

ORDINANCE NO. 2001-033

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF AUG 28 2001

**AN ORDINANCE AMENDING CHAPTER 13.04 OF THE
SACRAMENTO CITY CODE, RELATING TO THE WATER
SERVICE SYSTEM**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Chapter 13.04 of the Sacramento City Code is hereby amended to read as follows:

Chapter 13.04	WATER SERVICE SYSTEM
Article I	Water Service and Water Service Area; Definitions
Article II	General Requirements
Article III	Water Meters
Article IV	Construction of Water Distribution Facilities Within City Limits
Article V	Water Service Outside the City Limits
Article VI	Regulations for Air Conditioning and Swimming Pools
Article VII	Water Flow for Fire Protection
Article VIII	Water Wells
Article IX	Department of Utilities
Article X	Rates and Charges
Article XI	Water Conservation

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Article I. Water Service and Water Service Area; Definitions

13.04.010 Description of services.

13.04.020 Water service area.

13.04.030 Definitions.

13.04.010 Description of services.

The Department of Utilities of the City of Sacramento shall furnish a safe and potable water supply meeting the standards of the California Health and Safety Code and Title 22 of the California Code of Regulations.

13.04.020 Water Service Area.

The water service area is that area located within the City limits as such limits now or may from time to time exist, and those areas outside the City limits that have been approved for water service by the City Council consistent with applicable water right restrictions.

13.04.030 Definitions.

Unless the context requires otherwise, whenever the words or terms defined in this section, or pronouns used in their place, occur in this title, they shall have the following meanings:

Air conditioning or refrigeration system: Any combination of equipment, whether compressor or other type, by which heat is removed from or added to the air, that maintains temperatures that are not less than sixty degrees Fahrenheit, and from which the accumulated heat is wholly or partially removed or added by the use of water. Evaporative coolers are included in this definition.

City: The City of Sacramento, California.

City Council: The City Council of the City of Sacramento, California.

City limits: The corporate limits of the City of Sacramento, California.

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City Manager: The City Manager of the City of Sacramento or his or her authorized representative.

City water distribution system: All pipes, transmission and distribution mains and other facilities owned or operated by the City to supply, provide, or deliver water to its customers.

Commercial service: The provision of water to premises used for a business, trade, manufacturing or processing activity, including without limitation hotels, motels, rest homes, schools, irrigation service connections and all other services not hereinafter defined as a "domestic service". The provision of water to premises used for both commercial and domestic purposes shall be considered commercial service.

Cross-connection: Any actual or potential connection between the City's or consumer's potable piping system and any other source or piping system through which it is possible to introduce into any part of the potable piping system any used water, industrial fluid, gas or substance other than the potable water with which the piping system is supplied. By-pass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices through which or because of which backflow can or may occur are considered to be cross-connections.

Customer: The owner of the property receiving water service.

Department: The Department of Utilities of the City of Sacramento, California.

Director: The Director of the Department of Utilities of the City of Sacramento, or his or her authorized representatives.

Distribution main: A water pipeline used to convey potable water from a transmission main to the customer's property.

Domestic service: The provision of water solely for household and domestic irrigation purposes to premises with one or more residential dwelling units, excluding the provision of water defined herein as "commercial service".

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Fire Chief: The Fire Chief of the City of Sacramento or his or her authorized representative.

Fire service: A water pipe and appurtenant facilities dedicated to provide water solely for fire fighting purposes.

Flat rate: A fixed periodic rate charged for the provision of water based on factors related to the amount of water used, that may include a minimum rate or service charge, but that does not involve measurement of and billing for the actual quantity of water delivered.

Irrigation season: May through October, inclusive, unless a different time period is specified by resolution of the City Council.

Irrigation service: A water pipe dedicated to provide water solely for irrigation of landscaping.

Metered rate: A periodic rate charged for the provision of water in measured quantities based on the quantity delivered, that may include a minimum rate or service charge.

On-site fire protection facilities: Privately-owned fire protection facilities installed on private property in accordance with the provisions of this code, whether installed before or after the effective date of the ordinance adopting this chapter.

Person: Any person, company, partnership, agency or other public or private entity.

Point of Service: The location where the City's distribution main delivers water to the customer's private water line. The City's point of service generally is located as follows:

Public Streets: For water services connected to distribution mains located in public streets the location of the point of service is at the edge of the sidewalk adjoining the property served when the sidewalk is continuous with the curb and gutter, and is at the edge of the curb adjoining the property served when the sidewalk is separated from curb and gutter by a planter strip. The point of service for water services in public streets lacking curb, gutter, and sidewalk improvements is located at the street right-of-way line.

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Alleys: The point of service for water services connected to distribution mains in alleys, paved or unpaved, is located at the alley right-of-way line.

The point of service for water connected to distribution mains in abandoned streets and alleys is the corporation stop/valve at the main.

Other: Where the exact location of the point of service is unclear, the location shall be determined by the Director.

Premises: The property or area, including improvements thereon, to which water service is or will be provided.

Private fire hydrant: A fire hydrant that is not located in a City right-of-way or other City property that is owned and maintained by a party other than the City.

Private water line: A water pipeline that is owned and maintained by a party other than the City, beyond the City's point of service.

Public fire hydrant: A fire hydrant that is owned and maintained by the City.

Public water main: A transmission or distribution main that is owned and maintained by the City.

Revenue Division: The Revenue Division of the Department of Administrative Services of the City, that is responsible for customer billing.

Revenue Manager: The manager of the Revenue Division or his or her authorized representative.

Room: An area with a minimum of fifty (50) square feet that is structurally or functionally distinct from other rooms or areas in a residential dwelling unit receiving domestic service, as determined by the Department and/or the Revenue Division in accordance with the City's billing criteria.

Service connection or water service connection: Any tap, pipe, or other means of taking water from the City water distribution system. A water service connection occurs at the time that a tap, pipe, or other means of taking water is physically attached to the City water distribution system in a manner capable of taking water

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from the distribution system. The water service connection includes the corporation stop/valve on the distribution main, and the meter and curb stop on a metered water service or the curb stop on an unmetered water service.

Standard Specifications: The standard specifications of the City of Sacramento, adopted by Resolution No. 89-216 (June 1989), or such other standard specifications as may hereafter be adopted by the City Council.

Transmission main: A water pipe greater than 12 inches in diameter used to convey potable water from a well or treatment plant to a distribution main.

Temporary water service: Provision of water for a period of twelve (12) months or less.

Water conservation device: Any mechanical or electrical equipment employed to efficiently use water.

Water meter: A water meter provided or approved by the City that is installed on a water service connection in a manner that measures the volume of all water taken from the City water distribution system through that water service connection.

Water service: The provision of water from the City water distribution system in accordance with the provisions of this chapter and other applicable ordinances, laws and regulations. Unless the context, or the City, in its discretion, requires otherwise, the term "water service" as used in this chapter shall not include the provision of City water on a wholesale basis to another water purveyor that, in turn, will supply such water to its own retail customers.

Article II. General Requirements

- 13.04.040 Private water lines.
- 13.04.050 Relocation of service connection.
- 13.04.060 Service connections generally.
- 13.04.070 Multiple service connections.
- 13.04.080 No City responsibility beyond point of service; indemnity.
- 13.04.090 Discontinuance of water service; no liability.
- 13.04.100 Use of water.

