

**ORDINANCE NO. 1229**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS AMENDING MUNICIPAL CODE CHAPTERS 14.08 AND 14.28 REGARDING THE WATER AND SEWER ENTERPRISES**

**WHEREAS**, California Government Code Section 54344 *et. seq.* ("Revenue Bond Law") and California Health and Safety Code Sections 5470 *et. seq.* ("H&S Act") authorize the City to maintain sewer and water enterprises and enact charges in connection therewith; and

**WHEREAS**, Chapter 11 of Title 4 (commencing with Section 38900) of the Government Code authorizes a City to construct, establish, and maintain drains and sewers, and enact reasonable regulations in connections therewith (the "Sewer Act"); and

**WHEREAS**, the City Council of the City of Perris ("City Council") through its adoption of ordinances, resolutions and Chapters 14.08 and 14.28 of the Municipal Code has established regulations governing the imposition of certain water and sewer fees and service charges to provide the proper maintenance and operation of said water system and sewer system (the "System"); and

**WHEREAS**, the City has experienced a significant amount of delinquent sewer and water fees in recent years and desires to provide for the collection of said delinquent fees on the property tax rolls; and

**WHEREAS**, the H&S Act permits the City to collect said delinquent fees on the tax roll following the filing of a report and the holding of a public hearing pursuant to the H&S Act at the time the City determines to collect said charges on the tax roll; and

**WHEREAS**, the City desires to recoup ongoing operations and other charges for certain costs associated with operation of the water enterprise, including fees permitted under Government Code Section 66016; an

**WHEREAS**, the City also desires to implement increases in certain of its fees and to enact certain new fees to recover the costs associated with such services pursuant to H&S Act and the Revenue Bond Law; and

**WHEREAS**, the City Clerk published notice of the public hearing in a newspaper of general circulation circulated within the City on October 24, 2007, and November 7, 2007; and

**WHEREAS**, on November 14, 2007, the City Council at 6:00 p.m. held a public hearing on the items in this Ordinance; and

**WHEREAS**, on February 27, 2007, the City Council adopted increases in the water service fees in compliance with the procedures of Article XIID of the California Constitution;

**NOW, THEREFORE,** the City Council of the City of Perris does ordain as follows:

Section 1. **Recitals Incorporated.** The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. **Authorization for Service Fees.** The City Council finds that the sewer and water service fees in Section 14.08 and 14.28 of the Municipal Code are enacted pursuant to the provisions described in the ordinances and resolutions enacting such fees, California Government Code Section 54344 *et. seq.* and California Health and Safety Code Sections 5470 *et. seq.*

Section 3. **Amendments to Chapter 14.08, Section 14.08.090 of the Perris Municipal Code.** Section 14.08.090 of the Perris Municipal Code is hereby deleted and replaced in its entirety as set forth on Exhibit A attached hereto and by this reference incorporated herein.

Section 4. **Amendments to Chapter 14.08, Section 14.08.100 is hereby added to the Perris Municipal Code.** Section 14.08.100 is hereby added to Chapter 14.08 of the Perris Municipal Code to state in its entirety as set forth below:

"Section 14.08.100. **Charges-Property Liens for Delinquencies and collection on the Tax Roll.** The City may exercise any remedies available under the law with respect to delinquent service charges. The city treasurer may at any time record with the county recorder a list of all delinquent charges and penalties thereon and shall include in each such list a description of the real property upon which the same is a lien, and the name of the city. All delinquent charges and penalties when so recorded shall constitute a lien upon the real property served by the water system, except no such lien shall be created against any property owned by a public corporation.

In addition, the City Council hereby elects to collect delinquent charges on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, its general taxes. The City shall collect said charges on the tax roll in the manner required by law."

Section 5. **Amendments to Section 14.28.210, Chapter 14.28 of the Perris Municipal Code.** Section 14.28.210 of the Perris Municipal Code is hereby deleted and replaced in its entirety as set forth below:

"Section 14.28.210. **Charges-Property Liens for Delinquencies and collection on the Tax Roll.** The City may exercise any remedies available under the law with respect to delinquent service charges. The city treasurer may at any time record with the county recorder a list of all delinquent charges and penalties thereon and shall include in each such list a description of the real property upon which the same is a lien, and the name of the city. All delinquent charges and penalties when so recorded shall constitute a lien upon the real property served by the sewer system, except no such lien shall be created against any property owned by a public corporation.

In addition, the City Council hereby elects to collect delinquent charges on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, its general taxes. The City shall collect said charges on the tax roll in the manner required by law."

Section 6. Limited Amendments. All other provisions of Chapter 14.28 and Chapter 14.08 shall remain in full force and effect.

