and that fee may be added to the regular billing for the

sewer service and be collected in the same manner as other utility service charges pursuant to chapter 13.12.

B. If sewer service to any premises is disconnected, the owner shall be responsible and liable for payment of the fee established by city council resolution to cover the city's costs to reconnect the sewer service, and city sewer service shall not be restored/resumed until the fees established pursuant to subsection A and this subsection are paid customer pays in full the amount due and a reconnection fee established by resolution of the city council to cover the cost of making a service call to reconnect the sewer service.

C. —If any person reconnects the sewer service or allows or causes it to be reconnected, after it has been disconnected turned off by the city ~~for nonpayment of the utility services bill or for other reasons~~, the ~~department~~ city may disconnect the sewer service and may charge and collect the applicable a disconnection fees established by resolution of the city council each time this occurs, in addition to other amounts due, before sewer service is restored/resumed.

## SECTION 26.

A. A new subsection F is added to Section 13.08.490 of the Sacramento City Code, to read as follows:

F. Mitigation of drainage impacts; sewer and storm drainage facilities. Payment of the combined sewer development fee is in addition to compliance with any requirements or measures imposed to mitigate the impact of stormwater and surface runoff drainage as provided in section 13.08.145, and any requirements to construct sewer and storm drainage facilities as provided in section 13.08.360.

B. Except as specifically amended in subsection A above, Section 13.08.490 of the Sacramento City Code remains unchanged and in full force and effect.

## SECTION 27.

A. The following changes are made to the definitions set forth in Section 13.12.010 of the Sacramento City Code:

1. The definitions of "Condominium association" and "Governing documents" are repealed.
2. A new definition of "City manager" is added to read as follows:

"City manager" means the city manager of the city of Sacramento or his or her authorized representative.
3. A new definition of the phrase "presentation of the bill" is added to read as follows:

“Presentation of the bill” means that a bill for utility service charges has been sent by U.S. Mail in accordance with the provisions of this chapter, or, for utility service accounts billed electronically, has been sent electronically in accordance with the applicable terms of use for electronic billing, whether the bill is received by the owner liable for payment of the bill, is returned without receipt by the owner, or is not received by the owner for any other reason.

B. Except as specifically amended in subsection A above, Section 13.12.010 of the Sacramento City Code remains unchanged and in full force and effect.

## SECTION 28.

Section 13.12.025 is added to the Sacramento City Code to read as follows:

### **13.12.025 Suspension of utility services when rebuilding prevented by law or regulation.**

A. The city manager may temporarily suspend utility services rendered to a parcel in accordance with the provisions of this section, upon satisfaction of the following conditions:

1. A previously-inhabited structure or unit within a structure on the parcel has been made uninhabitable because of damage or destruction caused by fire, flood, wind, earthquake, or other disaster; and
2. The parcel owner is unable to rebuild a habitable structure or unit substantially similar to the previously-inhabited structure or unit, due solely to the requirements of any federal or state law or regulation.

B. The city manager may adopt administrative guidelines to implement this section that include procedures for the parcel owner to request suspension of utility services, requirements for documentation and other information to support the request, and any applicable fees or charges.

C. The city manager may authorize suspension of all, some, or none of the utility services associated with the damaged or destroyed structure or unit. Any suspension of utility services authorized by the city manager may be modified or terminated at any time by the city manager, and shall not, in any event, extend beyond the period of time while the federal or state law or regulation prevents the parcel owner from rebuilding a habitable structure or unit substantially similar to the structure or unit that was damaged or destroyed.

D. If water service is suspended, the city shall shut off the water service connection for the parcel during the period of suspension.

E. During the period while utility services are suspended, the parcel owner shall not be charged the city's monthly rates for the suspended utility services associated with the damaged or destroyed structure or unit.

F. Suspension of utility services and monthly utility service rates pursuant to this section does not affect or limit in any way:

1. The parcel owner's liability for utility service charges arising from utility services rendered to the parcel at any time before or after the period of suspension; or
2. Any of the remedies specified in this code for the delinquent payment or nonpayment of utility service charges arising from utility services rendered to the parcel at any time before or after the period of suspension.

G. This section does not apply to (i) city storm drain service and storm drain service rates, and (ii) city street sweeping service and street sweeping service rates.

## SECTION 29.

Section 13.12.040 of the Sacramento City Code is amended to read as follows:

### **13.12.040 Billing for utility services.**

- A. Utility service charges that apply to utility services rendered to a parcel of real property shall be billed to the owner of the parcel at the owner's address. Utility service charges for various utility services may be billed on one bill in one total amount.
- B. Notwithstanding the foregoing, the director may, in the director's sole discretion, send the bill for any or all utility service charges to the tenant of a parcel to which utility services are rendered, instead of to the parcel owner, if the owner signs a written request to bill the tenant on such form as may be specified by the director, provided that the utility services account shall remain in the owner's name and the owner shall be fully responsible and liable for the payment of such utility service charges as if the bill had been sent to the owner. Such request shall be accompanied by payment of the applicable processing fee established pursuant to ~~S~~ection 13.04.735 ~~of this code~~.
- C. Notwithstanding the foregoing, if authorized by the director, and subject to such terms and conditions as may be specified by the director:
  1. The rates, fees, and charges that apply to one or more utility services rendered to a condominium project's condominium units ~~and/or~~ common area(s) may be billed to the ~~condominium~~ association managing the condominium project, ~~as provided in section 13.04.220.A.1 provided that the condominium project's governing documents authorize the condominium association to obtain and pay for such utility services for the condominium units and/or common area(s), as applicable.~~
  2. In a common interest development, the rates, fees, and charges for an unmetered water service connection that is changed to a metered service connection with metered rate billing, or for a metered water service connection that is changed from flat rate to metered rate billing, other than a service connection serving only one separate interest, shall be billed to the association managing the common interest development, as provided in

~~section 13.04.220.A.2. The rates, fees, and charges that apply to water service rendered to the separate interests and/or common area(s) of a common interest development, other than a condominium project, that are served by the same water service connection or connections and that are being changed from flat rate to metered rate water service, may be billed to the association managing the common interest development, but only if:~~

- ~~a. The director determines that due to unique site conditions it is not feasible to provide a separate metered water service connection to each separate interest and/or the common area; and~~
- ~~b. The common interest development's governing documents authorize the association to obtain and pay for water service for the separate interests and common areas, as applicable.~~
3. The rates, fees, and charges that apply to irrigation service, as defined in ~~Section 13.04.030 of this code~~, for the common area(s) of a common interest development, may be billed to the association or other entity managing the common interest development, ~~as provided in section 13.04.220.A.3 provided that such association or other entity owns an easement that authorizes the association or other entity, or the common interest development's governing documents otherwise authorize the association or other entity, to obtain and pay for irrigation service for the common area(s).~~
4. The rates, fees, and charges that apply to irrigation service, as defined in ~~Section 13.04.030 of this code~~, for a common irrigation system that crosses parcel lines in a commercial development that is not a common interest development, may be billed to a single owner or the owner's authorized representative, ~~as provided in section 13.04.220.A.4 provided that the owner owns all parcels served by the common irrigation system, or the owner owns an easement on any such parcels not owned by the owner that authorizes the owner or the owner's authorized representative to obtain and pay for irrigation service for the common irrigation system.~~

