

ORDINANCE NO. 702

AN ORDINANCE OF THE GRASS VALLEY CITY COUNCIL
AMENDING CHAPTER 13.04 OF THE GRASS VALLEY MUNICIPAL CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRASS VALLEY AS FOLLOWS:

SECTION 1. Title 13, Chapter 13.04, Sections 13.04.070, 13.04.080, and 13.04.310 of the Grass Valley Municipal Code are amended to read as follows:

Section 13.04.070 Water Service--Outside City.

The city council, by resolution, may from time to time establish a policy applicable to the service of water to users located outside the limits of the city in accordance of the requirements specified in the California Government Code. The city's preference is to annex property prior to or in conjunction with providing Water service, but under certain criteria, the city may extend services. Such criteria shall be evaluated as part of the City Engineer's report as discussed in this chapter and shall include, but not be limited to: Consistency of present uses and future potential land uses with City's General Plan; public health and/or safety interest to extending water service to this area; the property owner's willingness to enter into an annexation agreement not necessarily date specific (if required by the City Council); and social and economic benefit and/or impact to the city either from the investment provided through the extension of public infrastructure; the development of other improvements of community benefit such as parks, trails or affordable housing; or, the creation of local jobs. Any land outside the corporate limits receiving water service from the city on the effective date of this chapter may continue to be served, subject to all of the provisions of this chapter and all other rules of the city, at one hundred twenty-five percent of the rates, charges and penalties established by action of the city council.

Section 13.04.080 Payment of prior service to get new service.

An application for service will not be honored unless payment in full has been made, together with an additional penalty for reconnection equal to twenty-five percent of the delinquent amount for water service previously rendered to the applicant by the city. If the city recorded a lien on the property due to the delinquent payment or had the County record the delinquency on the tax roll, the city upon receipt of payment in full for the delinquency and related penalty shall either provide a recordable release of lien or a credit for future water service equivalent to the amount of the delinquency recorded on the tax roll.

Section 13.04.310 Due dates--Delinquencies--Collection--Appeal.

A. All water service charges and all other charges provided for in this chapter are due and payable on presentation. If the charges remain unpaid for forty-five days after the billing date thereof, a service applicant's water service may be disconnected.

B. The finance director shall, at least ten days prior to the proposed termination, notify the service applicant by means of a notice mailed, postage prepaid; the ten day period shall not commence until five days after the date of mailing the notice. At least two days prior to the disconnection of service, the city shall hand deliver to the service address a notice that the service will be disconnected.

C. When an account becomes delinquent the full amount of the delinquent and current bill must be paid to avoid disconnecting the service.

D. When the supply of water has been turned off for a violation of any section of this chapter, such supply of water shall not be turned on again except upon payment of all charges due, together with an additional penalty for reconnection equal to twenty-five percent of the delinquent amount. An exception to this is that when the service applicant

is not the property owner and there is a change in tenancy at a property, all charges due and penalties will continue to be billed to the service applicant that incurred the costs or the property owner if service applicant remains delinquent in accordance with the process outlined in Paragraph E of this section, and service to a new service applicant may be provided. (Ord. 544 § 4, 1996; Ord. 459 § 35, 1991; prior code § 23-30)

E. In addition to any other remedy provided in this chapter for the enforcement and collection of any water impact fee, connection charge or service charge, all rates or other charges provided for in this chapter shall be charged against the property on which furnished and against the owner of record thereof and shall be deemed delinquent at the same time and in the same manner as the next regular water bill and shall be a lien against the property where furnished, and any steps authorized by law may be taken by the city to enforce payment of such lien. No change of ownership or occupation shall in any way affect the application of this section. An exception to this is that the city will attempt to collect billings to properties with a service applicant other than the property owner first from the service applicant. If all such attempts fail, the city council may authorize the placement of such delinquent bills on the Nevada County tax roll.

SECTION 2. SEVERABILITY

If any section of this Ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other section or application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application and to this end the provisions of this Ordinance are severable.

SECTION 3. EFFECTIVE DATE

This Ordinance to amend Chapter 13.04 of the Grass Valley Municipal Code shall become effective on the Final Passage and Adoption by the City Council.

INTRODUCED and first read at a regular meeting of the City Council on the 28th day of April 2009.

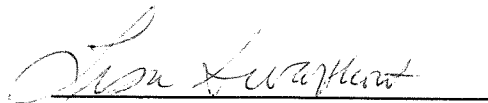
FINAL PASSAGE AND ADOPTION by the City Council of the City of Grass Valley was at a meeting thereof held on the 12th day of May, 2009, by the following vote:

AYES: Vice Mayor Arbuckle, Council Members Cookson, Miller, Boston + Mayor Swarthout

NOES: None

ABSENT: None

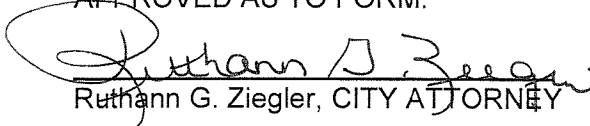
ABSTAIN: None




Lisa Swarthout, MAYOR

APPROVED AS TO FORM:

ATTEST:



Ruthann G. Ziegler, CITY ATTORNEY



Kristi K. Bashor, CITY CLERK