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- 13.04.110 Inspections.
- 13.04.120 Leaky fixtures.
- 13.04.130 Public fire hydrant use; indemnity.
- 13.04.140 Public fire hydrants -- violations and penalties.
- 13.04.150 Private fire hydrant use.
- 13.04.160 No obstruction.
- 13.04.170 Reconnection of water.
- 13.04.180 Service pipes.
- 13.04.190 Refusing entry to Director.
- 13.04.200 Use after shut off.
- 13.04.210 Temporary water service.
- 13.04.220 Condominiums.
- 13.04.230 Structures overlying City utilities.
- 13.04.240 Cross-connection control standards.
- 13.04.250 Easements.
- 13.04.260 Damage to City water distribution system; indemnity.
- 13.04.270 Violations.

13.04.040 Private water lines.

Private water lines serving two or more buildings or structures located on the same lot or parcel or not maintained by a public utility shall be constructed to meet the standards for construction of public water mains set forth in the Standard Specifications.

13.04.050 Relocation of service connection.

A service connection may be relocated by the City at a customer's request provided the relocation, in the judgment of the Director, is not detrimental to the City water distribution system. Such relocation shall include any modifications necessary to comply with then-current service connection standards or requirements, and the cost of the relocation shall be borne by the customer. The customer shall pay the estimated cost of the relocation, as determined by the Director, prior to obtaining a water tap and constructing the water service. Where a service connection is relocated for the convenience or protection of the City, the relocation shall be at the expense of the City.

13.04.060 Service Connections Generally.

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Each lot or parcel shall have a separate water service, except for fire service connections serving more than one lot or parcel that are authorized pursuant to the provisions of this Chapter. All water service lines shall be equipped with an approved corporation stop/valve at the distribution main and a curb/stop valve at the point of service. Such service lines shall not cross another lot or parcel without first obtaining any and all rights-of-way, easements and/or other approvals necessary to do so.

To be eligible for water service, the property to which service is to be extended must abut a dedicated public easement or a City right-of-way in which a distribution main is constructed at a point immediately adjacent to the property, unless the Director authorizes the extension of a distribution main.

The Director may authorize water service for land locked parcels provided that the customer obtains recorded private easements from the affected owner(s) and all other applicable legal requirements are fulfilled. Private easements must abut a distribution main in a dedicated public easement or City right-of-way. Water service lines constructed in private easements are private water lines, and the City shall have no responsibility for the maintenance and repair of such lines.

Except as provided herein, maximum sizes of service connections shall be determined by the Director. For single-family domestic service connections, the maximum size shall be one (1) inch, or one and one half (1-1/2) inches if residential fire sprinkler systems are present, unless otherwise authorized by the Director.

All water service connections are subject to the City's tap, meter, development, and abandonment fees established from time to time by resolution of the City Council, and to the Department's then-current cross-connection control standards.

13.04.070 Multiple service connections.

Except for separate irrigation service connections and fire service connections, each lot or parcel shall have only one (1) service connection; provided that requests for multiple service connections to a single commercial lot or parcel (excluding separate irrigation service and fire service connections) may be approved on a case by case basis by the Director, consistent with the Department's then-current commercial tap policy.

- A. Backup service connections are considered to be temporary and shall be subject to termination by City at a future date specified by the Director.

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- B. If permanent multiple service connections require a public water main extension, the main extension shall be installed to the satisfaction of the Director at the customer's expense.
- C. Where multiple service connections already exist, and a lot split, lot merger, or a change of business or operations occurs, the excess service connection shall be removed at the customer's expense, if required by the Director.

13.04.080 No City responsibility beyond point of service; indemnity.

The City's responsibility to operate, maintain and repair public water mains shall extend only to the point of service. The operation, maintenance and repair of any private water line connected to the point of service shall be the customer's sole responsibility. The customer shall indemnify and hold harmless City, its officers and employees from any claims, actions, costs (including attorney fees), damages or other liability resulting or arising from the condition, operation, maintenance or repair of said private water line.

13.04.090 Discontinuance of water services; no liability.

The supply of City water may be discontinued at any time without notice to customers and the City shall in no way be liable for any damage or costs resulting from such discontinuance. The City does not guarantee, and shall not be liable for any failure in, continuity of water service or water pressure.

13.04.100 Use of water.

No person shall use any City water unless installation of the tap and initiation of the water service has been approved by the City in accordance with all applicable provisions of this code. Any use without such approval shall be unlawful.

13.04.110 Inspections.

It shall be unlawful for any person to interfere or seek to interfere with the inspection by the Director of any water fixture or water using or distributing device to which City water is connected; provided that, before entering occupied dwellings or premises for the purpose of making an inspection, the consent of the occupant thereof shall be secured.

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If consent is not secured, the Director shall take steps to effect an inspection as provided by law.

13.04.120 Leaking Fixtures.

It shall be unlawful for any person to maintain or allow on his or her premises leaky or faulty water fixtures or water using or distributing devices to which City water is connected, so that City water is wasted thereby. The failure to repair or disconnect the faulty device within five (5) days after being notified in writing to do so by the Department shall be sufficient cause for the disconnection of City water from the premises until the repairs have been made. After disconnection, water shall be reconnected only in accordance with the provisions of Section 13.04.170.

13.04.130 Public fire hydrant use; indemnity.

No person other than authorized employees of the Department or Fire Department or other persons duly authorized by the City Manager shall open or operate any public fire hydrant or attach any hose, tubing or pipe thereto for any purpose, without first obtaining a fire hydrant use permit from the Director. Public fire hydrant use shall comply with the City's then-current Fire Hydrant Use Policy, adopted from time to time by resolution of the City Council, and any other conditions included in the fire hydrant use permit. Permit applicants shall pay such fees as may be established by the Fire Hydrant Use Policy. No person, whether authorized to open a public fire hydrant or not, shall leave a public fire hydrant open or leave the cap off the nozzle of a public fire hydrant after having ceased to use it. Any person that opens or operates a public fire hydrant, whether or not authorized as provided herein, shall indemnify and hold harmless the City, its officers and employees from any claims, actions, costs (including attorney fees), damages or other liability resulting or arising therefrom.

13.04.140 Public fire hydrants -- violations and penalties.

In the event any person shall violate any provision of Section 13.04.130, the following shall apply:

- A. The Department may require any person committing a violation at any time during the preceding five (5) years, to provide a cash deposit in an amount established by the Fire Hydrant Use Policy as a condition of issuance for each and every fire hydrant use permit requested by that person. Said

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deposit shall be refunded after one (1) year without interest if no further violations have occurred.

- B. If a person commits more than three (3) violations the City may refuse to issue any further fire hydrant use permits to that person.
- C. The foregoing provisions shall be cumulative and in addition to any other penalty or remedy provided or authorized under any applicable law or regulation, including but not limited to, any applicable Fire Codes (including without limitation Chapters 2.24, 15.36 or 15.100 of this code), as well as the administrative penalty provisions of Section 1.28.010 of this code. The administrative penalty shall be \$100 for the first violation, \$300 for the second violation, and \$500 for the third and all subsequent violations.
- D. The penalties set forth above also shall apply to persons renting or borrowing a water transportation vehicle if the vehicle is found operating without a valid fire hydrant use permit.

13.04.150 Private fire hydrant use.

Unmetered on-site fire protection facilities providing water supply to private fire hydrants shall be used for fire suppression purposes only, except as provided otherwise herein. It shall be a violation for the owner or business where private fire hydrants are installed to use or allow others to use private fire hydrants for any purpose other than fire suppression without obtaining permission from the Director. The Director may require the property owner to purchase, install and maintain a detector check on each fire service provided to the property. The size, location and type of detector check shall be as specified by the Director.

