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Riverbank, California Code of Ordinances

## **CHAPTER 52: WATER**

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## **GENERAL PROVISIONS**

### **§ 52.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply:

**APPLICANT.** An individual or agency applying for utility service.

**COMMERCIAL SERVICE.** Provision of water to premises where the customer is engaged in trade.

**CROSS-CONNECTION.** When used herein, all applicable sections of the City Code shall apply.

**CUSTOMER, CONSUMER.** An individual or agency of record receiving utility service from the utility.

**DEVELOPER.** A person or corporation requesting water service from the city regardless of the number of services.

**DEVELOPMENT.** The improving of developed and/or undeveloped land to more fully use the available land and/or structures. A development may be a subdivision.

**DOMESTIC SERVICE.** Provisions of water for household residential purposes, including water for sprinkling lawns, gardens and shrubbery, watering livestock, washing vehicles and other similar and customary purposes.

**EMPLOYEE.** Any person designated by the City Manager or the Director of Public Works to perform work and labor for the utility department, excluding contractors and their employees.

**FIRE PROTECTION SERVICE.** Provision of water to premises for automatic fire protection.

**FLAT RATE.** A fixed periodic charge for an unmetered service.

**FLAT RATE SERVICE.** Provision of water in unmeasured quantities.

**IDLER.** That piece of pipe used to conduct water in place of a meter in flat rate service.

**INDUSTRIAL SERVICE.** Provision of water to a customer for use in manufacturing, processing activities, or other uses as described in the Zoning Ordinance.

**IRRIGATION SERVICE.** Provision of water for commercial, agricultural, floricultural or horticultural use.

**MAINS.** Distribution pipelines located in streets, highways, public ways, or public utility easements which are used to serve the general public.

**METER.** The device used to measure water consumption, such as, water meter.

**METER RATE SERVICE.** Provision of water in measured quantities.

**MUNICIPAL or PUBLIC USE.** Provision of water to a municipality or other public body.

**PRE-METERED WATER USAGE.** Use of city water prior to city water meters being installed by the property owner.

**RENTABLE UNIT.** A rentable unit is any building or portion thereof that can be used as a completely independent unit.

**SERVICE CONNECTIONS.** The pipe, valves, and other facilities by which means the utility conducts water from its distribution mains to and through the meter; or, to the curb-stop or shut-off valve on an unmetered service connection.

**SENIOR CITIZEN.** All persons who have reached the age of 65 years and classed as “head of household” and who earn not over \$7,000 annually.

**SUBDIVIDER.** A person, firm, corporation, partnership, or association who proposes to divide, divides, or causes to be divided real property into a subdivision for himself or for others, except that employees and consultants of such persons or entities acting in such capacity are not “subdividers”.

**SUBDIVISION.** The division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a parcel or as contiguous parcels.

**TEMPORARY SERVICE.** A service for circuses, bazaars, fairs, construction work, irrigation of vacant property, and similar uses, that because of their nature will not be used steadily or permanently.

**UTILITY.** The public utility or publicly owned utility named herein.

**UTILITY SERVICE.** Includes water and/or sewer and/or refuse service.

**WATER WASTING.** The use of water in such a manner that excess water is used and not effectively utilized for the lawfully intended purpose. Water wasting includes, but is not limited to the following:

- (1) Watering lawns or gardens such that excess water leaves property or area being watered.
- (2) Washing vehicles, equipment or boats in driveways or streets using open hose.
- (3) Having leaky faucets or plumbing fixtures on premises.

(‘67 Code, § 4-6-1) (Am. Ord. 2000-09, passed 12-11-00)

## **§ 52.02 CITY TO OWN AND OPERATE WATER SYSTEM.**

The city shall own and operate a water system serving designated areas within and without the corporate limits of the city and may purchase existing systems or construct new works as may be necessary to supply to the people within the areas an adequate and safe domestic water supply. The City Council shall designate the area within and without the corporate limits of the city which shall receive water service from the city water system. The city shall endeavor to supply safe, potable, continuous and sufficient water at proper pressure to all consumers at all times.

(‘67 Code, § 4-6-2)

## **§ 52.03 INSTALLATION AT OWNER'S EXPENSE.**

All on-site and off-site water lines, connections, valves, plumbing and accessory water facilities shall be constructed and installed at the owner's expense, and shall be to city standards and approved by the city prior to water service turn-on.

(`67 Code, § 4-6-6)

#### **§ 52.04 APPLICATION FOR SERVICE.**

(A) All applications for water service shall be made on the forms furnished by the city. Every customer obtaining water service shall sign an application. In addition to any other information required, such application shall show a true and accurate description of the area served, purpose for which water shall be used, and the applicant's interest in the property served.

(B) Owners of property will be held responsible for water used on their premises, although payments will be accepted from tenants. In case tenants do not pay, the service may be disconnected and shall not be restored until the delinquent water charges, including the cost of water delivered as well as the cost of reconnection services, have been paid.

