



**AGENDA  
CITY OF LINCOLN  
CITY COUNCIL  
AND  
LINCOLN REDEVELOPMENT SUCCESSOR AGENCY  
CLOSED SESSION – 4:30 PM  
REGULAR MEETING – 6:00 PM  
November 12, 2013**

*Mayor Stan Nader*

*Gabriel Hydrick, Mayor Pro Tem  
Peter Gilbert, Council Member*

*Paul Joiner, Council Member  
Spencer Short, Council Member*

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November 12, 2013

4:30 PM

**City Hall – First Floor**

**City Manager’s Conference Room**

600 Sixth Street

Lincoln, CA 95648

**CLOSED SESSION:**

- A.** Conference with Legal Counsel--Existing Litigation  
Government Code Section 54956.9(a)  
Name of Case: Jason Maschmeyer v. City of Lincoln  
Worker Compensation Appeal Board Case No: ADJ7850463
- B.** Conference with Legal Counsel--Existing Litigation  
Government Code Section 54956.9(a)  
Name of Case: Ace Body Shop and Towing, Inc. et. al. v. City of Lincoln, et al.,  
Placer County Superior Court Case No. SCV0030882
- C.** Conference with Legal Counsel – Anticipated Litigation.  
Significant exposure to litigation pursuant to Government Code section  
54956.9(b) (Two Potential Cases)
- D.** Conference with Real Property Negotiators  
Pursuant to Government Code Section 54956.8  
Property Description: 2275 Hwy 193, Lincoln, Lincoln, CA  
APN: 031-272-023-000  
City Negotiators: Jim Estep, City Manager



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Mark Miller, Community Development Director  
Negotiating Parties: Chris Steele, Andrew Sackheim – East Lincoln  
Associates, LLC  
Harry Elliot, Price Walker – Elliot Homes, Inc.  
Under Negotiation: Price and Terms

- E. Conference with Legal Counsel – Anticipated Litigation  
Initiation of litigation pursuant to Government Code Section 54956.9(c)  
(Two Potential Cases)

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## REGULAR MEETING

November 12, 2013  
6:00 PM  
**McBean Pavilion**  
**65 McBean Park Drive**  
Lincoln, CA 95648

- 1. **CALL TO ORDER**
- 2. **ROLL CALL**
- 3. **PLEDGE OF ALLEGIANCE**
- 4. **INVOCATION** – Doug Bouws, Pastor of Hospitality, *Granite Springs Church*
- 5. **PRESENTATIONS**
  - A. Thermalands Sportsmans Club Request for Fee Waiver and Possible Action on Request – *Robbie Noyes*
  - B. Art League of Lincoln’s Annual Members’ Meeting Request for Fee Waiver and Possible Action on Request – *Paul Apfel*
  - C. Art League of Lincoln’s Gladding McBean Retrospective Show Request for Fee Waiver and Possible Action on Request – *Paul Apfel*



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## 6. CONSENT AGENDA

### **NOTICE TO THE PUBLIC**

*All matters listed under the Consent Agenda are considered to be routine and all will be enacted by one motion. There will be no separate discussion of these items unless a member of the City Council or a citizen requests a specific item to be removed from the Consent Agenda for separate action. Any items removed will be considered after the motion.*

### 6.1 CITY MANAGER'S DEPARTMENT

- A. Approve Minutes of the October 22, 2013 Regular Meeting and the November 7, 2013 Special Meeting.
- B. Adopt **Resolution 2013-235** receiving/filing the Warrants of October 18, October 25 and October 30, 2013.
- C. Adopt **Resolution 2013-236** Authorizing the City Manager to Execute a Three-Month Lease Agreement with AARP, at a Cost of \$1 Per Term of Lease for Use of a Portion of the Third Floor in City Hall. *(Pam Mathus)*
- D. Adopt **Resolution 2013-237** Authorizing the City Manager to Execute a Contract for Services with Municipal Resource Group, LLC for Professional Human Resources Services. *(Sheila Van Zandt)*

### 6.2 COMMUNITY DEVELOPMENT DEPARTMENT

- A. Adopt **Resolution 2013-238** Authorizing the City Manager to Execute the Contract for Services with Willdan, Inc. in the amount of \$83,000 for On-call Plan Check, Map Check and Traffic Engineering Services from Developer Funded Accounts (Fund 248). *(Lindy Childers)*
- B. Review of Status Report for Regional Water Quality Control Board on Closed Landfill and Discussion of Remediation Alternatives. *(Wes Heathcock)*
- C. Adopt **Resolution 2013-239** Authorizing the City Manager to Execute a Contract for Services with Holdrege & Kull to Provide Waste Discharge Requirements Compliance and Remediation of the City's Closed Landfill and Appropriate an Additional \$122,330 to Complete the Scope of the Project in an amount not to exceed \$308,330. *(Wes Heathcock)*
- D. Adopt **Resolution 2013-240** Authorizing the City Manager to Execute Program Supplement Agreement No. 012-N to Administering Agency-State Agreement for Federal Aid Projects No. 03-5089R for Preliminary Engineering for Phase II of the Lincoln Boulevard Improvements Project in the Grant Funded amount of \$114,000. *(Ray Leftwich)*



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- E. Adopt **Resolution 2013-241** Approving the Final Subdivision Map and Authorizing the City Manager to Sign the Subdivision Improvement Agreement for Sorrento Village 4; **Resolution 2013-242** Approving the Final Subdivision Map and Authorizing the City Manager to Sign the Subdivision Improvement Agreement for Sorrento Village 8; **Resolution 2013-243** Authorizing the City to Accept Two Grant Deeds from Meritage Homes of CA, Inc. for Sorrento Village 4, Lots “B,” “C” and “D” and Sorrento Village 8, Lots “A” and “B” for Landscape Lots; *and* **Resolution 2013-244** Authorizing the City Manager to Accept a Grant of Easement for Off-site Waterline and Drainage Purposes Associated with the Development of Sorrento Village 4. *(Lindy Childers)*
- F. Adopt **Ordinance 888B** Amending Sections and Adding Sections to Title 13, Lincoln Municipal Code as it Relates to Water and Wastewater Services. *(second reading/adoption)* *(Steve Ambrose)*
- G. Adopt **Resolution 2013-245** Authorizing the Execution of a First Supplemental Indenture Providing for the Issuance of the City of Lincoln CFD 2005-1 (Sorrento Project) Special Tax Bonds; Approving a Bond Purchase Contract Providing for the Sale of Such Bonds; Approving an Official Statement; Approving a Continuing Disclosure Agreement; Authorizing the Sale of Such Bonds; and Authorizing Necessary Actions and the Execution of Other Documents in Connection Therewith. *(Steve Ambrose)*
- H. Adopt **Resolution 2013-246** Approving the Amendment to the Purchase and Sales Agreement between the City of Lincoln and Lewis Land Developers, LLC for the Former Wastewater Treatment Site of Approximately 192.8 Acres and Authorizing the City Manager to Execute the Amendment. *(Steve Ambrose)*
- I. Adopt **Resolution 2013-247** Authorizing the City Manager to Execute a Grant Deed Transferring a Portion of the Former Lincoln Wastewater Treatment Plant Site to the Western Placer Unified School District; *and* **Resolution 2013-248** Authorizing the City Manager to Execute a Grant Deed Transferring a Portion of the Former Lincoln Wastewater Treatment Plant Site to Lewis Land Developers, LLC with Reservations for Easements and Rights of Way. *(Lindy Childers)*
- J. **Ordinance 889B** Adopting the 2013 CA Construction Codes Adoption Cycle, Amendments to Title 15, Chapters 15.04 and 15.06 of the Lincoln Municipal Code. *(introduction/first reading)* *(Bob Latz)*
- K. Adopt **Resolution 2013-249** Authorizing the City Manager to Execute Payment to the Lincoln Crossing Recreation Development Foundation in the amount of \$37,993 for Reimbursement for Professional Services Associated with the Development of Jimenez Park. *(Ray Leftwich)*



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**6.3 FIRE DEPARTMENT**

- A. Adopt **Resolution 2013-250** Accepting an Offer of \$525,000 from the City of Lodi for the Sale and Transfer of the Fire Department's 2007 American LaFrance Ladder Truck and Authorizing the City Manager to Prepare and Execute all Documents and Take all Actions Reasonably Necessary to Complete and Finalize the Sale of the Ladder Truck. *(Mike Davis)*

**7. CITIZENS ADDRESSING THE COUNCIL**

**POLICY FOR CITIZENS ADDRESSING THE COUNCIL:** As in the past, we will listen respectfully to what any citizen addressing Council may have to say regarding an item *NOT* scheduled on the posted agenda. However, those addressing the Council will be limited to five (5) minutes, unless extended by the Mayor. Comments from the audience *WITHOUT* coming to the podium will be disregarded or ruled out of order. ALL comments/questions should be addressed to the Mayor. In most cases, the City Council is prohibited from discussing or taking action on any item *not appearing on the posted agenda*.  
**SPEAKER CARDS:** *If you wish to speak on ANY ITEM please complete a speaker card (voluntary), located at the back of the room and deliver it to the City Clerk prior to the meeting and/or discussion of the item. When your name is called, stand to be recognized by the Mayor and then make your way to the podium. As with all speakers, time will be limited to five (5) minutes, unless extended by the Mayor.*

**8. STAFF REPORTS - none**

**9. PUBLIC HEARINGS**

**9.1 COMMUNITY DEVELOPMENT DEPARTMENT**

- A. 2013-2021 Housing Element

**Recommendation:**

- Open public hearing.
- Adopt **Resolution 2013-251** adopting the Updated 2013-2021 Housing Element of the General Plan of the City of Lincoln. *(George Dellwo)*

- B. Vacation of a Portion of the Public Utility Easement within Sorrento Parkway



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**Staff recommends that this item, properly noticed for a required public hearing on November 12, 2013, be continued to a date and time certain of December 10, 2013 at 6:00 PM by motion of the City Council.**

**10. COUNCIL INITIATED BUSINESS**

- A. Consider and Ratify Appointment of Councilmember Hydrick to the Parks/Recreation Committee as a Non-voting Member.
- B. Strategic Plan Follow-Up Process and Status *(Mayor Nader)*
- C. Other Business

**11. COUNCIL COMMITTEE REPORTS**

**12. ADJOURNMENT**

**NOTE:** Materials related to an item on this Agenda submitted to the Council/Redevelopment Agency after distribution of the agenda packet are available for public inspection in the City Clerk's office at 600 Sixth Street, Lincoln, CA during normal business hours. Such documents are also available on the City of Lincoln's website at [www.ci.lincoln.ca.us](http://www.ci.lincoln.ca.us) subject to staff's availability to post the documents before the meeting.