D. If any utility services are billed to an association or other entity pursuant to subsections C.1, C.2, or C.3, above:

1. The association or other entity shall be fully responsible for payment to the city of all amounts billed, and the city shall have no responsibility for, nor any involvement in, the association's or other entity's allocation, billing, and collection of these costs from the owners of the separate interests or residents in the common interest development, whether based on sub-metering or any other basis; and
2. With respect to the utility services billed to the association or other entity, the association or other entity is considered the "owner":

- a. Liable for payment as specified in section 13.12.020;
- b. For purposes of the delinquent service charge procedures specified in sections 13.12.070 through 13.12.100; and
- c. For purposes of the termination of service procedures specified in article III of this chapter.

E. If irrigation service is billed to an owner or the owner's authorized representative pursuant to subsection C.4 above:

- 1. The owner or the owner's authorized representative shall be fully responsible for payment to the city of all amounts billed, and the city shall have no responsibility for, nor any involvement in, the allocation, billing, and collection of these costs by the owner or the owner's authorized representative;
- 2. The owner shall be liable for payment as specified in section 13.12.020; and
- 3. The owner shall be subject to the delinquent service charge procedures specified in sections 13.12.070 through 13.12.100, and the termination of service procedures specified in article III of this chapter.

F. Notwithstanding any other provision of this section, if a lessee of a city-owned property is required by the lease to pay utility service charges that apply to the utility services rendered to the property, the utility service charges may be billed to the lessee, and with respect to such charges, the lessee is considered the "owner":

- 1. Liable for payment as specified in section 13.12.020; and
- 2. For purposes of the termination of service procedures specified in article III of this chapter.

## SECTION 30.

Section 13.12.045 is added to the Sacramento City Code to read as follows:

### **13.12.045 Under-billed or over-billed charges.**

- A. When the director determines that a parcel owner was not billed or was under-billed for utility services rendered to the parcel, the parcel owner is responsible and liable for payment of the utility service charges that were not billed for such period as may be determined by the director, provided that the maximum period of utility service charges for which the department may back-bill the owner is three years.
- B. When the director determines that a parcel owner was over-billed for utility services rendered to the parcel, the parcel owner is entitled to a credit for the over-billed

amount for such period as may be determined by the director, provided that the maximum period of utility service charges for which the department may provide a credit to the owner is three years. Any claim for any amount that exceeds the amount of the credit determined to be due by the director is governed by section 3.04.070.

## SECTION 31.

Section 13.12.070 of the Sacramento City Code is amended to read as follows:

**13.12.070 ~~Utility service charges – due date, penalties, notice of constitute a lien, and hearing.~~**

A. Utility service charges are due upon presentation of the bill for services. Charges unpaid ~~twenty~~ (20) days after presentation of the bill for services become past due (delinquent).

B. Charges that remain unpaid ~~fifteen~~ (15) days following the past due date shall be assessed a basic penalty of ~~ten~~ (10) percent of the delinquent charges. Beginning ~~forty five~~ (45) days following the past due date, an additional penalty of ~~one and~~ one-half percent per month shall be added for any portion of the delinquent charges and basic penalty that remains unpaid. If any federal or state law restricts the city's ability to apply these penalties to a specified category of owners, the penalty amounts shall be reduced as required to comply with the law.

C. For any portion of the delinquent charges and penalties that remains unpaid 60 days following the past due date, the director may cause a written notice to be mailed to the owner at the owner's address, advising the owner that the delinquent charges and penalties remaining unpaid 75 days following the past due date will become a lien on the parcel of real property to which the utility services were rendered. The notice also shall notify the owner that the owner may request an informal hearing on the delinquent charges.

D. Any portion of the delinquent charges and penalties that remains unpaid seventy-five (75) days following the past due date shall become a lien on the parcel of real property to which the utility services were rendered, subject to the procedural requirements specified in Section 13.12.080. If the owner desires a hearing, the owner shall provide the director with a written request for a hearing within 10 days after the date of the director's notice. Upon receipt of a timely request for hearing from the owner, the director shall provide owner written notice of the date, time, and location of the informal hearing, which shall be scheduled not less than 10 days after the date of the director's notice of the hearing to the owner. The hearing shall be held before a department employee designated by the director to conduct the hearing, who shall mail a written notice of his or her decision to the owner at the owner's address as soon as practicable after the hearing. The decision is the city's final administrative determination of the matter.

## SECTION 32.

Section 13.12.080 of the Sacramento City Code is amended to read as follows:

**13.12.080 Lien recorded — Procedure.**

- A. ~~Any utility service charges that have been delinquent for seventy five (75) days or more shall be subject to having the lien provided for in Section 13.12.070 recorded with the Sacramento County recorder pursuant to the procedures in this section.~~
- B. ~~Prior to the recordation of the lien, the director shall cause a written notice of the lien and an opportunity for an informal hearing on the delinquent charges to be mailed to the owner at the owner's address. If the owner desires a hearing, the owner shall provide the director with a written request for a hearing within ten (10) days after the date of the director's notice. Upon receipt of a timely request for hearing from the owner, the director shall provide owner written notice of the date, time, and location of the hearing, which shall be scheduled not less than ten (10) days after the date of the director's notice of the hearing to the owner. The hearing shall be held before a department employee designated by the director to conduct such a hearing, who shall mail a written notice of his or her decision to the owner at the owner's address as soon as practicable after the hearing. The decision shall be the city's final administrative determination of the matter.~~
- C. ~~If the owner fails to request a hearing within the time specified in section 13.12.070 subsection B, or if the owner requests a hearing within the time specified in section 13.12.070 subsection B but fails to appear at the hearing, or if after a hearing the director's designee decides that delinquent charges and penalties are owing the lien shall be recorded, the director shall cause thea lien to be recorded for that portion of the delinquent charges and penalties that remains unpaid 75 days following the past due date. The lien shall be recorded~~ with the Sacramento County recorder in the form and manner prescribed by law. Thereafter, ~~thesueh~~ lien shall not be released unless and until it is fully paid or rendered invalid by operation of law, provided that the director may release a lien if the director determines that the lien was recorded in error.
- DB. The director is authorized to determine the minimum amount of delinquency, if any, for recording a lien as provided herein.

## ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

### **AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTERS 13.04, 13.08, AND 13.12 OF THE SACRAMENTO CITY CODE; REPEALING SECTION 13.04.780 OF THE SACRAMENTO CITY CODE; AND ADDING SECTIONS 13.04.305, 13.04.845, 13.08.145, 13.12.025, AND 13.12.045 TO THE SACRAMENTO CITY CODE, RELATING TO WATER, SEWER, AND STORM DRAINAGE SERVICE AND BILLING FOR UTILITY SERVICES**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

#### SECTION 1.

- A. The following changes are made to the definitions set forth in Section 13.04.030 of the Sacramento City Code:
  1. The definitions for “Revenue Division” and “Revenue manager” are repealed.
  2. The definitions for “Customer,” “Point of service,” “Room,” “Service connection or water service connection,” and “Standard specifications” are amended to read as follows:
    - a. “Customer” means the owner of the property to which water service is rendered, or an association or other entity managing a common interest development billed for water service pursuant to subsections A.1, A.2, or A.3 of section 13.04.220. As used herein, “association” and “common interest development” have the meanings specified in section 13.12.010.
    - b. “Point of service” means the location where the city’s distribution main delivers water to the customer’s private water line. For a metered water service connection, the city’s point of service generally is located at the downstream side of the meter where it connects to the private water line; provided that in any location where the meter is outside of the city right-of-way containing the city distribution main, the city’s point of service is located at the boundary of the city right-of-way. For an unmetered water service connection, the city’s point of service generally is located as follows:

Public alleys. The point of service for an unmetered water service connection to a city distribution main in a public alley, paved or unpaved, is located at the alley right-of-way line.

Public streets. The point of service for an unmetered water service connection to a city distribution main in a public street is located: at the edge of the public sidewalk adjoining the property served when the sidewalk is continuous with the curb and gutter; at the edge of the curb adjoining the property served when the sidewalk is separated from curb and gutter by a planter strip; and, at the street right-of-way line for a public street lacking curb, gutter, and sidewalk improvements.

Public utility easements, abandoned streets and alleys, and private streets and alleys. The point of service for an unmetered water service connection to a city distribution main in a public utility easement, abandoned public street or alley, private street or alley, or other private parcel is located at the corporation stop/valve at the main.

Where the exact location of the point of service is unclear, the director shall determine the location.

- c. “Room” means an area with a minimum of 50 square feet that is structurally or functionally distinct from other rooms or areas in a residential dwelling unit receiving domestic service, as determined by the department in accordance with the department’s billing criteria.
- d. “Service connection” or “water service connection” means any tap, pipe, or other means of taking water from the city water distribution system. A service connection occurs at the time that a tap, pipe, or other means of taking water is physically attached to the city water distribution system in a manner capable of taking water from the distribution system.
- e. “Standard specifications” means the city’s Standard Specifications for Public Construction dated June 2007, including any subsequent amendments.

3. A new definition for “Water distribution facilities” is added to read as follows:

“Water distribution facilities” means city transmission mains and distribution mains, unless the context indicates otherwise.

B. Except as specifically amended in subsection A above, Section 13.04.030 of the Sacramento City Code remains unchanged and in full force and effect.

## SECTION 2.

Section 13.04.060 of the Sacramento City Code is amended to read as follows:

### **13.04.060 Service connections generally.**

- A. Unless otherwise provided in this chapter, each lot or parcel shall have a separate water service connection, except for fire service connections serving more than one lot or parcel that are authorized pursuant to the provisions of this chapter. All water service lines shall be equipped with an approved corporation stop/valve at the distribution main, and with a curb stop valve unless not required under specifications adopted by the department. Water service lines shall not cross another lot or parcel without first obtaining any and all rights-of-way, easements, or other approvals necessary to do so.
- B. To be eligible for water service, the property to which service is to be provided must abut a dedicated public easement or a city right-of-way in which a distribution main is constructed at a point immediately adjacent to the property, unless the director authorizes the extension of a distribution main.
- C. The director may authorize water service for land locked parcels provided that the customer obtains recorded private easements from the affected owner(s) and all other applicable legal requirements are fulfilled. Private easements must abut a distribution main in a dedicated public easement or city right-of-way. Water service lines constructed in private easements are private water lines, and the city shall have no responsibility for the maintenance and repair of such lines.
- D. The director may authorize water service for a parcel that is not adjacent to a distribution main and is not land locked, on such terms and conditions as may be specified by the director, if the director determines based on written findings that it is not feasible to extend a distribution main due to the unique physical characteristics of the parcel which are so unusual that complying with the requirements of this section would create an exceptional hardship to the parcel owner or the surrounding parcel owners.
- E. Except as provided herein, the director shall determine the maximum sizes of service connections. For single-family domestic service connections, the maximum size shall be one inch, or one and one-half inches if residential fire sprinkler systems are present, unless otherwise authorized by the director.
- F. All water service connections are subject to the city's tap, meter, development, abandonment, and other applicable fees established by city council resolution, and to the department's cross-connection control standards.

## SECTION 3.

Section 13.04.065 of the Sacramento City Code is amended to read as follows:

**13.04.065 Access to customer premises for water service work.**

A customer receiving city water service shall provide the city's employees and contractors access to and use of the premises where city water service is received as may be required for the installation, maintenance, repair, or removal of any pipelines, water meters, and other appurtenances used to provide or measure city water service to the customer's premises or to adjacent premises; or for purposes of connecting, reconnecting, or relocating the connection for city water service to any such premises. Compliance with the foregoing requirements is a condition of the customer receiving or continuing to receive city water service, and the department may shut off water service at the distribution main if the customer refuses to allow access as required in this section. If the customer refuses to allow such access, the city may seek authorization for access from any court of competent jurisdiction.

**SECTION 4.**

Section 13.04.110 of the Sacramento City Code is amended to read as follows:

**13.04.110 Inspections.**

No person shall interfere with the inspection by city employees of any water fixture or water-using or water-distributing device connected directly or indirectly to the city water distribution system, for the purpose of determining whether there is a violation of any provision of this chapter. City employees shall obtain the consent of an adult occupant before entering occupied premises or dwellings. If consent is not obtained, the city may seek authorization for access from any court of competent jurisdiction.

**SECTION 5.**

Section 13.04.130 of the Sacramento City Code is amended to read as follows:

**13.04.130 Public fire hydrant use - requirements.**

- A. No person other than authorized employees of the department or fire department, or other persons duly authorized by the city manager, shall open or operate any public fire hydrant or attach any hose, tubing, or pipe to a public fire hydrant for any purpose, without first obtaining a fire hydrant use permit from the director, in accordance with the Temporary Water Use Policy approved by the director pursuant to section 13.04.210. Permit applications shall be filed on forms provided by the department. The permittee shall at all times comply with the Temporary Water Use Policy and any other conditions included in the permit.
- B. Permit applicants shall pay the fees, charges, and deposits required by the Temporary Water Use Policy, in the amounts established by city council resolution.

