

ORDINANCE NO. 90-038

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF JUL 17 1990

**AN ORDINANCE REPEALING ORDINANCE NO. 90-033, AND REPEALING
AND REENACTING CHAPTER 47 OF THE CITY CODE, RELATING TO WATER,
AND DECLARING THIS ORDINANCE TO BE AN EMERGENCY MEASURE
TO TAKE EFFECT IMMEDIATELY.**

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

Section 1

Ordinance No. 90-033, enacted on June 19, 1990, and not yet in effect, is hereby repealed.

Section 2

Chapter 47 of the City Code is hereby repealed and reenacted to read as follows:

FOR CITY CLERK USE ONLY

ORDINANCE NO.: 90-038
DATE ADOPTED: JUL 17 1990

CHAPTER 47
WATER
Article I. In General

§ 47.1 Description of Services: City Council to Make Rules and Regulations.

The Division of Water, Public Works Department, of the City of Sacramento will furnish safe and potable water meeting the standards of the California Management and Safety Code. Services installed by the division will be classified as follows:

1. Residential
2. Commercial (Industrial)
 - a. Flat rate
 - b. Metered (Ord. No. 2175, §1)

Rules and regulations for the supply and use of water shall, be fixed from time to time by the city council upon recommendation of the city manager. (Ord. No. 530, §6)

§ 47.1-1 Water Service Area.

The area in which service is or will be furnished by the division is that area lying within the city limits as such limits now prevail or may from time to time exist, and those areas outside the city limits which have been approved for such service by the city council. (Ord. No. 2175, §1)

§ 47.1-2 Definitions.

Unless the context requires otherwise, whenever the words or terms defined in this section, or pronouns used in their stead, occur in this chapter they shall have the meanings here given:

1. **Air Conditioning Season:** The five-month period, May through September, inclusive.
2. **Air Conditioning System:** Any combination of equipment, whether compressor or other type, by which heat is removed from or added to the air, which maintains temperatures which 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.
3. **Applicant:** The owner, or the agent of the owner, of the property for which service is being requested.
4. **Capacity in Tons:** "Capacity in tons" shall be taken as follows:
 - a. Total maximum B.T.U. per hour of capacity of the installation divided by 12,000; or
 - b. The nameplate horsepower of any compressor prime mover unit for any air conditioning installation; or

- c. Two-thirds of the nameplate horsepower of b. above for any refrigeration installation.
5. **City:** The City of Sacramento, California.
 6. **City Council:** The City Council of the City of Sacramento, California.
 7. **City Limits:** The city limits of the City of Sacramento, California.
 8. **C.F.M.:** The rated capacity of an evaporative cooler in cubic feet per minute.
 9. **Commercial Service:** Provision of water to premises where the customer primarily is engaged in a business, trade, manufacturing or processing activity. The term "commercial service" includes hotels, motels, rest homes, schools, and all other services not hereinafter defined as "domestic service."
 10. **Cross-Connection:** Any connection between a pipe or other facility connected to any system other than the city water system.
 11. **Customer:** The owner or agent of the owner of the property receiving water service.
 12. **Date of Presentation:** The date on which a bill or notice is mailed or delivered personally to the customer.
 13. **Demand Charge:** A seasonable charge for water service for excess plant capacity and distribution facilities required by air conditioning systems which do not have conservation devices, and use water during periods of peak use.
 14. **Division:** The division of water of the City of Sacramento, California.
 15. **Domestic Service:** Provision of water for household residential and irrigation purposes to single-family and multiple-family dwelling units.
 16. **Flat-Rate Service:** Provision of water in unmeasured quantities for a fixed periodic charge.
 17. **Industrial Service:** The term "industrial service" as used in this ordinance is synonymous with the term "commercial service."
 18. **Irrigation Season:** For all flat rate service, this shall be taken as the six (6) month period, May through October inclusive.
 19. **Mains:** Distribution pipelines located in streets, highways, public ways or private rights-of-ways which are used to serve the general public.
 20. **Manager:** The manager of the division of water of the City of Sacramento, California.

21. **Metered Service:** Provision of water in measured quantities for a periodic charge based on the quantity delivered.
22. **Premises:** The integral property or area, including improvements thereon, to which water service is or will be provided.
23. **Refrigeration System:** An installation for maintaining, by heat removal, temperatures of less than sixty degrees Fahrenheit, and from which the accumulated heat is wholly or partially removed by the use of water.
24. **Revenue Division:** The division of the department of finance of the City of Sacramento responsible for customer records.
25. **Revenue Manager:** The supervisor manager of the revenue division of the department of finance of the City of Sacramento.
26. **Room:** An area with a minimum of fifty (50) square feet which is defined either by structure or by type of use.
27. **Service Connection:** The pipe, valves and other facilities by means of which water is conducted from the distribution main to the premises. Said service connection includes the tap to the distribution main and the meter in a metered service or the curb stop or shutoff valve in an unmetered service.
28. **Temporary Service:** Provision of water on an uninterrupted basis or for short periods of time.
29. **Water Conservation Device:** A cooling tower, spray pond, evaporative condenser, circulating pump or other equipment by which water is cooled and recirculated, thereby limiting the use of water to that amount lost through evaporation. (Ord. No. 3352, §2)

§ 47.1-3 Service Connections and Private Water Mains.

Private water mains three inches or larger serving two or more buildings or structures located on the same lot or not maintained by a public utility shall be constructed to meet the standards for construction of public water mains, as such standards are set forth in the standard specifications of the City of Sacramento, as such specifications now read or may hereafter be amended to read.

Each parcel shall have a separate water service and shall be valved with an approved corporation cock at the main. (Ord. No. 2175, §1; Ord No. 3136, §1)

§ 47.1-4 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 manager, is not detrimental to the city water system. The cost of such relocation shall be borne by the customer. Such cost shall be estimated by the manager and shall include general administration and overhead. The customer shall pay such estimated cost in full prior to the performance

of the work. Where a service connection is relocated for the convenience or protection of the city, such relocation will be at the expense of the city. (Ord. No. 2175, §1)

§ 47.1-5 Service Connections.

