

## Chapter 13.04

## WATER SERVICE SYSTEM

## Sections:

- 13.04.010 Title.
- 13.04.020 Definitions.
- 13.04.030 Separate water service— Required.
- 13.04.040 Administration—Personnel
- 13.04.050 Duties of city clerk.
- 13.04.060 Connection policy.
- 13.04.070 Installation costs—Inside city.
- 13.04.080 Installation costs—Outside city.
- 13.04.090 Request for meter service or change.
- 13.04.100 Charge for first billing period.
- 13.04.110 Deposit required when.
- 13.04.120 Private fire protection systems.
- 13.04.130 Charges for bulk quantities.
- 13.04.140 Metered—Generally.
- 13.04.150 Monthly rates—Minimum charge.
- 13.04.160 Monthly rates, metered— Water quantity
- 13.04.170 Monthly rates, metered— Surcharge outside city limits.
- 13.04.180 Monthly rates, metered— Out-of-order meter
- 13.04.190 Monthly rates, metered—In lieu of flat rate.
- 13.04.200 Meters—Testing
- 13.04.210 Flat rates designated.
- 13.04.220 Billing dates.
- 13.04.230 Payment due when— Delinquent account.
- 13.04.240 Payment discount.
- 13.04.250 Disconnection of service— Charge.
- 13.04.260 New service for delinquent account.
- 13.04.270 Request for temporary service.
- 13.04.280 Unpaid accounts—Lien against property.
- 13.04.290 Charges for service to vacant building.
- 13.04.300 Metered services or businesses.
- 13.04.310 Wasting water prohibited.
- 13.04.320 Garden irrigation— Metered.
- 13.04.340 Use of water restricted to premises.
- 13.04.350 Irrigation shutoff during fire.
- 13.04.360 Sprinkling of sidewalk or streets prohibited.
- 13.04.370 Power failure—Shutoff of irrigation or sprinkling.
- 13.04.380 Access to meters and services.
- 13.04.390 Private service maintenance.
- 13.04.395 Reduced Pressure, Backflow Prevention Device—Responsibility.
- 13.04.400 Interference with city service lines prohibited.
- 13.04.410 Owner responsibility.
- 13.04.420 Shutoff for emergency repairs.
- 13.04.430 Interconnection with private water system prohibited.
- 13.04.440 Interconnection contamination.
- 13.04.450 Responsibility of water department.
- 13.04.460 Independent wheel valve.
- 13.04.470 Proof of water service.
- 13.04.480 Extension and service outside city limits prohibited.

- 13.04.490 Application for service—  
Form.**
- 13.04.500 Application for service—  
Proper street address  
required.**
- 13.04.510 Testing plumbing fixtures.**
- 13.04.520 Standby service—  
Application.**
- 13.04.530 Standby service to fire  
district.**
- 13.04.540 Water wells.**
- 13.04.550 Illegal use of or trespassing on  
water department property.**
- 13.04.560 Recordkeeping.**
- 13.04.570 Interpretation by  
administrative officer.**
- 13.04.580 Violation—Penalty.**
- 13.04.590 Modification or elimination of  
fee.**

**13.04.010 Title.**

The ordinance codified in this chapter shall be known as the "water ordinance". (ord. 456 § 2 (part), 1990)

**13.04.020 Definitions.**

Except where the context otherwise requires, the definitions given in this section shall govern the construction of this chapter. All sections or portions referred to shall refer to sections or portions of this chapter.

A. Generally. Words used in the singular number include the plural; words used in the present tense include the future tense; the work "building" includes the work "structure"; the word "shall" is mandatory, and not directory; the word "occupied" includes the words "arranged or designed to be occupied" or "intended to be occupied", and the term "city council" means the city council of the city of Ripon.

B. "Administrative officer" means the administrative officer of the city in whom is vested all the authority granted by the city council by this

chapter.

C. "Air-conditioning unit" means a machine or device, operated by electricity or gas, natural or otherwise, or both electricity and gas, used or intended to be used for the heating, cooling, humidification, dehumidification or circulation of air within a given area or space, and using water to control the final temperature and/or humidity of the air passing through the machine, whether in direct contact with the air or not.