In compliance with the American with Disabilities Act, the City will provide special assistance for disabled members of the public. The meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need a disability-related modification or accommodation to participate in the meeting, please contact the City Clerk's Office at (916) 434-2493. As a courtesy, please make every effort to inform the Clerk of your needs at least 24 hours prior to the meeting so the City may make reasonable arrangements to ensure accessibility to this meeting.

Pursuant to applicable laws and regulations, including without limitation, California Government Code Section 65009 and/or California Public Resources Code Section 21177, if you wish to challenge in court any of the above decisions (including any action regarding planning, zoning and/or environmental decisions), you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice/agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.

**I HEREBY CERTIFY THE ATTACHED NOTICE WAS POSTED 72 HOURS PRIOR TO THE SCHEDULED MEETING.**

*Patricia Avila*  
PATRICIA AVILA, CITY CLERK

Dated: 11-8-13



## MEMORANDUM

**TO:** City Council

**FROM:** Jim Estep, City Manager

**PREPARED BY:** Steve Ambrose, Financial Analyst

**REVIEWED BY:** Mark Miller, Director of Community Development

**LEGAL REVIEW:** Jonathan P. Hobbs, City Attorney

**DATE:** November 12, 2013

**ITEM:** Second reading and adoption of Ordinance ~~888B~~, amending sections and adding sections of Title 13 of the Municipal Code in regards to water and wastewater services.

**RESOLUTION(s):** N/A

**ORDINANCE(s):** Yes – 1

### RECOMMENDATION:

Staff recommends that the City Council waive the full reading of the ordinance and approve the second reading by title only, adopting Ordinance No. ~~888B~~.

### BACKGROUND/ANALYSIS:

Proposed Ordinance No. ~~888B~~ amends Title 13 of the Municipal Code concerning water and wastewater and sets water and wastewater rates. The City Council conducted a public hearing on October 8, 2013 in accordance with Proposition 218. Upon conclusion and closing of the public hearing, the City Council directed staff to provide additional information to the public and present the item at the October 22, 2013 City Council meeting for further consideration. The first reading of the ordinance occurred on October 22, 2013, after a brief staff presentation of the proposed amendments to Title 13 of the Municipal Code and receipt of further public comments. Staff now recommends that the City Council adopt ordinance No. ~~888B~~.

6.2F



**OPTIONS:**

The City Council may take the following actions:

1. Adopt the proposed Ordinance 880B amending and adding sections to Title 13 of the Lincoln Municipal Code.
2. Provide staff with further direction.

**FISCAL IMPACT:**

The City's monthly utility rates will begin implementation on January 1, 2014 with such revenues funding the necessary costs to provide efficient and quality utility services.

**STRATEGIC PLAN ACTION ITEM:**

The proposed rates support the City Council's strategic plans in regards to (1) achieving financial stability and sustainability, and (2) improve and maintain infrastructure, facilities and equipment.

**ORDINANCE NO. 868B**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LINCOLN  
AMENDING SECTIONS OF THE TITLE 13 – PUBLIC SERVICES OF THE LINCOLN  
MUNICIPAL CODE REGARDING WATER AND WASTEWATER SERVICES**

Whereas, there is a need to review and modify the water and wastewater fees charged within the City of Lincoln; and

Whereas, a comprehensive rate study was completed by an independent consultant, HF&H Company, to calculate the recommended rates (the “Rate Study”); and

Whereas, the City mailed notices to property owners and customers within the City consistent with California Constitution Article XIII D section 6, also commonly known as a component of Proposition 218, notifying them of a public hearing to be held on October 8, 2013, and the City has complied with all relevant provisions of law, including, without limitation, California Constitution Article XIII D section 6.

Whereas, on October 8, 2013 the City Council opened said public hearing at which time the City Council heard objections and protests to the proposed water and wastewater rates;

Whereas, written protests against the proposed solid waste rates were not presented by a majority of the property owners, as provided in California Constitution Article XIII D section 6 and the Proposition 218 Omnibus Implementation Act, Gov. Code section 53750 et seq.;

Whereas, in conjunction with the adjustment of water and wastewater rates, additional conforming changes to the City’s Municipal Code are appropriate.

Now, therefore, be it resolved by the City Council of the City of Lincoln that:

**THE CITY COUNCIL OF THE CITY OF LINCOLN DOES HEREBY ORDAIN AS  
FOLLOWS:**

**Section 1.** The Rate Study, with revisions, is hereby approved.

**Section 2.** Specified sections of Chapter 13.04 of the Lincoln Municipal Code are hereby amended to read as follows:

**Chapter 13.04**

**WATER**

Sections:

**ARTICLE I. SERVICE REGULATIONS GENERALLY**

- 13.04.010 Purpose and intent.
- 13.04.015 Definitions
- 13.04.020 Service area.
- 13.04.030 Supply source, quality, continuity.

- 13.04.040 Classes of service.
- 13.04.050 Service connection--Location.
- 13.04.060 Service connection--Relocation.
- 13.04.065 Ground wire attachments.
- 13.04.070 Application for service.
- 13.04.075 Reapplication.
- 13.04.076 Establishment of water service connection.
- 13.04.080 Application for water agency annexation.
- 13.04.090 Interruption of service.
- 13.04.100 Right of entry for inspection.
- 13.04.110 Shutoff at customer request.
- 13.04.120 Reconnection after shutoff.
- 13.04.130 Temporary connection.
- 13.04.140 Fire hydrants.
- 13.04.150 Meter installation required.
- 13.04.152 Meter Size Change.
- 13.04.155 Meter accessibility.
- 13.04.158 Tampering charge.
- 13.04.160 Water connection charge.

#### ARTICLE II. OUT-OF-TOWN SERVICE

- 13.04.170 Approvals required--Standard for approval.
- 13.04.180 Use.
- 13.04.190 Continuity not guaranteed.

#### ARTICLE III. RATES AND BILLING

- 13.04.200 Rate classifications.
- 13.04.202 Flat Rate water use rates
- 13.04.205 Metered water use rates.
- 13.04.207 Water use rates for construction water.
- 13.04.209 Water use rates--Outside the city.
- 13.04.210 Billing--Meter reading.
- 13.04.220 Payment responsibility--Property owner defined.
- 13.04.225 Due date.
- 13.04.230 Delinquency.
- 13.04.232 Delinquent fees or charges.
- 13.04.240 Shutoff for nonpayment.
- 13.04.250 Reestablishing service after shutoff.
- 13.04.255 Billing with other utilities.

#### ARTICLE IV. DELINQUENCY COLLECTION

- 13.04.260 General-taxes collection authorized.
- 13.04.270 Report to city clerk.
- 13.04.280 Notice of hearing.
- 13.04.290 Hearing.

- 13.04.300 Report to county auditor.
- 13.04.310 Parcels not on assessment roll.
- 13.04.320 Attachment of lien.
- 13.04.330 Collection with general taxes.
- 13.04.340 Applicable laws generally--Transfer or conveyance--Lien of encumbrancer.
- 13.04.350 Compensation to county.
- 13.04.355 Civil action.

#### ARTICLE V. CONNECTION FEES

- 13.04.360 Established--Apportionment--Purpose.
- 13.04.362 Indoor Fire Sprinkler Requirement.
- 13.04.370 Use of revenues.
- 13.04.380 Other costs--Indemnification of city.
- 13.04.390 Oversized-capacity reimbursement.
- 13.04.400 Temporary-connection charges.
- 13.04.405 Connection fee due for reapplication.

#### ARTICLE VI. CONSERVATION

- 13.04.410 Condition of plumbing.
- 13.04.420 Watering spray or nozzle required.
- 13.04.430 Irrigation hours.
- 13.04.440 Gross waste.

#### ARTICLE VII. WELLS

- 13.04.450 Permit requirements.
- 13.04.460 Workman qualifications.
- 13.04.470 Inspections.
- 13.04.480 Protection from contamination--Surface-water diversion.
- 13.04.490 Forced abandonment--Filling holes.
- 13.04.499 Potable wells prohibited.

#### ARTICLE VIII. PROHIBITIONS AND VIOLATIONS

- 13.04.500 Use in violation.
- 13.04.510 Heating and cooling devices.
- 13.04.520 Cross-connection and backflow prevention.
- 13.04.530 Fluoridation.
- 13.04.540 Penalties for violation.

## ARTICLE I. SERVICE REGULATIONS GENERALLY

13.04.010 Purpose and intent. The city council, in the interest of protecting the health, safety and general welfare of the people of the city, adopts the ordinance codified in this chapter to carry out the following purposes:

- A. To supply treated water purchased from the Placer County Water Agency to users;
- B. To establish procedures for provision of water to residential, industrial and commercial users within the city;
- C. To establish procedures for provision of water to certain limited users outside the city but within Placer County Water Agency Zone No.1;
- D. To provide for the ongoing implementation of a metered rate system.

(Ord. 364B §1.1, 1979)

13.04.015 Definitions. The meanings of terms used in this chapter are as follows:

- A. "Director" means the City employee who is responsible for the management of the department or division to which specific actions or approvals are required. The director may authorize designated City employees under his/her direction to act on his/her behalf.