13.04.160 No obstruction.

No person shall block or obstruct any public or private fire hydrant in such a manner that interferes with its operation, maintenance or repair, or the attachment of a fire hose thereto. No person shall place upon or about any public or private fire hydrant, water gate, water meter, curb/cock or stop/cock connected with the City water distribution system any building material or other obstruction so as to prevent free access to the same at all times.

13.04.170 Reconnection of water.

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In no case shall water service be restored to any premises when shut off as provided in this title, unless the pipe leading thereto is directly connected with the distribution main and unconnected with any other service pipe leading to any other premises, and except on approval of the Director and payment of all past due accounts and the additional amount covering costs for shutting off and restoring the water service.

13.04.180 Service pipes.

It shall be unlawful for any person whose water service pipe is attached directly or indirectly to a public water main, to allow any person to attach any pipe or hose connection to the plumbing on his or her lot or parcel for the purpose of providing water service to any other lot or parcel.

13.04.190 Refusing entry to Director.

If any person refuses to allow an authorized employee of the Department to enter the premises of such person for the purpose of disconnecting the service pipe or hose connection attached to the owner's plumbing for the purpose of supplying City water to any other lot or parcel, the Director shall immediately cause the water service to the premises of the person so refusing entry to be shut off at the distribution main.

13.04.200 Use after shut off.

Whenever, from any cause, the Department shall shut off any public or private fire hydrant or pipe carrying or discharging water from the City water distribution system, it shall be unlawful for any person to open such hydrant or pipe or to turn on or use any water from such hydrant or water pipe without first obtaining approval from the Director as provided herein.

13.04.210 Temporary water service.

If temporary water service is requested, underground water service taps shall be provided in sizes ranging from one (1) inch to four (4) inches in diameter depending upon the capacity limits of the existing distribution system. The person requesting temporary water service shall furnish and install a reduced pressure principle backflow preventer, or, upon payment of an installation and testing fee, and provision of a security deposit in an amount established by the Director, a reduced pressure principle backflow prevention assembly shall be installed and tested by City personnel. The security deposit shall be

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refunded if the meter, strainer, and backflow assembly is returned in satisfactory condition, less any installation, testing, and water use fees remaining unpaid when the assembly is returned.

If the Department determines that it is impractical to furnish temporary water service through an underground water service tap, the City may allow temporary water service from a public fire hydrant. Temporary service from public fire hydrants includes: limited day use permits that shall be site specific and for a duration of sixty (60) days or less, or an annual permit that applies to water transport vehicles or portable water truck fill stations. Annual permits are city-wide in application and are valid for a period of one (1) calendar year.

Temporary water service shall be provided through a meter, at current City charges, except for temporary water service for new residential construction, that shall be provided upon payment, prior to issuance of a building permit, of a temporary water service fee for each residential lot equal to three (3) times the City's then-current monthly rate for water service to a 6-9 room single family residence.

13.04.220 Condominiums.

Each condominium shall have a separate water service unless otherwise approved by the Director.

13.04.230 Structures overlying City utilities.

No permanent structure (including without limitation garages, patios, concrete slabs, tool shed and similar structures) shall be constructed on top of water, sewer or drainage pipelines or anywhere within the associated utility easements, unless approved by the Director upon execution of a hold harmless agreement approved by the City Attorney.

13.04.240 Cross-connection control standards.

The City Council shall from time to time by resolution adopt cross-connection control standards that establish the City's requirements for design, construction, installation, and maintenance of backflow prevention assemblies. The purpose of these standards is to protect the potable water supply of the City of Sacramento from the possibility of contaminants, pollutants, or water from unapproved sources entering the City's water distribution system through cross-connections. Any person receiving or using

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water from the City's water distribution system shall comply with all provisions of the City's then current cross-connection control standards, and the violation of any provision thereof shall constitute an infraction. In the event a water customer is found to be in violation of the cross-connection control standards by the Director or by a Sacramento County Environmental Health Officer, the customer's water service may be terminated. The foregoing provisions shall be cumulative and in addition to any other remedy provided under any applicable law or regulation, including without limitation the administrative penalty provisions of Section 1.28.010 of this code.

13.04.250 Easements.

Easements granted for public water mains shall be exclusive easements, and shall be in a form approved by the Department and the City Attorney.

13.04.260 Damage to City water distribution system.

Any person or entity damaging or removing any portion of the City water distribution system shall pay the City's costs of investigating and repairing such damage and/or replacing any removed item(s), and shall indemnify and hold harmless City, its officers and employees from any claims, actions, costs (including attorney fees), damages or other liability resulting or arising from such damage or removal.

13.04.270 Violations.

Unless specified as a misdemeanor, the violation of any provision of this chapter is an infraction, in addition to any other remedy provided under any applicable law or regulation, including without limitation the administrative penalty provisions of Section 1.28.010 of this code.

Article III. Water Meters.

- 13.04.280 Intent and purpose.**
- 13.04.290 Water meters required; adoption of standards and requirements.**
- 13.04.300 Water meter fee.**
- 13.04.310 Requirements for installation of water meter.**
- 13.04.320 Access for reading, maintenance and repair.**
- 13.04.330 Water metering testing.**
- 13.04.340 Water meter use; indemnity.**

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13.04.280 Intent and purpose.

- A. This chapter is enacted to implement the provisions of Chapter 407 of Stats 1991, as codified within the California Water Code at Chapter 1, §110, and Chapter 8 commencing with §500.
- B. This chapter is enacted solely to comply with state law and is not otherwise intended to repeal, amend or interpret the provision of the City Charter that prohibits water meters on residential water service pipes.

13.04.290 Water meters required; adoption of standards and requirements.

No new water service connections may be attached to the City water distribution system on or after January 1, 1992, unless such connection is equipped with a water meter. As used in this section, "new water service connection" includes any existing water service connection that is used to provide water to buildings or residential units constructed on or after January 1, 1992. Fire service connections are exempt from the provisions of this chapter. The Director may adopt standards and requirements to implement the provisions of this chapter.

13.04.300 Water meter fee.

Prior to the installation of a water meter in accordance with the terms of this chapter, the customer shall pay any applicable fee established from time to time by resolution of the City Council to recover costs incurred by the City to provide, install or supervise the installation of the water meter.

13.04.310 Requirements for installation of water meter.

- A. Water meters shall be installed by the City or under the City's supervision in accordance with all applicable City water and building codes, regulations, and standards.
- B. A water meter shall not be installed unless a plumbing permit has been issued.

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- C. Meters shall be installed above ground on metered water services three (3) inches and larger in diameter that require the installation of a backflow prevention assembly installation.
- D. No occupancy permit for any structure served by the new water service connection shall be issued until meter installation is complete.

13.04.320 Access for reading, maintenance and repair.

The customer shall provide Department staff and/or its contractors access to the premises receiving water service as required for the reading, maintenance and repair of water meters, and shall keep water meters and meter boxes clean and accessible for such purposes.

13.04.330 Testing meters.

Any metered customer may request in writing that the meter through which water is being furnished be examined and tested by the Department to determine whether the meter is registering accurately the amount of water that is being delivered through it. Upon receipt of such request, the Department shall cause the meter to be examined and tested. If the meter is found to register over three (3) percent more water than actually passes through it, the customer's water bill will be adjusted accordingly. If the meter is found to register a variance of three (3) percent or less, no billing adjustment will be made. Meter testing will be performed at a customer's request, at no charge to the customer, not more than once every 12 months.