D. "City" means the city of Ripon, a municipal corporation for the state of California.

E. "City clerk" means the city clerk of the city of Ripon.

F. "Delinquent account" means every water account showing any unpaid balance after the tenth of the month following date of billing.

G. "Install" means and includes the words "dig," "bore" or "drill".

H. "Irrigable area" means all area of any lot or parcel of real property, whether improved or not, which is not occupied by any building, structure or paving.

I. "Water department" means the water department of the city, including all duly elected, appointed or employed personnel connected therewith, and all real and personal property or equipment used in its operation.

J. "Well" means any aperture, hole, trench or reservoir installed for the purpose of obtaining or disposing of water for any use, service or purpose. (Ord. 456 § 2 (part), 1990)

**13.04.030 Separate water service—  
Required.**

A. All dwellings shall have separate water services from the city property line and shall be separately charged therefor, except that two dwellings on the same lot or adjoining pair of lots, as shown on the official city map, may be connected to the same service line and be separately metered therefrom. All consumers now receiving a single flat rate service from the city water line, if connected

with a single service or two or more houses, dwellings or buildings all using city water shall within ten days after written notice from the city clerk, apply for a separate water service as provided in this chapter. If the consumer fails to make application for separate water service after receiving written notification from the city, a meter may be installed by the city and consumer shall be charged according to the rates provided in this chapter. (Ord. 456 § 2 (part), 1990).

**13.04.040 Administration—Personnel.**

The management, control and care of the municipal water system of the city shall be vested in the administrative officer who shall, for the purposes specified in this chapter, be known as the administrative officer of the municipal water department. Notwithstanding the general powers given to the administrative officer, he shall nevertheless be subject at all times to the general control of the city council. The personnel of the water department shall consist of such employees as have heretofore been designated for that purpose, or as may hereafter by resolution or order of the city council be designated therefor. All such employees shall be under the control and direction of the administrative officer who shall, with the consent of the city council, have the power to discharge any officer or employee under his control for cause. (Ord. 456 § 2 (part), 1990)

**13.04.050 Duties of city clerk.**

The city clerk, or any other persons authorized by ordinance or resolution of the city council, shall have charge of the collection of all moneys that may become due by virtue of this chapter, and shall deposit the same in the city treasury water department revenue fund and account therefor in the same manner as all other sums received by the city clerk. (Ord. 456 § 2 (part), 1990)

**13.04.060 Connection policy.**

Water from the municipal waterworks shall be delivered to consumers thereof, both within and without the corporate limits of the city, in accordance with the terms of this chapter; provided,

however, no water service extension shall be made outside the corporate limits without formal council action and compliance with city zoning, subdivision and all other applicable ordinance. The city, within its corporate limits, may furnish the necessary facilities from its alley mains to the adjacent property line, and to a point in back of the curb-line if the service is from a street main, but in no event shall the service be furnished beyond the property line of owner unless city shall determine the same to be necessary. In case of a metered service, city may, if city so desires, furnish all meters. In any case, the size of the tap and service connection installed shall be as designated by the city. All meters shall be of a type approved by the administrative officer, and shall be paid for by consumer and installed at consumer's expense, including a meter box, and cover satisfactory to city. (Ord. 456 § 2 (part), 1990; Ord. 536 § 1 (part), 1995)

**13.04.070 Installation costs—Inside city.**

For schedule of costs, as amended by resolution, see Fee Schedule at the end of this code. (Ord. 456 § 2 (part), 1990)

**13.04.080 Installation costs—Outside city.**

A. In addition to the charges as set forth in Section 13.04.070 where the city may agree by prior written agreement to furnish water service outside the corporate limits, all costs of installation plus twenty percent shall be charged to consumer, whenever the city makes the installation.