- C. No person, whether authorized to open a public fire hydrant or not, shall leave a public fire hydrant open or leave the cap off the nozzle of a public fire hydrant after having ceased to use it.
- D. Any person who opens or operates a public fire hydrant, whether or not authorized as provided herein, shall indemnify and hold harmless the city, its officers, and employees from any claims, actions, costs (including attorney fees), damages, or other liability resulting or arising therefrom.

## SECTION 6.

Section 13.04.140 of the Sacramento City Code is amended to read as follows:

### **13.04.140 Public fire hydrants - administrative penalties.**

- A. Any person violating any provision of section 13.04.130 is subject to administrative penalties pursuant to section 1.28.010. The administrative penalty for violations of section 13.04.130 is one hundred dollars (\$100.00) for the first violation, five hundred dollars (\$500.00) for the second violation, and one thousand dollars (\$1000.00) for the third and all subsequent violations in a one-year period.
- B. If a person commits more than three violations of section 13.04.130 in a three year period, the director may refuse to issue any further fire hydrant use permits to that person for a period of one year.
- C. The penalties set forth above also apply to persons using a water transportation vehicle if the vehicle is found operating without a valid fire hydrant use permit as required under the Temporary Water Use Policy.
- D. Violation of any provision of section 13.04.130 is grounds for forfeiture of a deposit as provided in the Temporary Water Use Policy.
- E. The foregoing provisions are cumulative and in addition to any other penalty or remedy provided or authorized under any applicable law, regulation, or this code, including section 1.28.020 and chapters 2.24, 15.36, and 15.100.

## SECTION 7.

Section 13.04.150 of the Sacramento City Code is amended to read as follows:

### **13.04.150 Private fire hydrant use.**

Unmetered on-site fire protection facilities providing water supply to private fire hydrants shall be used for fire suppression purposes only, except as provided otherwise in this section. No person shall use or allow others to use private fire hydrants for any purpose other than fire suppression without obtaining permission from the director. The director may require the property owner to purchase, install, and maintain a detector check on each fire service provided to the property. The size, location, and type of detector check shall be as specified by the director.

## SECTION 8.

Section 13.04.180 of the Sacramento City Code is amended to read as follows:

### **13.04.180 Service pipes.**

- A. No person whose water service pipe is attached directly or indirectly to a public water main shall allow any person to attach any pipe or hose connection to the plumbing on his or her lot or parcel for the purpose of providing water service to any other lot or parcel, except to provide irrigation for a community garden in accordance with section 13.04.075.
- B. No person shall receive water service on a lot or parcel by means of a pipe or hose connection to the plumbing on a different lot or parcel that is attached directly or indirectly to a public water main, except to provide irrigation for a community garden in accordance with section 13.04.075.
- C. The department may order the disconnection of any pipe or hose connection in violation of this section, or the department may disconnect the pipe or hose connection.

## SECTION 9.

Section 13.04.190 of the Sacramento City Code is amended to read as follows:

### **13.04.190 Water shut-off for illegal service connection.**

- A. If the department orders the disconnection of a pipe or hose connection in violation of section 13.04.180, and the pipe or hose connection is not disconnected with the time specified by the department, the department may shut off the water service connection providing water to the pipe or hose connection at the distribution main.
- B. If any person refuses to allow department employees to enter any premises for the purpose of disconnecting a service pipe or hose connection that supplies city water to another lot or parcel in violation of this chapter, the department may shut off water service to the premises at the distribution main.

## SECTION 10.

Section 13.04.200 of the Sacramento City Code is amended to read as follows:

### **13.04.200 Use after shut-off; indemnity.**

Whenever the department shuts off any pipe or any public or private fire hydrant carrying or discharging water from the city water distribution system, no person shall open the pipe or hydrant or turn on or use any water from the pipe or hydrant without obtaining prior approval from the director. Any person who violates this section shall indemnify and

hold harmless the city, its officers, and employees from any claims, actions, costs (including attorney fees), damages, or other liability resulting or arising therefrom.

## SECTION 11.

Section 13.04.210 of the Sacramento City Code is amended to read as follows:

### **13.04.210    Temporary water service.**

- A. The director shall adopt a written Temporary Water Use Policy that establishes policies, procedures, and requirements applicable to temporary water service, including procedures governing application for - and issuance, denial, renewal, and revocation of - fire hydrant use permits, and procedures for payment and forfeiture of deposits.
- B. Any person requesting temporary water use shall comply with all requirements of the Temporary Water Use Policy, including the payment of all applicable fees, charges, and deposits in the amounts established by city council resolution.
- C. Temporary water service shall be provided through a meter, at current city charges. The department may authorize temporary water service for new residential construction prior to meter installation, upon payment, prior to issuance of a building permit, of a temporary water service fee, for each residential lot, equal to three times the city's then-current monthly flat rate for water service to a single-family residence with six to nine rooms.

## SECTION 12.

Section 13.04.220 of the Sacramento City Code is amended to read as follows:

### **13.04.220    Condominiums; common interest developments; common irrigation systems.**

- A. Notwithstanding any contrary provision of this code, if authorized by the director, and subject to such terms and conditions as may be specified by the director:
  - 1. Water service, and other city utility services as applicable, rendered to a condominium project's condominium units or common area(s) may be provided at a single point of service or multiple points of service and billed to the association managing the condominium project.
  - 2. In a common interest development, if a meter is installed on an existing unmetered water service connection, or if an existing metered service connection is changed from flat rate to metered rate billing, water service provided at the service connection and billed at a metered rate shall be billed to the association managing the common interest development; this does not

include water service provided at a water service connection serving only one separate interest, which shall be billed to the owner of the separate interest.

3. Irrigation service rendered to the common area(s) of a common interest development may be provided at a single point of service or multiple points of service and billed to the association or other entity managing the common interest development.
4. Irrigation service for a common irrigation system that crosses parcel lines in a commercial development that is not a common interest development, may be provided at a single point of service or multiple points of service and billed to a single owner or the owner's authorized representative, provided that:
  - a. The owner owns all parcels served by the common irrigation system; or
  - b. If the owner owns at least one, but not all, of the parcels served by the common irrigation system, the owner furnishes satisfactory evidence of an easement or other interest of record for the parcels not owned by the owner, that authorizes the owner or the owner's authorized representative to obtain and pay for irrigation service for the common irrigation system on those parcels.