(`67 Code, § 4-6-7)

#### **§ 52.05 WHEN CITY WILL OR WILL NOT FURNISH WATER.**

(A) When laterals are in place or within a reasonable distance from a particular parcel, the city will furnish water service from such line to the back of the curblin if the pipeline is located in the street or to the back of the sidewalk if a sidewalk is in place (except when there is a parkway between the curb and sidewalk) or to the property line if the pipeline is located in an easement, or alley.

(`67 Code, § 4-6-8)

(B) Water will not be furnished where there are defective or leaking faucets, closets, or other fixtures, or where there are water closets or urinals without self-closing valves, or tanks without self-acting float valves, and when such may be discovered the supply may be shut off.

(`67 Code, § 4-6-9)

#### **§ 52.06 EQUIPMENT PROPERTY OF CITY; MAINTENANCE OF LINES.**

(A) All pipelines and appurtenant facilities constructed in or under city streets, easements, or alleys shall become the property of the city upon completion of the installation, and upon final inspection and acceptance of the lines by the Director of Public Works.

(`67 Code, § 4-6-16)

(B) The city will maintain all mains, laterals, and appurtenances within the city right-of-way, on city property or easements. It shall be the responsibility of all water users to maintain the water service line from, but not including the water meter, to the outlets of the line, inclusive of city easements.

(`67 Code, § 4-6-18)

#### **§ 52.07 EASEMENTS ON PRIVATE PROPERTY.**

When a line is to be constructed across private property to serve one or more parcels of land, a utility easement shall be granted to the city and the easement line, size and installation approved by the Director of Public Works.

(`67 Code, § 4-6-17)

#### **§ 52.08 UNAUTHORIZED TURN-ON.**

No person or water user shall turn on or reconnect a water meter or water connection that has been turned off or disconnected by the city.

(`67 Code, § 4-6-20) Penalty, see § 10.99

#### **§ 52.09 DAMAGE TO SYSTEM.**

Any person, including a public utility, who damages any city water line or fire hydrant, shall immediately report the location and extent of damage to the city. The city shall thereupon repair the damage and charge the cost of such repair to the person or utility who caused the damage.

(`67 Code, § 4-6-22)

#### **§ 52.10 TAMPERING WITH FIRE HYDRANTS.**

It is unlawful for any person to operate, alter, change, remove, disconnect, connect with, or interfere in any manner with any fire hydrant owned or used by the city without first obtaining written permission from the Chief of the Fire Department or his designated officer in charge.

(`67 Code, § 4-6-29) Penalty, see § 10.99

#### **§ 52.11 MULTIPLE USERS.**

If more than one consumer is served from one service connection, the owner of the property or his agent shall be required to sign for and guarantee payment for water service thereat, and the owner shall be liable for all water served through such connection.

(`67 Code, § 4-6-23)

#### **§ 52.12 MAINTENANCE OF FIXTURES AND BOILERS; NEW PLUMBING.**

(A) The city shall not be liable for any damage to the property of the consumer or others caused by broken, damaged, or leaky fixtures upon the premises of the consumer. The city may charge for all water supplied the consumer through a meter, even though the water is wasted because of broken, damaged, leaky or open fixtures. The city shall in no case be liable for damages occasioned by water running from open fixtures in or on premises to which it has turned on the water. All consumers having an arrangement for hot water shall have a tank from which to feed the boiler. The city shall not be responsible for the safety of boilers on the premises of any consumer.

(`67 Code, § 4-6-24)

(B) When old plumbing is being repaired or remodeled, or new plumbing is being installed, the owner shall install a stopcock or valve on the pipe between the property line and the first fixture on his premises. Unless such stopcock or valve is installed, the city shall not be required to turn on the water or to install a service connection.

(`67 Code, § 4-6-25)

(C) No plumber or other person will be allowed to make any alteration to any conduit, pipe, or other fixture connecting with the city mains, or to connect pipes when they have been disconnected, or to turn water off or on at the premises without the permission from the city.

(`67 Code, § 4-6-26)

### **§ 52.13 STANDBY FIRE PROTECTION SERVICE.**

Whenever fire protection water service on a standby basis is furnished to a customer, a charge of \$2 per month per each inch of standby service shall be made and billed bi-monthly while such service is being furnished. Check valves are required and shall be tested and certified for correct operation annually at owner's expense.

(`67 Code, § 4-6-32)

### **§ 52.14 WELLS.**

(A) No person may drill, dig, install or operate a water well within the city for any purpose without the consent of the City Council.

(`67 Code, § 4-6-34) (Ord. 83-1, passed 3-28-83)

(B) No person owning or operating an existing well within the city may furnish water for sale or gift.

(C) If a request is received to connect the city water system from an owner having a well on his property, that well shall be properly abandoned in accordance with city standards, or an approved backflow prevention device shall be installed before the connection can be made.

(`67 Code, § 4-6-35) (Ord. 83-1, passed 3-28-83) Penalty, see § 10.99

### **§ 52.15 NEW SUBDIVISIONS.**

Any new subdivision or development which will receive water service from the city water system shall, at the subdivider's expense, install and construct the necessary main lines, laterals, meter boxes, service connections, and fire hydrants in accordance with city specifications. The subdivider or developer shall convey ownership thereof to the city and pay to the city connection fees for each lot or parcel to be served in the subdivision or development. The mains shall extend to the farthest limits of the subdivision or development as approved by the City Engineer. Water mains shall be looped unless otherwise approved by the City Engineer.