13.04.020 Service area.

- A. The area in which service is or will be furnished by the city is that area lying within the city limits, as such limits now prevail or may from time to time exist.
- B. The city may provide water service to users outside the city. If the proposed water service will utilize water purchased from the Placer County Water Agency, an application for the commencement of water service after May 3, 1977, outside of the city shall not be granted without the written approval of the city council and without the written consent of the Placer County Water Agency.

(Ord. 426B §1, 1984; Ord. 364B §1.2, 1979)

13.04.030 Supply source, quality, continuity. The city will exercise reasonable care to deliver a continuous and sufficient supply of water at the proper pressure to avoid any shortage or interruption in delivery. All customers shall be required to accept such conditions of pressure and service as are provided by the distribution system at their point of connection and the city shall not be liable for any damage arising from high or low pressures. The water will meet all federal, state and county minimum water-quality requirements for water for domestic use.

(Ord. 462B §2, 1984; Ord. 364B §1.3(A), 1979)

13.04.040 Classes of service. Water service provided by the city will be classified as follows:

- A. Residential use:
  - 1. Flat-rate,
  - 2. Metered;
- B. Non-Residential use:
  - 1. Flat-rate,
  - 2. Metered.

(Ord. 364B §1.3(B), 1979)

13.04.050 Service connection--Location. To be eligible for water service, the property to which the service is to be extended must abut on a dedicated public easement in which a city water main is constructed at a point immediately adjacent to the property; provided, however, that if the preceding requirement is not met, the city engineer may authorize the extension of service if the applicant for water service cannot dedicate a public easement in which an existing water main

is constructed. However, in the case of improvements installed pursuant to the subdivision regulations, all improvements shall be the sole responsibility of the developer. The size of the service connections and pipes shall be determined by the city engineer.  
(Ord. 364B §1.4(A), 1979)

13.04.060 Service connection--Relocation. A service connection may be relocated by the city at a customer's request, providing the relocation, in the judgment of the city engineer, is not detrimental to the city's water system. The cost of the relocation shall be paid by the customer. The cost shall be estimated by the city engineer and shall be paid in full prior to the performance of the work. Where a service connection is relocated for the convenience or protection of the city, the relocation will be at the expense of the city.  
(Ord. 364B §1.4(B), 1979)

13.04.065 Ground wire attachments. The city is not responsible for providing an electrical ground through the water service equipment. Customers shall not attach any ground wiring to plumbing which is or may be connected to city service equipment.

13.04.070 Application for service. A person desiring water service for any purpose from the city shall apply at the office of the water department, and no person shall use any city water without first making such an application. The application, which shall be on a form prescribed by the city, shall set forth:

- A. The address and, if necessary, the definite boundaries of the premises to be serviced;
- B. The purpose and use of the water; and
- C. Such other information considered proper by the city.

(Ord. 364B §1.5, 1979)

13.04.075 Reapplication. If a new water service connection is not established within one hundred eighty (180) days of filing an application with the office of the building department pursuant to Section 13.04.070, the person desiring water service must reapply at the office of the building department in order to use any city water.  
(Ord. 501B §1, 1988)

13.04.076 Establishment of water service connection. New water service connection is deemed established when all structures to be constructed on the property for which water service is being requested have been supplied with cold running water.  
(Ord. 551B §1, 1991: amended during 10/90 supplementation per city request; Ord. 504B §1, 1988)

13.04.080 Application for water agency annexation. Each applicant for water service to property not within Placer County Water Agency Zone No.1 but within the city's boundaries as they existed on September 30, 1979 that will be serviced by water purchased from the Placer County Water Agency shall apply to the Placer County Water Agency for annexation to Zone No. 1 prior to submitting an application for water service to the city.  
(Ord. 462B § 3, 1984: Ord. 364B § 1. 6, 1979)

13.04.090 Interruption of service. In case of fire, or alarm of fire, or in making repairs, or in constructing new work, or when required by the necessities of the service of the city, the city may shut off water from any customer or number of customers without notice for as long as is necessary, and the city shall not be liable for damage resulting from such discontinuance.  
(Ord. 364B § 1.7, 1979)

13.04.100 Right of entry for inspection. Any authorized agent or employee of the city, with the consent of the owner, occupant or consumer, or pursuant to court order, shall be allowed free access at any reasonable hour to any premises where water is served for the purpose of inspecting the condition of the water pipes or service or for the purpose of establishing the rate to be charged.  
(Ord. 364B § 1.8, 1979)

13.04.110 Shutoff at customer request. Any person who desires to discontinue water service shall submit a request in writing or in person at the office of the water department not less than two (2) working days before the date on which discontinuance is desired. The request shall contain the date upon which water service is to be discontinued and a forwarding address for the customer. Water service may be discontinued only on ordinary working days. No service may be discontinued for a period of less than thirty (30) days.  
(Ord. 364B § 1.9(A), 1979)

13.04.120 Reconnection after shutoff. Water shall not be restored to any premises after service has been discontinued until payment of all arrearages.  
(Ord. 364B § 1.9(B), 1979)

13.04.130 Temporary connection. Whenever possible, all water furnished through a temporary service connection shall be metered. A permit for a temporary service connection is valid for a period not more than sixty (60) days after installation. The city may extend the permit upon request. The temporary service shall be discontinued and dismantled or removed upon termination of the permit period or completion of use.  
(Ord. 364B § 1.10, 1979)

13.04.140 Fire hydrants.

A. Use. Fire hydrants are for use by the organized fire protection agencies and by the water department. Other parties, including contractors, desiring to use fire hydrants for any purpose must first obtain a temporary permit in accord with this article prior to use and shall operate the hydrant in accordance with instructions issued by the water department and pay all required fees and charges.

B. Obstructions. It is unlawful for any person to blockade or obstruct any fire hydrants of the city in such a manner that it would be difficult or impossible to attach a fire engine hose thereto.

C. Permits. An applicant for a permit to use a public fire hydrant shall pay a permit fee at the time of application. In addition, a weekly use fee (for each week a hydrant is used, or portion thereof) shall be paid by the applicant.  
(Ord. 364B § 1.11, 1979)

13.04.150 Meter installation required.

A. No tentative map shall be approved after September 30, 1979 unless, as a condition of approval, water meters are installed and dedicated to the city as part of the subdivision's improvements.

B. Building permits and construction permits for any construction started after September 30, 1979 will be conditioned upon the installation of a water meter.

C. All new commercial and industrial applicants for water service shall provide appropriately sized water meters as determined by the director. The City reserves the right to review the anticipated water demands based upon type of service, number of fixtures, irrigation, and all other factors affecting water use, and the right to require larger service connection or meter if anticipated demands exceed the capacity of the meter size requested.

D. The director may place meters upon any service connection and thereafter charge the general service metered rate when the director determines, in his discretion, that the high consumption of water for the particular service requires metering. The expense of such installation shall be charged to the consumer. Upon application, any consumer may request the installation of a meter at the consumer's expense, and after such installation, the consumer shall be charged the appropriate metered water rate.  
(Ord. 364B § 1.12, 1979)

13.04.152 Meter Size Change. Any customer desiring to change the size of any meter that has been installed shall make application to the City for such change.

A. Increase in meter size – The applicant shall pay the applicable fee for the new larger meter and if the change necessitates, in the City's judgment, a larger service connection, the applicant shall pay all costs associated with the installation of the new service connection.

B. Reduction in meter size – The applicant shall provide the City with documentation as deemed necessary by the City to recognize the permanent relinquishment of water capacity to the City. The City shall not be obligated to reimburse the applicant for any water connection fees related to the relinquishment of the water capacity. The relinquishment shall permanently transfer the water capacity to the City and the City shall be allowed to sell such capacity to other water customers. The proceeds of such sale of water capacity in the form of water connection fees shall be used by the City at its sole discretion.

13.04.155 Meter accessibility. It is the customer's responsibility to ensure accessibility to the meter at all times. When a meter cannot be read because of an obstruction, the customer will be notified and shall correct the condition(s). Failure to remove the obstruction within 30 days after notification shall result in the disconnection of service. All fees applicable to the disconnection shall be applied to the customer's account. This is the customer's responsibility.

13.04.158 Tampering charge. Facility tampering includes, but is not limited to, interference with a meter, meter box, or locking mechanism; or unauthorized reconnection of a meter, or unauthorized use of water or damage to a fire hydrant. Additionally, any City facilities that have been damaged or altered will be billed for time and materials. The tampering charge shall be two hundred and fifty dollars (\$250.00) per occurrence, and upon the third occurrence the City may remove the meter and lock the service.

13.04.160 Water connection charge. The basic connection unit charge for water for residential and non-residential shall be five thousand five hundred and fifty-eight dollars (\$5,558.00) per equivalent dwelling unit (EDU). One water connection EDU is equal to one thousand one hundred and fifty (1,150) gallons per day.

The Water connection charge set forth herein shall be subject to an annual adjustment up to the change in the San Francisco Construction Cost Index (CCI) as reported by the Engineering News Record (ENR) for the twelve month period beginning March 1<sup>st</sup> as determined by resolution of the City Council. The annual adjustments shall be effective each May 1<sup>st</sup>, beginning in the year 2013.

(Ord. 862B § 2, 2012; Ord. 811B § 1 (part), 2006; Ord. 725B § 1, 2002; Ord. 710B § 12, 2001; Ord. 364B § 1.13, 1979)

## ARTICLE II. OUT-OF-TOWN SERVICE

13.04.170 Approvals required--Standard for approval. Any application for use of water outside the city after the effective date of the ordinance codified in this chapter shall not be granted without written approval by the city council. If the proposed water service will utilize water purchased from the Placer County Water Agency, the applicant shall also obtain the written consent of the Placer County Water Agency. The city council shall approve the furnishing of city water to users outside the city only if it finds that the provision of such service will not interfere with proper service to water users within the city, that the provision of such service is economically feasible, that all plumbing and service connections are adequate to prevent backflow and, in the case of water services that will utilize water purchased from the Placer County Water Agency that such property has been annexed to Placer County Water Agency that Zone No.1. The Placer County Water Agency shall only refuse to consent to an application upon the grounds that there is insufficient water or capacity in the agency's facilities to serve the area outside the present city boundaries.