B. Where installation is not made by the city, the size, type and quality of materials, and the location of the mains installed or to be installed under the provisions of Section 13.04.060 shall be specified by the city. The actual construction shall be made by a licensed contractor acceptable to city and under city inspection. (Ord. 456 § 2 (part), 1990)

**13.04.090 Request for meter service or change.**

When a consumer applies to the water department to replace a meter with one of a smaller size, the water department shall make such change, upon

payment in advance of an amount equal to ten times the monthly flat rate fee for a three-fourth-inch service, to the city, to cover the cost of making such change, or in the event that the new meter is of a larger size than the replaced meter, upon payment in advance to city of the meter installation costs. (Ord. 456 § 2 (part), 1990)

**13.04.100 Charge for first billing period.**

When water is turned on at any time between the first day and the last day of the month, and the consumer has service during any part of this period, the flat rate amount to be charged and paid for by consumer shall be as follows:

- A. From the first day of the month through the seventh day of the month, the monthly rate;
- B. From the eighth day through the fourteenth day, three-fourth the monthly rate;
- C. From the fifteenth day through the twenty-first day, one-half the monthly rate;
- D. From the twenty-second day through the end of the month, one-fourth the monthly rate. (Ord. 456 § 2 (part), 1985; Ord. 536 § 2, (part), 1995)

**13.04.110 Deposit required when.**

All applications for water service made by persons other than the owner of the real property shall be accompanied by a deposit of fifty dollars which shall be refunded upon satisfactory closing of the account, or upon request of the renter after 18 months of “on-time” payment history. In the event of any lessee, tenant or consumer vacates any premises connected to the city water service and fails to notify the city clerk at the city hall within ten days after the vacation, the city clerk is authorized to transfer a sufficient amount from any cash deposit previously made by the lessee, tenant or consumer to satisfy charges then due under the terms of this chapter. Any balance remaining after the application of the deposit to the then existing charges against the lessee, tenant or consumer shall be forfeited to the city and shall accrue to the benefit of the city water department at the expiration of thirty days from the closing of the account by the city clerk, unless the lessee, tenant or consumer has claimed the balance,

if any, in writing prior to the thirty-day period as aforesaid. (Ord 456 § 2 (part), 1990; Ord. 662 § 1 (part), 2002.)

**13.04.120 Private fire protection systems.**

Independent fire protection systems and private fire hydrant connections used only for standby water service shall pay a monthly service charge of two dollars and ten cents (\$2.10) per inch or fraction thereof, based upon the size of the standby water service connection requested by the consumer. (Ord. 456 § 2 (part), 1990; Ord. 536 § 3, (part), 1995)

**13.04.130 Charges for bulk quantities.**

City water sold in bulk or given quantities, such as truck-tank, wagon-tank or semi-trailer tank loads shall be charged for at the rate of six dollars and forty cents (\$6.40) per thousand gallons or fraction thereof, plus a twenty-five dollar bookkeeping charge per billing; provided, however, that any contractor employed upon city projects may negotiate, by contract, with the administrative officer for a different rate. In no event shall water be used or taken from a fire hydrant or fire line except by authorized personnel of the fire department or water department, except by contract as outlined in this section and section 13.04.120 above. (Ord. 456 § 2 (part), 1990; Ord. 536 § 4 (part), 1995)

**13.04.140 Meters—Generally.**

Meters may be installed on any premises using water from the city, should the city so determine. All consumers served outside of the city limits shall be served through meters and shall pay the rates therefor as specified in this chapter, or such other rates as may be determined by resolution or ordinance passed by the city council. (Ord. 456 § 2 (part), 1990)

**13.04.150 Monthly Rates, Metered—  
Minimum charge.**

All water delivered through a meter in the city shall be subject to a nine dollar and sixty cent (\$9.60) basic minimum rate. (Ord. 540 § 1, 1995)

**13.04.160 Monthly Rates, metered—Water quantity.**

The monthly charge as provided in Section 13.04.150 shall entitle the consumer living within the city to a minimum of fifteen hundred (1500) cubic feet of water, and the rate for use above the fifteen hundred (1500) minimum cubic feet will be sixty-four cents (\$.64) per one hundred cubic feet. (Ord. 540 § 2, 1995)