( '67 Code, § 4-6-37) (Ord. 83-1, passed 3-28-83)

### **§ 52.16 FALSIFYING INFORMATION.**

No person shall knowingly make any false statement, representation, record, report, plan or other document filed with, or to be filed with or taken by, the city.

( '67 Code, § 4-6-44) Penalty, see § 10.99

### **§ 52.17 PRE-METERED WATER USAGE.**

(A) Any land owner using pre-metered water as defined in § 52.01 shall be required to pay a fee equal to the minimum monthly rate for metered water as established from time to time by the City Council. The pre-metered water usage fee shall be paid at the time of the issuance of a building permit. The minimum fee collected shall be a two month billing cycle of the established minimum metered rate. The pre-metered rate shall continue until the land owner installs an approved water meter. Failure to cause the installation of a water meter may result in disconnection of water service.

(B) The City Council finds that this section is enacted in order to off-set the loss of water revenue and to establish city criteria in the regulation of pre-metered water usage.

(Ord. 2000-09, passed 12-11-00)

## **WATER USE REGULATIONS**

### **§ 52.30 RESPONSIBILITY OF USERS.**

It shall be the responsibility of all water users to prevent contamination of or damage to water meters or water systems by reason of their operation of the water outlets and water equipment, and if required by the city, the water users shall install, at their expense, check valves, surge tanks, backflow prevention devices, or other devices as prescribed by the Director of Public works in order to avoid damage to or contamination of the meters or systems. Check valves and back flow prevention devices must be tested when installed and annually thereafter at customer's expense.

(`67 Code, § 4-6-5)

### **§ 52.31 USE OF WATER BY OTHER THAN SUPPLIED PERSON.**

No water user using water supplied by the city, shall supply any other person with such water or allow any other person the use of such water from the water user's water connection or permit a further connection to be made to the water user's connection on his or any other premises unless authorized by the city.

(`67 Code, § 4-6-21) Penalty, see § 10.99

### **§ 52.32 IRRIGATING.**

No water shall be used for irrigation purposes by means of an open hose without a sprinkler, and no water shall be wasted or used except for some useful and necessary purpose.

(`67 Code, § 4-6-27)

### **§ 52.33 PROHIBITED ACTS.**

(A) No person shall make connection with the system without first obtaining a permit from the city.

(B) No unauthorized person shall turn on or off or otherwise interfere with any water line or appurtenant facility.

(C) No person shall waste water.

(D) No person shall install or maintain any pipe, faucet, hose bib, fixture or appliance connected to the water system in such condition or state of disrepair that water may be or is lost or wasted.

(E) No person shall supply city water to anyone without city authorization. The city shall have the right, upon five days' written notice to cease, to disconnect the water service for the person supplying the water.

(F) No person shall construct a bypass around any meter or service.

(`67 Code, § 4-6-36) (Ord. 83-1, passed 3-28-83) Penalty, see § 10.99

### **§ 52.34 RESTRICTED WATER USE DURING PEAK PERIODS.**

In addition to all other provisions and requirements of this chapter, the following additional rules and regulations for the use of water are hereby established. These provisions shall apply to all persons using water in the city regardless of whether any person using water shall have a contract for water service with the city. Failure to comply with any provision, requirement, rules or regulation under this chapter shall be unlawful and punishable as an infraction.

(A) Washing cars, without the use of a quick-acting positive shut-off nozzle on the hose. Furthermore, there shall be no washing of building exteriors, mobile home exteriors, recreational vehicle exteriors, sidewalks, patios, driveways, gutters or other exterior surfaces, unless permitted by the Public Works Director and done with the use of a quick-acting positive shut-off nozzle on the hose.

(B) Outdoor water use in violation of the following schedule:

(1) No outdoor water use will be allowed between 12:00 p.m. and 7:00 p.m.

(2) Dwellings or establishments with odd-numbered street addresses shall water only on Mondays, Wednesdays and Fridays subject to the time restrictions set forth above.

(3) Dwellings or establishments with even-numbered street addresses shall water only on Tuesdays, Thursdays and Saturdays subject to the time restrictions set forth above.

(4) Anyone may water on Sundays subject to the time restrictions set forth above.

(C) Violations. All fines are payable with the next water bill.

(1) First violation - Warning.

(2) Second violation - \$20 fine.

(3) Third violation - \$50 fine.

(4) Fourth violation - \$100 fine.

(5) Fifth violation and each violation thereafter - \$200 fine.

( '67 Code, § 4-6-48) (Ord. 91-03, passed 3-11-91)

### **§ 52.35 BACKFLOW AND CROSS-CONNECTION CONTROL.**

(A) *Public water supply protection required.* In accordance with the requirements of 17 Cal. Code of Regs. §§ 7583 through 7622 and Cal. Health & Safety Code §§ 116800 *et seq.*, no water service connection to any premises shall be installed or maintained by the city unless the public water supply is protected as required by state regulations and the requirements stated below. This section supplements and does not supersede local plumbing regulations, codes or ordinances or state Department of Public Health Regulations relating to water supply.

