

# ORDINANCE NO. 84-031

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

APR 17 1984

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTERS 19, 36, 47 AND 64 OF THE SACRAMENTO CITY CODE, RELATING TO UTILITY SERVICES CHARGES AND DISCONTINUANCE OF SERVICE ON ACCOUNT OF DELINQUENCY

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

## SECTION 1.

Division 5 of Article I of Chapter 64 is hereby amended to read as follows:

### Sec. 64.140 Utility services division created.

There is hereby created a division in the department of finance to be known as the utility services division, under the supervision of the utility services supervisor, which division shall be charged with the powers and duties to handle requests for starts and stops of sewer, water, and residential waste removal services; reconcile disputed bills; handle public inquiries about service and bills; collect delinquent accounts; conduct field investigations for vacancies and setting of rates; maintain a master billing file, and such other powers and duties as are imposed by any law of the state, by the provisions of the charter of the city, by the provisions of this code and other ordinances of the city or by direction of the city manager. The remedies set forth in this Code for collecting and enforcing charges for utility services provided by the city are cumulative and may be pursued alternately, consecutively, or concurrently.

### Sec. 64.141 Billing for domestic utility services.

Notwithstanding any provision in this code to the contrary, fees and charges for all city domestic utility services provided for in this code (water, sewer, regional sewer, garbage and garden refuse) shall be billed on one bill in one total amount to the owner of the property to which such utility services were rendered. For purposes of this section, owner shall mean the person to which the property was assessed in the last equalized assessment roll of the County of Sacramento unless the utility services supervisor shall have the knowledge of the name of a person other than assessee claiming record ownership of such parcel of real property. "Domestic utility services" shall mean utility services to single or multiple dwelling units.

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Sec. 64.142 Discontinuance of utility services for nonpayment of charges.

If any person shall fail or refuse to pay all or part of the lawful charges, including both delinquent and current charges, for any municipal utility services, the water service and other services to the premises, regardless of tenancy, shall be discontinued in accordance with the procedures set forth in this Division.

Sec. 64.143 Discontinuance of utility services for nonpayment of charges -- requirement of advance notice.

Prior to the discontinuance of any utility service for nonpayment of the bill, or nonpayment of a portion thereof, the utility services supervisor shall cause a written notice that water services and other utility services will be discontinued for nonpayment of charges and notice of an opportunity for a hearing with the utility services supervisor or his designee to present objections to the outstanding bill and to protest the proposed termination of utility services as unjustified to be mailed postage prepaid to the persons specified in Section 64.144. The deadline for requesting a hearing shall be no less than 10 days after the date of mailing the notice.

Sec. 64.144 Discontinuance of utility services for nonpayment of charges -- to whom notice shall be sent.

If the bill is one for commercial utility services, the notice required by Section 64.143 shall be sent to the customer at the address of the property to which the services were rendered or at such other address as the customer may have given, in writing, to the utility services supervisor.

If the bill is one for domestic utility services, the notice required by Section 64.143 shall be sent to the owner of the property to which such utility services were rendered (as defined in Section 64.141) and, if the address of the owner is not the address of the property to which such utility services were rendered, notice also shall be sent to the address of the property to which such utility services were rendered, addressed to "Occupant".

Sec. 64.145 Discontinuance of utility services for nonpayment of charges -- contents of notice.

The notice required by Section 64.143 shall be substantially in the following form:

SERVICE ADDRESS: \_\_\_\_\_

NOTICE: The utility services bill for the above referenced service address is delinquent. Pursuant

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to Section 64.142 of the Sacramento City Code, THE CITY WILL SHUT OFF YOUR WATER SERVICE AND OTHER SERVICE TO \_\_\_\_\_ unless delinquent and current charges of \$ \_\_\_\_\_ (including penalties) are paid in full on or before \_\_\_\_\_.