To be eligible for water service, the property to which service is to be extended must abut a dedicated public easement in which a city water main is constructed at a point immediately adjacent to the property. The manager may authorize the extension of service if the applicant for water service cannot dedicate a public easement in which an existing water main is constructed.

The manager may authorize water service for land locked parcels when approved by the Building Inspections Manager, provided recorded private easements are obtained by the owner. Private easements must abut a water main in a dedicated public easement or City right-of-way. Water service lines constructed in private easements are considered private. Maintenance and repairs of service lines installed in private easements are the owner's responsibility. The water meter and/or City point of service will be at the edge of the public right-of-way.

Except as provided herein, maximum sizes of service connections shall be determined by the manager. For single-family domestic service, the maximum size of service connections shall be one inch (1"). (Ord. No. 3749, §1)

§ 47.2 Water Discontinued for Repairs.

The supply of city water may be discontinued at any time without notice to water takers, when required by the necessities of the service of the division of water or of any other department of the city government, and the city shall in no way be liable for damage resulting from such discontinuance. (Ord. No. 555, §43)

§ 47.3 Application for Use of Water.

No person shall use any city water without first making application to the manager of the division of water to install a tap, or to turn on the water where tap is already installed. (Ord. No. 555, §30)

§ 47.4 Inspections.

It shall be unlawful for any person to interfere or seek to interfere with the inspection by the manager of the division of water, or the manager's authorized representative, 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. If consent is not secured, the manager shall take other steps to effect an inspection as provided by law. (Ord. No. 555, §31)

§ 47.5 Leaky Fixtures.

It shall be unlawful for any person to maintain or allow on his 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; and, the failure to repair or disconnect such faulty device within five days after being notified in writing to do so by the division of water shall be sufficient cause for the disconnection of city water from such premises by the

manager of the division of water until such repairs have been made, and after such disconnection, water shall be reconnected only in accordance with the provisions of section 47.7. (Ord. No. 555, §32)

§ 47.6 Fire Hydrant Use.

No person other than employees of the division of water, except members of the fire department, properly authorized, and persons authorized by the City Manager, or the manager's designee, shall open any fire hydrant or attach any hose, tubing or pipe thereto for any purpose, without first obtaining written permission from the manager of the division of water. Written permission shall be obtained on the city form titled fire hydrant use permit as on file in the administrative offices of the division of water. (Ord. 83-048, §1)

§ 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. (Ord. No. 555, §34; Ord. No. 84-031, §2)

§ 47.8 Refusing Entry to Manager.

If any person refuses to allow the manager of the division of water to enter the premises of such person for the purpose of disconnecting the service pipe of a delinquent water taker from the service pipe of such person, the manager of the division of water shall immediately cause the water to be shut off from the premises of the person so refusing, in the manner provided for shutting off water from a delinquent water taker, and such person shall thereafter, in all respects, be deemed and be treated as a delinquent water taker. (Ord. No. 555, §35)

§ 47.9 Repealed by Ord. No. 87-063, §1.

§ 47.10 Service Pipes.

It shall be unlawful for any person whose service pipe is, at the time of the passage of this chapter, attached directly or indirectly to the water mains of the city, to allow any person to attach any service pipe to his service pipe. (Ord. No. 555, §37)

§ 47.11 Use After Shut Off.

Whenever, from any cause, the manager of the division of water shall shut off any hydrant or pipe carrying or discharging water from the works of the city, 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 from the manager of the division of water of the city a permit or license therefore. (Ord. No. 555, §38)

§ 47.12 Repealed.

§ 47.13 Hydrants—Obstructing From Street Side.

It shall be unlawful for any person to blockade or obstruct any fire plugs of the city in such a manner that

it would be difficult or impossible to attach a fire engine hose thereto, or to place any such obstruction on the street within twenty feet of any such fireplug. (Ord. No. 256, 3rd Series, §1)

§ 47.14 Same—Violations and Penalties.

In the event any person shall violate any provision of Section 47.6 the following shall apply.

1. For each and every separate violation, the person who committed the violation shall be guilty of an infraction.
2. Any violation may require that an assumable deposit in cash of one hundred dollars (\$100) shall be paid to the division of water as a condition of issuance for each and every fire hydrant use permit requested by the person deemed responsible for the violations for a period of five (5) years beginning on the date of the first violation. Said deposit shall be held for at least one year, after which it will be refunded without interest if no further violations have occurred.
3. If a person shall commit more than three (3) violations the city may refuse to issue any further fire hydrant use permit. (Ord. 83-048, §1)

§ 47.15 Same—Leaving Open After Use.

It shall be unlawful for any person, whether authorized to open a fireplug or not, to leave the same open after having ceased to use it, or to leave the cap off the nozzle of such fireplug. (Ord. No. 256, 3rd Series, §3)

§ 47.16 Same—Placing Obstructions Upon.

No person shall place upon or about any fire hydrant, water gate, curbcock or stopcock connected with the city's water system any building material or other obstruction so as to prevent free access to the same at all times. (Ord. No. 555, §40)

§ 47.17 Reserved.

Article II. Division of Water

§ 47.18 to 47.22 Repealed by Ordinance No. 3352.

Article III. Rates and Charges

§ 47.23 to 47.36 Repealed by Ordinance No. 3352.

Article IV. Construction of Water Mains

Division 1. Subdivisions Within City Limits

§ 47.37 Application for Installation.

Any person requesting the furnishing of water service from the mains of the city for subdivisions in which distribution systems have not heretofore been placed shall apply to the manager of the division of water. Application shall be made on a form prescribed by the manager and shall contain plans and specifications for the proposed distribution system, which shall conform to the requirements of the manager as to size, type and quality of materials and location of mains. (Ord. No. 1202, §1)

§ 47.38 Certification of Approval of Installation.