Section 7. Severability. If any section, subsection, subdivision, sentence, clause phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portions thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

Section 8. Certification The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be posted at the designated locations in the City of Perris.

**ADOPTED, SIGNED and APPROVED** this 28<sup>th</sup> day of November, 2007

\_\_\_\_\_  
Mayor, Daryl R. Busch

ATTEST:

\_\_\_\_\_  
Judy L. Haughney, City Clerk

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) SS:  
CITY OF PERRIS )

I, Judy L. Haughney, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Ordinance No. 1229, introduced at a regular meeting of the City Council of the City of Perris held on the 13th day of November, 2007 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 27th day of November, 2007, and that it was so adopted by the following called vote:

AYES: Motte, Rogers, Yarbrough, Landers, Busch  
NOES: None  
ABSENT: None

\_\_\_\_\_  
City Clerk, Judy L. Haughney

EXHIBIT A

14.08.090 Water Meter Installation Charges and Other Charges. The charges set forth herein may be updated or revised from time to time by resolution or ordinance of the City Council as may be required by law.

**NOTE: An additional column has been added for the purpose of this public notice to show the "Current Fee" prior to the increase. The new or increased fee to be adopted is called the "Proposed Fee." Not all of the fees listed are new or have been increased – only those which show a difference. The Ordinance to be considered will only include a list of the fees in the "Proposed Fees" column.**

	FEE
<b>STANDARD DROP IN METER INSTALLATIONS(WITH MXU):</b>	
3/4" METER	\$950.00
1" METER	1,000.00
1-1/2" METER	1,485.00
2" METER	1,590.00
3" METER	1,680.00
4" METER	2,820.00
6" METER	4,675.00
8" METER	6,950.00
<b>NEW SERVICES*</b>	
DEPOSIT – RESIDENTIAL	125.00
DEPOSIT – COMMERCIAL	250.00
DEPOSIT - HYDRANT/CONSTRUCTION METERS (4" METER - COST \$0)	1,000.00
SERVICE ACTIVATION FEE	25.00
DEPOSIT WAIVER FEE	5.00
RELOCATION OF HYDRANT/CONSTRUCTION METERS	35.00
NEW CONSTRUCTION (FIXED CHARGE)	85.00
<b>METER TESTING</b>	
1" AND SMALLER	100.00
1-1/2" & 2"	110.00
3"	135.00
4"	165.00
FIRE FLOW TESTING	135.00
TESTING OF A HYDRANT/CONSTRUCTION METER	135.00
<b>REPAIRS (DAMAGED/TAMPERED EQUIPMENT)**</b>	
BROKEN ANGLE STOP	165.00
BROKEN LOCKING DEVICE	35.00
DISCONNECT SERVICE AT MAIN	525.00
REPAIR T-METER SWIVEL	70.00
<b>FEES AND PENALTIES</b>	
LIENS AGAINST PROPERTY	100.00
DELINQUENCY CHARGE-	5.00
NON-SUFFICIENT CHARGE FEE	15.00
SERVICE DISCONNECT FEE (NON PAYMENT)	25.00

SERVICE RESTORATION - BEFORE 3:30 PM	20.00
SERVICE RESTORATION - AFTER 3:30 PM	100.00
SERVICE RESTORATION - MULTIPLE TRIPS	20.00
ILLEGAL SERVICE RESTORATION - RESIDENTIAL	200.00
ILLEGAL SERVICE RESTORATION - COMMERCIAL/INDUSTRIAL	500.00
BROKEN LOCK OR TAG - Represents labor only. Broken lock or tag may include damage to meter, AMR, ECR or other.	20.00
MXU DEVICE (NEW OR REPLACEMENT)	200.00
AMR METER DAMAGED / MISSING	110.00
METER REPLACEMENT FEE (METER ONLY, INSTALLED)	
3/4" METER	95.00
1" METER	180.00
1-1/2" METER	345.00
2" METER	500.00
3" METER	1,350.00
4" METER	2,620.00
6" METER	4,350.00
8" METER	6,625.00

\* Deposits may be refunded after one year with good payment history or may be applied to any other outstanding delinquent charges. Finance Director may retain deposit or require a new deposit on existing account when (i) two or more yellow tag warning notices for pending shut-off are given to a customer within a twelve month period or (ii) one or more service disconnect for non-payment actions occur within a twelve month period.

\*\* All costs proposed for "repairs" are labor only. Materials from third party vendor would vary as needed for repair and would be charged accordingly. Fees may be increased or subject to adjustment depending on the damage that may be found at the time of the particular service

\*\*\* Bills are delinquent if not paid by 11<sup>th</sup> day after mailing and assessed a late fee on day 30<sup>th</sup> following mailing.