

CHAPTER 46.

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Article I. Administration.

Sec. 46-1. Title.

This chapter shall be known as the "Water Works System of the City of Paramount" and may be cited as such. (Ord. No. 504)

Sec. 46-1.1. Water works system.

The water works system of the city shall consist of the entire water works system of the city whether located within the city or beyond the boundaries of the city which has been acquired, constructed and financed by the city together with all improvements and extensions to the system later constructed or acquired. (Ord. No. 504)

Sec. 46-1.2. Management and operation.

The management and operation of the water works system shall remain vested in the city council and the city council shall in the exercise of its legislative, discretionary and police powers fix the level and type of services to be supplied to consumers, provide for the collection of charges for the same, provide rules and regulations in respect to the use of said service, determine and fix water rates, and do all things necessary and proper to maintain and preserve the water works system in good repair and working order. The administration of city council policy in respect to the water works system and for the management and operation of the same shall be under the direction and subject to the control of the city manager or his duly authorized representative. (Ord. No. 504)

Article II. Water Code Definitions.

Sec. 46-2. Definitions.

Definitions of this Code shall govern the construction of the provisions of this chapter unless otherwise apparent from the context.

Air-gap separation. Any physical break between a supply pipe and a receiving vessel. The air-gap shall be at least double the diameter of the supply pipe measured vertically above the top rim of the vessel, in no case less than one inch. (Ord. No. 729)

Applicant. The person or persons, firm, association, corporation or governmental agency of record applying for water services.

Approved backflow prevention device. Any backflow prevention device which has passed laboratory and field evaluation tests performed by a recognized testing organization which has demonstrated their competency to perform such tests to the California Department of Health Services. (Ord. No. 729)

Approved water supply. A potable water supply of safe, sanitary quality which is approved for human consumption by the authorities having jurisdiction thereof.

Auxiliary Supply. Any water supply on or available to the premises other than the approved water supply. (Ord. No. 729)

AWWA Standard. The official standard developed and approved by the American Water Works Association (AWWA). (Ord. No. 729)

Backflow. Any flow condition, caused by a differential in pressure, that causes the flow of water or other liquids, gases, mixtures or substances into the distributing pipes of a potable supply of water from any source or sources other than an approved water supply source. Back siphonage is one cause of backflow. Back pressure is the other cause. (Ord. No. 729)

Billing period. The time interval between two consecutive meter reading dates used for billing purposes.

Capital improvement charge. A charge based on response fire flow and shall be per acre.

City manager. The city manager of the City of Paramount.

Commercial service. Water service for premises devoted primarily to businesses or professional activities.

Contamination. Any degradation of the quality of the potable water by any foreign substance which creates a hazard to the public health or which may impair the usefulness or quality of the water. (Ord. No. 729, § 1.)

Cost. The actual cost to the city including all labor, material, supplies, equipment, and miscellaneous items, together with any applicable indirect overhead and general charges, in accordance with the accounting practices of the department.

Cross-connection. Any unprotected actual or potential connection between a potable water system used to supply water for drinking purposes and any source or system containing unapproved water or a substance that is not or cannot be approved as safe, wholesome, and potable. By-pass arrangements, jumper connections, removable sections, swivel or changeover devices, or other devices through which backflow could occur, shall be considered to be cross-connections. (Ord. No. 729)

Customer. Any person, persons, firms, associations, corporations or governmental agencies of record supplied or entitled to be supplied with water service by the city in accordance with established rates and charges of the city.

Date of presentation. The date on which a bill or notice is mailed or delivered by the department to the customer.

Department. The Water Department of the City of Paramount responsible for operating the city's water system.

Distribution mains. Distribution pipelines located in streets, highways, public ways or private rights-of-way, exclusive of service connections, which are used to serve the general public with water.

Distribution system. The network of conduits used for the delivery of water by the city to the customer's connection.

Domestic service. Single or multiple family dwellings predominantly for residential household and related purposes as distinguished from commercial and industrial purposes.

Double check valve assembly. An assembly of at least two independently acting check valves including tightly closing shut-off valves on each side of the check valve assembly and test cocks available for testing the water tightness of each check valve. (Ord. No. 729)

Easement. Right-of-way in which the water service has the right to install and maintain watermains or waterworks or both.

Employee. Any person designated by the city manager of the city to perform work and labor for provision of water service by the city.

Flat rate service. Flat rate service means unmetered service for which the charges are based on the type of service or number of units served.