If the manager of the division of water certifies in writing that the plans and specifications submitted conform to the requirements of the division of water, the applicant may cause the water distribution to be installed either by private contract or by the procedure prescribed by the Streets and Highways Code for special assessment proceedings. (Ord. No. 1202, §1)

§ 47.39 Inspection of Installation.

The manager of the division of water shall have the right to inspect all work performed and all work must be approved by the manager after inspection before the distribution system shall be connected to the water system of the city. (Ord. No. 1202, §1)

§ 47.40 Distribution System to Become Property of the City.

Upon connection of the distribution system to the water system of the city, the distribution system shall become the property of the city. (Ord. No. 1202, §1)

Division 2. Subdivisions Outside the City Limits

§ 47.41 Approval of City Council.

No application for water service to any subdivision located outside the city limits shall be granted without approval by the city council. (Ord. No. 1202, §1)

§ 47.42 Application for Certification.

Applications to the manager of the division of water for water service to subdivisions and users located outside of the city limits may be granted only in areas where surplus water is available in excess of the adequate needs for abundant use by the consumers within the city limits, and where the granting of such service is not deemed detrimental to existing services or inimical to the interests and operations of the division of water. (Ord. No. 1202, §1)

§ 47.43 Special Permit—Required.

All applicants for city water service to users 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 system conforms with the provisions of this code and other ordinances of the city and the laws of the state relevant thereto. The applicant shall allow Sacramento County Environmental Management department to inspect the premises at all reasonable times and if it is found that any of the above-mentioned provisions, ordinances or laws are violated, the water service shall be disconnected. (Ord. No. 1202, §1)

§ 47.44 Same—Application.

The application for the special permit required by the preceding section shall be as follows:

CITY OF SACRAMENTO
DIVISION OF WATER

Application for Special Permit for Connection to Water
Mains Extension Outside the City

Date _____

Owner's Name _____
Property Location _____
Lot Number _____ Lot Size _____
Building Existing? _____
To be Constructed? _____
Water Service Size _____
Number of Plumbing Fixtures _____

In order to protect the water system of the City of Sacramento from possible contamination from the use of defective or improper materials or appliances and to prevent backflow, it is hereby agreed by the undersigned that all plumbing for potable water distribution on the above property shall be in accordance with the requirements of this code or other ordinances of the city.

I also understand that I am purchasing surplus water only, that any agreement to purchase such surplus water does not guarantee quality (or pressure), and that neither the City Council of Sacramento nor the City of Sacramento assumes liability or obligation should surplus water not be available.

Signed _____
Owner

Address

(Ord. No. 1202, §1)

§ 47.45 Discontinuance of Service Outside City Limits.

The division of water may discontinue service to any user living outside of the city limits when it determines

that the continuation of such service is no longer feasible economically or that such continuation interferes with proper service to water users within the city limits. (Ord. No. 1202, §1)

§ 47.46 Water Furnished Only for Domestic and Ordinary Commercial Use.

No water shall be furnished outside the city limits for other than domestic and ordinary commercial use. (Ord. No. 1202, §1)

§ 47.47 Size of Water Taps.

Water taps for domestic consumers outside the city limits shall be limited to one inch for single-family residential lots. (Ord. No. 1202, §1)

§ 47.48 City Not Liable for Continuity of Service, Etc.

The city and its officers and employees do not guarantee continuity of service or adequate pressure to users of water located outside the city limits. (Ord. No. 1202, §1)

§ 47.49 Maintenance of System.

The city shall maintain all distribution systems constructed pursuant to the provisions of this article. (Ord. No. 1202, §1)

Article V. Use of Water in Air Conditioning, Refrigerating Units, and Swimming Pools

Division 1. Generally

§ 47.50 Repealed.

§ 47.51 Discontinuance of Service.

Alterations, changes of equipment or piping, improper operation or lack of maintenance, which result in conditions that are hazardous to the potable water supply, either within the premises or in supply mains, or cause use of water in excess of quantities permitted under this article, shall be cause for the discontinuance of the supply of water to the premises until such conditions are abated or until such water conservation devices, as elsewhere specified in this article, are operating within the defined limits of use. (Ord. No. 2070, §5)

Division 2. Permits

§ 47.52 Air Conditioning and Refrigeration Systems—Required.

After January 1, 1959, no person shall install or replace any equipment for air conditioning or refrigeration, excepting evaporative coolers with recirculated flow, which requires a supply of water from the city water system or discharges to a public sewerage system, without first submitting a written application on the forms provided to the division of water and obtaining a water or sewer use permit therefore. This use permit is required in addition to the usual permits issued in compliance with the city Plumbing Code and Electrical Code. Plumbing permits will not be issued unless the water or sewer use permit has been obtained. (Ord. No. 2070, §2)

§ 47.53 Repealed.

§ 47.54 Same—Issuance.

Water or sewer use permits to install or replace air conditioning or refrigeration systems will be issued at the division of water and sewers to either property owners, or to persons or agencies licensed by the Contractor's State License Board to perform such work, and acting as the agent of the property owner. It will be the responsibility of the property owner to see that such permit is obtained.

Within forty-eight hours following the completion of any work authorized by the permit, notice of completion and request for inspection shall be returned in writing by the person or agency receiving the permit, to the division of water. (Ord. No. 2070, §2)

§ 47.55 Swimming Pools.

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 manager. This drawing shall indicate all valves, size of piping and filter pump capacity. The plumbing inspector shall not issue a permit for the work without prior approval by the manager. (Ord. No. 2070, §2)

Division 3. Regulations for Conservation of Water

§ 47.56 Air Conditioning and Refrigeration Devices—Water Conservation Device Required.

After January 1, 1959, all new or replacement air conditioning and refrigeration systems using water from the city water system, or discharging to a public sewerage system, shall be equipped with a water conservation device. The water conservation device shall have sufficient capacity to insure against the use of more than 0.2 GPM of makeup water per ton of rated capacity under full loading at maximum summer temperatures. (Ord. No. 2070, §3)

§ 47.57 Same—Discharge into Storm Sewers.