**13.04.170 Monthly rates, metered—Surcharge outside city limits.**

All water service accounts outside the city limits shall pay a twenty-percent surcharge in addition to all charges listed in Section 13.04.160. (Ord. 536 § 7, 1995)

**13.04.180 Monthly rates, metered—Out-of-order meter.**

If a meter shall be found out of order, the monthly charge shall be determined by the administrative officer based upon previous water consumption. (Ord. 536 § 8, 1995)

**13.04.190 Monthly rates, metered—In lieu of flat rate.**

Upon written recommendation of the administrative officer, and with approval of the city council, any water service presently being served through meters and paying the meter rate applicable thereto, may be charged the flat rate charge applicable thereto as established in this chapter in lieu of and in place of the normal meter charge which might be applicable to the service, until such time as the administrative officer with the approval of the city council shall determine that the water service shall once again be charged the meter rate applicable thereto. (Ord. 456 § 2 (part), 1990; Ord. 563 §9 (part), 1995)

**13.04.200 Meters—Testing.**

If a consumer notifies the city concerning a faulty water meter and questions the accuracy of the meter, the consumer shall deposit the sum of twenty-

five dollars with the city clerk at the time of making the complaint concerning any water meter. The twenty-five dollars shall be retained by the city water department as a service charge for inspection in the event meter tests prove the meter to be accurate. If the meter is found to be inaccurate, the deposit shall be returned to the consumer, and the meter shall be removed, tested by the city and properly adjusted if found to be below the average percentage of accuracy of meters in the city. The consumer may personally observe any test made by the city. (Ord. 456 § 2 (part), 1990)

**13.04.210 Flat rates designated.**

A. Water delivered to a single-family dwelling house or building now based upon a flat rate or to a single-family dwelling house or building entitle to a flat rate as defined in this chapter shall be charged and paid for on a monthly basis.

Users currently billed at the 3/4" rate shall be charged eleven dollars and sixty cents (\$11.60) per month through December 31, 1995, at which time this rate will increase to thirteen dollars (\$13.00) per month, except as referenced in Section 13.04.590. Users billed at the 1" rate shall be charged thirteen dollars (\$13.00) per month, except as referenced in Section 13.04.590. As of January 1, 1996, all flat rate water users, whether having a 3/4" or 1" line, will be charged the same monthly rate.

B. Each water user in the city having an oversized lot or plot of land upon which water is used for the irrigation of such things as a lawn or a fruit, vegetable, or flower garden or other similar uses shall be charged the following rates for water service:

1. All lots or parcels of land containing up to ten thousand square feet shall pay the regular flat rate as set forth in subsection A. of this section;
2. An additional user's fee of three dollars and thirty cents (\$3.30) shall be paid as a surcharge for every additional five thousand square feet of area contained in an irrigated lot area.

Any water consumer subject to the payment of this surcharge may file a written request with the city

clerk for a waiver of any such additional charge for water used above the regular flat rate provided for in subsection A based upon a claim of nonuse of any additional water for irrigation which would be subject to the additional user's fee surcharge. Any such written request shall be subject to verification and approval by the public works department. Any covered areas situated on any lot or plot, including any structures or buildings including houses, garages, sheds and driveways and patios shall be included as part of an irrigated or plot square footage.

C. **Rate Reduction.** A discount of 20% shall be granted to qualified Owners or Occupants whose household income qualifies as "very low income" as defined in Section 16.194.020 of this Code. A discount of 10% shall be granted to qualified Owners or Occupants whose household income qualifies as "lower income" as defined in Section 16.194.020 of this Code. Owners or Occupants seeking the discount set forth in this subsection shall present adequate proof of income status to the City Clerk, whose decision shall be final. (Ord. 462 § 1, 1991; Ord. 456 § 2 (part), 1990; Ord. 536 § 10 (part), 1995; Ord. 727 § 1, 2005)