B. If water service is billed to an association or other entity pursuant to subsections A.1, A.2, or A.3 above, the association or other entity shall be fully responsible for payment of the rates, fees, and charges for the water service as a condition of continuing to receive water service.

C. If irrigation service is billed to an owner or the owner's authorized representative pursuant to subsection A.4 above, the owner or the owner's authorized representative shall be fully responsible for payment of the rates, fees, and charges for the irrigation service as a condition of continuing to receive irrigation service.

D. As used in subsection A above, the terms "common area," "condominium project," "common interest development," "separate interest," and "association" have the meanings specified in section 13.12.010.

## SECTION 13.

Section 13.04.305 is added to the Sacramento City Code to read as follows:

### **13.04.305 Conversion to metered connections for common interest developments.**

A. If an existing unmetered water service connection in a common interest development is changed to a metered connection, the meter shall be installed on the existing connection. If the water service connection serves more than one separate interest, separate metered water service connections may be installed for the separate interests

if requested by the association managing the common interest development and the owners of the separate interests, and the director determines that it is feasible and appropriate to do so:

1. Provided that the association and owners, at no cost to the city:
  - a. Install all piping and other improvements required by the director to install separate metered water service connections; and
  - b. Convey to the city all easements or other property rights required by the director; and
2. Subject to such other terms and conditions specified by the director.

B. If an existing unmetered water service connection serving more than one separate interest in a common interest development is changed to a metered connection, and the common interest development does not have an association, the director may require that the owners of all separate interests in the common interest development, at no cost to the city, and as a condition of continuing to receive city water service:

1. Install all piping and other improvements required by the director to install separate metered water service connections for the separate interests; and
2. Convey to the city all easements or other property rights required by the director.

C. As used in this section, the terms "association," "common interest development," and "separate interest" have the meanings specified in section 13.12.010.

## SECTION 14.

Section 13.04.330 of the Sacramento City Code is amended to read as follows:

### **13.04.330 Water meter use - indemnity and notification.**

No person other than authorized employees of the department or other persons authorized by the director shall install, maintain, repair, move, replace, adjust, tamper with, manipulate, damage, disconnect, or remove any water meter. Any person performing any of the foregoing actions, whether or not authorized by the director, shall indemnify and hold harmless city, its officers, and employees from any claims, actions, costs (including attorney fees), damages, or other liability resulting or arising from such actions, and shall pay the city's costs of investigating and repairing any resulting damage or replacing any removed items. Customers with metered water service connections shall notify the department of any visible damage to, or removal of, any portion of the meter box containing the water meter.

## SECTION 15.

Section 13.04.420 of the Sacramento City Code is amended to read as follows:

### **13.04.420    Permit application.**

The application for the permit required by section 13.04.410 shall be on a form provided by the department, and shall be accompanied by payment of the application fee established by city council resolution.

## SECTION 16.

Section 13.04.490 of the Sacramento City Code is amended to read as follows:

### **13.04.490    Swimming pools.**

Prior to the issuance of a plumbing permit for the installation of a swimming pool, a plan showing the water supply and drainage piping of the swimming pool shall be submitted for approval by the Community Development Department. This drawing shall indicate all valves, size of piping, and filter pump capacity. No plumbing permit shall be issued without prior approval by the director. Except when authorized by the director pursuant to section 13.04.230, no pool or pond, nor any associated decking, may be constructed within a public water, sewer, or drainage easement, or within six feet of a city water, sewer, or drainage pipe.

## SECTION 17.

Section 13.04.760 of the Sacramento City Code is amended to read as follows:

### **13.04.760    Additional charges.**

The director may cause to be accomplished any extra work or service that the director deems reasonably necessary to provide water service to a property in a manner that maintains the safety of the city's water supply or corrects any condition in violation of this chapter. The cost thereof shall be added to the regular billing for such water service and be collected in the same manner as other utility service charges are collected pursuant to Chapter 13.12.

## SECTION 18.

Section 13.04.780 of the Sacramento City Code is repealed.

## SECTION 19.

Section 13.04.800 of the Sacramento City Code is amended to read as follows:

### **13.04.800    Fees for disconnection and restoration of water service.**

- A. If water service to any premises is disconnected pursuant to any provision of this code, the owner shall be responsible and liable for payment of the fee established by city council resolution to cover the city's costs to turn off the water, and that fee may be added to the regular billing for the water service and be collected in the same manner as other utility service charges pursuant to chapter 13.12.
- B. If water service to any premises is disconnected, the owner shall be responsible and liable for payment of the fee established by city council resolution to cover the city's costs to turn the water back on, and water shall not be turned on until the fees established pursuant to subsection A and this subsection are paid in full.
- C. If any person turns on water service or allows or causes it to be turned on, after it has been turned off by the city, the department may turn off the water service and may charge and collect the applicable fees each time this occurs, in addition to other amounts due, before water service is restored.

## SECTION 20.

Section 13.04.810 of the Sacramento City Code is amended to read as follows:

### **13.04.810 Vacancy credit.**

- A. If a customer requests that the customer's water service or city sewer service be temporarily discontinued because all of the buildings receiving water service or city sewer service are vacant or have been demolished, the director shall grant a credit for nonuse of the customer's water service connection or city sewer service connection if authorized under this section and upon satisfaction of all of the following conditions:
  1. Execution of a temporary stop service agreement as required by the department, which shall include authorization for disclosure to the department of the customer's water usage records if the customer is provided water by another water purveyor;
  2. Payment of the applicable service and processing fee(s) established by city council resolution;
  3. Payment of the current city utility bill in full;
  4. The water service connection is turned off by department personnel, provided that this requirement shall not apply to any of the water service connections described in subsection C of this section;
  5. If the customer receives city sewer service but is provided water by another water purveyor, verification from the other water purveyor of water shut-off or nonuse as required by the department; and
  6. If the credit for nonuse is requested because all of the buildings receiving water service or city sewer service have been demolished, all demolition work must

have been completed and given final approval by city officials in accordance with the applicable provisions of chapter 8.96, 8.100, or 15.44.

- B. The credit for nonuse of a water service connection being charged a flat rate shall be equal to the difference between the monthly flat rate and the monthly basic service charge that would apply to the connection if it were being charged a metered rate.
- C. No credit shall be allowed or provided for nonuse of an irrigation service connection, fire service connection, or any other water service connection that has a water meter and is being charged a metered rate.
- D. A credit for nonuse of water service or city sewer service shall be terminated when the water service is turned on by department personnel, upon occupancy of any building that receives the water service or city sewer service, or as provided in subsection E or F of this section.
- E. For a parcel with a metered water service connection being charged a metered rate, other than an irrigation service or fire service connection, a credit for nonuse of city sewer service on the parcel shall be terminated if the water meter indicates that water is being used.
- F. For a parcel with city sewer service but provided water by another water purveyor, a credit for nonuse of city sewer service on the parcel shall be terminated if the other water purveyor verifies that water is being used on the parcel.

