ORDINANCE NO. 2020-707

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WASCO AMENDING TITLE 13 PUBLIC SERVICES OF THE CITY OF WASCO MUNICIPAL CODE, AMENDING CHAPTER 13.08.030 WATER RATES – SERVICE REQUIREMENTS, SAID AMENDMENT MODIFYING DELINQUENCY PROCEDURES IN ACCORDANCE WITH THE STATE WATER SHUTOFF PREVENTION ACT AND CLARIFYING CERTAIN OTHER LANGUAGE

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

WHEREAS, the City of Wasco declares that all of its citizens have the right to safe, accessible, and affordable drinking water; and,

WHEREAS, the loss of water service cause tremendous hardship and undue stress and water service discontinuation threaten human health and well-being, and have a disproportionate impact on infants, children, the elderly, low-income families, communities of color, people for whom English is a second language, physically disabled persons and persons with life-threatening needs; and,

WHEREAS, it is the intent of the City Council of the City of Wasco to minimize the number of its citizens who lose water service due to inability to pay; and,

WHEREAS, all citizens should be treated fairly when there is a delinquent bill, whether they pay the water bill directly or not and that fair treatment includes the ability to contest a bill, seek alternate pay schedules, and demonstrate a medical need and severe economic hardship; and,

WHEREAS, the State of California has added Chapter 6 (commencing with Section 116900) to Part 12 of Division 104 of the Health and Safety Code known as the Water Shutoff Protection Act; and,

WHEREAS, the City of Wasco operates an urban and community water system as defined by the Water Shutoff Protection Act; and,

WHEREAS, the City of Wasco has adopted a written policy on discontinuation of residential water service;

Chapter 13.08.030 of the Wasco Municipal Code is amended as follows:

13.08.030 Service Requirements

A. Water service shall be provided only upon the presentation of an application to the city. If the applicant is not the owner of the premises, the applicant shall pay a deposit with the application which shall secure payment of the applicant's future water, sewer, and sanitation charges as
well as any other utility charges which the city council may, by resolution, place on the same billing with the foregoing utility charges. The amount of the deposit shall be established from time to time by the city council by resolution.

1. In case water service is terminated due to non-payment on an account for which a deposit has been paid, the deposit shall be forfeited to the extent of the unpaid account plus penalty and interest hereinafter described and any additional water service charges incurred following the month of the delinquency. The remainder of the deposit, if any, shall be returned without interest to the customer. If the customer cannot be located after ninety days following termination of water service, the entire deposit shall be forfeited. The customer may not re-establish water service elsewhere on the city's water system without first paying in full any amount of the charges not paid by the deposit. To the extent any portion of the deposit is used to pay the delinquent account, the customer shall pay the city the full amount of the deposit applied to the delinquent account in order to resume water service.

2. In the event water service is terminated on a premises owned by the customer, the total delinquency, plus penalty and interest, plus any water service billed prior to termination but after the delinquency shall constitute a special assessment against the premises and, upon recordation in the office of the county recorder of a notice of lien, shall constitute a lien against the premises for the amount of such assessment. A certified copy of the recorded notice of lien may be sent to the appropriate county official to add the amounts of the respective assessment to the next regular tax bills levied against the premises and the amount shall be collected at the same time and in the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes and assessments. Nothing herein shall be deemed to supersede any other remedy available to the city hereunder or any other action permitted by this code or California state law nor to prevent the city from commencing civil or criminal proceedings to collect the delinquency and other charges.

B. The city may bill each customer in arrears on or about the first day of each month. The bills are due on or about the tenth of the month. In the event the bill has not been paid within twenty days of its date (on or around the 20th of the month), it shall be delinquent and penalty and interest in amounts established from time to time by resolution of the city council shall be added to the outstanding balance. Where other utility services are billed on the same invoice, all of the services must be paid in full or the bill will be deemed delinquent. If any check offered by a customer for payment in whole or in part for the service is returned without payment for any reason, a
charge may be imposed on the customer in an amount set from time to time by resolution of the city council.