Waste cooling water from air conditioning and refrigeration systems must be discharged to a storm sewer where separate storm and sanitary sewers are provided. The requirements of a conservation device for systems supplied by private wells may be waived by the manager where adequate storm sewer capacity exists. (Ord. No. 2070, §3)

§ 47.58 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 which shall open only when makeup water is required by the unit. (Ord. No. 2070, §3)

§ 47.59 Same—Sale of Cooler Without Recirculating Pump.

No person within the limits of the city shall sell an evaporative cooler after January 1, 1959, which will use water from the public water system within the city limits unless such cooler is, when sold and delivered, equipped with a water recirculating device. (Ord. No. 2070, §3)

§ 47.60 Roof Sprinklers Prohibited.

The use of existing roof sprinkler systems after January 1, 1959, or their installation after the effective date of this section is prohibited. (Ord. No. 2070, §3)

§ 47.612 Swimming and Wading Pools—Recirculating Devices Required.

After January 1, 1959, all swimming or wading pools above two thousand gallons in content, using water from the city water system or discharging to a public sewerage system, shall be provided with recirculating systems equipped with an approved filter. (Ord. No. 2070, §3)

§ 47.62 Same—Waste Discharge Generally.

Where separate storm and sanitary sewers are provided, discharge from swimming or wading pools must be to the storm sewer, if practicable, as determined by the manager; except, however, if the swimming pool is located adjacent to a street having concrete curb and gutter or adequate ditch drainage, property owner may have the option of installing a completely closed system by the use of a separation tank. Discharge

from this closed system to the street, for the purpose of adjusting water level in the swimming pool, shall be limited to a hose connected to a three-fourths inch hose bib located on the discharge side of the separation tank. (Ord. No. 2818, §1)

§ 47.63 Same—Permission to Discharge into Sanitary Sewer.

Where permission to discharge swimming pools into a sanitary sewer has been granted by the manager, the following special conditions shall apply:

- (a) Maximum size of discharge pipe from pool to sump shall be limited to one and one-half inches, with a control valve provided for possible future regulation in the event the sanitary sewer capacity is exceeded.
- (b) Disconnection from sanitary sewer by owner shall be mandatory if the sanitary sewer capacity becomes inadequate for both sanitary flows and swimming pool discharges. (Ord. No. 2070, §3)

§ 47.64 Same—Hours of Filling and Discharge.

Swimming pool filling or discharge shall be limited to the hours between 8:00 P.M. and 9:00 A.M. (Ord. No. 2070, §3)

**§ 47.65 to
47.69 Reserved.**

Article VI. Obstruction, Destruction or Interference with Watercourses

§ 47.70 Definitions.

For the purposes of this article, the following words and phrases shall have the meaning respectively ascribed to them by this section:

Channel: An elongated open depression in which water may or does flow.

Director of Public Works: The Director of Public Works or/the Director's authorized representative.

Conduit: A general term for any channel intended for the conveyance of water, whether open or closed; any container for flowing water.

Ditch: An artificial channel usually distinguished from a canal by its smaller size.

Drainage:

- (1) The process of removing surplus ground or surface water by artificial means; or
- (2) The manner in which the waters of an area are removed; or
- (3) The area from which waters are drained; a drainage basin.

Person: Any person, firm, association, partnership or corporation. (Ord. No. 2592, §1)

§ 47.71 Permit Required to Obstruct, Etc., Watercourses.

It is unlawful for any person, without first having obtained a permit from the Director of Public Works pursuant to this article:

- (a) To interfere with, destroy or use in any manner whatsoever any levee, embankment, channel or other stream protection work constructed by the city, or by any drainage district organized under the laws of the state.
- (b) To change the drainage on a property so as to divert the drainage to the nearest public road.
- (c) To fill or obstruct or maintain any fill or obstruction in any drainage ditch, watercourse, channel or conduit carrying storm or drainage water.
- (d) To do anything to any drainage ditch, watercourse, channel or conduit carrying storm or drainage water that will in any manner obstruct or interfere with the flow of water through such ditches, watercourses, channels or conduits. (Ord. No. 2592, §1)

§ 47.72 Obstructing Flow of Water, Etc., Prohibited.

It is unlawful for any person to place or cause to be placed in any drainage ditch, watercourse, channel or conduit or upon any property over which the city or any drainage district has an easement for flood control or drainage purposes any wires, fence, building or other structure or any refuse, rubbish, tin cans or other matter that may impede, retard or change the direction of flow of water in such drainage ditch, watercourse, channel or conduit or that will catch or collect debris carried by such water or is placed where the natural flow of the storm and flood waters would carry the same downstream to the damage and detriment of either private or public property adjacent to said drainage ditch, watercourse, channel or conduit. (Ord. No. 2592, §1)

§ 47.73 Obligation of Property Owner.

No property owner, whether it be a person, lessee or tenant, through whose property a drainage ditch, watercourse, channel or conduit carrying storm or drainage water passes shall allow to be placed or maintained thereon any obstacle that will prevent or retard the flow of water through such ditch, watercourse, channel or conduit except as otherwise allowed under a permit obtained pursuant to this article. (Ord. No. 2592, §1)

§ 47.74 Application for Permit to Obstruct, Etc., Watercourses, Etc.

Any person desiring to obtain any permit required under this article shall file an application in writing therefore with the Director of Public Works. The application may be on a form supplied by the Director of Public Works and shall contain:

1. The name and address of the applicant, and if the applicant is a corporation, the names and addresses of the principal officers thereof.
2. The place where the work is to be done.
3. Description of the work to be done or the use desired of the property, together with an engineered plan drawn by a registered civil engineer hired by the applicant if so required by the Director of Public Works, and such other information as the Director of Public Works may require to carry out the purposes of this article.
4. A statement that if the permit is granted, the applicant agrees that all works specified in the application will be commenced within thirty days after the permit is granted and will be pursued to its completion with reasonable diligence. (Ord. No. 2592, §1)

§ 47.75 Issuance of Permit to Obstruct, Etc., Watercourses, Etc.