If a customer requests more frequent testing, the customer's request shall be accompanied by a deposit of an amount equal to the monthly minimum meter charge. Upon receipt of such request, the Department shall cause the meter to be examined and tested. If the meter is found to register over three (3) percent more water than actually passes through it, the customer's water bill will be adjusted accordingly and the deposit shall be returned, without interest. If the meter is found to register a variance of three (3) percent or less, no billing adjustment will be made and the deposit shall be used by the City to pay its inspection and testing costs.

13.04.340 Water meter use; indemnity.

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No person other than authorized employees of the Department or other persons duly authorized by the Director shall install, maintain, repair, move, replace, adjust, tamper with, manipulate, damage, disconnect or remove any water meter. Any person or entity performing any of the foregoing actions, whether or not authorized by the Department, shall pay the City's costs of investigating and repairing any resulting damage and/or replacing any removed item(s), and shall indemnify and hold harmless City, its officers and employees from any claims, actions, costs (including attorney fees), damages or other liability resulting or arising from such damage or removal.

Article IV. Construction of Water Distribution Facilities Within City Limits

- 13.04.350 Application for installation.**
- 13.04.360 Certification of approval of water distribution facilities plans.**
- 13.04.370 Inspection of installation.**
- 13.04.380 Distribution facilities to become property of the City.**

13.04.350 Application for installation.

Any person requesting water service from a public water main for a property or properties where no water distribution facilities have been installed shall apply to the Director for permission to install the distribution facilities. The application shall be made to the Director and shall contain plans and specifications for the proposed distribution facilities, that shall conform to the requirements of the Director as to size, type and quality of materials and location of transmission and/or distribution mains.

13.04.360 Certification of approval of water distribution facilities plans.

If the Director certifies in writing that the plans and specifications submitted conform to the requirements of the Department, the applicant may cause the water distribution facilities to be installed by either private contract or by another procedure acceptable to the Director. The Department's approval of tentative map conditions and subsequent improvement plans shall satisfy this requirement. All costs associated with the installation shall be the responsibility of the applicant.

13.04.370 Inspection of installation.

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The Director shall have the right to inspect all work performed and all work must be approved by the Director after inspection before the distribution facilities shall be connected to the City water distribution system.

13.04.380 Distribution facilities to become property of the City.

After the Director issues a notice of completion, the distribution facilities shall become the property of the City.

Article V. Water Service Outside the City Limits.

- 13.04.390 Approval of City Council.
- 13.04.400 Same--conditions for approval.
- 13.04.410 Permit required.
- 13.04.420 Same-application.
- 13.04.430 Discontinuance of service outside City limits.
- 13.04.440 Maintenance of distribution facilities.

13.04.390 Approval of City Council.

No application for water service to any area located outside the City limits shall be granted without approval by the City Council.

13.04.400 Same - - Conditions for approval.

Applications for water service to areas located outside of the City limits may be granted only in areas where surplus water is available in excess of the water supply needs of water users within the City limits, and where providing such service is not deemed detrimental to existing services or inimical to the interests and operations of the Department. Water service outside the City limits shall be subject to the conditions and requirements of this Chapter, and also shall be consistent with applicable water right restrictions.

13.04.410 Permit required.

All applicants for City water service to areas outside of the City limits shall secure a permit from the Department. The permit shall not be issued unless it is found that the plumbing in the premises to be served and the construction of the water distribution

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facilities serving such premises conforms with the provisions of this code and other applicable regulations of the City and the laws and regulations of the State. The applicant shall allow City personnel and/or the Sacramento County Environmental Management Department to inspect the premises and distribution facilities at all reasonable times and if it is found at any time that any of the above-mentioned provisions, regulations or laws is violated, the water service shall be disconnected.

13.04.420 Same--application.

The application for the permit required by the preceding section shall be on a form provided by the Department.

13.04.430 Discontinuance of service outside City limits.

The Department may discontinue water service to any area outside of the City limits when it determines that the continuation of service is no longer feasible economically or that continuing such service interferes with proper service to water users within the City limits.

13.04.440 Maintenance of distribution facilities.

Upon issuance of a permit in accordance with Section 13.04.410 and acceptance by the City, the City shall maintain all distribution facilities to which water service is provided pursuant to the provisions of this chapter.

Article VI. Regulations for air conditioning and swimming pools.

- 13.04.450 Air conditioning and refrigeration devices - discharge into sewers.
- 13.04.460 Evaporative coolers - recirculating pump.
- 13.04.470 Same - sale of cooler without recirculating pump.
- 13.04.480 Roof sprinklers prohibited.
- 13.04.490 Swimming pools.
- 13.04.500 Swimming and wading pools and/or fish ponds - recirculating devices required.
- 13.04.510 Same - discharge to storm sewer.
- 13.04.520 Same - discharge into sanitary sewer.
- 13.04.530 Discontinuance of service.

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13.04.450 Air conditioning and refrigeration devices--discharge into sewers.

Waste cooling water from air conditioning and refrigeration systems may be discharged:

- A. To a storm sewer only when such discharge is permitted by the State and authorized in writing by the Director; and
- B. To a sanitary sewer only when such discharge is permitted by the Sacramento Regional County Sanitation District and is authorized in writing by the Director.

The Director may require the installation of a water conservation device meeting standards specified by the Department as a condition of granting such authorization, that shall be in addition to any permits or other approvals required under the City plumbing and electrical codes.

13.04.460 Evaporative coolers--recirculating pump.

Evaporative coolers installed after January 1, 1959, shall be equipped with a recirculating pump. The makeup supply line shall be equipped with an inlet valve that shall open only when makeup water is required by the unit. The make up supply line shall be equipped with an approved air-gap.

13.04.470 Same--sale of cooler without recirculating pump.

No person within the City limits of the City shall sell an evaporative cooler after January 1, 1959, that will use water from the public water system within the City limits unless such cooler is, when sold and delivered, equipped with an air-gap installed on the water supply to the cooler and a water recirculating device.

13.04.480 Roof sprinklers prohibited.

The use of existing roof sprinkler systems after January 1, 1959, or their installation after the original effective date of the provisions of this section is prohibited.

13.04.490 Swimming pools.

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Prior to the issuance of a plumbing permit for the installation of a swimming pool, a plan showing the water supply and drainage piping of the swimming pool shall be submitted for approval by the Department of Planning and Building. This drawing shall indicate all valves, size of piping and filter pump capacity. No plumbing permit shall be issued without prior approval by the Director. No pool or pond may be constructed within a public water or sewer easement or within six (6) feet of a City water, sewer, or drainage pipe and no concrete or permanent decking may be installed above said piping. Redwood or removable decking may be installed with the approval of the Director.

13.04.500 Swimming and wading pools and/or fish ponds--recirculating devices required.

After January 1, 1959, all swimming or wading pools or fish ponds above two thousand gallons in capacity, using water from the City water system or discharging to a public sewerage or drainage system, shall be provided with recirculating systems equipped with an approved filter. The make up supply line shall be equipped with an approved air gap.

13.04.510 Same--discharge to storm sewer.

Permission to discharge dechlorinated swimming pool water to the storm sewer may be granted by the Director, if permitted by the State.

13.04.520 Same--discharge into sanitary sewer.

Permission to discharge swimming pool water into a sanitary sewer may be granted by the Director, if permitted by the Sacramento Regional County Sanitation District, subject to the following conditions:

- A. The maximum size of the discharge pipe from the pool to the sewer service clean-out shall be limited to one and one-half inches.
- B. If the sanitary sewer capacity becomes inadequate for both sanitary flows and the swimming pool discharges, the swimming pool discharge shall immediately be disconnected.