YOU HAVE THE RIGHT TO A HEARING BEFORE the service is shut off. If you wish to present objections to the outstanding bill or to protest the proposed termination of utility services as unjustified, YOU MUST REQUEST A HEARING DATE NO LATER THAN \_\_\_\_\_, 19 \_\_, at \_\_\_\_\_ p.m. TO REQUEST A HEARING CALL 449-\_\_\_\_\_ OR GO IN PERSON TO CITY HALL, 915 I STREET, ROOM \_\_\_\_\_, SACRAMENTO, BETWEEN THE HOURS OF \_\_\_\_\_ a.m. and \_\_\_\_\_ p.m. MONDAY through FRIDAY.

The hearing will be informal and will be held before an employee of the City of Sacramento who is authorized to review disputed bills and correct any errors.

IF YOU ARE A TENANT OF RESIDENTIAL PREMISES AND IF YOU REQUEST AND ATTEND A HEARING YOU MAY REQUEST THAT THE SERVICE SHUT OFF BE DELAYED AN ADDITIONAL FIFTEEN CALENDAR DAYS.

If your water service is shut off, there will be a \$ \_\_\_\_\_ charge for reconnection after payment of the delinquent bill.

Section 64.149 of the Sacramento City Code provides that utility services shall not be discontinued at premises occupied by senior citizens of limited income or disabled persons of limited income. To take advantage of this provision you must request a hearing.

If you have any questions about this notice or the procedures for obtaining a hearing prior to the water service shut-off, call 449-\_\_\_\_\_ or go to City Hall, Room \_\_\_\_\_, between the hours of \_\_\_\_\_ a. m. and \_\_\_\_\_ p.m. week days.

Sec. 64.146 Hearing -- Procedure.

Upon receipt of a request for hearing, a hearing shall be scheduled not later than ten days from the date of the request. The hearing shall be conducted in an informal manner by an employee of the city who shall have been designated by resolution of the

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city council to conduct such a hearing and who shall be authorized by the resolution to review disputed bills and to correct any errors. At the hearing evidence may be presented and shall be considered bearing on whether the correct amount has been charged for the service which has been rendered and whether such amount has been paid or is delinquent. At the conclusion of the hearing, the person conducting the hearing shall make a decision based upon the evidence and shall have the authority to adjust the amount due in a fair and equitable manner. The person conducting the hearing shall also have the authority to delay the date of utility service discontinuance under 64.147 by up to 15 additional calendar days if the premises served is a dwelling and if a tenant of the premises requests such a delay at the hearing. The decision of the person conducting the hearing shall be final and conclusive.

Sec. 64.147 Water and other utility services discontinued when.

If a hearing is not timely requested, or if a hearing has been requested and the person requesting the hearing fails to appear for it or have it continued, the city shall have the right to discontinue water service and other utility services.

If a hearing shall have been requested and conducted and the person in charge of conducting the hearing shall have determined the amount to be due thereafter, and the amount determined to be due is not paid in full within fifteen calendar days of the date of mailing of such decision, (or within thirty calendar days if a delay was authorized pursuant to Section 64.146), the city shall have the right to discontinue water service and other utility services.

Sec. 64.148 Final notice of discontinuance of utility service.

No less than seventy-two (72) hours prior to scheduled discontinuance of water service or other utility services, a final notice shall be mailed postage prepaid to those persons entitled to notice under Section 64.144, and a copy of the final notice shall be posted on the premises where service is to be discontinued. The final notice shall be in substantially the following form:

WATER SERVICE (and other utility services) TO THE PREMISES LOCATED AT \_\_\_\_\_, SACRAMENTO, CALIFORNIA will be shut off for non payment of delinquent utility services charges on or after \_\_\_\_\_, 198\_.

FOR MORE INFORMATION, contact \_\_\_\_\_ at 449-\_\_\_\_\_ or go to City Hall, Room \_\_\_\_\_ between the hours of \_\_\_\_\_ a.m. and \_\_\_\_\_ p.m. Monday through Friday.

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Sec. 64.149 Domestic utility services not to be discontinued  
--certain circumstances.

No domestic utility service shall be discontinued on account of a delinquent domestic utilities services bill if it is demonstrated at a hearing provided under this Division that the occupant of the premises meets the qualifications set forth in Section 41.62(a)(1) through 41.62(a)(4) of this Code relating to refund of the utility users tax.

SECTION 2.