#### **13.04.220 Billing dates.**

Billing dates for flat or meter rate services shall be the first day of each month. (Ord. 536 § 11, 1995)

#### **13.04.230 Payment due when—Delinquent account.**

Upon failure of a consumer to pay any applicable fee or charge set forth in this chapter which is delinquent, or if water consumer shall violate any other provision of this chapter, any one or more of the following actions authorized in this section may be taken by the city to enforce such payment or correct such violation: In each case where all or any part of any consumer's fee or charge remains unpaid for twenty-five days after the date of billing, it shall then be deemed delinquent, and a basic penalty of ten percent of the total amount of

such bill shall be added to such bill for the first month of delinquency. In addition, an amount equal to one percent per month of the total amount of such bill thereafter shall be charged for each month during the time that said bill shall remain unpaid after its original delinquent date and the consumer's account remains in an open status. (Ord. 515 § 2, 1995)

#### **13.04.240 Payment discount.**

A discount of not to exceed five percent may be given by the administrative officer for all water accounts paid annually in advance on or before February 10th of any calendar year. (Ord. 456 § 2 (part), 1990)

#### **13.04.250 Disconnection of service— Charge.**

A. In the event service is discontinued, either by order of the consumer or by action of the city, a service charge of twenty-six dollars (\$26.00), in addition to any unpaid balance, shall be paid before reconnection of the service. Service shall be deemed discontinued if payment has not been received by 8:00 a.m. on the date service is due to be discontinued, whether or not service has actually been discontinued. In the event consumer has a deposit credit, these charges may be deducted therefrom. A meter may be installed upon each service disconnected by city action.

B. Service connections will be made during normal business hours from 8:00 a.m. until 4:30 p.m. In cases of emergency, as determined by the administrative officer, connections may be made outside normal business hours at a cost to the consumer which will include overtime charges in addition to the charges outlined in subsection A of this section. (Ord. 456 § 2, 1990; Ord. 536 § 12 (part), 1995)

#### **13.04.260 New service for delinquent account.**

When a consumer has moved from one premises to another without having paid an undisputed water bill which has become delinquent, the water

department may refuse to supply such consumer at his new premises until such undisputed bill has been paid. (Ord. 456 § 2 (part), 1990)

**13.04.270 Request for temporary service.**

A consumer requesting a temporary shut-off of the city water valve or water service for any reasons whatsoever shall pay an amount equal to two times the monthly rate in advance to the city to cover the cost of the work. In addition, before water service is again turned on, the consumer shall install at his own expense a wheel valve on consumer's private property adjacent to the city service valve, in order that all future water turnoffs desired by owner for his convenience may be controlled from private wheel valves. (Ord. 456 § 2 (part), 1990)

**13.04.280 Unpaid accounts—Lien against property.**

All unpaid accounts for water furnished by city to any consumer shall become a lien against the real property thirty days after becoming delinquent. (Ord. 456 § 2 (part), 1990)

**13.04.290 Charges for service to vacant building.**

The water charges specified in this chapter shall continue to be charged against vacant or untenanted buildings unless notice of vacancy and a written request for discontinuance of water service is made on or before the tenth of any month at the office of the administrative officer on the prescribed forms for discontinuance of water service. (Ord. 456 § 2 (part), 1990)

**13.04.300 Metered services or businesses.**

A. All new applications for service may be equipped with meters, and shall be charged for water at the meter rate specified in Sections 13.04.150 and 13.04.160. This applies to hotels, lodging houses, apartments, duplex houses, campgrounds, office buildings, retail and wholesale businesses, eating houses, candy stores, ice plants, canneries, theaters, hospitals, laundries, warehouses, railroad properties,

privately owned public utility properties, governmental agencies, units of government, schools, churches, mills, dance halls, bakeries, bus-line stations, creameries, milk plants, manufacturing places, wash racks, service stations, cooling systems, swimming or bathing pools, private fire protection systems and any other places of business offering services commodities for sale, as well as owners of gardens using water for the irrigation of flowers, vegetables and fruits produced commercially. The city council may, by separate written agreement, provide water service at a different rate than that specified in Sections 13.04.150 and 13.04.160. If a consumer has more than one meter, a separate charge will be made for each meter, as well as for the amount of water registered for each meter. Compound meters, however, shall not be construed to mean two meters. The owner shall furnish and install all piping on the premises to the city meter connection.