(B) *Where protection is required.* In general, backflow prevention devices shall be installed on the service connection to any premises having:

(1) Any service connection having an auxiliary water supply, or internal systems containing water of deteriorating quality.

(2) Any service connection to any sewage treatment plant, sewage pumping station, or any premises which handle or transport sewage;

(3) Any service connection where any substance is handled under pressure in such fashion as to permit entry into the water system;

(4) Any service connection where material dangerous to health or toxic substance that might possibly be introduced into the water system;

(5) Any premises which is served by more than one meter connection.

(6) Any service where lawn or garden sprinkling systems are present shall have a backflow prevention device installed on the lawn or garden sprinkler supply line.

(7) The type of protection required for each type of premises shall be as stipulated in the city standards.

(C) *Private wells prohibited.* No person may drill, dig, install or operate a water well within the city for any purpose without the consent of the city.

(D) *Existing wells.* No person owning or operating an existing well within the city may furnish water for sale or gift to any other premises. If request is received to connect to the city water system, from an owner having a well on his property, that well shall be properly abandoned in accordance with state and city standards, or an approved reduced pressure principle backflow prevention device shall be installed before the connection can be made.

(E) *Responsibility for installation, inspection and maintenance.* Backflow prevention devices required herein shall be installed in accordance with city standards at the expense of the customer.

(1) All backflow preventers shall be inspected, tested, and maintained by a certified backflow prevention device tester, on a regular basis and a report of such activity shall be submitted to the city on forms provided by the city.

(2) In general, the backflow prevention device shall be inspected and tested at time of installation and thereafter according to the following schedule:

| <i>Type of Device</i>      | <i>Frequency of Test</i> |
|----------------------------|--------------------------|
| Air Gap                    | Annually                 |
| Reduced Pressure Principle | Annually                 |
| Double Check Valve         | Annually                 |

(3) All inspections, testing, maintenance and reporting shall be done at the expense of the customer.

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

(`67 Code, § 4-6-47) (Ord. 85-03, passed 6-24-85)

## METERS

### § 52.45 USE OF METERS REQUIRED.

The quantity of water furnished by the city to all water users shall be determined and ascertained by a meter.

(`67 Code, § 4-6-10)

### § 52.46 INSTALLATION OF METERS.

All water meters shall be installed adjacent to and on the property owner's side of the curblin if installed along a street, and on the property line if installed in an alley.

(`67 Code, § 4-6-11)

### § 52.47 DAMAGING OR INTERFERING WITH METERS.

(A) Water meters and meter boxes are the property of the city and it shall be unlawful to damage or interfere with them or to place dirt, trash, or other obstructions on or over the meter boxes.

(`67 Code, § 4-6-12)

(B) If a meter or appurtenances are damaged by the carelessness or negligence of the owner or occupant of the premises, the Public Works Department will repair the meter and the cost of such repairs shall be charged against the owner of the property, and if not paid within 30 days, shall become a lien against said property.

(`67 Code, § 4-6-15)

### § 52.48 METER FAILURES; TESTING.

(A) In the event any meter fails to operate properly or to correctly register the water used, the charge for the period during which the meter fails to operate properly or fails to register water, shall be based upon the average daily consumption for the same period of the prior year by the same user. If such a reading is not available, the city shall estimate the amount of such consumption from all information available and the consumer shall be charged on the basis of such estimate for water consumed.

(`67 Code, § 4-6-13)

(B) When any water consumer makes a complaint that the bill for any particular period is excessive, the Public Works Department will, upon request, have such meter re-read and the service inspected for leaks. Should such consumer then desire that the meter be tested, he will be required to make a deposit of \$10 to cover the cost of making such test. The meter will then be changed or tested. Should the meter be found to register over 3% more water than actually passes

through it, another meter will be substituted therefor, and the fee of \$10 shall be refunded to the person making the request. If the meter is found to register not over 3% the \$10 deposit shall be forfeited to the city and the water bill paid as rendered.

(`67 Code, § 4-6-14)

#### **§ 52.49 CHANGE OF METER LOCATION OR METER SIZE.**

Any person desiring to change the location or size of a service that has already been installed shall make an application to the city, and, upon payment in advance of the cost as determined by the city, the city may cause said change to be made. No such change will be made unless such change is determined to be feasible and can be done at a reasonable cost.

(`67 Code, § 4-6-19)

## **RATES AND CHARGES**

#### **§ 52.60 WATER FUND.**

(A) The Director of Finance shall collect all monies that shall become due to the city for water services, connection fees, payments for extensions, and all other costs, charges, penalties, and fees as provided herein and shall pay them into the city treasury and account for them in the same manner as the Director of Finance pays into the city treasury and accounts for all other sums received in his official capacity.

(B) All monies so collected shall be placed in a special fund to be known as the Water Fund and such money shall thereafter be expended for the administration, engineering, operation, maintenance and expansion, including the purchase of land and/or easements, of the city water system.