Health agency. The California Department of Health Services, or the local health agency with respect to a small water system. (Ord. No. 729)

Highway. Any public highway, street, road, alley, lane, court, or walk or other public easement, and above and below the same which now exists or which may hereafter exist in any incorporated territory of the city.

Industrial service. Water service for premises where the use is primarily in manufacturing or processing activities.

Local health agency. The County health authority. (Ord. No. 729)

Main extension. The extension of watermains beyond existing facilities, exclusive of service connections.

Main line valve. Any valve used to control the flow of water in a distribution watermain or to a fire hydrant, but does not include the valve to a service connection.

Manager. The City Manager of the City of Paramount, or his authorized representative.

Metered service. Water service for which charges are based on measured quantities of water.

Metered service connection. Service connection including meter and meter box.

Minimum charge. A charge for all types and classes of meters.

Person. Any individual, person, firm partnership, or public or private corporation.

Potable. Suitable water for drinking purposes.

Premises. Integrated land area including improvements thereon undivided by public thoroughfares or water distribution mains of the department and where all parts of the premises are operated under the same management and for the same purpose.

Private fire protection service. Water service to premises solely for fire protection service.

Quantitative charge. A charge based on the amount of water used, measured in cubic feet.

Rates. The rates or amount established by resolution to be charged for water service supplied to customers.

Reclaimed water. Any waste water which as a result of treatment is suitable for uses other than potable use. (Ord. No. 729)

Reduced pressure principle backflow prevention device. Any backflow prevention device incorporating two or more check valves and an automatically operating differential relief valve located between the two checks, a tightly closing shut-off valve on each side of the check valve assembly, and equipped with necessary test cocks for testing. (Ord. No. 729)

Service connection. The pipeline or conduit including valves and other equipment installed in place, necessary for conducting water from the city's water main to the meter or meter location installed on or near the property line, but does not include the meter or meter box.

Temporary service. Water service for construction work and other uses where service is required only for a limited time, generally not to exceed six months.

Transmission watermains. Those lines from source facilities to distribution facility and may be either pressure or gravity mains.

Water department. That certain department of the city which cares for, maintains and operates pumps, plants, mains, and all necessary facilities for the acquiring, distributing and selling of water within the city.

Watermains. Any pipeline or conduit laid along or approximately parallel with and in any highway, easement or within the grantee's property, for the transmission or distribution of water, but does not include service connections or service laterals.

Water quality. Whenever domestic service is furnished the city will endeavor to furnish at all times a safe and potable supply.

Water service. The availability of water to a premises through facilities of the city and any water supplied through such facilities.

Water utility. Water utility means any person, firm, private, quasipublic or public agency of record, supplying or purporting to supply other than at wholesale, water for any purpose other than irrigation or water replenishment to more than one retail customer or stockholder. The term, water utility includes a corporation, delivering water only to its stockholders, whether such corporation or such stockholders own the water delivered.

This division does not apply to the supply of water: a) at wholesale or; b) to water utilities or; c) for underground water replenishment or; d) for underground water conservation. (Ord. No. 504)

Article III. Rules and Regulations.

Sec. 46-3. In general.

It shall be unlawful for any person to violate any of the provisions of this chapter or any of the provisions of the hereinafter set forth rules and regulations, as well as any of the provisions of any rules and regulations hereinafter adopted or amended by resolution. Any person, firm, or corporation applying for service of the water works system shall agree in writing to comply with the terms and provisions of this chapter, the rules and regulations herein enacted as well as any rules and regulations hereinafter enacted by resolution, as well as with any amendment or addition to any of the foregoing. Said rules and regulations are as follows.

VERSION 10/2014

Sec. 46-3.1

Sec. 46-3.4

Sec. 46-3.1. Non-compliance with rules and regulations.

If any person fails to comply with any of the foregoing, the water utility director shall be advised of such failure.

If said person thereafter does not correct said non-compliance within a reasonable time after notification from the city manager to do so, the city manager shall have the right after giving notice, to discontinue service to said person. Except in case of emergencies, the city manager shall not discontinue the service of any persons except on written five day notice thereof advising said person in what particular there has been a violation or non-compliance for which service will be discontinued if said violation or non-compliance has not been remedied. This notice however, may be dispensed with by the city manager in his discretion, in the event of any emergency demanding immediate curtailment of said service in order to protect public life or property. (Ord. No. 504)

Sec. 46-3.2. Unsafe practices.

