

<b>Chapter 13.04</b>		<b>13.04.340</b>	<b>Use of water restricted to premises.</b>
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**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 stated in this section shall govern the construction of this Chapter. All sections or portions referred to herein 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 word "building" includes the word "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. "Adjoining pair of lots" means two lots with only one access to both lots.

C. "Administrative Officer" means the City Administrator of the City of Ripon, or his/her designee in whom is vested all the authority granted by the City Council by this Chapter.

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. "City Engineer" is defined in Section 1.10.020 of this Code.

G. "Dwelling" is defined in Section 16.12.040 of this Code.

H. "Delinquent" means any unpaid balance after the eleventh of the month following the date of billing.

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

J. "Public Works Department" means the employed personnel of the City connected with all real and personal property or equipment used in the operation of the City's water system.

K. "Public Works Director" is defined in Section 1.10.020 of this Code.

L. "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; Ord. 892 § 1, 2020)

**13.04.030 Duty to Connect Dwellings to City Water System—Required.**

A. All owners of dwelling within city limits shall make application to connect to the City water system when the nearest property line of the dwelling unit is within 200 feet from the point at which a connection, in the sole judgment of the City Engineer, can be made to the City water main. At such time, and upon connection to the City water main, any existing private wells shall be abandoned in accordance with applicable law. The following are allowed exceptions within the discretion of the City Engineer:

- When the dwelling unit is supplied water from a private well that is located on the same legal parcel and was permitted prior to January 1, 2020.
- The requirements of this Section do not apply to any dwelling unit on a parcel for which there is a pre-existing written agreement between the property owner and the City concerning connection to the City's water system.

B. All owners of dwellings shall be required to have a separate water service from the City property line, separate meters, and shall be separately charged therefor, except that multiple dwellings are on the same lot or adjoining pair of lots, as shown on the San Joaquin County Assessor's parcel map, may be connected to the same service line and shall be separately metered. (Ord. 456 § 2 (part), 1990; Ord. 892 § 1, 2020)

**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 City. Notwithstanding the general powers given to the Administrative Officer, he or she shall

nevertheless be subject at all times to the general control of the City Council. (Ord 456 § 2 (part), 1990; Ord. 892 § 1, 2020)

#### **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 water enterprise revenue account therefor in the same manner as all other sums received by the City Clerk. (Ord. 456 § 2 (part), 1990; Ord 892 § 1, 2020)

#### **13.04.60 Connection policy.**

A. Water from the municipal water distribution system shall be delivered to consumers thereof within the corporate limits of the City, in accordance with the terms of this Chapter. Water service shall not be provided outside the corporate limits of the City.

B. The consumer is responsible for furnishing and installing all necessary materials to connect to the City's main water service. Installation shall comply with all applicable City standards. (Ord. 456 § 2 (part), 1990; Ord. 536 § 1 (part), 1995; Ord. 892 § 1, 2020)

#### **13.04.070 Connection Fees.**

Schedule of Public Facility Financing Plan costs are approved by City Council and are adjusted January 1 of each year, pursuant to Section 17.16.020 of this Code. (Ord. 456 § 2 (part), 1990; Ord. 892 § 1, 2020)

#### **13.04.080 [rescinded] (Ord. 892 § 1, 2020)**

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

When a consumer wants to replace a meter with one of a smaller or larger size, they must notify the Public Works Department 14 days prior to making any change. All expenses are to be borne by the property owner. (Ord. 456 § 2 (part), 1990; Ord. 892 § 1, 2020)

#### **13.04.100 Charge for first billing period.**

When water is turned on at any time during the first five (5) days of the month, a full month base rate will be charged to the customer. If the water is turned on after the fifth (5<sup>th</sup>) day of the month, the base rate amount to be charged shall be prorated and paid for by the consumer. (Ord. 456 § 2 (part), 1985; Ord. 536 § 2, (part), 1995; Ord. 892 § 1, 2020)

#### **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 (\$50) which shall be refunded upon request of the renter within 30 days upon satisfactory closing of the account, or upon request of the renter after 18 consecutive months of payments made prior to or on the due date. In the event 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 Public Works 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; Ord. 892 § 1, 2020)

#### **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 at a rate set by resolution of the City Council, based upon the size of the standby water service connection requested by the consumer. (Ord. 456

§ 2 (part), 1990: Ord. 536 § 3, (part, 1995); Ord. 892 § 1, 2020)

