

CITY OF RIVERBANK

ORDINANCE 2022-005

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK
AMENDING SECTION 50.10, METHOD OF COLLECTION OF RATES BY CITY,
SECTION 50.11, PAYMENT, SECTION 51.02, SANITARY SEWER PERMIT; BILLING
PROCEDURES, SECTION 51.03, RATES AND CHARGES, SECTION 52.64,
PAYMENT OF BILLS, SECTION 52.65, DEPOSITS, AND SECTION 52.66,
DISCONNECTION FOR LATE PAYMENT OF THE RIVERBANK MUNICIPAL CODE.**

WHEREAS, The City of Riverbank ("City") provides solid waste, wastewater, and water services to customers of the City; and

WHEREAS, The California Legislature passed, and the Governor signed into law, Senate Bill No. 998 ("SB 998"), which added and expanded procedural safeguards for terminating water service to customers who are delinquent in payment of water charges; and

WHEREAS, To comply with SB 998, the City is adopting a Residential Water Shut-Off Policy ("Policy") that establishes procedural safeguards for terminating water service where a customer has a delinquent water bill; and

WHEREAS, The Riverbank Municipal Code ("RMC") currently provides procedures for terminating water service; and

WHEREAS, The RMC needs to be amended to reflect the requirements under the Policy for the City to terminate water service to residential customers with delinquent water bills; and

WHEREAS, The City's billing procedures related to solid waste, wastewater, and water services are no longer accurately reflected in the RMC; and

WHEREAS, To clarify the City's current practices and ensure the health, safety, and welfare of City's residents the RMC is to be amended to accurately reflect the City's current billing practices.

NOW, THEREFORE, THE CITY OF RIVERBANK CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1: Section 50.10, Rates to be Charged, is repealed in its entirety and amended with a new Section 50.10, which shall read as follows:

§ 50.10 RATES TO BE CHARGED.

(A) *Rates established.* Rates, fees, and charges for automatic garbage and refuse collection services specified in this Chapter are established by resolution, which may be amended from time to time, and shall be charged for those services.

(B) *Billing.* All garbage, refuse, and recycling fees shall be billed on a bimonthly basis. The bimonthly bill shall reflect double the monthly rate for garbage, refuse, and recycling services.

(C) *Increase or decrease in rates.* The rates for garbage collection set forth herein shall be increased or decreased by resolution of the City Council.

SECTION 2: Section 50.11, Payment, is repealed in its entirety and amended with a new Section 50.11, which shall read as follows:

§ 50.11 DEPOSITS

(A) Applicants for utility services are required to establish credit before receiving such service. Credit shall be deemed established if the applicant meets one of the following options:

- (1) Makes a cash deposit of forty dollars (\$40) as a guarantee for the payment of future bills.
- (2) Has been a customer of City utility services for twelve (12) consecutive months within the last eighteen (18) months, and during such time has paid all bills without any delinquency.
- (3) Provide the City with a letter of credit reference from another utility company showing an on-time payment record for the period of at least the twelve (12) consecutive months directly prior to the date of the requested service.

(B) If a consumer fails to pay a bill for garbage and refuse collection services, the City may apply the deposit insofar as necessary to liquidate the account and may require that the deposit be restored to an amount twice the original deposit amount.

(C) After a cash deposit to guarantee payment for garbage and refuse service has stood unimpaired for twelve (12) months, such deposit shall be applied to the depositor's current account balance. Upon closing any account, the balance of any deposit remaining, after the closing bill for service has been paid, shall be returned promptly to the depositor.

SECTION 3. Section 51.02, Sanitary Sewage Permit; Billing Procedures, is repealed in its entirety and amended with a new Section 51.02, which shall read as follows:

§ 51.02 SANITARY SEWAGE PERMIT; BILLING PROCEDURES.

(A) It shall be unlawful for any person, other than the Director of Public Works to commence or make any connection with any public or house connection sewer or to do or cause to be done, or to construct or cause to be constructed, or to use or cause to be used, or to alter or cause to be altered, any public or house connection sewer within the city without first obtaining a permit from the Plumbing Inspector so to do.

(B) Any person desiring a permit for any of the purposes enumerated in this section, shall make application in writing to the Plumbing Inspector, giving such information as the Inspector may require, on blanks to be furnished for that purpose, and if it appears that the work to be performed thereunder is to be done according to the regulations contained in this chapter and otherwise provided by law governing the construction of said work, a permit shall be issued upon payment of the fees as fixed by ordinance.