(Ord. 462B § 4, 1984; Ord. 364B § 2.1, 1979)

13.04.180 Use. No water shall be furnished outside the city boundaries for other than domestic and ordinary commercial uses.

(Ord. 364B § 2.2, 1979)

13.04.190 Continuity not guaranteed. The city does not guarantee continuity of service or adequate pressure to users of water located outside the city. The city may discontinue service to any user outside the city if the city council determines that the discontinuance of such service is necessary to assure adequate water service to users within the city or that the continuation of the service is no longer economically feasible.

(Ord. 364B § 2.3, 1979)

## ARTICLE III. RATES AND BILLING

### 13.04.200 Rate classifications.

A. The city will operate and maintain its water systems in an efficient and economical manner to distribute and supply water as fairly and equitably as possible. The charges to be made for service will be set at rates no higher than necessary to enable the city to recover all costs of distributing and supplying water and shall include any costs for:

1. Purchasing, pumping, transmitting, and distributing water;
2. Customer Service;
3. Administration;
4. Overhead;
5. Debt Service; and
6. Renewal and replacements of facilities.

B. Water user rates shall be of two types, flat rate and metered rate, and shall be set by the city council, as provided in this chapter.

C. Different rates shall be established for water service outside the city but within Placer County Water Agency Zone No.1.

(Ord. 759B § 1, 2004; Ord. 364B § 3.1, 1979)

13.04.202 Flat water use rates. The monthly charge for flat rate water use shall be:

| <u>Customer Class</u> | 1/1/2014 | 7/1/2014 | 7/1/2015 | 7/1/2016 | 7/1/2017 |
|-----------------------|----------|----------|----------|----------|----------|
| Residential           | \$ 34.19 | \$ 39.31 | \$ 45.20 | \$ 50.18 | \$ 55.68 |
| Non-Residential       | \$ 37.57 | \$ 43.16 | \$ 49.67 | \$ 55.15 | \$ 61.27 |

13.04.205 Metered water use rates. The monthly charges for metered water use shall include two components; meter service charges and volumetric charges.

Meter Service Charges:

| <u>Meter Size</u> | 1/1/2014   | 7/1/2014   | 7/1/2015   | 7/1/2016   | 7/1/2017   |
|-------------------|------------|------------|------------|------------|------------|
| ¾"                | \$ 23.40   | \$ 26.91   | \$ 30.95   | \$ 34.35   | \$ 38.13   |
| 1"                | \$ 35.10   | \$ 40.37   | \$ 46.42   | \$ 51.53   | \$ 57.20   |
| 1 ½"              | \$ 117.01  | \$ 134.56  | \$ 154.75  | \$ 171.77  | \$ 190.66  |
| 2"                | \$ 187.21  | \$ 215.30  | \$ 247.60  | \$ 274.83  | \$ 305.06  |
| 3"                | \$ 374.43  | \$ 430.59  | \$ 495.18  | \$ 549.65  | \$ 610.12  |
| 4"                | \$ 585.05  | \$ 672.80  | \$ 773.72  | \$ 858.83  | \$ 953.30  |
| 8"                | \$1,664.10 | \$1,913.72 | \$2,200.78 | \$2,442.87 | \$2,711.58 |

Volumetric Charges:

| <b>Schedule SFR-1</b>  |                          |                     |                     |                     |                     |                     |
|--|--------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| <b>Single-Family Residential, All except Verdera Villages 13-17, 19 &amp; 20</b> |                          |                     |                     |                     |                     |                     |
| <b>Rates per each 1,000 Gallons</b>  |                          |                     |                     |                     |                     |                     |
|  | <b>Gallons per Month</b> | <b>Jan. 1, 2014</b> | <b>July 1, 2014</b> | <b>July 1, 2015</b> | <b>July 1, 2016</b> | <b>July 1, 2017</b> |
| <b>Tier 1</b>  | 0 to 5,000               | \$ 1 09             | \$ 1 25             | \$ 1 44             | \$ 1 60             | \$ 1 78             |
| <b>Tier 2</b>  | 5,001 to 14,000          | \$ 1 78             | \$ 2 05             | \$ 2 35             | \$ 2 61             | \$ 2 90             |
| <b>Tier 3</b>  | 14,001 to 21,000         | \$ 2 97             | \$ 3 42             | \$ 3 93             | \$ 4 36             | \$ 4 84             |
| <b>Tier 4</b>  | 21,001 to 35,000         | \$ 5 44             | \$ 6 26             | \$ 7 19             | \$ 7 99             | \$ 8 86             |
| <b>Tier 5</b>  | over 35,000              | \$ 8 05             | \$ 9 00             | \$ 10 07            | \$ 11 01            | \$ 12 04            |

| <b>Schedule SFR-2</b>                                |                          |                    |                    |                    |                    |                    |
|--|--------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| <b>Single-Family Residential, Verdera Village 20</b> |                          |                    |                    |                    |                    |                    |
| <b>Rates per each 1,000 Gallons</b>                  |                          |                    |                    |                    |                    |                    |
|  | <b>Gallons per Month</b> | <b>Jan. 1 2014</b> | <b>July 1 2014</b> | <b>July 1 2015</b> | <b>July 1 2016</b> | <b>July 1 2017</b> |
| <b>Tier 1</b>  | 0 to 5,000               | \$ 1 09            | \$ 1 25            | \$ 1 44            | \$ 1 60            | \$ 1 78            |
| <b>Tier 2</b>  | 5,001 to 14,000          | \$ 1 78            | \$ 2 05            | \$ 2 35            | \$ 2 61            | \$ 2 90            |
| <b>Tier 3</b>  | 14,001 to 21,000         | \$ 2 97            | \$ 3 42            | \$ 3 93            | \$ 4 36            | \$ 4 84            |
| <b>Tier 4</b>  | 21,001 to 53,000         | \$ 5 44            | \$ 6 26            | \$ 7 19            | \$ 7 99            | \$ 8 86            |
| <b>Tier 5</b>  | over 53,000              | \$ 8 05            | \$ 9 00            | \$ 10 07           | \$ 11 01           | \$ 12 04           |

| <b>Schedule SFR-3</b>  |                          |                    |                    |                    |                    |                    |
|--|--------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| <b>Single-Family Residential, Verdera Villages 13-17, 19</b> |                          |                    |                    |                    |                    |                    |
| <b>Rates per each 1,000 Gallons</b>                          |                          |                    |                    |                    |                    |                    |
|  | <b>Gallons per Month</b> | <b>Jan. 1 2014</b> | <b>July 1 2014</b> | <b>July 1 2015</b> | <b>July 1 2016</b> | <b>July 1 2017</b> |
| <b>Tier 1</b>  | 0 to 5,000               | \$ 1 09            | \$ 1 25            | \$ 1 44            | \$ 1 60            | \$ 1 78            |
| <b>Tier 2</b>  | 5,001 to 14,000          | \$ 1 78            | \$ 2 05            | \$ 2 35            | \$ 2 61            | \$ 2 90            |
| <b>Tier 3</b>  | 14,001 to 21,000         | \$ 2 97            | \$ 3 42            | \$ 3 93            | \$ 4 36            | \$ 4 84            |
| <b>Tier 4</b>  | 21,001 to 88,000         | \$ 5 44            | \$ 6 26            | \$ 7 19            | \$ 7 99            | \$ 8 86            |
| <b>Tier 5</b>  | over 88,000              | \$ 8 05            | \$ 9 00            | \$ 10 07           | \$ 11 01           | \$ 12 04           |

| <b>Schedule MFR-1</b>                        |                          |                     |                     |                     |                     |                     |
|--|--------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| <b>Multi-Family Residential - 3/4" meter</b> |                          |                     |                     |                     |                     |                     |
| <b>Rates per each 1,000 Gallons</b>          |                          |                     |                     |                     |                     |                     |
|  | <b>Gallons per Month</b> | <b>Jan. 1, 2014</b> | <b>July 1, 2014</b> | <b>July 1, 2015</b> | <b>July 1, 2016</b> | <b>July 1, 2017</b> |
| <b>Tier 1</b>                                | 0 to 5,000               | \$ 1 09             | \$ 1 25             | \$ 1 44             | \$ 1 60             | \$ 1 78             |
| <b>Tier 2</b>                                | 5,001 to 14,000          | \$ 1 78             | \$ 2 05             | \$ 2 35             | \$ 2 61             | \$ 2 90             |
| <b>Tier 3</b>                                | 14,001 to 21,000         | \$ 2 97             | \$ 3 42             | \$ 3 93             | \$ 4 36             | \$ 4 84             |
| <b>Tier 4</b>                                | 21,001 to 35,000         | \$ 5 44             | \$ 6 26             | \$ 7 19             | \$ 7 99             | \$ 8 86             |
| <b>Tier 5</b>                                | over 35,000              | \$ 8 05             | \$ 9 00             | \$ 10 07            | \$ 11 01            | \$ 12 04            |

| <b>Schedule MFR-2</b>                      |                          |                     |                     |                     |                     |                     |
|--|--------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| <b>Multi-Family Residential - 1" meter</b> |                          |                     |                     |                     |                     |                     |
| <b>Rates per each 1,000 Gallons</b>        |                          |                     |                     |                     |                     |                     |
|  | <b>Gallons per Month</b> | <b>Jan. 1, 2014</b> | <b>July 1, 2014</b> | <b>July 1, 2015</b> | <b>July 1, 2016</b> | <b>July 1, 2017</b> |
| <b>Tier 1</b>                              | 0 to 5,000               | \$ 1 09             | \$ 1 25             | \$ 1 44             | \$ 1 60             | \$ 1 78             |
| <b>Tier 2</b>                              | 5,001 to 14,000          | \$ 1 78             | \$ 2 05             | \$ 2 35             | \$ 2 61             | \$ 2 90             |
| <b>Tier 3</b>                              | 14,001 to 21,000         | \$ 2 97             | \$ 3 42             | \$ 3 93             | \$ 4 36             | \$ 4 84             |
| <b>Tier 4</b>                              | 21,001 to 88,000         | \$ 5 44             | \$ 6 26             | \$ 7 19             | \$ 7 99             | \$ 8 86             |
| <b>Tier 5</b>                              | over 88,000              | \$ 8 05             | \$ 9 00             | \$ 10 07            | \$ 11 01            | \$ 12 04            |