If the Director of Public Works determines after investigation that the work:

- (a) Will not interfere with the flow of natural storm waters; and
- (b) Will not injure adjoining property; and

- (c) Will not complicate normal drainage maintenance; the city engineer shall issue a permit to do the proposed work in the manner specified in the application or in such a manner as the engineer may determine is required to carry out the purposes of this article. He may impose such terms and conditions as he may deem necessary to insure the proper maintenance of the property for flood control and drainage purposes. The permittee will assume all responsibility for the consequences of any work done or use permitted under the permit. The issuance of a permit by the city engineer shall not be construed as subjecting the city to any liability whatsoever for work done or uses permitted under the permit, nor shall the issuance of a permit be construed as relieving the permittee or owner of the property from any such liability to the extent it may exist. (Ord. No. 2592, §1)

§ 47.76 Revocation of Permit to Obstruct, Etc., Watercourses, Etc.

Any permit issued under this article may be revoked by the Director of Public Works if he determines the public interest and welfare require the revocation or if there is a violation of this article or the terms and conditions of the permit. (Ord. No. 2592, §1)

§ 47.77 Special Tests.

If it is determined by the Director of Public Works that any special tests such as but not limited to soil test, compaction tests, materials tests or other special tests are required, then the applicant shall be required to pay to the city the actual costs of such tests. (Ord. No. 2592, §1)

§ 47.78 Violations of Article--Generally.

If the work is not done in accordance with the terms of the permit or contrary to the instructions of the Director of Public Works, then the applicant or permittee has violated the terms of this article and shall be subject to the penalties prescribed in section 47.79. In addition, any work done must be reconstructed pursuant to the terms of the original permit and if it is not so done by the applicant or permittee and it is deemed essential to the health, welfare or safety of the general public, the Director of Public Works may order the work to be done, which work must be paid for by the applicant or permittee, and if not paid, the cost thereof shall be a lien against the property on which the work is done. (Ord. No. 2592, §1)

§ 47.79 Same--Misdemeanor; Penalty.

Any person violating any provision of this article shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment for a term not exceeding one hundred days or by both such fine and imprisonment. (Ord. No. 2592, §1)

**§ 47.80 to
47.89 Reserved.**

Article VII. Water Flow for Fire Protection

§ 47.90 Adoption of National Board of Fire Underwriters' Bulletin No. 266.

The recommendations, guides, and standards for fire protection facilities and adequate water flow published May 4, 1948, by the Committee on National Prevention and Engineering Standards, under the title, "National Board of Fire Underwriters' Bulletin No. 266," are adopted as and for the recommendations, guides and standards for fire protection facilities and adequate water flow within this city as to all matters therein contained except as herein otherwise provided. Three copies of the Bulletin No. 266, and amendments thereto, shall at all times be kept on file in the office of the city clerk. (Ord. No. 3137, §1)

§ 47.91 Intent and Purpose of Article.

This article is adopted for the following purposes:

- (1) 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.
- (2) 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.
- (3) To provide for the installation, maintenance and supervision of fire protection facilities and adequate water flow for fire protection upon private property. (Ord. No. 3137, §1)

§ 47.92 Definitions.

In construction of this article the definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise:

- (1) "Land" means any lot, parcel, zoning plot, acreage or building site, or any other land or portion thereof, whether improved or unimproved.
- (2) "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 chapter 9 of the Sacramento City Code.
- (3) "Fire chief" means the fire chief of the City of Sacramento or/the chief's designated representatives.
- (4) "On-site fire protection facilities" includes such facilities whether installed before or after the effective date of this article.
- (5) "National standards" means the recommendations, guides and standards for fire protection facilities and adequate water flow published May 4, 1948, by the Committee on National Prevention and Engineering Standards, under the title "National Board of Fire Underwriters' Bulletin No. 266."

- (6) "Standard specifications" means the standard specifications of the City of Sacramento, adopted by the council of the City of Sacramento by Resolution No. 653, dated March 30, 1967, or such other standard specifications as may be hereafter adopted by the city council. (Ord. No. 3137, §1)

§ 47.93 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 three hundred feet from the nearest 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 at the same time of such development of land 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 which is less than six inches in diameter. Hydrant branches of six inch diameter shall be circulating if more than five hundred feet in length.

If the fire chief shall determine that the installation of a circulating six inch branch would result in practical difficulty or unnecessary hardship, he may permit the installation of a single (non-circulating) eight inch branch if such branch is connected to a water main of at least eight inches in diameter or is connected to a circulating six inch water main of not more than one thousand feet in length. All installations made in a public street, alley or place shall be subject to the inspection of, and approval by, the Director of Public Works and subject to the conditions of an encroachment permit issued therefore.

The costs and expenses of installing on-site fire protection facilities shall be the 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 responsibility of the owner or developer, but the city may, at its discretion, share in the expense of installation of such facilities in such proportion and according to such policies as may be determined by the council of the city. (Ord. No. 3137, §1)

§ 47.94 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 chapter 9 of this code shall be referred to the fire chief for review and comment, if:

- (1) The proposed development will consist of one or more buildings located upon a single zoning plot, or additions thereto, the total floor area of which, including that of any existing building located upon the same zoning plot, will exceed twenty-five thousand square feet; or
- (2) 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, whichever is lesser; or

- (3) The proposed development will consist of one or more buildings or additions thereto in Occupancies A through H as defined by chapter 9 of the Sacramento City Code wherein any part of any building or structure will be in excess of three hundred feet from the nearest fire hydrant located or to be located in a public street, alley or place prior to the completion of the building or buildings. (Ord. No. 3137, §1)

§ 47.95 Same--Action by Fire Chief.