B. Swimming pools or bathing pools in existence at the time the ordinance codified in this chapter was adopted, or thereafter constructed, determined by the city to have been drained more than once a year, except for good cause shown, including the residence therewith, may be metered. The connection fee shall be as provided for other metered connections. Such pools shall not be filled or refilled at regular flat rate water services, but shall pay a rate to be determined by the administrative officer for any refilling until metered. (Ord. 456 § 2 (part), 1990)

**13.04.310 Wasting water prohibited.**

Consumers shall not be permitted to waste water or use water to excess. The city shall have the right, after first notifying the consumer of such waste or use of water to excess, to install a meter if waste continues. (Ord. 456 § 2 (part), 1990)

**13.04.320 Garden irrigation—Metered.**

On lots, other than those upon which a residence is located, being used for the raising of flowers,

vegetables or fruits, a meter service may be installed. (Ord. 456 § 2 (part), 1990)

**13.04.340 Use of water restricted to premises.**

No person, firm or corporation shall supply water in any way for the use outside the premises to which the service is assigned or appurtenant, unless by written permission of the administrative officer. (Ord. 456 § 2 (part), 1990)

**13.04.350 Irrigation shutoff during fire.**

All water from the waterworks system of city used for irrigation purposes shall be shut off during the occurrence of any fire within the city. (Ord. 456 § 2 (part), 1990)

**13.04.360 Sprinkling of sidewalk or streets prohibited.**

All sprinkler systems installed for irrigation of lawns and flowers shall be so designed and installed that the water shall not be sprayed or permitted to be sprayed over or upon the public sidewalks or streets of the city not permitted to run into the city's storm sewer system. Portable sprinklers shall not be permitted on sidewalks nor shall they be placed in such a manner as to spray water upon sidewalks or pedestrians using the same. (Ord. 456 § 2 (part), 1990)

**13.04.370 Power failure—Shutoff of irrigation or sprinkling.**

All water used for any type of irrigation or sprinkling must be turned off immediately upon failure or discontinuance of the electrical power normally provided for furnishing regular water service, and shall not again be turned on or used for any type of irrigation or sprinkling upon the premises served by the city until the normal electrical energy or power shall have again been restored. (Ord. 456 § 2 (part), 1990)

**13.04.380 Access to meters and services.**

Access to water meters, valves and appurtenances shall be provided at all times. The

occupant of the premises using city water service shall not be permitted to dump or deposit, or allow any other person, firm or corporation to dump or deposit any material, container, trash, rubbish, liquid waste or sewage upon any water meter or water meter box. (Ord. 456 § 2 (part), 1990)

**13.04.390 Private service maintenance.**

All persons, firms or corporations who are consumers of city water shall keep all service pipes, valves and appurtenances in good order at their own expense and may be held liable for damages which may result from their failure to do so. The city inspector or any authorized employee of the water department shall be admitted at all reasonable hours to all parts of any premises supplied with water except the interior of dwellings, but including the meter box, to see that the regulations contained in this chapter are observed and complied with. When the city inspector or any authorized employee of the water department, upon inspection shall have notified the customer of a leaky faucet or any damaged or faulty water fixture, immediate and satisfactory repairs thereto shall be made by consumer, or the water service may be temporarily withdrawn. (Ord. 456 § 2 (part), 1990)

**13.04.395 Reduced pressure, backflow prevention device — Responsibility.**

A. The owner of any premises on or for which check valves or other protective devices are installed shall inspect these devices for water tightness and reliability at least once per year. Any check valves or other protective devices may, in addition, be inspected and tested for water tightness by the city at any time. If the inspection cannot be made without undue difficulty because of an obstruction or other interference, the customer will be notified and requested either to correct the condition or have the inspection made at his own expense and witnessed by the city. Any defects found in any backflow control device shall be corrected by the customer within three days. Failure to correct such defects is cause for discontinuance of water service.