Every consumer shall at his own risk and expense furnish, install and maintain in good and safe condition, all apparatus and appliances which may be required for receiving, controlling, applying and utilizing water furnished by the city. Where any part of the consumer's installation is found to be unsafe or hazardous, or where the consumer willfully wastes water in any manner, the water may be shut off without notice until such unsafe or hazardous or wasteful practices have been discontinued or until such repairs or modifications have been made to the satisfaction of the city. Any damage occurring to the meters or other pipes or appliances owned by the city which is caused by carelessness, neglect or unsafe apparatus of the consumer shall be paid for by the consumer on presentation of a bill therefor. The city does not assume the responsibility of inspection of the consumer's installation and assumes no liability, nor shall the city be responsible for any damage occurring on the premises or elsewhere by reason of open faucets, faulty fixtures, broken pipe or for any unsafe condition or apparatus at or after the service is turned on, nor for any damage resulting from the turning off of the water service. (Ord. No. 504)

Sec. 46-3.3. Service detrimental to public health or property.

The water utility director shall direct that the continuance of service to any consumer having apparatus or appliances, the operation of which in the judgement of the water utility director would be detrimental to the water service being furnished by the city to its other consumers in the immediate vicinity or detrimental to the public health, safety and welfare, be terminated. (Ord. No. 504)

Sec. 46-3.4. Ownership of the system.

All portions and part of the water works system used in supplying water to the consumer shall remain the property of the city and may be only repaired, replaced or removed as the city shall so direct. Property herein mentioned includes all meters and appliances, service pipe, lines and mains installed by the city whether on public property or property of the consumer. (Ord. No. 504)

Sec. 46-3.5. Tampering with equipment.

It shall be unlawful for any person other than those designated and authorized by proper authority to tap, open, connect with, operate or otherwise tamper with any main, pipe, valve, meter, or fire hydrant or any other equipment which forms a part of the water system of the city. (Ord. No. 504)

Sec. 46-3.6. Meters.

All meters shall be installed by the city and shall be only removed, repaired or replaced by the city. No rent or other charge whatsoever shall be made by the consumer for the placing of any meter or appliance upon the consumer's premises. No person shall move, repair, tamper with, injure or destroy any of said meters or appliances other than a representative of the city. The city shall have the right to remove any and all of its facilities installed on a consumer's premises at the termination of service. Meters, wherever practicable shall be placed in a meter box in the roadside area and if not so practicable shall be placed in some other convenient place upon the consumer's premises so that the same at all times are accessible for inspection, reading and testing. No person, other than a representative of the city, shall make or maintain any by-pass or other connection between the meter and the main and shall not tamper with the meter in any way. (Ord. No. 504)

Sec. 46-3.7. Re-sale of water.

No person may resell any of the water received by him from the city to any other person for a profit. A person may only resell water received by him from the city to another person upon the approval of the city manager or his designee. (Ord. Nos. 504, 841)

Sec. 46-3.8. Wrong use or waste of water.

No consumer shall provide water regularly to any person, company, or corporation other than the occupant or occupants of the premises of said consumer, nor shall any consumer knowingly permit leaks or waste of water. (Ord. No. 504)

Sec. 46-3.9. Illegal connection to water system.

No person shall install or maintain or permit to be installed or maintained, any connection or cross-connection between the water supply system of the city and any other source of water supply whatsoever, without the approval of the city manager. Water service may be discontinued to any premises upon which there is found to be another source of water supply or a possible cross-connection. Said service shall not be restored until such cross-connection has been eliminated or back-flow devices satisfactory to the city have been installed. The expense and maintenance of backflow devices and the cost of eliminating cross-connections shall be paid by the consumer or owner of the premises. (Ord. No. 504)

Sec. 46-3.10. Protection of public water supply.

- (a) Protection of public water supply. The City of Paramount shall operate a cross-connection control program:
- (1) To protect the public water supply against actual or potential cross-connection by isolating within the premise contamination that may occur because of some undiscovered or unauthorized cross-connection on the premises;
 - (2) To eliminate existing connections between drinking water systems and other sources of water that are not approved as safe and potable for human consumption;

- (3) To eliminate cross-connections between drinking water systems and sources of contamination;
- (4) To prevent the making of cross-connections in the future.

These regulations are adopted pursuant to the State of California Code of Regulations Title 17 - Public Health entitled "Regulations Relating to Cross-Connections."