13.04.530 Discontinuance of service.

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Alterations, changes of equipment or piping, improper operation or lack of maintenance that results in conditions that are hazardous or are potentially hazardous to the potable water supply, either within the premises or in public water mains, or cause use of water in excess of quantities permitted under this chapter, shall be cause for the discontinuance of the supply of water to the premises until the hazard or potential hazard is abated or until approved backflow protection or water conservation devices are used, as elsewhere specified in this code, and are operating within the defined limits of use.

Article VII Water Flow for Fire Protection

- 13.04.540 Adoption of Insurance Service Office Standards.
- 13.04.550 Intent and purpose of chapter.
- 13.04.560 Definitions.
- 13.04.570 On-site fire protection facilities and adequate water flow for fire protection required.
- 13.04.580 Plans--review by fire chief--when required.
- 13.04.590 Same--action by fire chief.
- 13.04.600 Access for fire fighting equipment.
- 13.04.610 Final inspection; occupancy permit.
- 13.04.620 Maintenance of on-site fire protection facilities.
- 13.04.630 Alterations or modification of on-site fire protection facilities.
- 13.04.640 Inspection and servicing of private fire hydrants.
- 13.04.650 Filing of map.

13.04.540 Adoption of Insurance Service Office Standards.

The recommendations, guidelines, and standards for fire protection facilities and adequate water flow published by the Insurance Service Office (ISO) are adopted as standards for fire protection facilities and adequate water flow within this City as to all matters therein contained except as herein otherwise provided. Two (2) copies of the ISO recommendations, guidelines and standards shall be kept available for public review in the office of the City Clerk. The requirements established by this Article shall be in addition to any requirements established by other applicable provisions of this code, including without limitation this Chapter, Chapter 2.24 and Title 15 of this code.

13.04.550 Intent and purpose of chapter.

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This Article is adopted for the following purposes:

- A. To protect public health, safety and welfare from the danger of fire because of the lack of fire protection facilities and of adequate water flow for fire protection available to buildings located at a distance from public streets, alley and rights-of-way.
- B. To establish uniform standards for the construction and placement of fire protection facilities and the delivery of adequate water flow for fire protection upon private property.
- C. To provide for the installation, maintenance and supervision of fire protection facilities and adequate water flow for fire protection upon private property.

13.04.560 Definitions.

Unless the context requires otherwise, whenever the words or terms defined in this section, or pronouns used in their place, occur in this Article, they shall have the following meanings:

- A. **Land:** Any lot, parcel, zoning plot, acreage or building site, or any other land or portion thereof, whether improved or unimproved.
- B. **National standards:** The recommendations, guidelines and standards for fire protection facilities and adequate water flow published by the Insurance Services Office.
- C. **"To develop land"** means to make any improvements or do any work upon such land as would require the issuance of a building permit under Title 15 of the Sacramento City Code.

13.04.570 On-site fire protection facilities and adequate water flow for fire protection required.

When any land is to be developed in such a manner that any part of a proposed building or structure to be located thereon will be in excess of one hundred fifty (150) feet from the nearest public fire hydrant located, or to be located prior to the completion of the building or structure in a public street, alley or place, the owner or developer shall provide

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at the same time in the public street, alley, or place, or on-site, such fire protection facilities and adequate water flow for fire protection as the Fire Chief shall deem necessary, according to national standards. All facilities required to be installed shall be approved by and meet the specifications of the Fire Chief as to location, size and type of materials and manner of installation; provided, however, that all water mains, fittings and hydrants shall conform to national standards and to the standard specifications of the City. No main shall be installed that is less than six (6) inches in diameter. Hydrant branches of six (6) inch diameter shall be circulating if more than five hundred (500) feet in length. If the Fire Chief determines that the installation of a circulating six (6) inch branch would result in practical difficulty or unnecessary hardship, the Fire Chief may permit the installation of a single (non-circulating) eight inch branch if such branch is connected to a water main at least eight inches in diameter or is connected to a circulating six inch water main not more than one thousand (1000) feet in length.

All installations made in a public street, alley or place shall require an encroachment/excavation permit and shall comply with all conditions of the permit and this code. No fire service line shall be installed across any parcel other than the parcel to which the service is being furnished, provided that the Fire Chief may, in his or her discretion, authorize a fire service line that serves more than one parcel, upon the recording of an agreement, in a form approved by the City, that fully provides for the operation, maintenance and repair of the line, and grants a permanent easement for these purposes, at no cost or liability to the City.

The costs and expenses of installing and maintaining on-site fire protection facilities shall be the sole responsibility of the owner or developer of the land. The costs and expenses of installing off-site fire protection facilities, including main and branch mains, shall also be the sole responsibility of the owner or developer, and shall be paid in full before any water service connection is made, unless otherwise determined by the Director.

13.04.580 Plans--review by Fire Chief--when required.

Every application for a building permit and its accompanying plans filed with the manager of the Building Inspections Division of the City (hereinafter referred to as "the building official") pursuant to Title 15 of this code shall be referred to the Fire Chief for review and comment, if:

- A. The proposed development will consist of one or more buildings located upon a single lot or parcel, or additions thereto, the total floor area of which,

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including that of any existing building located upon the same lot or parcel, will equal or exceed five thousand square feet; or

- B. The proposed development will consist of one or more buildings, or additions thereto, any one of which exceeds either two stories or thirty feet in height; or
- C. The proposed development will consist of one or more buildings, or additions thereto, in Occupancies A through U as defined by Title 15 of the Sacramento City Code wherein any part of any building or structure will be in excess of one hundred fifty (150) feet from the nearest distribution main or proposed distribution main located or to be located in a public street, alley or place prior to the completion of the building or buildings.

13.04.590 Same--action by Fire Chief.

When any plans are submitted under Section 13.04.580, the Fire Chief shall review the same and determine whether or not the fire protection facilities and water flow for fire protection existing or to be provided are adequate according to national standards. If the Fire Chief determines that the facilities and water flow for fire protection existing or to be provided are adequate according to national standards, the Fire Chief shall endorse the plans with an approval and return the same to the building official. If the Fire Chief determines that the facilities existing or to be provided are not adequate according to national standards, the Fire Chief shall:

- A. Disapprove the plans and indicate in writing to the building official how they are deficient. In such event the building official shall require from the owner revised plans to cure the deficiency, and the revised plans shall be submitted to the Fire Chief; or
- B. Conditionally approve the plans. In such event, such conditions shall be made part of the plans and the issuance of a permit by the building official shall be so conditioned. The plans shall be 100% complete before they are forwarded to the Department and/or any water service connection is made.

13.04.600 Access for fire fighting equipment.

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Whenever any fire protection facilities, public or private fire hydrants, or other appurtenances for use by the fire department are required to be installed pursuant to this chapter, there shall be included in the development plan and delineated thereon adequate provision for access by fire fighting personnel and equipment to and from all such fire protection facilities, including, but not limited to public or private fire hydrants and appurtenances. Such access shall be approved by the Fire Chief and the owner may be required to dedicate to the City as a condition of approval of the development plan, an easement sufficient for access by fire fighting equipment to such fire protection facilities. All such access easements shall be maintained in such a manner as to provide clear and unobstructed ingress and egress by fire fighting personnel and equipment and/or maintenance personnel and equipment at all times.

13.04.610 Final inspection; occupancy permit.

No final inspection by the building official as to all or any portion of the development shall be deemed completed and no certificate of occupancy or temporary certificate of occupancy shall be issued unless and until the installation of the prescribed fire protection facilities and access ways has been completed and approved by the Fire Chief.