(C) Rates and charges for domestic sewage disposal service are hereby established as hereinafter set forth. The charges herein fixed for any premises shall be billed and collected with the charges and rates for city utility services furnished by the city to the premises. The charges herein fixed shall be due and payable in advance at the same time that such charges for city utility services are due and payable.

(D) In the event the premises to be charged for sewer service shall not be connected to the water distribution system then and in that event, Water Department shall bill and collect for the appropriate sewer service charges.

(E) All sewer service revenues collected, shall be retained by the city regardless of the date of termination of sewer service and no rebate will be made for mid-month disconnection.

(F) For any sewer service bill that is not paid by the close of business thirty-five (35) days after the bill was issued shall be subject to a ten percent (10%) penalty.

(G) Charges for services and facilities furnished by the city shall constitute a lien against the lot or parcel of land against which charge is imposed if such charges remain delinquent for a period of 60 days.

(H) In the event the owner, occupant or lessee of premises connected to the sewer system shall fail to pay the sewer charges within sixty (60) days after it becomes delinquent,, the city may in addition to all of the remedies it may have, discontinue furnishing sewer service by means of water service disconnection pursuant to the procedures set forth in § 52.66 herein, and shall not resume the same until all delinquent charges and penalties hereunder together with any service charge necessitated by the resumption of sewer service have been fully paid.

(I) As an alternative to any of the other procedures herein provided or given by law, city may bring an action against the owner, occupant or lessee of the premises to whom the service was rendered for the collection of the amount of the delinquent rate and all penalties and costs of collection including reasonable attorney's fees.

SECTION 4. Section 51.03, Rates and Charges, is repealed in its entirety and amended with a new Section 51.03, which shall read as follows:

§ 51.03 RATES AND CHARGES.

(A) *Inspection fee.* An inspection fee of \$30 for Building Inspection services shall be paid to the city.

(B) *Connection fees.* Connection fees for sewer service for properties not in the city on October 14, 1963 shall be paid to the city as follows:

- (1) Single-family residence (when connection is made to existing lateral): \$4,420;
- (2) Single-family residence (when connection is made to house connection stub behind the curb or at the property line in the alley): \$400;
- (3) Duplex or triplex (each unit): \$400;
- (4) Multiple housing (apartments, condominiums, mobile homes or in manufactured housing in parks or special projects, each unit): \$400;
- (5) Commercial establishments (domestic sewage only, each unit): \$1,000;
- (6) Commercial establishments discharging dishwater, including, but not limited to, laundromats, carwashes or discharges from garbage grinders. First 1,000 square feet of floor area: \$1,200 each, and 100 square feet, or fraction, additional floor area: \$100 each;
- (7) Industrial establishments (domestic sewage only) each unit: \$1,000; and
- (8) Industrial establishments (discharges from industrial use); to be negotiated.

(C) *Front footage assessment.*

(1) A front footage charge of \$7 per lineal foot shall be paid to the city at the time application is made for sewer service connection to an existing sewer lateral for which no previous front footage assessment or fee has been paid for the particular lot or parcel. Subdivision lots shall be exempt from the front footage charge when service laterals have been installed, by the sub-divider, to serve properties within the development.

(2) Front footage assessments will be made and paid to the city based upon the property frontage along the street or alley where the connection is made.

(D) *Extension of sewer lateral.* Whenever the installation of a new sewer line is required to serve an applicant for sewer service, the applicant's obligation or cost for sewer service will be the established front footage assessment, inspection and connection fees, and monthly service charge. The applicant shall advance to the city 100% of the cost of extending sewer service to his or her property and the cost of the line across the full width of applicant's property. The city will reimburse to the applicant the difference between the applicant's obligation or costs and the total cost of the sewer lateral extension over a ten-year period in equal annual installments, with no interest, commencing one-year following the city's acceptance of the completed project, provided

however, that in the event it appears for any reason unfeasible to extend a sewer lateral under the terms of this section, the city may refuse to extend the sewer lateral or it may agree to extend the sewer lateral under a separate agreement containing terms, conditions and provisions for payment which are mutually agreed upon by the city and the property owner or owners requesting the extension.

(E) *Charges for connection to sewer lines financed by state or federal funds.*

(1) In the event state or federal funds are used in construction of a sewer line, the front footage assessment and connection fees will be reduced 50%, for single-family residential applicants who hook on to the sewer line within a 12-month period following the completion of the project. Following the 12-month period, single-family residential applicants for sewer service involving connections to state or federal funded sewer lines will be assessed the regular front footage and connection fees.

(2) All applicants other than single-family residential applicants shall not receive a reduced connection and front footage assessment rate.

(F) *Monthly sewer service charges.* The following monthly sewer service charges are hereby established for properties served by the city.