When any plans are submitted under section 47.94 hereof, 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 shall have determined that the facilities and water flow for fire protection existing or to be provided are adequate according to national standards, the chief shall endorse the plans with an approval and return the same to the building official. If the fire chief shall have determined that the facilities existing or to be provided are not adequate according to national standards, the chief shall:

- (1) Disapprove the plans and indicate in writing to the building official wherein 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
- (2) Conditionally approve the plans. In such event such conditions shall be made a part of such plans and the issuance of a permit by the building official shall be so conditioned. (Ord. No. 3137, §1)

§ 47.96 Access for Fire Fighting Equipment.

Whenever any fire protection facilities, hydrants, or other appurtenances for use by the fire department are required to be installed pursuant to this article, 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 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 at all times. (Ord. No. 3137, §1)

§ 47.97 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 have been completed and approved by the fire chief. (Ord. No. 3137, §1)

§ 47.98 Maintenance of On-Site Fire Protection Facilities.

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 empowered at the chief's discretion, 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 national standards, the chief shall order the owner to make such repairs, alterations, or additions as shall conform the facilities to national 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 Chapters 9 and 50 the Sacramento City Code. (Ord. No. 3137, §1; Ord. No. 4131, §1)

§ 47.99 Alterations or Modification of On-Site Fire Protection Facilities.

On-site fire protection facilities may be altered or repaired with the written consent of the fire chief subject to the provisions of section 47.93. (Ord. No. 3137, §1)

§ 47.100 Inspection of On-Site Fire Hydrants.

All on-site fire hydrants and off-site facilities shall be inspected, serviced and tested by the city. Officers, employees, agents and contractors of the city are hereby authorized to enter upon land upon which such hydrants are installed at reasonable times in a reasonable manner for the purpose of inspecting, servicing

and testing such hydrants. The terms "service," "serviced," and "servicing" shall mean and include only 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. (Ord. No. 3137, §1; Ord. No. 4131, §2)

§ 47.101 Filing of Map.

A map showing the size and location of all water pipes and hydrants installed pursuant to this article and stating the material of which such pipes are made and the date of their installation and approval shall be filed in the office of the division of water prior to the issuance of any occupancy permit under the provisions of the Building Code. (Ord. No. 3137, §1)

**§ 47.102 to
47.109 Reserved.**

ORDINANCE No. 90-038

Article VIII. Water Wells

§ 47.110 Repealed.

§ 47.111 All County Regulations Pertaining to Construction and Abandonment of Water Wells Shall Apply Within the City Limits.

It shall be unlawful for any person, firm or corporation, whether as principal, servant, agent or employee, intending to dig, drill, bore, drive, reconstruct or abandon any well, whether the well is used for domestic purposes, irrigation, air conditioning, disposal, exploration or cathodic protection and/or to install or repair pumps, without first having obtained a permit to do so from the County Environmental Management Department. In case of emergency affecting life, health, crops or livestock, a licensed contractor may start work immediately but shall notify the health department within seventy-two hours by telephone or in person of the work being done. Where removal of the pump or breaking of the sanitary seal is not necessary, a permit shall not be required.

§ 47.112 to
47.131 Repealed.

§ 47.132 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 is 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 chapter 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 of Sacramento that the City Council enact the prohibitions and requirements set forth in this chapter.

- (b) **Definitions.** "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, and "Irrigation" means all uses of water for irrigating food and forage crops and ornamental vegetation and watering of farm animals.
- (c) **Prohibition Area.** This chapter shall apply to, and the term "prohibition area" as used in this Chapter 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 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:
- (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 paragraph (2), such 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 chapter, water for domestic and irrigation purposes shall be deemed available to a property if a 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 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 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 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 which provides a lesser quantity of water, measured on a monthly basis, than an existing facility. To these ends, the City Department of Public Works shall determine all issues of necessity of cost and sufficiency of service size in accordance with city water and sewer division procedures. All work shall be accomplished by the city department of public works or its licensed contractor(s).
- (h) **Exemptions.** This chapter shall not apply to monitoring or testing wells operated by the United States Government or a public agency.
1. This is an emergency ordinance within the meaning of section 32(g) (2) of the Sacramento City Charter and shall take effect immediately. The facts constituting the emergency are that it is necessary to the program of the United States Government that no new wells be opened within the prohibition area and that all financial arrangements be concluded in the current federal fiscal year so that the funds will be available to monitor and clean the ground water and protect the public health.

§ 47.133 to
47.200

Reserved.

Article IX. Division of Water

§ 47.201 Established.

There is hereby created a division of water in the Public Works department which 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. (Ord. No. 3352, §1)

§ 47.202 Manager.

There shall be a manager of this division appointed by the City Manager. (Ord. No. 3352, §1)

§ 47.203 Payment Over of Moneys; Disbursements and Expenditures.

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

- (a) For the payment of all operating expenses.
- (b) For the pension charges and proportionate payments to such compensation and other insurance and accident reserve funds as the council may establish.
- (c) For repairs and maintenance.
- (d) For depreciation.
- (e) For the payment of interest and sinking funds on the bonds issued for acquisition, construction or extensions.
- (f) For extensions and improvements.
- (g) For a surplus fund.
- (h) For such other purposes as may be found necessary in connection with the furnishing of an adequate and suitable water supply for the city. (Ord. No. 3352, §1)

§ 47.204 Surplus Fund.

If any accumulation in the surplus fund of the division of water shall, in any fiscal year, exceed twenty-five percent of the total expenditure of such division for operation, repairs and maintenance for the preceding fiscal year, such excess may be transferred by the council to the general fund of the city. (Ord No 3352, §1)

ORDINANCE No. 90-038

JUL 17 1990

Article X. Rates and Charges

§ 47.300 Establishment of Rates, Charges and Fees by Resolution.

Notwithstanding any provision of this Chapter or any other provision of the city code to the contrary, the rates, charges and fees established or provided for in this Article shall hereafter be established by resolution of the city council. (Ord. 83-060, §3).

§ 47.301 Liability for Charges.

Each customer receiving water service from the City shall be liable for the rates charges and fees for that service, as established by resolution of the City Council.

