

## ORDINANCE NO. 1526

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING THE ARCATA MUNICIPAL CODE TITLE VII, PUBLIC WORKS, CHAPTER 3, WATER, ARTICLE 9, DISCONTINUANCE OF SERVICE

The City Council of the City of Arcata does ordain as follows:

Section 1: Article 9 (Discontinuation of Water), Chapter 3 (Water), Title VII (Public Works) of the Arcata Municipal Code is hereby amended as shown by the following strike through for deleted text and double underscore for new text:

#### ARTICLE 9—DISCONTINUANCE OF SERVICE

##### SEC. 7800. Disconnection for non-payment, Reconnection.

###### A. Residential Services.

1. The City Council shall adopt a residential water discontinuation policy to comply with and implement the Water Shutoff Protection Act (Health and Safety Code §§ 116902 et seq., SB 998). Residential water service may be discontinued for non-payment of bills in a manner as set forth in the City's residential water discontinuation policy.

2. Fees for reconnection of residential water service after disconnection for non-payment of bills may be charged as set forth in the City's residential water discontinuation policy.

###### B. Non-residential Services.

1. Non-residential water ~~§~~service may be discontinued for non-payment of bills on or after the 60th day after the bill was sent. At least fifteen (15) days prior to such discontinuance the customer will be sent a final notice informing him that discontinuance will be enforced if payment is not made within the time specified in said notice. The failure of the Finance Department to send, or any such person to receive, said notice shall not affect the City's power hereunder. A non-residential customer's water service may be discontinued if water service furnished at a previous location is not paid for within the time herein fixed for payment of bills.

2. Water service charges for non-residential services not paid 60 days after the billing date shall be delinquent and a penalty of 10% of the delinquent amount shall be assessed. A penalty as set forth in the Schedule of Fees adopted by resolution of the City Council shall be collected. In addition to the above penalty, the Finance Department may demand that the full amount of both delinquent and current bills be paid prior to restoration of service.

C. All Services. If a customer receives water service at more than one location and the bill for service at any one location is not paid within the time provided for payment, water

service at all locations may be turned off. Domestic service, however, will not be turned off for non-payment of bills for other classes of service.

**SEC. 7801. ~~Reconnection charges~~Non-sufficient Funds, Change in Service.**

~~Water service charges not paid 60 days after the billing date shall be delinquent and a penalty of 10% of the delinquent amount shall be assessed. A penalty as set forth in the Schedule of Fees adopted by resolution of the City Council shall be collected. In addition to the above penalty, the Finance Department may demand that the full amount of both delinquent and current bills be paid prior to restoration of service.~~

A. A service charge as set forth in the Schedule of Fees adopted by resolution of the City Council shall be assessed whenever a non-sufficient funds or otherwise deficient check is presented in payment of a water bill.

B. A change of service charge as set forth in the Schedule of Fees adopted by resolution of the City Council shall be assessed whenever a new customer begins water service with the City following discontinuance of such service at the same location by a previous customer.

**SEC. 7802. Unsafe apparatus.**

Water service may be refused or discontinued to any premises where apparatus or appliances are in use which might endanger or disturb the service to other customers.

**SEC. 7803. Cross-connections.**

Water service may be refused or discontinued to any premises where there exists a cross-connection in violation of State or Federal laws.

**SEC. 7804. Fraud or abuse.**

Service may be discontinued if necessary to protect the City against fraud or abuse.

**SEC. 7805. Non-compliance with regulations.**

Service may be discontinued for non-compliance with this or any other ordinance or regulations related to the water service.

**SEC. 7806. Upon vacation of premises.**

Customers desiring to discontinue service should so notify the Finance Department one (1) day prior to vacating the premises. Unless discontinuance of service is ordered the customer shall be liable for charges whether or not any water is used.

**SEC. 7807. Short term disconnection.**

Upon notification to the Finance Department, short term disconnections will be made where the time involved comprises multiples of the minimum billing period.

Section 3: Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

Section 4: This ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, because it can be seen with certainty that the proposed code revisions are technical and/or have no possibility that they may have a significant effect on the environment.

Section 5: Based on the following findings and the need for the immediate preservation of public health and safety, this ordinance shall an early effective date pursuant to Government Code section 36937(b), and will take effect upon its adoption:

1. The Water Shutoff Protection Act (California Health and Safety Code §§ 116902 et seq., “SB 998”) was adopted in recognition of the right held by all Californians to safe, accessible, and affordable water as declared by Section 106.3 of the California Water Code, and protects certain residential water customers from discontinued water service due to their non-payment of water service bills.
2. Discontinuation of water service threatens human health and well-being, and has 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 medical conditions.

**DATE:** February 5, 2020

**ATTEST:**

**APPROVED:**

/s/ Bridget Dory  
City Clerk, City of Arcata

/s/ Michael Winkler  
Mayor, City of Arcata

### **CLERK'S CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1526, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California on the 5<sup>th</sup> day of February, 2020, by the following vote:

**AYES: WINKLER, PITINO, PEREIRA, WATSON**

**NOES: NONE**

**ABSENT: ORNELAS**

**ABSTENTIONS: NONE**

/s/ Bridget Dory  
City Clerk, City of Arcata