(1) Base monthly rates for residential, commercial and all other users shall be as follows:

	October 1, 2015	July 1, 2016	July 1, 2017	July 1, 2018	July 1, 2019
Base Monthly Rate	\$25.79	\$33.01	\$40.28	\$47.12	\$49.48

(2) In addition to the base monthly rates, all non-residential users will be charged a variable rate, based on gallon usage over 7,480 gallons. The rate shall be assessed as follows:

Commercial Classification	Class	Variable Rate
Group 1: Schools without cafeterias, offices	Low	\$0.002512
Group 2: Commercial, hospitals, extended care facilities, markets without delis, automobile servicers, laundromats	Domestic	\$0.00335
Group 3: Schools with cafeterias, restaurants, short order facilities, markets with delis	Medium	\$0.004523
Group 4: Restaurants with full kitchens	High	\$0.00737

(3) *Multiple accounts on one meter.* Where more than one residence or business is served by a common meter, a composite sewer rate shall be determined, based on the number and type of residences and businesses served by the meter. The composite rate shall be computed as a weighted average of the respective sewer rates for the individual residences and businesses based on categories and rates established previously in this section. The composite rate shall be determined on a case-by-case basis by the city, using estimated flows for the individual businesses and the respective sewer rates established for specific categories.

(a) The weighted average is computed by estimating the amount of flow by their individual rate (assuming they were on individual meters), and summing the total cost and flow for the multiple account meters.

(b) Composite rates will vary from multiple accounts to multiple accounts, depending on the mix of user types for the shared meter.

(4) All sewer service charges shall be billed on a bimonthly basis. The bimonthly rates shall double the monthly rates during the time the bimonthly billings are in effect.

(5) All sewer service charges are due and payable upon receipt and shall be considered delinquent if not paid seven (7) days after mailing or e-mailing by the City. Any bills not paid within such period are considered delinquent.

(6) Any sewer charges, which are not paid by close of business thirty-four (34) calendar days after the bill is issued, shall have a service charge of 10% of the billing assessed at the time of payment.

(7) *Deposit.* Applicants for utility services are required to establish credit before receiving such service. Credit shall be deemed established if the applicant meets one of the following options:

(a) Makes a cash deposit of one hundred dollars (\$100) as a guarantee for the payment of future bills.

(b) Has been a customer of City utility services for twelve (12) consecutive months within the last eighteen (18) months, and during such time has paid all bills without any delinquency.

(c) Provide the City with a letter of credit reference from another utility company showing an on-time payment record for the period of at least the twelve (12) consecutive months directly prior to the date of the requested service.

If a consumer fails to pay a bill for sewer services, the City may apply the deposit insofar as necessary to liquidate the account and may require that the deposit be restored to an amount twice the original deposit amount. After a cash deposit to guarantee payment for sewer service has stood unimpaired for twelve (12) months, such deposit shall be applied to the depositor's current account balance. Upon closing

any account, the balance of any deposit remaining, after the closing bill for service has been paid, shall be returned promptly to the depositor.

(8) Sewer service charges set forth herein may be increased or decreased by resolution of the City Council.

(G) *Septic tank destruction permit.* Any property owner seeking to abandon his or her septic tank must first obtain a septic tank destruction permit from the City of Riverbank Public Works Department. The fee for the permit shall be \$75.

(H) *Annual fees for the food service establishment discharge permit.*

(1) Permit fees will be calculated based on the following tasks:

FOG Permit review and approval	1.5 hours
Annual compliance visit	1.0 hours
Administration	1.0 hours
Total annual permit fee	3.5 hours

(2) At the time the permit is issued, the final fee as determined by the then current staff rate as determined by inflation will be paid annually for the management, administration and inspection of the grease removal device for the food service establishment discharge permit.

(3) This fee shall be updated as necessary using the consumer price (CIP) index to cover the cost of inflation for implementing the fats oils and grease reduction program.

(4) Re-inspection fees necessary as a result of a violation of the permit shall be in the amount set forth in division (A) above.

(I) *Other fees associated with the installation of a grease interceptor as required by the food service establishment discharge permit.*

(1) Additional fees to cover the cost of engineering and inspection of a new grease interceptor shall be calculated as follows:

Business license review	0.5 hours
Plan review	1.5 hours
Construction inspection	1.0 hours
Total annual permit fee:	3.0 hours

(2) At the time the permit is issued, the final fee as determined by the then current staff rate as determined by inflation must be paid prior to the issuance of a building permit.

SECTION 5. Section 52.64, Payment of Bills, is repealed in its entirety and amended with a new Section 52.64, which shall read as follows:

§ 52.64 PAYMENT OF BILLS.