## SECTION 21.

Section 13.04.820 of the Sacramento City Code is amended to read as follows:

### **13.04.820 Water system development fee.**

- A. General. Every lot or parcel that connects to the city water distribution system is subject to a water system development fee established to recover the capital costs of the city's existing or new water diversion, treatment, storage, and distribution facilities. No water service shall be furnished to the lot or parcel unless this fee has been paid. This requirement does not apply to the extent that the fee established by this section, or the equivalent thereof, has previously been paid by the owner of the lot or parcel, or a predecessor of the owner, or if the lot or parcel meets the qualifications for an infill site as established by city council resolution. Payment of this fee is in addition to payment of all other applicable fees and charges.
- B. Amount of water system development fee. The fee established by this section is determined by reference to a schedule of fees adopted by city council resolution, subject to annual adjustment made by the director as provided in subsection C.
- C. Annual adjustment. In January of each year, the director shall adjust the water system development fee schedule then in effect to compensate for an increase in construction costs since the previous adjustment, by applying the following methodology:

1. The director shall first calculate the “current construction cost index,” which shall be the average of: (a) the average construction cost index for 20 U.S. Cities published in the appropriate January issue of “Engineering News Record” (ENR) magazine; and (b) the construction cost index for San Francisco published in the same issue of ENR magazine.
2. The director shall then calculate the “fee adjustment factor,” by dividing the current construction cost index calculated pursuant to subsection C.1 by the construction cost index that was calculated in January of the last year in which the water system development fee schedule was changed.
3. If the fee adjustment factor calculated pursuant to subsection C.2 is one or less, the water system development fee schedule then in effect shall remain unchanged. If the fee adjustment factor calculated pursuant to subsection C.2 is greater than one, the director shall adjust the water system development fee schedule then in effect by multiplying each of the fees therein by the fee adjustment factor. If the water system development fee schedule is adjusted as provided herein, the adjusted water system development fee schedule shall become effective on July 1st following the January when the fee adjustment factor is calculated pursuant to subsections C.1 and C.2.

D. Replacement services. If an existing water service connection or meter is replaced by one of a larger size at the owner’s request, the water system development fee equals the difference between the current fee for the existing service connection size and the current fee for the replacement service connection size. If the existing water service connection was oversized to provide water for fire protection in addition to commercial or domestic service, and no water system development fee was paid for the existing service, the calculation of the current fee for the existing service size excludes the size increment that was required solely for fire protection.

E. Fire services. The water system development fee does not apply to connections made solely for fire service.

F. Credit for major facilities. Nothing in this ordinance prohibits the city council from authorizing appropriate credit toward water system development fees for property owners who were assessed or in some manner paid all or a portion of the cost of water diversion, treatment, storage, or transmission facilities.

G. Appeal. There is established a water system development fee determination board. The board’s membership consists of the director and the building official, or their respective designees. Any person aggrieved by the determination of the water system development fee for property owned by such person may file a written appeal with the building official. The appeal shall be reviewed by the board, and notice of the determination of the board shall be given to the property owner. If the appeal is granted, an appropriate refund shall be made, based on the recalculated development fee.

If the appeal is not granted, notice shall be given to the property owner that shall briefly specify the reason for the decision of the board. Any property owner who receives such notice and who desires to have the appeal reconsidered by the board may apply for a hearing by filing a written application with the building official not later than 15 calendar days following the property owner's receipt of the notice that the written appeal was denied. The board shall, not later than 30 calendar days after application for a hearing, schedule a hearing upon 10 days written notice to the property owner. The property owner or his or her representative may present at the hearing any evidence relevant to the appeal. The board shall reevaluate the appeal. In considering the appeal, the board may obtain an inspection report from the department. Written notice of the board's action shall be given to the property owner and the order of the board shall be final.

H. Nonpayment. If water service is initiated without payment of the water system development fee as required by this section, water service may be disconnected until the fee is paid.

## SECTION 22.

Section 13.04.845 is added to the Sacramento City Code, to read as follows:

### **13.04.845 Irrigation service for area exceeding five acres.**

To reduce demand on the city water distribution system and promote water conservation, the director may require water for the irrigation of areas exceeding five acres to be obtained from a private well, recycled water supply, or other water source, instead of allowing an irrigation service connection from the city water distribution system.

## SECTION 23.

A. The following changes are made to the definitions set forth in Section 13.08.020 of the Sacramento City Code:

1. The definition of "Customer" is amended to read as follows:

"Customer" means the owner of the property to which sewer service or storm drain service is rendered, or an association managing a condominium project billed for sewer service or storm drain service pursuant to subsection A.1 of section 13.04.220. As used herein, "association" and "condominium project" have the meanings specified in section 13.12.010.

2. A new definition for "Room" is added to read as follows:

"Room" means an area with a minimum of 50 square feet that is structurally or functionally distinct from other rooms or areas in a residential dwelling unit receiving domestic sewer service or storm drain service, as determined by the department in accordance with the department's billing criteria.

3. The definition of "Sewer point of service" is amended to read as follows:

“Sewer point of service” means the location where the city sewer main connects to the private sewer line.

B. Except as specifically amended in subsection A above, Section 13.08.020 of the Sacramento City Code remains unchanged and in full force and effect.

## SECTION 24.

Section 13.08.145 is added to the Sacramento City Code to read as follows:

**13.08.145 Mitigation of drainage impacts; design and procedures manual for water, sanitary sewer, storm drainage, and water quality facilities.**

- A. When property that contributes drainage to the storm drain system or combined sewer system is improved or developed, all stormwater and surface runoff drainage impacts resulting from the improvement or development shall be fully mitigated to ensure that the improvement or development does not affect the function of the storm drain system or combined sewer system, and that there is no increase in flooding or in water surface elevation that adversely affects individuals, streets, structures, infrastructure, or property.
- B. The director shall develop and maintain a design and procedures manual setting forth standards, criteria, and requirements for the planning, design, and construction of water, sanitary sewer, storm drainage, and water quality facilities, to assure that these facilities are properly planned, designed, and constructed, and to comply with the mitigation requirement set forth in subsection A. The director shall have the authority to change, update, or revise this manual.
- C. The improvement or development of property that receives city water service, contributes sewage to the separate sewer system or combined sewer system, or contributes drainage to the storm drain system or combined sewer system, shall comply with applicable provisions of the design and procedures manual as a condition of receiving any permit or approval required for the improvement or development.