B. In making plumbing connections, the applicant shall comply with the regulations of the state and county department of public health (California Administrative Code, Title 17, Section 7583). (Ord. 536 § 13, 1995)

**13.04.400 Interference with city service lines prohibited.**

It is unlawful for any person, firm or corporation to interfere with city service lines, shutoff valves, seals or meters or to construct a bypass around any water meter or service. (Ord. 456 § 2 (part), 1990)

**13.04.410 Owner responsibility.**

All property owners shall be held responsible for any water used on property owned by them, although payments may be accepted from any tenant. If any tenant or property owner fails to pay in accordance with the provisions of this chapter, the penalties specified in this chapter may be applied or the service may be discontinued, and shall not be restored until the delinquent water charges, including the cost of water delivered, plus a charge of twenty-six dollars (\$26.00), for reconnecting the service, shall have been paid. (Ord. 456 § 2 (part), 1990; Ord. 536 § 14 (part), 1995)

**13.04.420 Shutoff for emergency repairs.**

The city may shut off the water supply at any time for emergency repairs, additions or services without notice to customers and shall not be held responsible for any damage occasioned thereby. (Ord. 456 § 2 (part), 1990)

**13.04.430 Interconnection with private water system prohibited.**

It is illegal for any person, firm or corporation to connect a privately owned water service system to the city service lines, mains or valves unless prior written permission shall have been granted by the city. (Ord. 456 § 2 (part), 1990)

**13.04.440 Interconnection contamination.**

No water distribution system shall be so connected to the city service system so as to contaminate the city water supply whether by cross-connection or otherwise. (Ord. 456 § 2 (part), 1990)

**13.04.450 Responsibility of water department.**

A. The water department shall not be liable for any damage to the property of the consumer or others caused by open, unconnected, broken, damaged or leaky fixtures of consumer upon the premises of any consumer. The water department may charge for all water supplied to consumer through a meter, even though the water is wasted because of broken, damaged or open fixtures of consumer.

B. All consumers having an arrangement for a pressure boiler in connection with their water shall have a tank from which to feed any boiler. The water department shall not be responsible for the safety of any boiler on the premises of consumer. (Ord. 456 § 2 (part), 1990)

**13.04.460 Independent wheel valve.**

All consumers using water services installed after the effective date of the ordinance codified in this chapter, shall have installed at their own expense an independent wheel valve within two feet of the city service valve and/or at a location designated by the city in order that all water fixtures on the premises may be controlled therefrom. (Ord. 456 § 2 (part), 1990)

**13.04.470 Proof of water service.**

The connection of any residence, piece of property or premises within the water system of the city shall be presumptive evidence that the water used on the premises comes from the water works system of the city and that the consumer is subject to the provisions of this chapter. (Ord. 456 § 2 (part), 1990)

**13.04.480 Extension and service outside city limits prohibited.**

No private water service shall be connected and city water service mains shall not be extended outside the corporate city limits excepting upon the written recommendation of the administrative officer and approval of the city council. This shall include water service extension for domestic, commercial, industrial or fire hydrant use. In the case of fire hydrants, no extension shall be made beyond the existing limits of the fire protection district. (Ord. 456 § 2 (part), 1990)

**13.04.490 Application for service—Form.**

Every applicant for water service shall apply at the finance office of the city and execute the forms prescribed therefor. Every property owner, firm, corporation, association or agent therefor, upon signing the application, shall automatically grant to the city the right to install valves, meters, boxes and appurtenances upon applicant's private property in such place and in such manner as to provide service to applicant. (Ord. 456 § 2 (part), 1990)

**13.04.500 Application for service—Proper street address required.**

Every applicant for water service at the time of making application shall supply the proper street address in order that the water department may determine the proper rate or rates therefor. The water department may refuse to turn on the water until such time as the proper street address has been so supplied. (Ord. 456 § 2 (part), 1990)