§ 47.302 Repealed by Ord. 83-060, §3.

§ 47.303 Rates 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 satisfy service charges for a six-month period.

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 public utilities commission of the state which the city may accept as a condition to acquisition of the system. (Ord. No. 3352, §2)

§ 47.304 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 64 of the Sacramento City Code.

§ 47.305 Additional Charges.

The manager may cause to be accomplished any extra work or service which the manager deems it reasonably necessary to provide to a property within the water service area in order to maintain the safety of the City's water supply. The manager shall cause the cost thereof to be added to the regular billing for services, and collected in the same manner as other utility service charges are collected pursuant to Chapter 64.

§ 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. (Ord. No. 3352, §2; Ord. No. 84-031, §4)

§ 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 revenue manager 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 revenue manager shall follow the procedures for notice and opportunity for hearing contained in Chapter 64 of the Sacramento City Code. (Ord. No. 3352, §2; Ord. No. 84-031, §5)

§ 47.316 Service Connection Installation Fee.

The fee for connection to the city water main shall be established by resolution of the City Council and shall be paid in advance.

(Ord. No. 3352, §2; Ord. No. 3605, §2; Ord. No. 4179; §1; Ord. No. 86-073, §1)

§ 47.317 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 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. (Ord. No. 84-031, §7)

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 nonpayment of the utility services bill or 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 for each time this occurs, in addition to other amounts due, before water service is restored. (Ord. No. 3352, §2; Ord. No. 4262, §13; Ord. No. 84-031, §7)

§ 47.318 Vacancy Credit.

If any owner, user or other person in charge of any premises using water service desires to discontinue such service by reason a vacancy exists, a credit for non-use of water and sewer service may be granted upon the following conditions:

- (a) Written request to the Revenue division.
- (b) Payment of a \$25.00 service fee.
- (c) Payment of current utility bill in full, and
- (d) Water service is turned off. (Ord. No. 3352, §2) .

§ 47.319 Testing Meters.

Any metered customer may demand that the meter through which water is being furnished be examined and tested by the division for the purpose of ascertaining whether or not it is registering accurately the amount of water which is being delivered through it. Such demand shall be made in writing to the division and shall be accompanied by a deposit of an amount equal to the monthly meter minimum charge. Upon receipt of such demand, the division shall cause the meter to be examined and tested. If, on such examination and test, the meter shall be found to register over three percent more water than actually passes through it, another meter will be substituted therefore, the above-mentioned deposit shall be refunded, and the water bill for the current period adjusted in such a manner as the manager may deem fair and just. If the meter is found to register not over three percent fast, then the above-mentioned deposit shall be forfeited and the water bill paid as rendered. (Ord. No. 3352, §2)

§ 47.320 Water Main Construction Charge.

- A. **General:** Every lot, parcel or tract of land not connected to the city water system prior to the effective date of this section shall be subject to a water main construction charge, and no water service from such system shall be furnished thereto unless such charge has been paid or secured as herein provided. Such charge shall not apply if:
 - 1. The property to be connected has been assessed in a special assessment proceeding to pay the cost of a water distribution system serving it; or
 - 2. The water distribution facilities serving such property have been provided by the subdivider or a former owner without cost to the city; or

3. The construction charge established by this section, or the equivalent thereof, has been previously paid by the owner of such property or a predecessor of such owner.

B. Computation of Construction Charge:

1. For distribution systems in which the cost is a matter of record, the water main construction charge shall be computed by the manager by prorating the costs among the properties to be serviced.
2. For distribution systems installed prior to the effective date of this section in which the costs are not a matter of record, the water main construction charge shall be computed at a rate of four dollars per front foot.
3. For properties irregularly shaped, an equitable charge shall be determined by the manager taking into account the area benefitted.
4. If the manager determines that the property is of such character that a portion of the property will never be benefitted by water service, such portion may be excluded for purposes of computing the water main construction charge.

- C. Payment of, or Security for, Construction Charge:** The water main construction charge may be paid in cash, or the manager may authorize acceptance thereof in installments upon the execution by the owner or owners of the property of a written promise to pay the same, together with interest on deferred payments at the rate of ten percent per annum, and the execution, acknowledgement and recording of a lien agreement upon the property to be connected. Such installment payments and the form of such lien agreement shall be in accordance with the policies relating thereto established by the city council. (Ord. No. 3352, §2)

§ 47.321 Water System Development Fee.

- (a) **General.** Every lot, parcel or tract of land not connected to the city water system prior to January 1, 1980, shall be subject to a water system development fee. No water service from such system shall be furnished thereto unless such charge has been paid. Such charge shall not apply if the fee established by the section, or the equivalent thereof, has been previously paid by the owner, or a predecessor of such owner, of such property, or if the property meets the qualifications for an in-fill site as established by city council resolution. Payment of said connection fee shall be in addition to payment of all other applicable fees and charges. Ord. 4268, §1)
- (b) **Amount of Water System Development Fee.** The fee established by this section shall be determined by reference to a schedule of rates set by resolution of the city council. Beginning in January of 1989, and each January thereafter, the Director of Public Works shall adjust the water development fee schedule to compensate for the change in construction costs which has occurred since the previous adjustment. The adjusted water development fee schedule will be effective for the fiscal year which begins on July 1st of the current calendar year and continues through June 30th of the following calendar year. The adjusted water development fee schedule shall be calculated by applying the following methodology:
 1. The appropriate January issue of ENGINEERING NEWS RECORD (ENR) magazine shall be referenced and the published Construction Cost indexes for "U.S.-20 Cities' Avg" and for San Francisco shall be determined therefrom. The "Current Adjustment Index" shall be calculated by averaging these two construction cost indexes.