**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 may be charged for at the rate set by resolution of the City Council. In no event shall water be used or taken from a fire hydrant located on a potable water line or fire line except by authorized personnel of the fire department or Public Works 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; Ord. 892 § 1, 2020)

**13.04.140** (Rescinded by Ord. 892 § 1, 2020)

**13.04.150 Monthly Rates**

All water customers shall pay monthly charges calculated as the sum of the “fixed monthly charge”, based on the size of the water meter, plus the “water use charge”, based on the water delivered through a meter, as set by resolution of the City Council. (Ord. 540 § 1, 1995; Ord. 892 § 1, 2020)

**13.04.160** (Rescinded by Ord. 892 § 1, 2020)

**13.04.170** (Rescinded by Ord. 892 § 1, 2020)

**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 the average previous water consumption for the past two (2) years according to the City’s records of usage for the account. The Administrative Officer may, at his or her discretion, factor in seasonal variances in water usage to determine this figure. (Ord. 536 § 8, 1995; Ord. 892 § 1, 2020)

**13.04.190** (Rescinded by Ord. 892 § 1, 2020)

**13.04.200 Meters—Testing.**

If a consumer notifies the City of a faulty water meter and questions the accuracy of the meter, the consumer shall deposit the sum of one hundred dollars (\$100) with the City Clerk at the time of making the complaint. The one hundred dollars (\$100) shall be retained by the City Clerk as a service charge for inspection in the event meter tests prove the meter to be accurate. If the meter is found to be registering water usage at a higher volume than actual usage, the deposit shall be returned to the consumer, and the meter shall be replaced at the City’s expense. (Ord. 456 § 2 (part), 1990; Ord. 892 § 1, 2020)

**13.04.210 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 California Code of Regulations, Title 25, Section 6926 as may be amended. A discount of 10% shall be granted to qualified Owners or Occupants whose household income qualifies as “lower income” as defined in California Code of Regulations, Title 25, Section 6928, as may be amended. 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; Ord. 892 § 1, 2020)

**13.04.220 Billing dates.**

Billing dates for services shall be the first day of each month. (Ord. 536 § 11, 1995; Ord. 892 § 1, 2020)

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

Payments are due by the 11<sup>th</sup> of the month of billing. Upon failure of a consumer to timely pay any applicable fee or charge set forth in this Chapter, or if water consumer shall violate any other provision of this Chapter, a delinquent fee in an amount equal to ten percent (10%) 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 due date and the consumer's account remains in an open status.

Due to the Governor's Executive Order N 42 20 placing a moratorium on water shutoffs during the COVID-19 pandemic, for the period of March 2020 through March 2022, the delinquent fee referenced in the paragraph above shall be ten percent (10%) for the first two months during this period an account is delinquent and two percent (2%) for the remaining period (Ord. 515 §2, 1995; Ord. 892 §1, 2020, Ord. 913 §1, 2022)

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

A discount on base fees not to exceed five percent (5%) may be given by the Administrative Officer for all water accounts paid in February. This payment shall be for base fees for the period of February through the following January and must be made for the full year in advance by February 11th of any calendar year. (Ord. 456 § 2 (part), 1990; Ord. 892 § 1, 2020)

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

A. Within 30 days of the effective date of this Ordinance 892, the City Council shall adopt, and thereafter update from time to time consistent with applicable law, a Service Disconnection Policy consistent with the requirements and procedures set forth in the Water Shutoff Protection Act (Health and Safety Code Sections 116900-116926). In the event service is discontinued, either by order of the consumer or by action of the City, a service charge of twenty-seven dollars and fifty cents (\$27.50), in addition to any delinquent 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.

B. Service connections will be made during normal business hours from 8:00 a.m. until 4:00 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; Ord. 892 § 1, 2020)

#### **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 Administrative Officer may refuse to supply such consumer at their new premises until such undisputed bill has been paid. (Ord. 456 § 2 (part), 1990; Ord. 892 § 1, 2020)

#### **13.04.270 Request for temporary service.**

A consumer requesting a temporary shutoff of the City water valve or water service for any reasons whatsoever shall pay an amount equal to the disconnection service fee noted in Section 13.040.250 In addition, before water service is again turned on, the consumer shall install at their own expense a shutoff valve on the consumer's private property adjacent to the City service valve, in order that all future water turnoffs desired by owner for their convenience may be controlled from private shutoff valves. (Ord. 456 § 2 (part), 1990; Ord. 892 § 1, 2020)