| <b>Schedule MFR-3</b>                          |                          |                     |                     |                     |                     |                     |
|--|--------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| <b>Multi-Family Residential - 1 1/2" meter</b> |                          |                     |                     |                     |                     |                     |
| <b>Rates per each 1,000 Gallons</b>            |                          |                     |                     |                     |                     |                     |
|  | <b>Gallons per Month</b> | <b>Jan. 1, 2014</b> | <b>July 1, 2014</b> | <b>July 1, 2015</b> | <b>July 1, 2016</b> | <b>July 1, 2017</b> |
| <b>Tier 1</b>                                  | 0 to 5,000               | \$ 1 09             | \$ 1 25             | \$ 1 44             | \$ 1 60             | \$ 1 78             |
| <b>Tier 2</b>                                  | 5,001 to 14,000          | \$ 1 78             | \$ 2 05             | \$ 2 35             | \$ 2 61             | \$ 2 90             |
| <b>Tier 3</b>                                  | 14,001 to 21,000         | \$ 2 97             | \$ 3 42             | \$ 3 93             | \$ 4 36             | \$ 4 84             |
| <b>Tier 4</b>                                  | 21,001 to 175,000        | \$ 5 44             | \$ 6 26             | \$ 7 19             | \$ 7 99             | \$ 8 86             |
| <b>Tier 5</b>                                  | over 175,000             | \$ 8 05             | \$ 9 00             | \$ 10 07            | \$ 11 01            | \$ 12 04            |

| <b>Schedule MFR-4</b>                      |                          |                     |                     |                     |                     |                     |
|--|--------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| <b>Multi-Family Residential - 2" meter</b> |                          |                     |                     |                     |                     |                     |
| <b>Rates per each 1,000 Gallons</b>        |                          |                     |                     |                     |                     |                     |
|  | <b>Gallons per Month</b> | <b>Jan. 1, 2014</b> | <b>July 1, 2014</b> | <b>July 1, 2015</b> | <b>July 1, 2016</b> | <b>July 1, 2017</b> |
| <b>Tier 1</b>                              | 0 to 5,000               | \$ 1 09             | \$ 1 25             | \$ 1 44             | \$ 1 60             | \$ 1 78             |
| <b>Tier 2</b>                              | 5,001 to 14,000          | \$ 1 78             | \$ 2 05             | \$ 2 35             | \$ 2 61             | \$ 2 90             |
| <b>Tier 3</b>                              | 14,001 to 21,000         | \$ 2 97             | \$ 3 42             | \$ 3 93             | \$ 4 36             | \$ 4 84             |
| <b>Tier 4</b>                              | 21,001 to 280,000        | \$ 5 44             | \$ 6 26             | \$ 7 19             | \$ 7 99             | \$ 8 86             |
| <b>Tier 5</b>                              | over 280,000             | \$ 8 05             | \$ 9 00             | \$ 10 07            | \$ 11 01            | \$ 12 04            |

| <b>Schedule MFR-5</b>                      |                          |                     |                     |                     |                     |                     |
|--|--------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| <b>Multi-Family Residential - 3" meter</b> |                          |                     |                     |                     |                     |                     |
| <b>Rates per each 1,000 Gallons</b>        |                          |                     |                     |                     |                     |                     |
|  | <b>Gallons per Month</b> | <b>Jan. 1, 2014</b> | <b>July 1, 2014</b> | <b>July 1, 2015</b> | <b>July 1, 2016</b> | <b>July 1, 2017</b> |
| <b>Tier 1</b>                              | 0 to 5,000               | \$ 1 09             | \$ 1 25             | \$ 1 44             | \$ 1 60             | \$ 1 78             |
| <b>Tier 2</b>                              | 5,001 to 14,000          | \$ 1 78             | \$ 2 05             | \$ 2 35             | \$ 2 61             | \$ 2 90             |
| <b>Tier 3</b>                              | 14,001 to 21,000         | \$ 2 97             | \$ 3 42             | \$ 3 93             | \$ 4 36             | \$ 4 84             |
| <b>Tier 4</b>                              | 21,001 to 560,000        | \$ 5 44             | \$ 6 26             | \$ 7 19             | \$ 7 99             | \$ 8 86             |
| <b>Tier 5</b>                              | over 560,000             | \$ 8 05             | \$ 9 00             | \$ 10 07            | \$ 11 01            | \$ 12 04            |

| <b>Schedule MFR-6</b>                      |                          |                     |                     |                     |                     |                     |
|--|--------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| <b>Multi-Family Residential - 4" meter</b> |                          |                     |                     |                     |                     |                     |
| <b>Rates per each 1,000 Gallons</b>        |                          |                     |                     |                     |                     |                     |
|  | <b>Gallons per Month</b> | <b>Jan. 1, 2014</b> | <b>July 1, 2014</b> | <b>July 1, 2015</b> | <b>July 1, 2016</b> | <b>July 1, 2017</b> |
| <b>Tier 1</b>                              | 0 to 5,000               | \$ 1 09             | \$ 1 25             | \$ 1 44             | \$ 1 60             | \$ 1 78             |
| <b>Tier 2</b>                              | 5,001 to 14,000          | \$ 1 78             | \$ 2 05             | \$ 2 35             | \$ 2 61             | \$ 2 90             |
| <b>Tier 3</b>                              | 14,001 to 21,000         | \$ 2 97             | \$ 3 42             | \$ 3 93             | \$ 4 36             | \$ 4 84             |
| <b>Tier 4</b>                              | 21,001 to 875,000        | \$ 5 44             | \$ 6 26             | \$ 7 19             | \$ 7 99             | \$ 8 86             |
| <b>Tier 5</b>                              | over 875,000             | \$ 8 05             | \$ 9 00             | \$ 10 07            | \$ 11 01            | \$ 12 04            |

| <b>Schedule MFR-7</b>                      |                          |                     |                     |                     |                     |                     |
|--|--------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| <b>Multi-Family Residential - 6" meter</b> |                          |                     |                     |                     |                     |                     |
| <b>Rates per each 1,000 Gallons</b>        |                          |                     |                     |                     |                     |                     |
|  | <b>Gallons per Month</b> | <b>Jan. 1, 2014</b> | <b>July 1, 2014</b> | <b>July 1, 2015</b> | <b>July 1, 2016</b> | <b>July 1, 2017</b> |
| <b>Tier 1</b>                              | 0 to 5,000               | \$ 1 09             | \$ 1 25             | \$ 1 44             | \$ 1 60             | \$ 1 78             |
| <b>Tier 2</b>                              | 5,001 to 14,000          | \$ 1 78             | \$ 2 05             | \$ 2 35             | \$ 2 61             | \$ 2 90             |
| <b>Tier 3</b>                              | 14,001 to 21,000         | \$ 2 97             | \$ 3 42             | \$ 3 93             | \$ 4 36             | \$ 4 84             |
| <b>Tier 4</b>                              | 21,001 to 1,750,000      | \$ 5 44             | \$ 6 26             | \$ 7 19             | \$ 7 99             | \$ 8 86             |
| <b>Tier 5</b>                              | over 1,750,000           | \$ 8 05             | \$ 9 00             | \$ 10 07            | \$ 11 01            | \$ 12 04            |

| <b>Schedule NR-1</b>                |                          |                    |                     |                     |                     |                     |
|-------------------------------------|--------------------------|--------------------|---------------------|---------------------|---------------------|---------------------|
| <b>Non-Residential - 3/4" meter</b> |                          |                    |                     |                     |                     |                     |
| <b>Rates per each 1,000 Gallons</b> |                          |                    |                     |                     |                     |                     |
|                                     | <b>Gallons per Month</b> | <b>Jan 1, 2014</b> | <b>July 1, 2014</b> | <b>July 1, 2015</b> | <b>July 1, 2016</b> | <b>July 1, 2017</b> |
| <b>Tier 1</b>                       | 0 to 35,000              | \$ 1 09            | \$ 1 25             | \$ 1 44             | \$ 1 60             | \$ 1 78             |
| <b>Tier 2</b>                       | 35,001 to 88,000         | \$ 4 39            | \$ 4 79             | \$ 5 23             | \$ 5 63             | \$ 6 07             |
| <b>Tier 3</b>                       | 88,001 to 175,000        | \$ 5 58            | \$ 6 16             | \$ 6 81             | \$ 7 38             | \$ 8 01             |
| <b>Tier 4</b>                       | Over 175,000             | \$ 6 69            | \$ 7 43             | \$ 8 28             | \$ 9 01             | \$ 9 82             |
| <b>Tier 5</b>                       |                          |                    |                     |                     |                     |                     |

| <b>Schedule NR-2</b>                |                          |                     |                     |                     |                     |                     |
|-------------------------------------|--------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| <b>Non-Residential - 1" meter</b>   |                          |                     |                     |                     |                     |                     |
| <b>Rates per each 1,000 Gallons</b> |                          |                     |                     |                     |                     |                     |
|                                     | <b>Gallons per Month</b> | <b>Jan. 1, 2014</b> | <b>July 1, 2014</b> | <b>July 1, 2015</b> | <b>July 1, 2016</b> | <b>July 1, 2017</b> |
| <b>Tier 1</b>                       | 0 to 35,000              | \$ 1 09             | \$ 1 25             | \$ 1 44             | \$ 1 60             | \$ 1 78             |
| <b>Tier 2</b>                       | 35,001 to 88,000         | \$ 1 78             | \$ 2 05             | \$ 2 35             | \$ 2 61             | \$ 2 90             |
| <b>Tier 3</b>                       | 88,001 to 175,000        | \$ 5 58             | \$ 6 16             | \$ 6 81             | \$ 7 38             | \$ 8 01             |
| <b>Tier 4</b>                       | Over 175,000             | \$ 6 69             | \$ 7 43             | \$ 8 28             | \$ 9 01             | \$ 9 82             |
| <b>Tier 5</b>                       |                          |                     |                     |                     |                     |                     |