(`67 Code, § 4-6-4)

#### **§ 52.61 FEES AND CHARGES ESTABLISHED BY ORDINANCE.**

The amounts of all charges provided for herein, including but not limited to, water rates, connection fees, deposits, turn-on charges, penalties, and reconnection fees, shall be established from time to time by ordinance of the City Council. The failure to pay any fee or charge established by ordinance adopted pursuant to this chapter shall constitute a violation of this code and shall be subject to fines and penalties set forth in the city code.

(`67 Code, § 4-6-38)

(A) *Water service charges.* The bimonthly rates for water service are as follows:

(1) The minimum bimonthly charge to all water users, by water meter size for up to 1,000 cubic feet of water, is established as follows:

|              | October 1, 2015 | July 1, 2016 | July 1, 2017 | July 1, 2018 | July 1, 2019 |
|--------------|-----------------|--------------|--------------|--------------|--------------|
| 1.5" & below | \$39.54         | \$45.46      | \$49.10      | \$51.56      | \$54.14      |
| 2"           | \$63.26         | \$72.74      | \$78.58      | \$82.48      | \$86.62      |
| 3"           | \$126.54        | \$145.48     | \$157.14     | \$164.98     | \$173.24     |
| 4" & above   | \$197.70        | \$227.30     | \$245.54     | \$257.78     | \$270.68     |

(2) Quantity rates for all water users exceeding the 1,000 cubic foot minimum charge for the particular meter size shall be:

|                        | October 1, 2015 | July 1, 2016 | July 1, 2017 | July 1, 2018 | July 1, 2019 |
|------------------------|-----------------|--------------|--------------|--------------|--------------|
| Base                   | \$0.46          | \$0.53       | \$0.57       | \$0.60       | \$0.63       |
| Drought Surcharge *    | --              | \$0.07*      | \$0.16*      | \$0.28*      | \$0.30*      |
| Total Variable Charge* | \$0.46          | \$0.60       | \$0.73       | \$0.88       | \$0.92       |

All rates expressed in the table are on a per 100 cubic feet basis

\* Drought surcharges will be applied only during billing periods in which conservation mandates are in effect due to ongoing drought conditions, as required by the state or under the city's Urban Water Management Plan.

(B) *Connection fees.* Connection fees for water service for properties in the city shall be as follows:

(1) Connection fees in subdivisions shall be determined at the time of recording the final map.

(2) Connection fees for parcels not in subdivisions (infill) shall be as follows:

|  | <i>Rate</i> |
|--|-------------|
| Residential - with no existing stubout           | \$1,700.00  |
| Residential - with existing stubout              | \$800.00    |
| Commercial/Industrial - with no existing stubout | \$1,700.00  |
| Commercial/Industrial - with existing stubout    | \$800.00    |

(C) *Inspection fee.* A \$75 water meter inspection fee will be required per inspection.

(D) *Well destruction permit.* Any property owner seeking to abandon their well must first obtain a well destruction permit from the City of Riverbank Public Works Department. The fee for the permit shall be \$75.

(Ord. 83-1, passed 3-28-83; Am. Ord. 2005-005, passed 4-25-05; Am. Ord. 2005-008, passed 5-9-05; Am. Ord. 2005-012, passed 7-11-05; Am. Ord. 2006-010, passed 7-10-06; Am. Ord. 2007-003, passed 7-9-07; Am. Ord. 2008-007, passed 7-14-08; Am. Ord. 2010-001, passed 6-28-10; Am. Ord. 2015-015, passed 10-13-15)

#### **§ 52.62 WHEN CHARGES DUE.**

All water charges, fees and deposits shall be paid at the time service is requested. No building, plumbing or electrical permit shall be issued until said water charges, fees and deposits are paid.

( '67 Code, § 4-6-39) (Ord. 83-1, passed 3-28-83)

#### **§ 52.63 WATER CHARGES AS A LIEN.**

Each charge levied by or pursuant to this chapter or any resolution adopted pursuant to this chapter, is hereby made a lien upon the property which received the benefit of the service or facility for which the charge was made, and any steps authorized by law may be taken by the city to enforce payment of such lien.

( '67 Code, § 4-6-40) (Ord. 83-1, passed 3-28-83)

#### **§ 52.64 PAYMENT OF BILLS.**

(A) Water bills shall be rendered on a bimonthly basis and are due and payable on the first day of the month following the billing period, and shall be delinquent on the last day of the month if not paid by that date.

(B) Any bill which is not paid on or before the delinquent date shall be subject to a 10% penalty. If the bill is not paid within ten days after it becomes delinquent, the water service may be discontinued and an additional charge for the subsequent turn-on shall be paid by the consumer.

(C) When a service is discontinued due to nonpayment of bills, service shall not be resumed until all charges and penalties are paid pursuant to the procedures set forth in § 52.66 herein. All charges and penalties which are not paid shall become a lien on the property. Termination of service shall not be effective to a residential dwelling for nonpayment while an investigation of a customer dispute or complaint is pending or in progress by the city. Termination of water service shall not be effected on any Saturday, Sunday, legal holiday, or at any time during which the business offices of the city are not open to the public.