(A) Water bills shall be rendered on a bimonthly basis and are due and payable upon receipt and shall be considered delinquent if not paid seven (7) days after mailing or e-mailing by the City.

(B) Any bill which is not paid by close of business thirty-five (35) calendar days after the bill is issued, shall be subject to a ten percent (10%) penalty. If the bill is not paid within sixty (60) days after it becomes delinquent, the water service may be discontinued and an additional charge for the subsequent turn-on shall be paid by the consumer according to the requirements established in the City's Residential Water Shut-Off Policy adopted by resolution of the City Council.

(C) When a service is discontinued due to nonpayment of bills, service shall not be resumed until all charges and penalties are paid pursuant to the procedures set forth in Section 52.66 herein. All charges and penalties which are not paid shall become a lien on the property. Termination of service shall not be effective to a residential dwelling for nonpayment while an investigation of a customer dispute or complaint is pending or in progress by the City. Termination of water service shall not be affected on any Saturday, Sunday, legal holiday, or at any time during which the business offices of the City are not open to the public.

SECTION 6. Section 52.65 Deposits, is repealed in its entirety and amended with a new Section 52.65, which shall read as follows:

§ 52.65 DEPOSITS

(A) Applicants for utility services are required to establish credit before receiving such service. Credit shall be deemed established if the applicant meets one of the following options:

(1) Makes a cash deposit of \$60 as a guarantee for the payment of future bills.

(2) Has been a customer of City utility services for 12 consecutive months within the last 18 months, and during such time has paid all bills without any delinquency.

(3) Provide the City with a letter of credit reference from another utility company showing an on-time payment record for the period of at least the 12 consecutive months directly prior to the date of the requested service.

(B) If a consumer's service is disconnected for nonpayment, the City may apply the deposit insofar as necessary to liquidate the account and may require that the deposit be restored to an amount twice the original deposit amount.

(C) After a cash deposit to guarantee payment for metered or measured water service has stood unimpaired for 12 months, such deposit shall be applied to the depositor's current account balance. Upon closing any account, the balance of any deposit remaining, after the closing bill for service has been paid, shall be returned promptly to the depositor.

SECTION 7. Section 52.66, Disconnection for Late Payment, is repealed in its entirety and amended with a new Section 52.66, which shall read as follows:

§ 52.66 DISCONNECTION FOR LATE PAYMENT.

(A) It is the policy of the City to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The City's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(1) That all bills are due and payable on or before the date set forth on the bill; and

(2) That if any bill is not paid by or before that date, a written cut-off notice will be sent to the customer in accordance with the City's Residential Water Shut-Off Policy, detailing the date by which payment or arrangement for payment is required to avoid discontinuation of service and options for payment to avert discontinuation of service; and

(3) That any customer disputing the correctness of his or her bill, shall have a right to a hearing at which time he or she may be represented in person and by counsel, or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the City official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(B) The City may adjust or delay payment of water bills in accordance with the City's Residential Water Shut-Off Policy that has been adopted by resolution of the City Council.

(C) When it becomes necessary for the City to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge, the amount of which shall be governed by the City's Residential Water Shut-Off Policy, adopted by resolution of the City Council.

SECTION 8. If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining

portions of the Ordinance. The City Council of the City of Riverbank hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

SECTION 9. This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, and publication of the Ordinance shall occur in a newspaper of general circulation at least fifteen (15) days prior to its effective date, or a summary of the Ordinance published in a newspaper of general circulation at least five (5) days prior to adoption and again at least fifteen (15) days prior to its effective date.

The foregoing was introduced at a regular meeting of the City Council of the City of Riverbank held on the 13th day of September 2022; motioned by Councilmember Campbell, seconded by Councilmember Uribe, and upon roll call was carried by the following vote 5/0:said Ordinance was given a second reading by title only at a regular meeting of the City Council held on the 27th day of September 2022, and after such reading, by title only, Councilmember Uribe moved its adoption, seconded by Councilmember Barber-Martinez and said Ordinance was thereupon adopted upon roll call was carried by the following roll call vote 5/0:

AYES: **Councilmember, District 1 Luis Uribe**
 Councilmember, District 2 Rachel Hernandez
 Councilmember, District 4 Darlene Barber-Martinez
 Vice Mayor, (CM-D3) Cal Campbell
 Mayor, Richard D. O'Brien

NAYS: **None**

ABSENT: **None**

ABSTAIN: **None**

ATTEST:

APPROVED:

Gabriela Hernandez
City Clerk

Richard D. O'Brien
Mayor

APPROVED AS TO FORM:

Tom Hallinan
City Attorney