It is unlawful for any person, firm, or corporation at any time to make or maintain or cause to be made or maintained, temporarily or permanently, for any period of time whatsoever, any cross-connection between plumbing pipes or water fixtures being served with water by the City water department and any other source of water supply or to maintain any sanitary fixture or other appurtenances or fixtures which by reason of their construction may cause or allow backflow of water or other substances into the water supply system of the City and/or the service of water pipes or fixtures of any consumer of the City.

(b) Cross-connection protection requirements.

(1) General provisions.

- a. Unprotected cross-connections with the public water supply are prohibited.
- b. Whenever backflow protection has been found necessary, the City will require the water customer to install an approved backflow prevention device by and at his expense for continued services or before a new service will be granted.
- c. Wherever backflow protection has been found necessary on a water supply line entering a water customer's premises, then any and all water supply lines from the City's mains entering such premises, buildings, or structures shall be protected by an approved backflow prevention device. The type of device to be installed will be in accordance with the requirements of this chapter.

(2) Where protection is required.

- a. Each service connection from the City water system for supplying water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the public water system unless the auxiliary water supply is accepted as an additional source by the City, and is approved by the public health agency having jurisdiction.
- b. Each service connection from the City water system for supplying water to any premises on which any substance is handled in such fashion as may allow its entry into the water system shall be protected against backflow of the water from the premises into the public system. This shall include the handling of process waters and waters originating from the City water system which have been subjected to deterioration in sanitary quality.
- c. Backflow prevention devices shall be installed on the service connection to any premises having (1) internal cross-connections that cannot be permanently corrected and controlled to the satisfaction of the state or local health department and the City, or (2) intricate plumbing and piping arrangements or entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not cross-connections exist.

(3) Type of protection required.

- a. The type of protection that shall be provided to prevent backflow into the approved water supply shall be commensurate with the degree of hazard that exists on the consumer's premises. The type of protective device that may be required (listing in an increasing level of protection) includes: Double Check Valve Assembly (DC), Reduced Pressure Principle Backflow Prevention Device (RP), and an Air-Gap Separation (AG). The water user may choose a higher level of protection than required by the City. The minimum types of backflow protection required to protect the approved water supply, at the customer's water connection to premises with varying degrees of hazard, are given in Table 1. Situations which are not covered in Table 1 shall be evaluated on a case by case basis and the appropriate backflow protection shall be determined by the City or health agency.

TABLE 1
 TYPE OF BACKFLOW PROTECTION REQUIRED

<u>Degree of Hazard</u>	<u>Minimum Type of Backflow Prevention</u>
A. Sewage and Hazardous Substances	
1. Premises where the public water system is used to supplement the reclaimed water supply.	AG
2. Premises where there are waste water pumping and/or treatment plants and there is no interconnection with the potable water system. This does not include a single family residence that has a sewage lift pump. A RP may be provided in lieu of an AG if approved by the health agency and the City.	AG
3. Premises where reclaimed water is used and there is no interconnection with the potable water system. A RP may be provided in lieu of an AG if approved by the health agency and the City.	AG
4. Premises where hazardous substances are handled in any manner in which the substances may enter a potable water system. This does not include a single family residence that has a sewage lift pump. A RP may be provided in lieu of an AG if approved by the health agency and the City.	AG
5. Premises where there are irrigation systems into which fertilizers, herbicides, or pesticides are, or can be, injected.	AG

B. Auxiliary Water Supplies

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| 1. | Premises where there is an unapproved auxiliary water supply which is interconnected with the public water system. A RP or DC may be provided in lieu of an AG if approved by the health agency and the City. | AG |
| 2. | Premises where there is an unapproved auxiliary water supply and there are no interconnections with the public water system. A DC may be provided in lieu of a RP if approved by the health agency and City. | RP |

C. Fire Protection Systems

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| 1. | Premises where the fire system is directly supplied from the public water system and there is an unapproved auxiliary water supply on or to the premises (not interconnected). | DC |
| 2. | Premises where the fire system is supplied from the public water system and interconnected with an unapproved auxiliary water supply. A RP may be provided in lieu of an AG if approved by the health agency and City. | AG |
| 3. | Premises where the fire system is supplied from the public water system and where either elevated storage tanks or fire pumps which take suction from the private reservoirs or tanks are used. | DC |

D. Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross-connections do not exist. RP

E. Premises where there is a repeated history of cross-connections being established or re-established. RP

- b. Two or more services supplying water from different street mains to the same building, structure, or premises through which an interstreet main flow may occur, shall have at least a standard check valve on each water service to be located adjacent to and on the property side of the respective meters. Such check valve shall not be considered adequate if backflow protection is deemed necessary to protect the City's mains from pollution or contamination; in such cases the installation of approved backflow devices at such service connections shall be required.