**13.04.510 Testing plumbing fixtures.**

Any plumber licensed by the city connecting a services pipe with the pipe system of the water department may turn the water on at the street cock to test the pipes, but shall in all cases be responsible for and shall turn the street cock off after testing. The water shall then be turned on only by an authorized agent of the water department upon application of the consumer at the office of the water department. (Ord. 456 § 2 (part), 1990)

**13.04.520 Standby service—Application.**

Any user of water within the city may file an application with the city council for standby water service for fire protection. If, in the judgment of the city, standby service is required by the applicant, and the furnishing of the same will not impair the facilities of the city, the application may be granted. The service granted may be installed by the city to applicant's property line with all cost to be borne by applicant. The minimum charge for service shall be payable annually in advance as provided in this chapter, and all facilities erected by the property owner for the installation of standby service shall be approved by the administrative office of the city water department. The city retains the right of inspection at any and all reasonable times, and the further right to discontinue the service when in the judgement of the city, the same would impair the existing facilities of the city, or otherwise be contrary to the proper and efficient operation of the city water department. The city shall install an approved seal, which if broken for other than emergency use, shall be sufficient cause for discontinuance of the service or other action as deemed necessary. (Ord. 456 § 2 (part), 1990)

**13.04.530 Standby service to fire district.**

The fire district shall be permitted to use city water services from the fire district's valves and hydrants connected to city mains for fire protection purposes. (Ord. 456 § 2 (part), 1990)

**13.04.540 Water wells.**

Water wells may be installed only after application to and the granting of a valid permit in accordance with Chapter 13.16 of this code. All wells shall be approved by the city prior to application for a permit with the San Joaquin County Public Health Services, Environmental Health Division, or its successor agency. A permit shall be granted only after at least one hearing held for that purpose. This provision shall apply to any person,

firm, corporation, governmental agency and unit of government. (Ord. 456 § 2 (part), 1990)

**13.04.550 Illegal use of or trespassing on water department property.**

A. The use and operation of all motors, engines, tanks, valves, gauges, meters and appurtenances of all types belonging to or used by the city water department shall be restricted to personnel employed or so specifically designated by written order of the city.

B. The trespassing upon any real property owned or used by the city water department other than by authorized personnel of the city, or employees of firms, individuals or corporations authorized to work by the city under specific agreement is prohibited. (Ord. 456 § 2 (part), 1990)

**13.04.560 Recordkeeping.**

The administrative officer shall cause to be kept complete records of all permits issued and other official work performed under the provisions of this chapter. (Ord. 456 § 2 (part), 1990)

**13.04.570 Interpretation by administrative officer.**

The administrative officer is empowered to make interpretations of this chapter whenever a question may arise as to the meters or manner in which materials shall be installed. Any interpretation shall be in writing and a copy thereof shall be filed in the office of the administrative officer, and shall be final as to that class of installation. (Ord. 456 § 2 (part), 1990)

**13.04.580 Violation—Penalty.**

A. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of an infraction. Every violation determined to be an infraction is punishable by:

1. A fine not exceeding one hundred fifty dollars for a first violation;

2. A fine not exceeding three hundred dollars for a second violation of the same ordinance within one year;

3. A fine not exceeding six hundred dollars for each additional violation of the same ordinance within one year.

B. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a separate infraction for each day or portion thereof during which such violation continues and shall be punishable therefor as provided in this section. (Ord. 456 § 2, 1990)

**13.04.590 Modification or elimination of fee.**

Rate Modifications. Any fees or charges set forth in this Chapter, including applicable price indices, may be modified, changed or eliminated by adoption of a resolution of the City Council, in compliance with applicable law. All fees contained and set forth in any of the provisions of Chapter 13.04 shall be adjusted annually as of the first day of January of each year hereafter to reflect any increase or decrease as shown in the Bureau of Labor Statistics, Modesto Region “Consumer Price Index, West Urban CPI-U All Items, 12 Month % Change.” (Ord. 727 § 1, 2005)