| <b>Schedule NR-3</b>                  |                          |                     |                     |                     |                     |                     |
|---------------------------------------|--------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| <b>Non-Residential - 1 1/2" meter</b> |                          |                     |                     |                     |                     |                     |
| <b>Rates per each 1,000 Gallons</b>   |                          |                     |                     |                     |                     |                     |
|                                       | <b>Gallons per Month</b> | <b>Jan. 1, 2014</b> | <b>July 1, 2014</b> | <b>July 1, 2015</b> | <b>July 1, 2016</b> | <b>July 1, 2017</b> |
| <b>Tier 1</b>                         | 0 to 35,000              | \$ 1 09             | \$ 1 25             | \$ 1 44             | \$ 1 60             | \$ 1 78             |
| <b>Tier 2</b>                         | 35,001 to 88,000         | \$ 1 78             | \$ 2 05             | \$ 2 35             | \$ 2 61             | \$ 2 90             |
| <b>Tier 3</b>                         | 88,001 to 175,000        | \$ 2 97             | \$ 3 42             | \$ 3 93             | \$ 4 36             | \$ 4 84             |
| <b>Tier 4</b>                         | Over 175,000             | \$ 6 69             | \$ 7 43             | \$ 8 27             | \$ 9 01             | \$ 9 82             |
| <b>Tier 5</b>                         |                          |                     |                     |                     |                     |                     |

| <b>Schedule NR-4</b>                |                          |                     |                     |                     |                     |                     |
|-------------------------------------|--------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| <b>Non-Residential - 2" meter</b>   |                          |                     |                     |                     |                     |                     |
| <b>Rates per each 1,000 Gallons</b> |                          |                     |                     |                     |                     |                     |
|                                     | <b>Gallons per Month</b> | <b>Jan. 1, 2014</b> | <b>July 1, 2014</b> | <b>July 1, 2015</b> | <b>July 1, 2016</b> | <b>July 1, 2017</b> |
| <b>Tier 1</b>                       | 0 to 35,000              | \$ 1 09             | \$ 1 25             | \$ 1 44             | \$ 1 60             | \$ 1 78             |
| <b>Tier 2</b>                       | 35,001 to 88,000         | \$ 1 78             | \$ 2 05             | \$ 2 35             | \$ 2 61             | \$ 2 90             |
| <b>Tier 3</b>                       | 88,001 to 175,000        | \$ 2 97             | \$ 3 42             | \$ 3 93             | \$ 4 36             | \$ 4 84             |
| <b>Tier 4</b>                       | 175,001 to 280,000       | \$ 4 08             | \$ 4 69             | \$ 5 40             | \$ 5 99             | \$ 6 65             |
| <b>Tier 5</b>                       | Over 280,000             | \$ 6 69             | \$ 7 43             | \$ 8 27             | \$ 9 01             | \$ 9 82             |

| <b>Schedule NR-5</b>                |                          |                    |                     |                     |                     |                     |
|-------------------------------------|--------------------------|--------------------|---------------------|---------------------|---------------------|---------------------|
| <b>Non-Residential - 3" meter</b>   |                          |                    |                     |                     |                     |                     |
| <b>Rates per each 1,000 Gallons</b> |                          |                    |                     |                     |                     |                     |
|                                     | <b>Gallons per Month</b> | <b>Jan 1, 2014</b> | <b>July 1, 2014</b> | <b>July 1, 2015</b> | <b>July 1, 2016</b> | <b>July 1, 2017</b> |
| <b>Tier 1</b>                       | 0 to 35,000              | \$ 1 09            | \$ 1 25             | \$ 1 44             | \$ 1 60             | \$ 1 78             |
| <b>Tier 2</b>                       | 35,001 to 88,000         | \$ 1 78            | \$ 2 05             | \$ 2 35             | \$ 2 61             | \$ 2 90             |
| <b>Tier 3</b>                       | 88,001 to 175,000        | \$ 2 97            | \$ 3 42             | \$ 3 93             | \$ 4 36             | \$ 4 84             |
| <b>Tier 4</b>                       | 175,001 to 560,000       | \$ 4 08            | \$ 4 69             | \$ 5 40             | \$ 5 99             | \$ 6 65             |
| <b>Tier 5</b>                       | Over 560,000             | \$ 6 69            | \$ 7 43             | \$ 8 27             | \$ 9 01             | \$ 9 82             |

| <b>Schedule NR-6</b>                |                          |                     |                     |                     |                     |                     |
|-------------------------------------|--------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| <b>Non-Residential - 4" meter</b>   |                          |                     |                     |                     |                     |                     |
| <b>Rates per each 1,000 Gallons</b> |                          |                     |                     |                     |                     |                     |
|                                     | <b>Gallons per Month</b> | <b>Jan. 1, 2014</b> | <b>July 1, 2014</b> | <b>July 1, 2015</b> | <b>July 1, 2016</b> | <b>July 1, 2017</b> |
| <b>Tier 1</b>                       | 0 to 35,000              | \$ 1 09             | \$ 1 25             | \$ 1 44             | \$ 1 60             | \$ 1 78             |
| <b>Tier 2</b>                       | 35,001 to 88,000         | \$ 1 78             | \$ 2 05             | \$ 2 35             | \$ 2 61             | \$ 2 90             |
| <b>Tier 3</b>                       | 88,001 to 175,000        | \$ 2 97             | \$ 3 42             | \$ 3 93             | \$ 4 36             | \$ 4 84             |
| <b>Tier 4</b>                       | 175,001 to 875,000       | \$ 4 08             | \$ 4 69             | \$ 5 40             | \$ 5 99             | \$ 6 65             |
| <b>Tier 5</b>                       | Over 875,000             | \$ 6 69             | \$ 7 43             | \$ 8 27             | \$ 9 01             | \$ 9 82             |

| <b>Schedule NR-7</b>                |                          |                     |                     |                     |                     |                     |
|-------------------------------------|--------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| <b>Non-Residential - 6" meter</b>   |                          |                     |                     |                     |                     |                     |
| <b>Rates per each 1,000 Gallons</b> |                          |                     |                     |                     |                     |                     |
|                                     | <b>Gallons per Month</b> | <b>Jan. 1, 2014</b> | <b>July 1, 2014</b> | <b>July 1, 2015</b> | <b>July 1, 2016</b> | <b>July 1, 2017</b> |
| <b>Tier 1</b>                       | 0 to 35,000              | \$ 1 09             | \$ 1 25             | \$ 1 44             | \$ 1 60             | \$ 1 78             |
| <b>Tier 2</b>                       | 35,001 to 88,000         | \$ 1 78             | \$ 2 05             | \$ 2 35             | \$ 2 61             | \$ 2 90             |
| <b>Tier 3</b>                       | 88,001 to 175,000        | \$ 2 97             | \$ 3 42             | \$ 3 93             | \$ 4 36             | \$ 4 84             |
| <b>Tier 4</b>                       | 175,001 to 1,750,000     | \$ 4 08             | \$ 4 69             | \$ 5 40             | \$ 5 99             | \$ 6 65             |
| <b>Tier 5</b>                       | Over 1,750,000           | \$ 6 69             | \$ 7 43             | \$ 8 27             | \$ 9 01             | \$ 9 82             |

| <b>Schedule NR-8</b>                |                          |                     |                     |                     |                     |                     |
|-------------------------------------|--------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| <b>Non-Residential - 8" meter</b>   |                          |                     |                     |                     |                     |                     |
| <b>Rates per each 1,000 Gallons</b> |                          |                     |                     |                     |                     |                     |
|                                     | <b>Gallons per Month</b> | <b>Jan. 1, 2014</b> | <b>July 1, 2014</b> | <b>July 1, 2015</b> | <b>July 1, 2016</b> | <b>July 1, 2017</b> |
| <b>Tier 1</b>                       | 0 to 35,000              | \$ 1 09             | \$ 1 25             | \$ 1 44             | \$ 1 60             | \$ 1 78             |
| <b>Tier 2</b>                       | 35,001 to 88,000         | \$ 1 78             | \$ 2 05             | \$ 2 35             | \$ 2 61             | \$ 2 90             |
| <b>Tier 3</b>                       | 88,001 to 175,000        | \$ 2 97             | \$ 3 42             | \$ 3 93             | \$ 4 36             | \$ 4 84             |
| <b>Tier 4</b>                       | 175,001 to 2,485,000     | \$ 4 08             | \$ 4 69             | \$ 5 40             | \$ 5 99             | \$ 6 65             |
| <b>Tier 5</b>                       | Over 2,485,000           | \$ 6 69             | \$ 7 43             | \$ 8 27             | \$ 9 01             | \$ 9 82             |

(Ord. 801B § 1, 2006; Ord. 759B § 2, 2004. Ord. 727B § 1, 2003 Ord. 712B § 1, 2002. Ord. 694B § 1, 2001)

13.04 207 Water use rates for construction water It is recognized that the costs of administering construction water meters, for taking readings on construction water consumption and for billing is higher for construction water services. The charge for each one-thousand gallons of construction water use shall be the amount of the highest tier for water users within the city (Ord B801B § 2, 2006· Ord. 768B § 1, 2004)

13 04 209 Water use rates--Outside the city The monthly charge for water use outside the city shall be the same rates for customers by class and meter size within the city (Ord. 801B § 3, 2006: Ord. 768B § 2, 2004)

13.04.210 Billing--Meter reading.

A Flat-rate accounts for each month are due and payable between the first and the twelfth of the month and are payable at the office of the water department.