2. The "Current Adjustment Factor is less than 1, the water system development fee will remain unchanged.

The adjusted water development fee schedule shall be developed by multiplying each of the development fee rates set forth in the "Fee and Charge Report" which became effective on July 1, 1987 by the "Current Adjustment Fee Factor" determined in Section 47.321(b)2, above. (Ord. No. 89-049. §1)

- (c) **Replacement Services.** If an existing water service or meter is replaced by one of a larger size at the owner's request, the fee shall be equal to the difference between the fee for the original service size and that for the replacement service size in the foregoing schedule.
- (d) **Fire Protection Services.** If a service can be used only for fire protection, the water development fee shall not apply.
- (e) **Credit for Major Facilities.** Nothing in this ordinance shall prohibit the city council from authorizing appropriate credit toward water development fees for property owners who were assessed or in some manner paid all or a portion of the cost of major water transmission and/or storage facilities.
- (f) **Appeal.** There is established a water development fee determination board. The board's membership shall consist of the water division manager and the manager of building inspections, or their respective designees. Any person aggrieved by the determination of the water development fee for property owned by such person, may file a written appeal with the manager of building inspections. The appeal will be reviewed by the board, and notice given of the determination of the board to the property owner. In the event the appeal is granted, an appropriate refund will be made, based on the recalculated development fee.

In the event an appeal is not granted, notice shall be given to the property owner which 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 in person. Any such application must be filed with the manager of building inspections within fifteen (15) calendar days following receipt of the notice that the written appeal was denied. The board shall, within 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 designee 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 water division. Written notice of the board's action shall be given to the property owner and the order of the board shall be final. (Ord. 4268, §1; Ord. No. 87-016, §1; Ord. No. 87-031, §1)

§ 47.322 to
47.399

Reserved.

ORDINANCE No. **90-038**

Article XI. Water Conservation

§ 47.400 Legislative Intent.

The City Council finds and determines:

- (a) That all municipal purveyors of water should encourage voluntary water conservation and prohibit certain domestic water uses inconsistent with water and energy conservation.
- (b) That approximately forty-six percent (46%) of raw water diverted and treated by the city water system is used for domestic irrigation purposes.
- (c) That maximum water demands are during the summer months with domestic irrigation demands exceeding all other demands.
- (d) 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.
- (e) That with increasing costs for personnel, electrical energy, equipment and chemicals, it is desirable to reduce water waste. (Ord. 82-034, §1)

§ 47.401 Paramount Ordinance.

Notwithstanding any other provisions of the Sacramento City Code, unmodified ordinances heretofore adopted by the Council of the City of Sacramento, or rules, regulations, or resolutions of the City of Sacramento to the contrary, the provisions of this Article shall apply. (Ord. 82-034, §1)

§ 47.402 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, which are connected to the city water system, unless such person shall have first obtained the consent of the city manager to do so. (Ord. 82-034, §1)

§ 47.403 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 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.

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. (Ord. 82-034, §1)

§ 47.404 Outdoor Conservation of Water

The following regulations shall apply to all water delivered by the city water system. In the event any person violates the provisions of this section, the penalties specified in Section 47.430 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 City Manager or his designee has been obtained pursuant to Section 47.451.
- (b) Landscape irrigation shall be prohibited between the hours of 12:00 p.m. and 6:00 p.m.

- (c) Unless prior written consent of the City Manager or his designee has been obtained pursuant to Sec. 47.451, 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.

§ 47.405 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 minutes or through a hose for a period exceeding two and one-half hours during each calendar day. (Ord. No. 555, §41)

**§ 47.406 to
47.429 Reserved.**

§ 47.430 Violation and Penalties.

In the event any person shall violate any provision of Sections 47.402 or 47.403, the following shall apply:

- (1) For the first violation, the person who committed the violation shall be issued a written notice stating the type of violation.
- (2) 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 shall be issued a written notice.
- (3) For the third violation, the person who committed the violation and the property owner shall be issued a written notice. For the Third violation, the subject property water rates shall be increased to five times (5) the normal monthly rates for the duration of the summer period from time of third violation to September 15, and then said water rates will return to their regular schedule.
- (4) 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 shall be issued a written notice. For the fourth violation, the regular water rates will be permanently billed at five times (5) 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. (Ord. 82-034, §1)

§ 47.431 Water Waste Appeals Board.

- (1) Any property owner may appeal their violation to the Water Waste Appeals Board for review and final determination, if they so desire. Hearings shall be conducted according to regulations promulgated by the city manager.
- (2) The Water Waste Appeals Board shall be composed of two members, one of whom shall be from the Department of Finance and one shall be from the Department of Public Works, Division of Water. The membership of the Board shall be appointed by and shall serve at the pleasure of the city manager. The Board shall process all appeals under and make the determinations of violators described by this Section. (Ord. 82-034, §1)

**§ 47.432 to
47.449 Reserved.**

ORDINANCE No. 90-038

JUL 17 1990

§ 47.450 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. (Ord. 82-034, §1)

§ 47.451 Consent of City Manager.

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

- (1) There is no practical alternative manner in which the person making application may accomplish the desired result; and,
- (2) The desired result is of substantial importance when compared with the importance of conserving water resources and energy as set forth in this article. (Ord. 82-034, §1)

§ 47.452 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. (Ord. 82-034, §1)

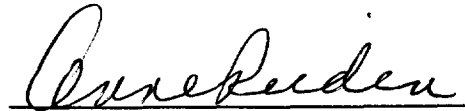
**§ 47.453 to
47.499 Reserved.**

Section 3.


This ordinance is hereby declared an emergency measure to take effect immediately. The reason for the emergency is the recent discovery that the cross-out/underline version of Ordinance No. 90-033 presented to the Council on June 19 was not the same as the ordinance actually enacted, because the wrong version of the ordinance was attached to the staff report. Among other things, the ordinance enacted on June 19 failed to incorporate the water conservation rules recently enacted by the City Council. Ordinance 90-033 has not yet taken effect. Enactment of this ordinance on an emergency basis will prevent the inadvertent repeal of the City's water conservation rules.

Date Enacted: JUL 17 1990

Date Effective: JUL 17 1990


Mayor

ATTEST:


City Clerk