#### **13.04.280 Unpaid accounts—Debt to the City.**

All unpaid accounts for water furnished by City to any consumer shall be deemed a debt to the City. Unless otherwise exempt under applicable law, any person failing, neglecting or refusing to pay such indebtedness shall be subject to a civil action in the name of the City, in any court of competent jurisdiction, for the amount thereof. (Ord. 456 § 2 (part), 1990, Ord. 892 § 1

**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 at the office of the Administrative Officer. (Ord. 456 § 2 (part), 1990; Ord. 892 § 1, 2020)

**13.04.300 Metered services or businesses.**

All new applications for service shall be equipped with meters, and shall be charged for water at the meter rate 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. (Ord. 456 § 2 (part), 1990; Ord. 892 § 1, 2020)

**13.04.310 Wasting water prohibited.**

Consumers shall not be permitted to waste water or use water in excess. The City Council may implement water conservation measures and penalties by resolution. Penalties assessed due to violations of water conservation measures, may be collected in the same manner as any unpaid water service charges as specified in Section 13.04.230, including discontinuance of utility services as specified in Section 13.04.250 until compliance is obtained. (Ord. 456 § 2 (part), 1990; Ord. 811 §1, (part) 2014; Ord. 892 § 1, 2020)

**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, or landscaping, a meter service may be installed. (Ord. 456 § 2 (part), 1990; Ord. 892 § 1, 2020)

**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 water distribution 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; Ord. 892 § 1, 2020)

**13.04.360** (Rescinded by Ord. 892 § 1, 2020)

**13.04.370 Power failure—Shut off 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 has been restored. (Ord. 456 § 2 (part), 1990; Ord. 892 § 1, 2020)

**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 Public Works 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 Public Works 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; Ord 892 § 1, 2020)

**13.04.395** (Rescinded by Ord. 892 § 1, 2020)

**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-seven dollars and fifty cents (\$27.50), for reconnecting the service, shall have been paid. (Ord. 456 § 2 (part), 1990; Ord. 536 §14 (part), 1995)

**13.04.420 Shut off 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 has 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 Public Works Department.**

The Public Works 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 Public Works Department shall 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. (Ord. 456 § 2 (part) 1990; Ord. 892 § 1, 2020)

**13.04.460 Independent shutoff 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 shutoff valve 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; Ord. 892 § 1, 2020)

**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. This shall include water service extension for domestic, commercial, industrial or fire hydrant use. (Ord. 456 § 2 (part), 1990; Ord. 892 § 1, 2020)

**13.04.490 Application for service—Form.**

Every applicant for water service shall apply at the Finance Department of the City and execute the forms prescribed therefor. The City reserves the right to request documentation verifying the owner or occupant of the premise. (Ord. 456 § 2 (part), 1990; Ord. 892 § 1, 2020)

**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 Public Works Department may determine the proper rate or rates therefor. The Public Works 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; Ord. 892 § 1, 2020)

**13.04.510 Testing plumbing fixtures.**

Any licensed contractor who has received a City encroachment permit connecting a services pipe with the pipe system of the Public Works Department may turn the water on at the street corporation stop to test the pipes, but shall in all cases be responsible for and shall turn the street corporation stop off after testing. The water shall then be turned on only by an authorized agent of the Public Works Department upon application of the consumer at the office of the Public Works Department. (Ord. 456 § 2 (part), 1990; Ord. 892 § 1, 2020)

**13.04.520** (Rescinded by Ord. 892 § 1, 2020)**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 in accordance with section 13.04.030 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. This provision shall apply to any person, firm, corporation, governmental agency and unit of government. (Ord. 456 § 2 (part), 1990; Ord. 892 § 1, 2020)

**13.04.550 Illegal use of or trespassing on City 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 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 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; Ord. 892 § 1, 2020)

**13.04.560 Recordkeeping.**

The City Clerk 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; Ord. 892 § 1, 2020)

**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 (\$150) for a first violation;
2. A fine not exceeding three hundred dollars (\$300) for a second violation of the same ordinance within one year;
3. A fine not exceeding six hundred dollars (\$600) 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; Ord. 892 § 1, 2020)

**13.04.590 Modification or elimination of fee**

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 may be adjusted annually as of the first day of January of each year hereafter to reflect an increase or decrease as shown in the Consumer Price Index (“CPI”) for the San Francisco Metropolitan Statistical Area as of June 30 prior to the aforementioned adjustment. (Ord. 727 § 1, 2005; Ord. 892 § 1, 2020)

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