( '67 Code, § 4-6-41) (Ord. 83-1, passed 3-28-83; Am. Ord. 93-06, passed 11-22-93; Am. Ord. 2005-012, passed 7-11-05)

### **§ 52.65 DEPOSITS.**

(A) A deposit of \$60 will be required for all new consumers as a guarantee for the payment of future bills.

(B) If a consumer who has made a cash deposit fails to pay a bill for metered service, the Water Department may apply the deposit insofar as necessary to liquidate the bill and may require that the deposit be restored to its original amount before the next bill is due.

(C) After a cash deposit to guarantee payment for metered or measured service has stood unimpaired for 12 months, such deposit shall be applied to the depositor's current account balance. Upon closing any account, the balance of any deposit remaining, after the closing bill for service has been paid, shall be returned promptly to the depositor.

( '67 Code, § 4-6-42) (Ord. 83-1, passed 3-28-83; Am. Ord. 2000-04, passed 4-10-00; Am. Ord. 2005-005, passed 4-25-05)

### **§ 52.66 DISCONNECTION FOR LATE PAYMENT.**

(A) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(1) That all bills are due and payable on or before the date set forth on the bill; and

(2) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and

(3) That any customer disputing the correctness of his bill shall have a right to a hearing at which time he may be represented in person and by counsel or any other person of his choosing and may present orally or in writing his complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(B) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(C) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge, the amount of which shall be set by ordinance of the City Council.

## **ADMINISTRATION**

**§ 52.75 MANAGEMENT OF SYSTEM.**

The management, control and care of the city water system shall be vested in the City Manager under the direction of the City Council.

(`67 Code, § 4-6-3)

**§ 52.76 ACCESS TO BE PROVIDED TO CITY.**

Access to service connections, turn-off valves and meters must be provided for the city at all times.

(`67 Code, § 4-6-28)

**§ 52.77 RIGHT OF ENTRY.**

Any authorized agent of the city shall have the right at all times during reasonable hours to enter any premises being supplied with water for the purpose of examining the condition of water pipes, water closets, and other plumbing, and in case a leak is found, to shut off the water until the leak is repaired by the consumer.

(`67 Code, § 4-6-30)

**§ 52.78 RIGHT TO SHUT OFF WATER MAINS.**

The city shall have the right at any time to shut off, ration, or apportion water by reason of an emergency, shortage or water supply, or for making repairs, modifications, changes or other work in city water service facilities.

(`67 Code, § 4-6-31)

**§ 52.79 TERMINATION OF SERVICE.**

Whenever the Water Department receives a written request from any property owner to terminate or discontinue water service to any property for the reason that the property is unoccupied and does not require such service, the Water Department shall terminate water and sewer services as of the date such notice is received, and shall make no further charges for water or sewer services until the owner requests resumption of service. Until such request is received, all such charges as provided shall be due and payable.

(`67 Code, § 4-6-33)

**§ 52.80 CORRECTION OF VIOLATION.**

In order to enforce the provisions of this chapter, the city may correct any violation of this chapter. The cost of such correction, including attorney's fees, may be added to any water service charge payable by the person occupying the property upon which the violation occurred, and the city shall have such remedies for the collection of such costs as it has for the collection of water service charges.

(`67 Code, § 4-6-43)

### **§ 52.81 VIOLATION AN INFRACTION.**

Any person violating the provisions of this chapter is guilty of an infraction.

(`67 Code, § 4-6-46) (Ord. 83-1, passed 3-28-83)

**CITY OF RIVERBANK**  
**RESOLUTION NO. 2016-026**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,  
CALIFORNIA, ESTABLISHING THE CITY'S OUTDOOR WATER USE POLICY**

---

**WHEREAS**, on January 17, 2014, Governor Brown issued a Proclamation declaring a State of Emergency due to severe drought conditions calling for the reduction of water use by 20%, which was extended on April 25, 2014; and

**WHEREAS**, Governor Brown, issued Executive Order B-29-15, mandating that the State Water Resources Control Board ("Water Board") impose restrictions to achieve a statewide 25% reduction in potable urban water use through February 28, 2016; and

**WHEREAS**, the Water Board adopted regulations on May 5, 2015, requiring local urban water suppliers such as the City of Riverbank ("City") to achieve conservation standards based on conservation tiers, which required the City to reduce water use by 32% as compared to the same month's water production in the year 2013; and

**WHEREAS**, due to the inability of the City to meet the required 32% water use reduction, the Water Board issued a Notice of Violation and Information Order to the City on August 7, 2015, in order to determine what actions the City had taken to comply with the mandated water conservation standard, and on October 21, 2015, City staff met with the Water Board to further discuss the City's water conservation program and areas of potential water use savings; and

**WHEREAS**, the City made strong modifications to its policy on outdoor water use in accordance with the City's adopted Urban Water Management Plan to meet the 32% conservation standard by adoption of Resolution No. 2015-096 in November 24, 2015, implementing landscape watering restrictions for the winter period of December 1, 2015 to May 1, 2016; and