13.04.620 Maintenance of on-site fire protection facilities.

Except as provided in section 13.04.620, all on-site fire protection facilities shall at all times be maintained as installed, free of leaks and in good working order by the owner of the land. The Fire Chief is hereby authorized to enter upon the land at reasonable times and in a reasonable manner to conduct periodic tests and inspections of such facilities. If the Fire Chief determines that any on-site fire protection facilities are being maintained in such manner as not to meet the standards specified herein, the Fire Chief shall order the owner to make such repairs, alterations, or additions as shall conform the facilities to such standards. The Fire Chief shall designate a reasonable time within which such repairs, alterations, or additions are to be made and it shall be unlawful for any person so ordered to willfully fail or refuse to comply with such order. Without limiting the foregoing, the willful failure or refusal to comply with such an order shall constitute an occupancy violation within the meaning of the applicable provisions of Title 15 and Chapter 8.96 of the Sacramento City Code.

13.04.630 Alterations or modification of on-site fire protection facilities.

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On-site fire protection facilities may be altered or modified with the written consent of the Fire Chief subject to the provisions of Section 13.04.570.

13.04.640 Inspection and servicing of private fire hydrants.

The inspection, servicing, testing and repair of all private fire hydrants shall be the sole responsibility of the owner of the property where the private fire hydrant is located. The term "service" or "servicing" shall mean and include repainting external surfaces and hydrant identification numbers, to clear away weeds, shrubs and other accumulations of vegetation, to lubricate operating nuts and stems, and to replace nozzle caps, chains and gaskets. Without affecting the property owner's responsibility therefor, the Director may authorize officers, employees, agents or contractors of the City to inspect, service, test and/or repair private fire hydrants and the property owner shall be required to pay such fee(s) for these services as may be established from time to time by resolution of the City Council. Whether or not inspection, servicing, testing or repair is performed by a property owner or the City, the property owner shall indemnify and hold harmless the City, its officers and employees from any claims, actions, costs (including attorney fees), damages or other liability resulting or arising from the condition of, or any failure to inspect, service, test or repair, any private fire hydrant located on the owner's property.

13.04.650 Filing of map.

A map showing the size and location of all water pipes and hydrants installed pursuant to this chapter and stating the material of which such pipes are made and the date of their installation and approval shall be filed with the Department and the Fire Department prior to the issuance of any occupancy permit under the provisions of the building code.

Article VIII. Water Wells

13.04.660 Sacramento County water well regulations apply within city limits.

13.04.670 Permit required; exception.

13.04.680 Prohibition of water wells within a certain portion of the City of Sacramento.

13.04.660 Sacramento County water well regulations apply within city limits.

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The provisions of Chapter 6.28 of the Sacramento County Code shall apply within the limits of the City of Sacramento, except as provided otherwise herein.

13.04.670 Permit required; exception.

It shall be unlawful for any person, firm or corporation, whether as principal, servant, agent or employee, to dig, drill, bore, drive, deepen, modify, repair, reconstruct, inactivate, destroy or abandon any well, whether the well is used for domestic purposes, industrial purposes, irrigation, air conditioning, disposal, exploration, monitoring or cathodic protection, or to install, repair or replace a well pump or pumps, without first having obtained a permit to do so from the Sacramento County environmental management department as provided in Section 6.28.030 of the Sacramento County Code; provided, however, that no such permit shall be required for any actions taken by or on behalf of the City of Sacramento with regard to any well or pump that is owned or operated by or on behalf of the City for domestic or industrial purposes or for irrigation.

13.04.680 Prohibition of water wells within a certain portion of the City of Sacramento.

- A. **Purpose.** Certain chemicals have been found in the ground water at and immediately west of McClellan Air Force Base in Sacramento City and County. These chemicals may constitute a hazard to the health, safety and well being of the residents of the City of Sacramento. The United States Government, without admitting any liability, has recognized the need to take corrective measures. To date there are insufficient data to indicate the existence of a hazard to health, safety and well being from the use of wells for industrial and irrigation purposes only.

Pursuant to a comprehensive and long range plan, the United States Government has installed certain monitoring wells and certain extraction wells at appropriate places on and west of McClellan Air Force Base. This ground water monitoring and extraction/treatment program will benefit the residents of the area hereinafter described. The pumping of water from the water wells west and southwest of McClellan Air Force Base impairs the ability of the United States Government to adequately monitor and contain the spread of the aforesaid chemicals. The prohibitions and requirements set forth in this section provide effective control over potential points of human exposure to possibility of ground water contamination. Therefore, it is necessary to the health, safety and well being of the residents of the City

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of Sacramento that the City Council enact the prohibitions and requirements set forth in this section.

B. **Definitions.** The following definitions shall apply for purposes of this section:

"Public agency" means any public agency of the state including, but not limited to, cities, counties, districts, agencies and authorities.

"Water Purveyor" means a public agency authorized by law to provide water for domestic or irrigation purposes to the general public.

"Domestic" means all residential uses of water, except industrial, irrigation and agricultural.

"Irrigation" means all uses of water for irrigating food and forage crops and ornamental vegetation and watering of farm animals.

C. **Prohibition area.** This section shall apply to, and the term "prohibition area" as used in this section shall mean, that portion of the city from McClellan Air Force Base west along Ascot Avenue, south on Dry Creek Road, southeast along Marysville Boulevard, east on Bell Avenue, then south on Raley Boulevard to Interstate 80 and east to McClellan.

D. **New wells prohibited.** From and after such time as water from the City of Sacramento is made available for domestic, industrial, and irrigation purposes within the prohibition area no permit shall be issued for and no person shall dig or drill a new water well within the prohibition area.

E. **Closure of existing water wells.** Within ninety (90) days following such time as both (1) water for domestic, industrial, and irrigation purposes is made available by the city to a property within the prohibition area and (2) the United States Government tenders to the city on behalf of the owner of the property an amount of money equal to the total cost of connection to the public water main and closure of any existing water wells, whichever is later in time, the owner of such property shall do one of the following:

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- (1) Abandon all such water wells on the property in accordance with regulations established by the Sacramento County Environmental Management Department.
- (2) If the owner of such property elects not to close the water well, such owner shall cause the well to be severed from any buildings so that the water from such well may not be used for domestic purposes and shall further cause to be installed such back flow prevention devices as may be required by the appropriate health authorities. In such cases no person shall thereafter use the water from such well for domestic purposes and no person shall thereafter allow or cause such a well to be connected to any building so that water could be drawn from such well for domestic purposes.
- (3) In the event the owner of such property elects not to close the water well as set forth in subsection (2), above, the owner shall thereafter be responsible for all costs, including, but not limited to, maintenance, repair, replacement, improvement and testing of any required back flow prevention devices and for all costs required for testing or monitoring the well, it being the expressed intent that the offer of the United States Government to pay any costs is a one time only offer and all continuing costs and costs thereafter arising are the responsibility of the property owner and not the United States Government.

- F. **Availability of water.** For purposes of this section, water for domestic and irrigation purposes shall be deemed available to a property if a public water main has been installed in the public right of way nearest the property and the water main is usable.
- G. **Cost of connection and closure.** The cost of connection to a public water main and the cost of closure of an existing well shall include all labor, material and engineering cost necessary to accomplish the same together with all fee and permit costs. In addition, the cost of connection to a public water main shall include the cost of a water line of sufficient size to provide an adequate water supply to the property for domestic, and if applicable, industrial and irrigation purposes. It is intended that the cost of all work necessary to accomplish the connection and, if appropriate, well closure

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shall be borne by the United States Government and such work shall be accomplished without cost to the property owners. It is further intended that no property owner be required to have a connection that provides a lesser quantity of water, measured on a monthly basis, than an existing facility. To these ends, the Department shall determine the cost and sufficiency of service size in accordance with Department procedures. All work shall be accomplished by the department or its licensed contractor(s).