## SECTION 25.

Section 13.08.450 of the Sacramento City Code is amended to read as follows:

**13.08.450 Fees for disconnection and restoration of sewer service.**

- A. If city sewer service to any premises is disconnected pursuant to any provision of this code, the owner shall be responsible and liable for payment of the fee established by city council resolution to cover the city's costs to disconnect the sewer service, and that fee may be added to the regular billing for the sewer service and be collected in the same manner as other utility service charges pursuant to chapter 13.12.

- B. If sewer service to any premises is disconnected, the owner shall be responsible and liable for payment of the fee established by city council resolution to cover the city's costs to reconnect the sewer service, and city sewer service shall not be restored until the fees established pursuant to subsection A and this subsection are paid in full.
- C. If any person reconnects the sewer service or allows or causes it to be reconnected, after it has been disconnected by the city, the department may disconnect the sewer service and may charge and collect the applicable fees each time this occurs, in addition to other amounts due, before sewer service is restored.

## SECTION 26.

- A. A new subsection F is added to Section 13.08.490 of the Sacramento City Code, to read as follows:
  - F. Mitigation of drainage impacts; sewer and storm drainage facilities. Payment of the combined sewer development fee is in addition to compliance with any requirements or measures imposed to mitigate the impact of stormwater and surface runoff drainage as provided in section 13.08.145, and any requirements to construct sewer and storm drainage facilities as provided in section 13.08.360.
- B. Except as specifically amended in subsection A above, Section 13.08.490 of the Sacramento City Code remains unchanged and in full force and effect.

## SECTION 27.

- A. The following changes are made to the definitions set forth in Section 13.12.010 of the Sacramento City Code:
  - 1. The definitions of "Condominium association" and "Governing documents" are repealed.
  - 2. A new definition of "City manager" is added to read as follows:

"City manager" means the city manager of the city of Sacramento or his or her authorized representative.
  - 3. A new definition of the phrase "presentation of the bill" is added to read as follows:

"Presentation of the bill" means that a bill for utility service charges has been sent by U.S. Mail in accordance with the provisions of this chapter, or, for utility service accounts billed electronically, has been sent electronically in accordance with the applicable terms of use for electronic billing, whether the bill is received by the owner liable for payment of the bill, is returned without receipt by the owner, or is not received by the owner for any other reason.
- B. Except as specifically amended in subsection A above, Section 13.12.010 of the Sacramento City Code remains unchanged and in full force and effect.

## SECTION 28.

Section 13.12.025 is added to the Sacramento City Code to read as follows:

### **13.12.025 Suspension of utility services when rebuilding prevented by law or regulation.**

- A. The city manager may temporarily suspend utility services rendered to a parcel in accordance with the provisions of this section, upon satisfaction of the following conditions:
  1. A previously-inhabited structure or unit within a structure on the parcel has been made uninhabitable because of damage or destruction caused by fire, flood, wind, earthquake, or other disaster; and
  2. The parcel owner is unable to rebuild a habitable structure or unit substantially similar to the previously-inhabited structure or unit, due solely to the requirements of any federal or state law or regulation.
- B. The city manager may adopt administrative guidelines to implement this section that include procedures for the parcel owner to request suspension of utility services, requirements for documentation and other information to support the request, and any applicable fees or charges.
- C. The city manager may authorize suspension of all, some, or none of the utility services associated with the damaged or destroyed structure or unit. Any suspension of utility services authorized by the city manager may be modified or terminated at any time by the city manager, and shall not, in any event, extend beyond the period of time while the federal or state law or regulation prevents the parcel owner from rebuilding a habitable structure or unit substantially similar to the structure or unit that was damaged or destroyed.
- D. If water service is suspended, the city shall shut off the water service connection for the parcel during the period of suspension.
- E. During the period while utility services are suspended, the parcel owner shall not be charged the city's monthly rates for the suspended utility services associated with the damaged or destroyed structure or unit.
- F. Suspension of utility services and monthly utility service rates pursuant to this section does not affect or limit in any way:
  1. The parcel owner's liability for utility service charges arising from utility services rendered to the parcel at any time before or after the period of suspension; or
  2. Any of the remedies specified in this code for the delinquent payment or nonpayment of utility service charges arising from utility services rendered to the parcel at any time before or after the period of suspension.

G. This section does not apply to (i) city storm drain service and storm drain service rates, and (ii) city street sweeping service and street sweeping service rates.

## SECTION 29.

Section 13.12.040 of the Sacramento City Code is amended to read as follows:

### **13.12.040 Billing for utility services.**

- A. Utility service charges that apply to utility services rendered to a parcel of real property shall be billed to the owner of the parcel at the owner's address. Utility service charges for various utility services may be billed on one bill in one total amount.
- B. Notwithstanding the foregoing, the director may, in the director's sole discretion, send the bill for any or all utility service charges to the tenant of a parcel to which utility services are rendered, instead of to the parcel owner, if the owner signs a written request to bill the tenant on such form as may be specified by the director, provided that the utility services account shall remain in the owner's name and the owner shall be fully responsible and liable for the payment of such utility service charges as if the bill had been sent to the owner. Such request shall be accompanied by payment of the applicable processing fee established pursuant to section 13.04.735.
- C. Notwithstanding the foregoing, if authorized by the director, and subject to such terms and conditions as may be specified by the director:
  1. The rates, fees, and charges that apply to one or more utility services rendered to a condominium project's condominium units or common area(s) may be billed to the association managing the condominium project, as provided in section 13.04.220.A.1.
  2. In a common interest development, the rates, fees, and charges for an unmetered water service connection that is changed to a metered service connection with metered rate billing, or for a metered water service connection that is changed from flat rate to metered rate billing, other than a service connection serving only one separate interest, shall be billed to the association managing the common interest development, as provided in section 13.04.220.A.2.
  3. The rates, fees, and charges that apply to irrigation service, as defined in section 13.04.030, for the common area(s) of a common interest development, may be billed to the association or other entity managing the common interest development, as provided in section 13.04.220.A.3.
  4. The rates, fees, and charges that apply to irrigation service, as defined in section 13.04.030, for a common irrigation system that crosses parcel lines in a commercial development that is not a common interest development, may

be billed to a single owner or the owner's authorized representative, as provided in section 13.04.220.A.4.

D. If any utility services are billed to an association or other entity pursuant to subsections C.1, C.2, or C.3, above:

1. The association or other entity shall be fully responsible for payment to the city of all amounts billed, and the city shall have no responsibility for, nor any involvement in, the association's or other entity's allocation, billing, and collection of these costs from the owners of the separate interests or residents in the common interest development, whether based on sub-metering or any other basis; and
2. With respect to the utility services billed to the association or other entity, the association or other entity is considered the "owner":
  - a. Liable for payment as specified in section 13.12.020;
  - b. For purposes of the delinquent service charge procedures specified in sections 13.12.070 through 13.12.100; and
  - c. For purposes of the termination of service procedures specified in article III of this chapter.