C. The City shall have a written policy on discontinuation of residential water service for nonpayment as required by the Water Shutoff Protection Act. This policy is to provide for deferred or reduced payment plans, alternative payment schedules and a formal mechanism to contest or appeal a bill and contain a telephone number for customers to call to avert discontinuation of residential services for nonpayment. The policy is to state that water service will not be discontinued during the appeals process. It is the intent of the City to comply with the provisions of the Water Shutoff Prevention Act and all provisions in this Chapter are subject to agreement with that Act. The City’s policy on discontinuation of residential water service shall be posted on its website.

Except as otherwise described herein, in the event a bill is 60 days delinquent (unpaid prior to a date on or about the 20th of the second month following the billing), the city may terminate water service to the premises pursuant to the City’s policy on discontinuation of residential water services.

Termination of water service may not occur on Saturday, Sunday, a legal holiday, or at any time during which the business offices of the city are not open to the public. In the event the date of termination would occur on any of the foregoing, it shall be continued to the next business day thereafter when the city’s business offices are open to the public. Service may not be restored to the premises for the customer or any other owner of the premises, whether ownership is transferred by sale, foreclosure, or any other means of conveyance until the full amount has been paid.

D. The size of taps for new general service shall be a minimum of one inch, and it is unlawful for any person to tap or interfere in any way with the mains or pipes of the city without the permission of the city first had and obtained. Service connections of pipes of the person from the property line to the water mains will be made by the city or its agents only, for which a charge of not less than fifteen dollars will be made.

E. The supplying of water by the city to any and all persons and water users is declared to be mainly and principally for domestic and business use and to eliminate so far as possible the hazard of fire, and the use of an open hose or faucet for irrigation purposes is prohibited, and all outside faucets or openings shall be closed whenever attention is called by the city officials, or other appropriate signals, to a fire hazard. The irrigating or sprinkling of lawns, or gardens, shrubs or trees, is to follow the guidelines specifically indicated in Chapter 13.22.

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INTRODUCED at a regular meeting of the City Council of the City of Wasco on the 17th day of December 2019.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Wasco on the day 7th of January, 2020, by the following votes:

COUNCIL MEMBERS: CORTEZ, ESPITIA, GARCIA, PALLARES, REYNA
AYES: ✔ ✔ ✔ ✔ ✔
NOES: ✔ ✔ ✔ ✔ ✔
ABSTAIN: ✔ ✔ ✔ ✔ ✔
ABSENT: ✔ ✔ ✔ ✔ ✔

TEOFILO CORTEZ JR.,
Mayor of the City of Wasco

Attest:

MARIA O. MARTINEZ
CITY CLERK and Ex Officio Clerk
of the Council of the City of Wasco
PUBLIC NOTICE OF ADOPTION OF ORDINANCE

BY THE WASCO CITY COUNCIL

ORDINANCE NO. 2020-707

NOTICE IS HEREBY GIVEN that on January 7, 2020, the City Council of the City of Wasco adopted Ordinance No. 2020-707 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WASCO AMENDING TITLE 13 PUBLIC SERVICES OF THE CITY OF WASCO MUNICIPAL CODE, AMENDING CHAPTER 13.08.030 WATER RATES – SERVICE REQUIREMENTS, SAID AMENDMENT MODIFYING DELINQUENCY PROCEDURES IN ACCORDANCE WITH THE STATE WATER SHUTOFF PREVENTION ACT AND CLARIFYING CERTAIN OTHER LANGUAGE

The Ordinance was adopted by the following vote:

AYES: CORTEZ, ESPITIA, GARCIA, PALLARES, REYNA
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

A copy of the full text of Ordinance No. 2020-707 is available for review in the Office of the City Clerk, City of Wasco, 746 – 8th Street, Wasco, CA 93280. You may contact the City Clerk at (661) 758-7214 with questions regarding this proposed Ordinance.

DATED: 1/13/2020

MARIA O. MARTINEZ
Clerk of the City of Wasco and
Ex-Officio Clerk of the Council

Published: January 16, 2020 Wasco Tribune