H. **Exemptions.** This section shall not apply to monitoring or testing wells operated by the United States Government or a public agency.

Article IX. Department of Utilities

13.04.690 Established.

13.04.700 Director.

13.04.710 Payment over of moneys; disbursements and expenditures.

13.04.690 Established.

There is hereby created a Department of Utilities that shall be in charge of the construction, management, supervision, maintenance, extension, operation and control of all water supply and distribution to the City and its inhabitants. The Department also shall be in charge of the construction, management, supervision, maintenance, extension, operation and control of the City's sewer and drainage systems.

13.04.700 Director.

There shall be a Director of the Department appointed by the City Manager.

13.04.710 Payment over of moneys; disbursements and expenditures.

Receipts from the Department shall be paid into the City treasury and maintained in a separate water fund. Appropriations from such fund shall be made for the following fund purposes, in the order named:

A. For the payment of all operating expenses.

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- B. For the pension charges and proportionate payments to such compensation and other insurance and accident reserve funds as the City Council may establish.
- C. For repairs and maintenance.
- D. For depreciation.
- E. For payment of interest and sinking funds on the bonds issued for acquisition, construction or extensions.
- F. For extensions and improvements.
- G. For the payment into the general fund of the City of any duly approved general tax on the water fund.
- H. For a surplus fund.
- I. For such other purposes as may be found necessary in connection with the furnishing of an adequate and suitable water supply for the City.

Article X. Rates and Charges.

- 13.04.720 Establishment of rates, charges and fees by resolution.**
- 13.04.730 Liability for charges.**
- 13.04.740 Customers outside City limits.**
- 13.04.750 Collection of fees and charges.**
- 13.04.760 Additional charges.**
- 13.04.770 Collection of water service charges with charges for other utility services--generally.**
- 13.04.780 Collection of water service charges with charges for other utility services--nonpayment of bill.**
- 13.04.790 Service connection installation fee.**
- 13.04.800 Fee for restoration of water service.**
- 13.04.810 Vacancy credit.**
- 13.04.820 Water system development fee.**

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13.04.720 Establishment of rates, charges and fees by resolution.

Notwithstanding any provision of this chapter or any other provision of this code to the contrary, the rates, charges and fees established or provided for in this Article shall be established from time to time by resolution of the City Council.

13.04.730 Liability for charges.

Each customer receiving water service from the City shall be liable for the rates, charges and fees for that service (on either a flat rate or metered rate basis), as established by resolution of the City Council.

13.04.740 Customers outside City limits.

Rates for customers outside the City limits shall be one and one-half times the rates prescribed for customers inside City limits. Customers outside City limits shall deposit with the Revenue Manager an amount sufficient to pay estimated service charges for a six (6) month period, unless this requirement is waived, in whole or in part, by the Director. Notwithstanding the above provisions, whenever the City acquires a water system serving customers both inside and outside the City limits, the rates prescribed for customers served by that system outside the City limits shall comply with any order or condition of the State Public Utilities Commission that the City may accept as a condition to acquisition of the system.

13.04.750 Collection of fees and charges.

Except as otherwise provided herein, the fees and charges for water service shall be billed and collected in accordance with the provisions of Chapter 13.12 of this code.

13.04.760 Additional charges.

The Director may cause to be accomplished any extra work or service that the Director deems reasonably necessary to provide water service to a property within the water service area in a manner that maintains the safety of the City's water supply. The Director shall cause the cost thereof to be added to the regular billing for such water service and to be collected in the same manner as other utility service charges are collected pursuant to Chapter 13.12 of this code.

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13.04.770 Collection of water service charges with charges for other utility services--generally.

The charges imposed for water service to a customer by this Chapter shall be collected together with the charges for any other utility service rendered to the customer by the City. Such water service charges shall be billed upon the same bill and collected as one item with such other utility service charges, unless other arrangements are approved by the Director.

13.04.780 Collection of water service charges with charges for other utility services--nonpayment of bill.

If all or part of the bill is not paid, the Revenue Manager shall order the discontinuance of any and all utility services for which the bill is rendered, including but not limited to water service. Before any service is discontinued, the revenue manager shall follow the procedures for notice and opportunity for hearing contained in Chapter 13.12 of the this code.

13.04.790 Service connection installation fee.

The service connection installation fee for connection to a public water main shall be determined by reference to a schedule of rates established from time to time by resolution of the City Council, and shall be paid in advance.

13.04.800 Fee for restoration of water service.

In the event that water service to any premises is discontinued for nonpayment, the water shall not again be turned on until the amount due and a fee established by resolution of the City Council to cover the cost of making a service call to turn on the water are paid in full.

In the event that any person turns on water service or allows or causes it to be turned on after it has been turned off by the City for nonpayment of the utility services bill or for other reasons, the Revenue Manager may turn off the water service and may charge and collect a fee established by resolution of the City Council each time this occurs, in addition to other amounts due, before water service is restored.

13.04.810 Vacancy Credit.

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If a customer desires to discontinue water service because the building(s) on the parcel receiving water service are vacant, and the water service does not supply other building(s) and/or parcels that currently are occupied, a credit for non-use of water and sewer service shall be granted upon satisfaction of all of the following conditions:

- A. Submittal of a written request to the Revenue Division.
- B. Payment of a service fee established by resolution of the City Council.
- C. Payment of the current utility bill in full.
- D. The water service is turned off by Department personnel.

No credit shall be allowed or provided for non-use of an irrigation service or fire service connection.

13.04.820 Water system development fee.

- A. **General.** Every lot or parcel not connected to the City water distribution system prior to January 1, 1980, shall be subject to a water system development fee established to recover the capital costs of the City's existing and/or new water diversion, treatment, storage and distribution facilities. No water service shall be furnished to the lot or parcel unless this fee has been paid. This requirement shall not apply to the extent that the fee established by this section, or the equivalent thereof, has been previously paid by the owner of such lot or parcel, or a predecessor of such owner, or if the lot or parcel meets the qualifications for an infill site as established by City Council resolution. Payment of this fee shall be in addition to payment of all other applicable fees and charges.
- B. **Amount of water system development fee.** The fee established by this section shall be determined by reference to a schedule of fees adopted from time to time by resolution of the City Council, subject to annual adjustment made by the Director as provided in subsection C.
- C. **Annual adjustment.** In January of each year, the Director shall determine whether the water system development fee schedule then in effect shall be adjusted to compensate for an increase in construction costs that has

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occurred since the previous adjustment. This determination shall be made by applying the following methodology:

- (1) The Director shall first calculate the "current construction cost index," that shall be the average of (i) the average construction cost index for 20 U.S. Cities published in the appropriate January issue of "Engineering News Record" (ENR) magazine, and (ii) the construction cost index for San Francisco published in the same issue of ENR magazine.
 - (2) The Director shall then calculate the "fee adjustment factor," by dividing the current construction cost index calculated pursuant to subsection (1), above, by the construction cost index that was calculated in January of the last year in which the water system development fee schedule was changed.
 - (3) If the fee adjustment factor calculated pursuant to subsection (2), above, is 1 or less, the water system development fee schedule then in effect shall remain unchanged. If the fee adjustment factor calculated pursuant to subsection (2), above, is greater than 1, the Director shall adjust the water system development fee schedule then in effect by multiplying each of the fees therein by the fee adjustment factor. If the water system development fee schedule is adjusted as provided herein, the adjusted water system development fee schedule shall become effective on July 1st following the January when the fee adjustment factor is calculated pursuant to subsections (1) and (2), above.
- D. **Replacement services.** If an existing water service or meter is replaced by one of a larger size at the owner's request, the water system development fee shall be equal to the difference between the current fee for the existing service size and the current fee for the replacement service size.
- E. **Fire protection services.** If a service can be used only for fire protection, the water system development fee shall not apply.
- F. **Credit for major facilities.** Nothing in this ordinance shall prohibit the City Council from authorizing appropriate credit toward water system

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development fees for property owners who were assessed or in some manner paid all or a portion of the cost of major water diversion, treatment, storage and/or distribution facilities.