E. If irrigation service is billed to an owner or the owner's authorized representative pursuant to subsection C.4 above:

1. The owner or the owner's authorized representative shall be fully responsible for payment to the city of all amounts billed, and the city shall have no responsibility for, nor any involvement in, the allocation, billing, and collection of these costs by the owner or the owner's authorized representative;
2. The owner shall be liable for payment as specified in section 13.12.020; and
3. The owner shall be subject to the delinquent service charge procedures specified in sections 13.12.070 through 13.12.100, and the termination of service procedures specified in article III of this chapter.

F. Notwithstanding any other provision of this section, if a lessee of a city-owned property is required by the lease to pay utility service charges that apply to the utility services rendered to the property, the utility service charges may be billed to the lessee, and with respect to such charges, the lessee is considered the "owner":

1. Liable for payment as specified in section 13.12.020; and

2. For purposes of the termination of service procedures specified in article III of this chapter.

## SECTION 30.

Section 13.12.045 is added to the Sacramento City Code to read as follows:

### **13.12.045 Under-billed or over-billed charges.**

- A. When the director determines that a parcel owner was not billed or was under-billed for utility services rendered to the parcel, the parcel owner is responsible and liable for payment of the utility service charges that were not billed for such period as may be determined by the director, provided that the maximum period of utility service charges for which the department may back-bill the owner is three years.
- B. When the director determines that a parcel owner was over-billed for utility services rendered to the parcel, the parcel owner is entitled to a credit for the over-billed amount for such period as may be determined by the director, provided that the maximum period of utility service charges for which the department may provide a credit to the owner is three years. Any claim for any amount that exceeds the amount of the credit determined to be due by the director is governed by section 3.04.070.

## SECTION 31.

Section 13.12.070 of the Sacramento City Code is amended to read as follows:

### **13.12.070 Utility service charges – due date, penalties, notice of lien, and hearing.**

- A. Utility service charges are due upon presentation of the bill for services. Charges unpaid 20 days after presentation of the bill for services become past due (delinquent).
- B. Charges that remain unpaid 15 days following the past due date shall be assessed a basic penalty of 10 percent of the delinquent charges. Beginning 45 days following the past due date, an additional penalty of one-half percent per month shall be added for any portion of the delinquent charges and basic penalty that remains unpaid. If any federal or state law restricts the city's ability to apply these penalties to a specified category of owners, the penalty amounts shall be reduced as required to comply with the law.
- C. For any portion of the delinquent charges and penalties that remains unpaid 60 days following the past due date, the director may cause a written notice to be mailed to the owner at the owner's address, advising the owner that the delinquent charges and penalties remaining unpaid 75 days following the past due date will become a lien on the parcel of real property to which the utility services were rendered. The notice also shall notify the owner that the owner may request an informal hearing on the delinquent charges.

D. If the owner desires a hearing, the owner shall provide the director with a written request for a hearing within 10 days after the date of the director's notice. Upon receipt of a timely request for hearing from the owner, the director shall provide owner written notice of the date, time, and location of the informal hearing, which shall be scheduled not less than 10 days after the date of the director's notice of the hearing to the owner. The hearing shall be held before a department employee designated by the director to conduct the hearing, who shall mail a written notice of his or her decision to the owner at the owner's address as soon as practicable after the hearing. The decision is the city's final administrative determination of the matter.

## SECTION 32.

Section 13.12.080 of the Sacramento City Code is amended to read as follows:

### **13.12.080 Lien recorded — Procedure.**

A. If the owner fails to request a hearing within the time specified in section 13.12.070, or if the owner requests a hearing within the time specified in section 13.12.070 but fails to appear at the hearing, or if after a hearing the director's designee decides that delinquent charges and penalties are owing, the director shall cause a lien to be recorded for that portion of the delinquent charges and penalties that remains unpaid 75 days following the past due date. The lien shall be recorded with the Sacramento County recorder in the form and manner prescribed by law. Thereafter, the lien shall not be released unless and until it is fully paid or rendered invalid by operation of law, provided that the director may release a lien if the director determines that the lien was recorded in error.

B. The director is authorized to determine the minimum amount of delinquency, if any, for recording a lien as provided herein.

## ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

### **AN ORDINANCE AMENDING DEFINITIONS IN SECTION 13.12.010 OF THE SACRAMENTO CITY CODE, RELATING TO BILLING FOR UTILITY SERVICES**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

#### **SECTION 1.**

- A. The following changes are made to the definitions set forth in Section 13.12.010 of the Sacramento City Code:
  - 1. The definitions for “Association,” “Common interest development,” “Condominium project,” and “Separate interest” are amended to read as follows:
    - a. “Association” means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development, in accordance with the provisions of the Davis-Stirling Common Interest Development Act, California Civil Code Section 40001350 et seq., as amended or renumbered.
    - b. “Common interest development” means a common interest development as defined in California Civil Code Section 41001351(e), as amended or renumbered.
    - c. “Condominium project” means a condominium project as defined in California Civil Code Section 41251351(f), as amended or renumbered.
    - d. “Separate interest” means a separate interest as defined in California Civil Code Section 41851351(l), as amended or renumbered.
- B. Except as specifically amended in subsection A above, Section 13.12.010 of the Sacramento City Code remains unchanged and in full force and effect.

#### **SECTION 2.**

This Ordinance shall take effect on January 1, 2014.

**ORDINANCE NO.**

Adopted by the Sacramento City Council

Date Adopted

**AN ORDINANCE AMENDING DEFINITIONS IN  
SECTION 13.12.010 OF THE SACRAMENTO CITY CODE,  
RELATING TO BILLING FOR UTILITY SERVICES**

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**SECTION 1.**

A. The following changes are made to the definitions set forth in Section 13.12.010 of the Sacramento City Code:

1. The definitions for “Association,” “Common interest development,” “Condominium project,” and “Separate interest” are amended to read as follows:
  - a. “Association” means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development, in accordance with the provisions of the Davis-Stirling Common Interest Development Act, California Civil Code Section 4000 et seq., as amended or renumbered.
  - b. “Common interest development” means a common interest development as defined in California Civil Code Section 4100, as amended or renumbered.
  - c. “Condominium project” means a condominium project as defined in California Civil Code Section 4125, as amended or renumbered.
  - d. “Separate interest” means a separate interest as defined in California Civil Code Section 4185, as amended or renumbered.

B. Except as specifically amended in subsection A above, Section 13.12.010 of the Sacramento City Code remains unchanged and in full force and effect.

**SECTION 2.**

This Ordinance shall take effect on January 1, 2014.