Section 47.7 of the Sacramento City Code is hereby amended to read as follows:

Sec. 47.7 Reconnection of water.

In no case shall the water be restored to any premises when shut off as provided in this chapter, unless the pipe leading thereto is directly connected with the city mains and unconnected with any other service pipe leading to any other premises, and except on payment of all arrearages and the additional amount covering costs for shutting off and letting on the water.

SECTION 3.

Section 47.305 of the Sacramento City Code is hereby amended to read as follows:

Sec. 47.305 Same -- when due.

(a) Domestic service. All bills for domestic service shall become due and payable on the date of presentation and shall become delinquent if unpaid by fifteen (15) days after the close of the billing period for which the bill was rendered, as shown on the utility bill. In the event any bill becomes delinquent, a penalty of fifty percent (50%) shall be added thereto.

(b) Commerical service.

(1) Flat rate accounts. All bills for flat rate commercial service shall become due and payable on the date of presentation and shall become delinquent if unpaid by fifteen (15) days after the close of the billing period for which the bill was rendered, as shown on the utility bill. In the event any bill becomes delinquent, a penalty of fifty percent (50%) shall be added thereto.

(2) Metered accounts. All bills for commercial meter service shall become due and payable on the date of presentation and shall become delinquent if unpaid by fifteen (15) days after the close of the billing period for which the bill was rendered, as shown on the utility bill. In the event any bill becomes delinquent, a penalty of fifty percent (50%) shall be added thereto.

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SECTION 4.

Section 47.306 of the Sacramento City Code is hereby amended to read as follows:

Sec. 47.306 Collection of water service charges with charges for other utility services -- Generally.

The water service charges imposed by this article shall be collected together with the charges for any other utility service rendered to the property 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.

SECTION 5.

Section 47.307 of the Sacramento City Code is hereby amended to read as follows:

Sec. 47.307 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 utility services supervisor shall order the discontinuance of any and all utility services for which the bill is rendered, including but not limited to the water service. Before any service is discontinued, the utility services supervisor shall follow the procedures for notice and opportunity for hearing contained in Division 5 of Article I of Chapter 64 of the Sacramento City Code.

SECTION 6.

Section 47.315 of the Sacramento City Code is hereby amended to read as follows:

Sec. 47.315 Adjustment of bills.

The utility services supervisor may adjust and grant rebates from the rates provided herein in the event of any dispute as to a charge to a customer. The decision of the utility services supervisor in respect thereto shall be final and conclusive on all parties.

Section 7.

Section 47.317 of the Sacramento City Code is hereby amended to read as follows:

Sec. 47.317 Fee for restoration of water service.

In the event that water service to any premises is discontinued pursuant to Section 47.307, the water shall not again be turned on until the amount due is paid in full, plus a fee established by resolution of the City Council to cover the cost of making a service call to turn on the water.

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 for non-payment of the utility services bill or other reasons, the utility services supervisor may turn off the water service, and may charge and collect a fee established by resolution of the City Council for each time this occurs, in addition to other amounts due, before water service is restored.

SECTION 8.

Section 36.560 of the Sacramento City City Code is hereby amended to read as follows:

Sec. 36.560 When charges due.

Flat rate accounts shall be billed periodically at approximately sixty-day intervals. All flat rate accounts shall be billed in advance for one-half the billing period.

Metered accounts shall be billed periodically at approximately sixty-day intervals.

(a) Domestic Service. All bills for domestic service shall become due and payable on the date of presentation and shall become delinquent if unpaid by the close of the billing period for which the bill was rendered, as shown on the utility bill. In the event any bill becomes delinquent, a penalty of fifty percent (50%) shall be added thereto.

(b) Commercial Service.

(1) Flat rates accounts. All bills for commercial meter service shall become due and payable on the date of presentation, and shall become delinquent if unpaid by the close of the billing period for which the bill was rendered, as shown on the utility bill. In the event any bill becomes delinquent, a penalty of fifty percent (50%) shall be added thereto.

(2) Metered accounts. All bills for commercial meter service shall become due and payable on the date of presentation, and shall become delinquent fifteen (15) days thereafter. In the event any bill becomes delinquent, a penalty of fifty percent (50%) shall be added thereto.