**WHEREAS**, on December 17, 2015, the Water Board's Office of Enforcement issued a Conservation Order directing the City of Riverbank to immediately take further action to meet the mandated water conservation target of 32% or be subject to a civil liability of up to \$500 per day for each day the violation continued; and

**WHEREAS**, the City Council adopted Ordinance No. 2016-004 amending Sections of the Riverbank Municipal Code, Chapter 53, to further implement water use restrictions and regulations, and to have the ability to change outdoor water use policy as swiftly as conditions change by the adoption of a City Council resolution; and

**WHEREAS**, the analysis of the current outdoor water use policy and processes, in conjunction with the changing weather conditions, has led the City to refine its water restrictions and regulations by introducing a new Outdoor Water Use Policy; and

**WHEREAS**, due to the current winter water use schedule ending May 1, 2016, the newly adopted Outdoor Water Use Policy would begin the summer schedule on May 1, 2016, for this year only, and thereafter begin on April 1 of each year.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Riverbank, does hereby declare, authorize, and order the implementation of the following Outdoor Water Use Policy:

1. Landscape Irrigation Schedule

(A) **SUMMER SCHEDULE:** Is the period from April 1st through October 31st.

(B) **Summer Restrictions (Limited to watering two (2) days per week):**

(1) No landscape irrigating between **10:00 a.m. and 7:00 p.m.**

(2) **Odd-numbered addresses:** Irrigation is allowed only on Wednesdays and Sundays before 10:00 a.m. and after 7:00 p.m.

(3) **Even-numbered addresses:** Irrigation is allowed only on Tuesdays and Saturdays before 10:00 a.m. and after 7:00 p.m.

(4) Landscape irrigation is prohibited at all times on Mondays, Thursdays, and Fridays.

(5) Landscape irrigation is prohibited within (48) hours after a measurable rainfall event ends, regardless of the permitted aforementioned summer watering schedule.

(6) Drip or micro-spray irrigation systems are exempt from the restrictions.

(C) **WINTER SCHEDULE:** Is the period from November 1st through March 31st.

(D) **Winter Restrictions (Limited to watering one (1) day per week):**

(1) No landscape irrigating between **10:00 a.m. and 4:00 p.m.**

(2) **Odd-numbered addresses:** Irrigation is allowed only on Sundays before 10:00 a.m. and after 4:00 p.m.

(3) **Even-numbered addresses:** Irrigation is allowed only on Saturdays before 10:00 a.m. and after 4:00 p.m.

- (4) Landscape irrigation is prohibited at all times Monday through Friday.
- (5) Landscape irrigation is prohibited within (48) hours after a measurable rainfall event ends, regardless of the permitted aforementioned winter watering schedule.
- (6) Drip or micro-spray irrigation systems are exempt from the restrictions.
- (A) **No Excessive Water Flow or Runoff.** Watering or irrigating any lawn, landscape or other vegetated area in a manner that causes or allows excessive water flow or runoff onto an adjoining street, alley, gutter or ditch is prohibited.
- (B) **Obligation to Fix Leaks, Breaks or Malfunctions.** Excessive use, loss or escape of water through breaks, leaks or other malfunctions is prohibited and should be immediately corrected to stop the waste of water.

## 2. Other Outdoor Water Use

- (A) **Vehicle Washing.** The washing of commercial and noncommercial privately owned automobiles, trucks, trailers, motor homes, boats, buses, and other types of vehicles is restricted to the use of a hand-held bucket and quick rinses using a hose with a quick-acting positive shut-off nozzle.
  - (1) Vehicle washing is limited to one (1) washing per car, per week.
- (B) **Washing Exterior Surfaces.** There shall be no washing of building exteriors, mobile home exteriors, sidewalks, patios, driveways, gutters or other exterior surfaces, unless it is done for health and safety reasons (e.g., to wash animal waste, mold, etc.) and done with the use of a quick-acting positive shut-off nozzle on the hose.

## 3. Temporary Waiver

The City may grant or conditionally grant a temporary waiver of the restrictions for existing potable water use otherwise prohibited under the policy, if it is determined that failure to grant such a waiver would cause an emergency condition adversely affecting the health, sanitation, and fire protection of the public or person requesting the waiver.

A temporary waiver may also be granted for one time outdoor activities that require the use of water, such as power washing to prepare for painting, the establishment of new landscape, new concrete work, etc.

- (A) Persons requesting a waiver from the provisions of the outdoor water use policy requirements shall file a temporary waiver application with the Public Works Superintendent or his/her designee.

- (1) *Application.* The application form to file for a temporary waiver shall be provided by the City of Riverbank, and must be submitted to the Public Works Superintendent, or his/her designee.
  - (2) *Supporting Documentation.* The application may be accompanied by photographs, maps, drawings, or other relevant information.
- (B) Waivers granted by the City shall be for a short period of time and shall expire at the end of the period granted by the Public Works Superintendent or his/her designee. New applications for waivers must be filed for each reoccurrence.
- (C) No waiver shall be retroactive or otherwise apply to any previous violation and/or subsequent penalties of this policy that occurred prior to the issuance of the waiver.
- (D) *Approval Authority.* The Public Works Superintendent or his/her designee shall act upon any completed application for a temporary waiver no later than seven (7) business days after submittal. The request for a waiver may be approved, conditionally approved, or denied. The applicant shall be promptly notified in writing of any action taken. The decision made by the Public Works Superintendent or his/her designee shall be final.