B Metered accounts shall be billed periodically and meters shall be read as nearly as possible at regular intervals, and service bills are due and payable for the preceding period for which the meter has been read. Meters will be read as required for closing bills. Each meter on a customer's premises will be billed separately and the readings of two or more meters will not be combined unless for water system operating convenience or necessity two or more meters are installed in place of one (Ord. 364B § 3 2, 1979)

13.04 220 Payment responsibility--Property owner defined.

A. The customer shall be responsible for prompt payment of all fees and charges. However, the property owner shall bear the final responsibility for payment in the event the customer fails to make prompt payment

B As used in this article and Article IV, "property owner" means the person to which the property was assessed on the last equalized assessment roll of the county (Ord. 408B § 1, 1982 Ord 364B § 3.2 5, 1979)

13.04 225 Due date. Charges for service shall be due and payable on the first day following the month or other established billing period such services were used unless otherwise provided. (Ord. 508B § 4, 1988)

13 04 230 Delinquency All fees or charges which are not paid on or before the thirtieth day following the date such charges were due and payable are delinquent and a penalty of ten percent of the charge shall be imposed on the thirtieth day following the date such charge was due and payable. In addition, a penalty of one-half of one percent per month of the basic charge plus the ten percent penalty shall be imposed on the sixtieth day following the date such charge was due and payable and on each thirtieth day thereafter until there is payment in full of the charge plus all penalties. Penalties imposed pursuant to this section shall be billed and collected in the same manner as other fees and charges imposed pursuant to this chapter (Ord 482B § 5, 1986. Ord 408B § 2, 1982: Ord. 364B § 3 3, 1979)

13.04.232 Delinquent fees or charges. Delinquent fees or charges which remain unpaid for a period of sixty or more days after the date upon which they were billed shall become a lien upon the property and may be subject to collection pursuant to the procedures set forth in Article IV of this chapter In addition, water service and other city utility services at the service location may be terminated for nonpayment pursuant to Section 13.04.240 and Section 13.14.020. If a customer receives service at more than one service location and the bill for anyone of that

customer's accounts becomes delinquent, charges for services at all other locations may also be collected pursuant to the procedures set forth in Article IV.  
(Ord 482B § 6, 1986)

13.04.240 Shutoff for nonpayment.

A. In addition to all other remedies which the city may have for the collection of delinquent water service charges, the city may terminate water service for nonpayment of a delinquent account.

B At least fifteen calendar days prior to the proposed termination, the city shall give notice of the delinquency and the impending termination by first-class mail to the customer to whom the water service is billed and the property owner. Notice to the property owner shall be sent to the address shown on the last equalized assessment roll of the county.

C. Any customer who has initiated a complaint or requested a hearing within five days of receiving the notice of termination shall be given an opportunity for review of such complaint by the city manager or his designated representative

D. The city shall not terminate water service during the pendency of an investigation or review of a customer dispute or complaint or prior to any hearing initiated pursuant to this section.

E The city manager is authorized to resolve complaints or disputes initiated pursuant to this section.

(Ord 578B §1, 1992 Ord. 402B §3, 1982. Ord. 364B §3.4 5, 1979)

13.04 250 Reestablishing service after shutoff.

A Water services discontinued because of delinquency in payment or upon the customer's request shall not be reestablished until all fees and charges, together with a service charge, have been paid In case of delinquent payment, a cash deposit may be required by the city as a condition to reestablishment of service.

B In the event service is discontinued for delinquency in payment and service is resumed without authorization, the city may discontinue the water service and may charge and collect a penalty for each occurrence in addition to such other amount which may be due from the customer. Such charges shall be paid before service is reestablished.

(Ord 364B §3 4, 1979)

13 04 255 Billing with other utilities The city council may provide that fees and charges for water service pursuant to this chapter shall be collected with the rates and charges for any other utility services furnished by the city and that any or all such charges may be itemized and billed with the same bill and collected as one item.

(Ord. 482B §7, 1986)

#### ARTICLE IV. DELINQUENCY COLLECTION

13 04.260 General-taxes collection authorized. All delinquent water-service charges which have accrued, together with interest or penalties thereon, and service charges at other locations as provided in Section 13 04 230 may be collected on a secured tax roll, in the same manner and at the same time as general property taxes, provided that this section shall not be construed to prohibit the city from collecting any and all of the charges in any other manner provided by ordinance or law

(Ord 408B §4(part), 1982: Ord. 364B §3.5, 1979)

13.04.270 Report to city clerk. A written report containing a description of each parcel of real property receiving services and facilities and the amount of the delinquent water-service charges for each parcel computed in conformity with the provisions of this chapter shall be prepared and filed with the city clerk. The real property may be described by reference to the county assessor's maps or by such other reference sufficient to identify the property affected (Ord. 408B §4(part), 1982; Ord. 364B §3.6, 1979)

13.04.280 Notice of hearing. The city clerk shall cause notice of the filing of the report and notice of the time and place of the hearing thereon by the city council to be published once a week for two successive weeks prior to the date set for hearing in the News-Messenger, a newspaper of general circulation within the city. Prior to collection of charges on the tax roll, the city clerk shall mail written notice of the filing of the report and of the time and place of hearing thereon to each person to whom any part or parcel of real property described in the report was assessed on the last equalized assessment roll. Notice shall be mailed to the address shown on the roll (Ord. 408B §4 (part), 1982; Ord. 364B §3.7, 1979)

13.04.290 Hearing. At the hearing provided for in Section 13.04.280, the city council shall hear any objections or protests by landowners liable to be assessed for delinquent fees. The council may make such revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed (Ord. 408B §4 (part), 1982; Ord. 364B §3.8, 1979)

13.04.300 Report to county auditor. On or before August 10th in each year following the final determination and confirmation of the report by the city council, the city clerk shall file with the county auditor a copy of the report with a statement endorsed thereon over the city clerk's signature that it has been finally adopted by the city council, and the auditor shall enter the amounts of the delinquent fees as special assessments against the respective lots or parcels of land as they appear on the current assessment roll. Where any such lots are outside the boundaries of the city, they shall be added to the assessment roll of the city for the purpose of collecting such charges. (Ord. 408B §4 (part), 1982; Ord. 364B §3.9, 1979)

13.04.310 Parcels not on assessment roll. If the property is not described on the roll, the auditor shall enter the description thereon together with the amounts of the delinquent charges, as shown on the report (Ord. 408B §4 (part), 1982; Ord. 364B §3.10, 1979)

13.04.320 Attachment of lien. The amount of the charges as set forth in the confirmed report shall constitute special assessments against the respective parcels of property and are a lien against the lot or parcel of land against which the water service has been supplied. The lien shall attach upon recordation in the office of the Placer County recorder of a certified copy of the report and the resolution confirming the report. The tax collector shall include the amount of the delinquent charge on bills for taxes levied against the respective lots and parcels of land (Ord. 408B §4 (part), 1982; Ord. 364B §3.11, 1979)

13.04.330 Collection with general taxes. After the attachment of the lien, as provided in Section 13.04.320, the amount of the delinquent water charges shall be collected at the same time and in the same manner and by the same person as, together with and not separately from, the general taxes for the city, and shall be delinquent at the same time and thereafter by subject to the same penalties for delinquency as other taxes and assessments

(Ord. 408B §4 (part), 1982 Ord. 364B §3.12, 1979)

13 04 340 Applicable laws generally--Transfer or conveyance--Lien of encumbrancer.

All laws applicable to the levy, collection and enforcement of general taxes of the city, including but not limited to those pertaining to the matters of delinquency, correction, cancellation, refund and redemption, are applicable to such water-service charges, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this article shall not attach to such real property and the delinquent fees, as confirmed, relating to such property, shall be transferred to the unsecured roll for collection

(Ord. 408B §4 (part), 1982 Ord 364B §3 13, 1979)

13 04 350 Compensation to county

The county shall be compensated for services rendered in connection with the levy, collection and enforcement of such charges for the city in an amount fixed by agreement between the board of supervisors and the city council.

(Ord. 408B §4 (part), 1982. Ord 364B §3 14, 1979)

13 04 355 civil action.

In addition to any other remedy that the city may have for the collection of delinquent fees or charges, all fees, charges, penalties and interest imposed by this chapter shall constitute a debt of the city and the city may institute a civil action to recover delinquent fees, charges, penalties and interest In such action, reasonable attorneys' fees shall be awarded to the city

(Ord 482B §8, 1986)

## ARTICLE V. CONNECTION FEES

13 04 360 Established--Apportionment--Purpose

A There shall be a charge for a new service connection or for a change in size or location for the customer's benefit which shall be paid before work is started Water connection fees shall include the City's water connection charge pursuant to Section 13.04.160 and either the Placer County Water Agency Water Connection Charge (PCWA WCC) or the Nevada Irrigation District Water Connection Charge (NID WCC), as determined by the City, in effect at the time of payment.

B Connection fees for every service connection to the city water system are established for the purpose of providing funds for the payment of the costs for design and construction of the city's water system and to make the required service connection payments to the Placer County Water Agency and in order that such costs be shared by those receiving the benefits. (Ord 364B §4.1, 1979)

13.04 362 Indoor Fire Sprinkler Requirement. The water connection fees for customers required to install indoor fire sprinklers shall be based upon the size meter that would otherwise be used to serve the customer but for the requirement of a larger meter for the sprinklers

13.04.370 Use of revenues

Amounts collected shall be set aside in separate funds and used for the purposes enumerated in Section 13.04.360.

(Ord. 364B §4.2(part), 1979)

13.04 380 Other costs--Indemnification of city. In addition to the connection charge, all costs and expenses incident to the installation of a water connection shall be borne by the owner. The owner shall indemnify the city against any loss or damage that may result directly or indirectly from the performance of the construction and installation of the water connection. (Ord 364B §4 2(part), 1979)

13.04 390 Oversized-capacity reimbursement The city may require, pursuant to the Subdivision Map Act and the subdivision regulations of the city, oversized capacity, in which case the city shall reimburse the applicant pursuant to the provisions of the law then in effect for such oversized capacity based on the prevailing costs of material and labor for such work. (Ord 364B §4.3, 1979)

13.04.400 Temporary-connection charges.

A. An applicant for a temporary connection shall make a nonrefundable cash deposit and shall supply all materials and labor necessary for connection.