- G. **Appeal.** There is established a water system development fee determination board. The board's membership shall consist of the Director and the Building Official, or their respective designees. Any person aggrieved by the determination of the water system development fee for property owned by such person may file a written appeal with the Building Official. The appeal shall be reviewed by the board, and notice of the determination of the board shall be given to the property owner. In the event the appeal is granted, an appropriate refund shall be made, based on the recalculated development fee.

In the event that an appeal is not granted, notice shall be given to the property owner that shall briefly specify the reason for the decision of the board. Any property owner who receives such notice and who desires to have the appeal reconsidered by the board may apply for a hearing by filing a written application with the Building Official not later than fifteen (15) calendar days following the property owner's receipt of the notice that the written appeal was denied. The board shall, not later than thirty (30) calendar days after application for a hearing, schedule a hearing upon ten (10) days written notice to the property owner. The property owner or his or her representative may present at the hearing any evidence relevant to the appeal. The board shall reevaluate the appeal. In considering the appeal, the board may obtain an inspection report from the Department. Written notice of the board's action shall be given to the property owner and the order of the board shall be final.

Article XI. Water Conservation.

- 13.04.830 **Legislative Intent.**
- 13.04.840 **Substandard water fixtures prohibited.**
- 13.04.850 **Water runoff prohibited.**
- 13.04.860 **Outdoor conservation of water.**
- 13.04.870 **Time limit for sprinkling.**
- 13.04.880 **Violation and penalties.**
- 13.04.890 **Water waste appeals board.**

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13.04.900 Fire and other emergencies.

13.04.910 Consent of Director.

13.04.920 City exempt.

13.04.830 Legislative Intent. . .

The City Council finds and determines:

- A. That all municipal purveyors of water should encourage water conservation and prohibit certain domestic water uses inconsistent with water and energy conservation.
- B. That maximum water demands are during the summer months with domestic irrigation demands exceeding all other demands.
- C. That all water waste flows collected by the City's sanitary and combined sewerage systems require treatment and pumping prior to returning to the Sacramento River.
- D. That with increasing costs for personnel, electrical energy, equipment and chemicals, it is desirable to reduce water waste.

13.04.840 Substandard water fixtures prohibited.

It shall be an infraction for any person to cause or allow any water received by such person to be wasted due to leaky or faulty water fixtures or water using or distributing devices, that are connected to the City water distribution system, unless such person shall have first obtained the consent of the Director to do so.

13.04.850 Water runoff prohibited.

It shall be an infraction for any person to knowingly or willingly cause or allow any water delivered by the City water system and received by such person to become water waste runoff and to flow away from property owned or occupied by such person in any gutter, ditch or other manner over the surface of the ground.

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Water waste runoff shall mean water flowing away from property caused by excessive application(s) of water delivered by the City water system beyond reasonable or practical flow rates, water volumes or duration of application.

13.04.860 Outdoor conservation of water.

The following regulations shall apply to all water delivered by the City water system. In the event that any person violates the provisions of this section, the penalties specified in Section 13.04.880 shall apply.

- A. No person shall use, or cause to be used, any water for the purpose of washing down sidewalks, driveways, or parking areas except to alleviate immediate fire or sanitation hazards, unless prior written consent of the Director has been obtained pursuant to Section 13.04.910.
- B. Landscape irrigation shall be prohibited between the hours of 12 noon and 6:00 p.m. from the last Sunday in April to the last Sunday in October.
- C. Unless prior written consent of the Director has been obtained pursuant to Section 13.04.910, residential and commercial locations bearing a street address ending in an odd number shall be permitted to irrigate only on Tuesday, Thursday, and Saturday and locations bearing a street address ending in an even number shall be permitted to irrigate only on Wednesday, Friday and Sunday. There shall be no water irrigation on Mondays.

13.04.870 Time limit for sprinkling.

No person shall use, or cause to be used, any City water for the purpose of irrigation or the sprinkling of lawns through an automatic sprinkler for a period exceeding thirty (30) minutes or through a hose for a period exceeding two and one-half (2.5) hours during each calendar day.

13.04.880 Violation and penalties.

In the event any person shall violate any provisions of Sections 13.04.840 through 13.04.870, inclusive, the following shall apply:

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- A. For the first violation, the person who committed the violation shall be issued a written notice stating the type of violation.
- B. For the second violation, the person who committed the violation shall be issued another written notice stating the type of violation, and the property owner, if different than the person who committed the violation, shall be issued a written notice.
- C. For the third violation, the person who committed the violation and the property owner, if different than the person who committed the violation, shall be issued a written notice. For the third violation, the subject property water rates shall be increased to five (5) times the normal monthly rates for the duration of the summer period from the time of third violation to September 15, and then said water rates shall return to their regular schedule.
- D. For the fourth violation, the person who committed the violation shall be issued a written notice stating the type of violation, and the property owner, if different than the person who committed the violation, shall be issued a written notice. For the fourth violation, the regular water rates shall be permanently billed at five (5) times the normal monthly rates, as long as the same property owner is recorded on the tax rolls. In the event of a new property ownership or occupancy, the subject water rates may revert to the regular rate schedule upon review and approval by the water waste appeals board.

The foregoing provisions are cumulative and in addition to any other remedies or penalties authorized or imposed under any other provision of this code or other applicable law or regulation.

13.04.890 Water waste appeals board.

- A. Any person may appeal a notice of violation issued under section 13.04.880 to the water waste appeals board for review and final determination by filing a written notice of appeal with the Director not later than fifteen (15) days after the notice of violation is issued.

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- B. The water waste appeals board shall be composed of two members, one of whom shall be from the Department of Administrative Services and one shall be from the Department. The membership of the board shall be appointed by and shall serve at the pleasure of the City Manager.
- C. Appeals shall be considered and determined in accordance with regulations promulgated by the City Manager.

13.04.900 Fire and other emergencies.

Nothing in this Article shall be construed to apply to use of water for purposes of extinguishing fire or any other similar emergency.

13.04.910 Consent of Director.

Whenever in this Article a person is authorized to obtain the consent of the Director to do an act otherwise prohibited, the Director shall give such consent only where the Director determines:

- A. There is no practical alternative manner in which the person may accomplish the desired result; and,
- B. The desired result is of substantial importance when compared with the importance of conserving water resources and energy as set forth in this chapter.

13.04.920 City exempt.

The City of Sacramento, its officers, employees, and agents, when acting in the course and scope of their employment, shall be exempt from the provisions of this Article; provided, however, the City Manager shall make such rules and regulations as may be necessary in order for the City to conserve water resources and energy to the greatest extent practicable.

DATE PASSED FOR PUBLICATION:
DATE ENACTED:
DATE EFFECTIVE:

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DATE ADOPTED: AUG 28 2001

Heather Fargo
MAYOR

ATTEST:

Maria A. Burrows
CITY CLERK

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