SECTION 9.

Sections 36.561 and 36.562 are hereby added to the Sacramento City Code to read as follows:

Sec. 36.561 Collection of charges with charges for other utility services -- Generally.

The charges imposed by this article shall be collected together with the charges for any other utility services rendered to the

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property by the city. Such charges shall be billed upon the same bill and collected as one item with such other utility service charges.

Sec. 36.562 Collection of charges with charges for other utility services -- Nonpayment of bill.

If all or part of the bill is not paid, the utility services supervisor shall order the discontinuance of any and all utility services for which the bill is rendered, including but not limited to the water service. Before any service is discontinued, the utility services supervisor shall follow the procedures for notice and opportunity for hearing contained in Division 5 of Article I of Chapter 64 of the Sacramento City Code.

SECTION 10.

Section 36.563-1 is hereby added to the Sacramento City Code to read as follows:

Sec. 36.563-1 Lien recorded -- procedure.

(a) Notwithstanding any provision in this code to the contrary, any service charges imposed pursuant to this chapter which have become delinquent shall be subject to having the lien provided for in section 36.563 recorded with the County Recorder of the County of Sacramento pursuant to the procedure provided in this section.

(b) Prior to the recordation of a lien for delinquent charges, the utility services supervisor shall cause the notice of an opportunity for hearing on the delinquent charges to be mailed to the owner. Such notice shall be mailed postage prepaid. For purposes of this section, "owner" means the person to which the property was assessed in the last equalized assessment roll of the County of Sacramento unless the utility services supervisor has knowledge of the name of a person other than such assessee claiming record ownership of the property. If the owner desires a hearing thereon, he shall request such a hearing by notifying the utility services supervisor thereof in writing within ten (10) days after the date shown on the notice. Any such hearing shall be set not earlier than ten (1) days after receipt of the owner's request. The hearing shall be held before the director of finance or such other person, including the utility services supervisor, as he may designate. The decision of such person shall be final and conclusive.

(c) At the expiration of the time within which to request a hearing, or upon a decision adverse to the owner after hearing, the utility services supervisor shall cause such lien to be recorded with the Sacramento County Recorder in the form and manner prescribed by law. Thereafter, such lien shall not be released by the utility services supervisor unless and until it is fully and completely paid.

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(d) The director of finance is hereby authorized to determine the amount of delinquency which will subject an individual lien to the recording procedures of this section; provided, however, that all liens resulting from delinquencies in excess of \$5,000 shall be subject to the procedures of this section.

SECTION 11.

Section 36.801 of the Sacramento City Code is hereby amended to read as follows:

Sec. 36.801 Appeals -- Generally.

Any person adversely and directly affected by any determination made by the superintendent or the utility services supervisor pursuant to the provisions of this chapter may appeal said determination to the city council; provided, however, that this Article shall not apply to determinations made pursuant to the hearing procedure contained in Division 5 of Article I of Chapter 64 of the Sacramento City Code.

SECTION 12.

Section 19.111 of the Sacramento City Code is hereby amended to read as follows:

Sec. 19.111 Same -- Collection of fees with charges for other utility services; discontinuance for nonpayment.

The fees for garbage collection service shall be charged by placing such fee to be designated as "garbage collection service" on the bi-monthly municipal service bills and shall be collected together with the charges for any other utility service rendered to the property by the City as one item. The fees shall be payable at the same time and place and in the same manner and shall be subject to the same penalty for delinquency as is presently in effect for city water and sewer services. When garbage service is stopped at the request of an occupant or owner upon the vacation of the premises, the closing bill rendered shall be due and payable by the occupant or owner when billed. If all or part of the bill is not paid, the utility services supervisor shall order the discontinuance of any and all utility services for which the bill is rendered, including but not limited to the water service. Before any service is discontinued, the utility services supervisor shall follow the procedures for notice and opportunity for hearing contained in Division 5 of Article I of Chapter 64 of the Sacramento City Code.

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*Anne Reider*  
MAYOR

ATTEST:

*Lauraine Mozano*  
CITY CLERK

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