B. Upon request for disconnection, an applicant shall make a refundable cash deposit. This fee shall be refunded, less unpaid charges, upon dismantling and removal of the connection

C. Monthly charges for water usage shall be assessed in accordance with the water use rates for construction water as provided in Section 13 04.207

D Temporary connections shall be one-inch metered connections unless otherwise approved by the city Fees for any other type or size of temporary connection shall be determined by the city.

(Ord 364B §4.4, 1979)

13.04.405 Connection fee due for reapplication If a reapplication is made pursuant to Section 13 04.075, the person desiring water service must pay the new water connection fee due at the time reapplication is made with credit being given for any previously paid connection fees. (Ord. 501B §2, 1988)

## ARTICLE VI CONSERVATION

13.04 410 Condition of plumbing All consumers, whether owners or not, shall maintain and keep in good repair the water pipes on the interior and exterior of the property served Such persons shall not allow faucets or water closets to leak, and such fixtures must not be left running. (Ord. 364B §5.1, 1979)

13.04.420 Watering spray or nozzle required. Watering of lawns and gardens from an open hose is prohibited A spray or nozzle must, in all cases, be used. (Ord. 364B §5.2(A), 1979)

13.04.430 Irrigation hours The City reserves the right to limit irrigation hours in the case of water shortages or emergencies. (Ord. 364B §5.2(B), 1979)

13.04.440 Gross waste. It is unlawful and an infraction for any person to cause or allow any water received by such person to flow away in unreasonable amounts, from property owned or occupied by such persons, in any gutter, ditch or other manner over the surface of the ground. (Ord 364B §5.2(C), 1979)

## ARTICLE VII WELLS

13 04 450 Permit requirements No person shall drill for water without first obtaining a permit from the director and from the county health officer. The director may deny the issuance of a permit if, in his opinion, the premises where the well is to be located can be served by the city water system. If a permit for a potable drinking water well is issued, it shall be conditioned upon connection to the city water system and discontinuance of the use of such well be conditioned upon notice from the director that the premises may be served by the city water system. The health officer may deny the issuance of a permit if, in his opinion, the proposed well will contaminate existing water sources or be a health menace to the community. The applicant for the permit may appeal to the city council from the decision of the health officer or the director by filing a notice of appeal, in writing, with the city clerk within fifteen days of the date of the decision, and the city clerk shall place the appeal on the agenda for the next regular meeting of the city council.  
(Ord 492B §4, 1987 Ord 364B §6.1, 1979)

13 04.460 Workman qualifications. Wells shall be constructed, reconstructed or destroyed by persons licensed in accordance with the provisions of the Contractor's License Law (Chapter 9, Division 3 of the Business and Professions Code), unless such persons are exempted from licensing by that act.  
(Ord. 364B §6.2, 1979)

13 04.470 Inspections Inspections may be made by the county health officer or the department of public services during the process of well construction. A final inspection shall be made when the well construction is completed.  
(Ord 364B §6.3, 1979)

13 04 480 Protection from contamination--Surface-water diversion. In cases where the area adjacent to the well is susceptible to contamination, the well shall be properly protected. Drainage shall be away from the well. No well shall be located any closer than the distances specified in the permit. All surface water shall be properly diverted away from a well site during construction or repairs. Disposal of this water shall be made in such a manner so as not to flood adjacent property or constitute a public nuisance. No waste discharge from well-drilling operations shall be allowed to enter a sanitary sewer.  
(Ord 364B §6 4, 1979)

13 04.490 Forced abandonment--Filling holes  
A. Upon determination that a well is polluted or contaminated and reasonable efforts to clear the pollution or contamination have been unsuccessful, the county health officer shall have the authority to enforce the permanent abandonment of such wells. Wells must be abandoned according to health department rules and regulations.  
B. Abandoned wells or test holes shall be filled with selected material to protect the water-bearing formation against possible contamination or pollution and to eliminate a potential hazard to public health and safety.  
(Ord 364B §6 5, 1979)

13 04.499 Potable wells prohibited. Connection to the city water system is required for all drinking water. Potable water wells are prohibited within the city unless owned and operated by the city and incorporated as part of the city's water system.  
(Ord 492B §3, 1987)

## ARTICLE VIII PROHIBITIONS AND VIOLATIONS

13.04.500 Use in violation. It is unlawful for any person to use, turn on or tap water except in accord with this chapter and without obtaining a permit as required by Article I. (Ord. 364B §7.1, 1979)

13 04 510 Heating and cooling devices. It is unlawful for any heating or cooling device to use water that is not re-circulated. The only water added to such systems shall be limited to the purposes of making up losses in the process. Under no circumstances shall water be returned to the distribution system of the city. This prohibition shall apply to all devices for heating or cooling, whether used for residential, commercial, industrial or manufacturing purposes (Ord. 364B §7 2, 1979)

13 04.530 Fluoridation It is unlawful for any agent or employee of the city or any person, firm or corporation acting in behalf of the city under a contract with the city or otherwise, to mingle or combine any fluorides in any form or in any quantity or in any manner with the public water supply of the city. (Ord. 213B, 1965)

13.04.540 Penalties for violation.

A. A first violation of any provision of Article VI is an infraction punishable as provided in the general state law for infractions. A second or subsequent violation of a provision of Article VI during any calendar year is a misdemeanor as provided in subsection B of this section.

B. Any violation of this chapter, except as provided in subsection A of this section, is a misdemeanor. Each day that a violation exists constitutes a separate and distinct offense.

C. In addition to a prosecution for a violation of this chapter, a Consumer or occupant, or owner of property served by the city with water may have such service discontinued if, after a noticed hearing, the director determines that such person willfully wastes water on a continuing basis. The determination of the director may be appealed to the city council if a notice of appeal has been filed with the city clerk within ten days after the determination of the director to discontinue service has been delivered in writing to the person whose service is being discontinued. During the pendency of an appeal to the council, whose decision shall be final, water service shall be maintained in effect.

(Ord. 364B §7.4, 1979)

Section 3 Specified sections of Chapter 13.08 of the Lincoln Municipal Code are hereby amended to read as follows

13 08 315 Continued use of private sewer system. Property owners using private sewer systems that are in compliance with applicable codes and regulations may continue to use the private system when new public sewer systems are constructed within two hundred feet or less from the building or drainage facility. The construction or installation of a public sewer system will not cause property owners to abandon their private sewer systems

Section 4 Specified sections of Chapter 13 12 of the Lincoln Municipal Code are hereby amended to read as follows

13 12 110 Basic monthly sewer service charge.

A The monthly unit service charge per Equivalent Dwelling Unit (EDU) for residential and non-residential industrial users within the city limits shall be as follows

|   |         |
|---|---------|
| Effective January 1, 2014               | \$32.08 |
| Effective July 1, 2014 to June 30, 2015 | \$32.08 |
| Effective July 1, 2015 to June 30, 2016 | \$32.08 |
| Effective July 1, 2016 to June 30, 2017 | \$32.08 |
| Effective July 1, 2017                  | \$32.08 |

The City shall determine the non-residential industrial users and classify them as such in the utility billing system

B. The monthly unit service charge per account for non-residential users, excluding industrial users, within the city limits shall be as follows:

|   |         |
|---|---------|
| Effective January 1, 2014               | \$32.08 |
| Effective July 1, 2014 to June 30, 2015 | \$32.08 |
| Effective July 1, 2015 to June 30, 2016 | \$32.08 |
| Effective July 1, 2016 to June 30, 2017 | \$32.08 |
| Effective July 1, 2017                  | \$32.08 |

Non-residential users, excluding industrial users, shall pay a flow charge in addition to the monthly unit service charge per account. The flow charges shall be based upon each 1,000 gallons of water consumed as recorded by the customers water meter. The flow charges will include two categories; average strength and high strength.

High strength flows are defined as those types of users whose discharge into the sewer system typically exceed one of the following: (1) B.O.D. of 350 ppm (parts per million), or (2) Suspended Solids of 300 ppm, or (3) both a B.O.D. of 250 ppm and Suspended Solids of 250 ppm.

The flow charges per each 1,000 gallons of potable water delivered will be as follows:

| <u>Flow Type</u> | 1/1/2014 | 7/1/2014 | 7/1/2015 | 7/1/2016 | 7/1/2017 |
|------------------|----------|----------|----------|----------|----------|
| Average Strength | \$ 1.46  | \$ 2.33  | \$ 3.19  | \$ 4.05  | \$ 4.92  |
| High Strength    | \$ 4.62  | \$ 5.48  | \$ 6.35  | \$ 7.21  | \$ 8.07  |

(Ord. 808B § 1, 2006· Ord. 635B § 1, 1993 Ord. 574B § 1, 1992 Ord. 437B § 1 (part), 1983  
Ord § 1, 1996 Ord. 602B Ord. 524B § 1, 1989· 297B § 3 3 (a, b), 1975)

13 12 130 Lift station surcharge. No additional monthly charge will be required to cover  
the costs of lift station operations, maintenance or replacement.  
(Ord. 602B § 5, 1993: Ord. 297B § 3 4, 1975)

Section 3· Severability. If any provision of this ordinance or the application  
thereof to any person or circumstances is held invalid, such invalidity shall not affect other  
provisions or applications of the ordinance which can be given effect without the invalid  
provision or application, and to this end the provisions of this ordinance are severable This City  
Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of  
any particular portion thereof and intends that the invalid portions should be severed and the  
balance of the ordinance be enforced.

PASSED AND ADOPTED by the City Council of the City of Lincoln this 12th day of  
November, 2013, by the following vote

AYES

NOES

ABSENT

\_\_\_\_\_  
Mayor

ATTEST

\_\_\_\_\_  
City Clerk