#### 4. Hardship Exemption

An exemption of the water use policy may be granted or conditionally granted by the City Manager or his/her designee due to extreme extenuating circumstances that would result in undue hardship to a person using water or to a property upon which water is used.

- (A) Persons requesting an exemption from the provisions of the outdoor water use policy restrictions shall file an application for exemption with the Public Works Superintendent or his/her designee.
- (1) *Application.* The application form to file for an exemption shall be provided by the City of Riverbank, and must be submitted to the Public Works Superintendent, or his/her designee.
  - (2) *Supporting Documentation.* The application must be accompanied by photographs, maps, drawings, or other relevant information, including a written statement by the applicant indicating reasons why an exemption is sought.
  - (3) *Required Finding.* An application for an exemption shall be denied unless the City Manager, or his/her designee, finds, based on the information provided in the application and supporting documents, all of the following:

- (a) That due to extreme extenuating circumstances a specific requirement would result in undue hardship;
  - (b) That the exemption does not constitute a grant of special privilege inconsistent with the limitations upon other residents and businesses;
  - (c) That because of the special circumstances applicable to the property or its use, the strict application of this policy would have a disproportionate impact on the property or use that exceeds the impacts to residents and businesses generally;
  - (d) That the authorization of such exemption will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the City of Riverbank to execute the purpose of this policy, and will not be detrimental to the public interest; and
  - (e) That the condition or situation of the subject property or the intended use of the property for which the exemption is sought is not common, recurrent or general in nature.
- (B) A granted or conditional granted exemption provides relief from the regulations for up to one year to the person and related property indicated on the application, which is subject for review at any time by the City. The exemption shall expire at the end of one year. The application process must be completed to request continued exemption relief.
- (C) *Approval Authority.* The City Manager or his/her designee shall act upon any completed application for exemption no later than ten (10) business days after submittal. The request for exemption may be approved, conditionally approved, or denied. The applicant shall be promptly notified in writing of any action taken. The decision made by the City Manager or his/her designee shall be final.

## 5. Penalties

- (A) Penalties for noncompliance with the outdoor water use policy as set by City Council resolution in accordance with the Riverbank Municipal Code Sections of Chapter 52, under Title V, are established as follows:
- (1) The fine for the first (1<sup>st</sup>) violation is thirty-five dollars (\$35).
  - (2) The fine for the second (2<sup>nd</sup>) violation is two hundred dollars (\$200).
  - (3) The fine for the third (3<sup>rd</sup>) violation is three hundred dollars (\$300).
  - (4) The fine for the fourth (4<sup>th</sup>) violation is four hundred dollars (\$400).
  - (5) The fine for the fifth (5<sup>th</sup>) violation and each subsequent violation thereafter is five hundred dollars (\$500).

(B) Pursuant to Riverbank Municipal Code, Section 52.34 (E)(2), an administrative citation may be reduced to a formal written warning and the related citation fines waived, or the citation may be entirely cancelled after review of the findings by the Public Works Superintendent or his/her designee.

(C) *Payment of Fines.* Fines shall be placed on the customer's water bill and paid in accordance with Section 52.64 of the Riverbank Municipal Code.

6. Administrative Appeal

(A) *Citation Appeal Hearing.* Appeal hearings shall be conducted in accordance with the Water, Chapter 52, Section 52.34(G), under Title V of the Riverbank Municipal Code.

(1) A citation appeal request form must be filed with the City Clerk within fifteen (15) days from the date the citation was issued, along with an administrative processing fee of \$25, which may be refundable.

**AND, THEREFORE, BE IT FURTHER RESOLVED** that the City Council of the City of Riverbank hereby rescinds Resolution No. 2015-096, effective May 1, 2016, and approves the implementation of the aforementioned Outdoor Water Use Policy in accordance with Riverbank's Urban Water Management Plan and Riverbank Municipal Code, Ordinance No. 2016-004.

**PASSED AND ADOPTED** by the City Council of the City of Riverbank at a regular meeting held on the 26<sup>th</sup> day of April, 2016; motioned by Councilmember Leanne Jones Cruz, seconded by Councilmember Darlene Barber-Martinez, and upon roll call was carried by the following City Council vote of 4-0:

**AYES:** Barber-Martinez, Campbell, Jones Cruz, and Vice Mayor Tucker

**NAYS:** None

**ABSENT:** Mayor O'Brien

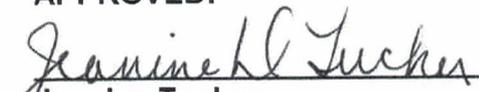
**ABSTAINED:** None

**ATTEST:**



Annabelle H. Aguilar, *CMC*  
City Clerk

**APPROVED:**



Jeanine Tucker  
Vice Mayor