(c) Backflow prevention devices.(1) Approved backflow prevention devices.

- a. Only backflow prevention devices which have been approved by the City shall be acceptable for installation by a water customer connected to the City's potable water system.
- b. The City will provide, upon request, to any affected customer a list of approved backflow prevention devices.

(2) Backflow prevention device installation.

- a. Backflow prevention devices shall be installed in a manner prescribed in Section 7603, Title 17 of the California Administrative Code. Location of the devices should be as close as practical to the customer's connection. The City shall have the final authority in determining the required location of a backflow prevention device.
 1. Air-gap separation (AG). The air-gap separation shall be located on the customer's side of and as close to the service connection as is practical. All piping from the service connection to the receiving tank shall be above grade and be entirely visible. No water use shall be provided from any point between the service connection and the air-gap separation. The water inlet piping shall terminate a distance of at least two (2) pipe diameters of the supply inlet, but in no case less than one (1) inch above the overflow rim of the receiving tank.
 2. Reduced pressure principle backflow prevention device (RP). The approved reduced pressure principle backflow prevention device shall be installed on the customer's side of and as close to the service connection as is practical. The device shall be installed a minimum of twelve inches (12") above grade and not more than thirty-six inches (36") above grade measured from the bottom of the device and with a minimum of twelve inches (12") side clearance. The device shall be installed so that it is readily accessible for maintenance and testing. Water supplied from any point between the service connection and the RP device shall be protected in a manner approved by the City.
 3. Double check valve assembly (DC) - The approved double check valve assembly shall be located as close as practical to the customer's connection and shall be installed above grade, if possible, and in a manner where it is readily accessible for testing and maintenance. If a double check valve assembly is put below grade it must be installed in a vault such that there is a minimum of six inches (6") between the bottom of the vault and the bottom of the device, so that the top of the device is no more than a maximum of eight inches (8") below grade, so there is a minimum of six inches (6") of clearance between the side of the device with the test cocks and the side of the vault, and so there is a minimum of three inches (3") clearance between the other side of the device and the side of the vault. Special consideration must be given to double check valve assemblies of the "Y" type. These devices must be installed on their "side" with the tests cocks in a vertical position so that either check valve may be removed for service without removing the device. Vaults which do not have an integrated bottom must be placed on a three inch (3") layer of gravel.

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- (3) Backflow prevention device testing and maintenance.
- a. The owners of any premises on which, or on account of which, backflow prevention devices are installed, shall have the devices tested by a person who is certified by an appropriate governing agency and has demonstrated their competency in testing of these devices to the City. Backflow prevention devices must be tested at least annually and immediately after installation, relocation or repair. The City may require a more frequent testing schedule if it is determined to be necessary. No device shall be placed back in service unless it is functioning as required. A report in a form acceptable to the City shall be filed with the City each time a device is tested, relocated, or repaired. These devices shall be serviced, overhauled, or replaced whenever they are found to be defective and all costs of testing, repair, and maintenance shall be borne by the water customer.
 - b. The City will notify affected customers by mail when annual testing of a device is needed and also supply customers with the necessary forms which must be filled out each time a device is tested or repaired.
- (4) Backflow prevention device removal.
- a. Approval must be obtained from the City before a backflow prevention device is removed, relocated, or replaced.
 1. Removal. The use of a device may be discontinued and the device removed from service upon presentation of sufficient evidence to the City to verify that a hazard no longer exists or is not likely to be created in the future;
 2. Relocation. A device may be relocated following confirmation by the City that the relocation will continue to provide the required protection and satisfy installation requirements. A retest will be required following the relocation of the device;
 3. Repair. A device may be removed for repair; provided the water use is either discontinued until repair is completed and the device is returned to service, or the service connection is equipped with other backflow protection approved by the City. A retest will be required following the repair of the device; and
 4. Replacement. A device may be removed and replaced provided the water use is discontinued until the replacement device is installed. All replacement devices must be approved by the City and must be commensurate with the degree of hazard involved.

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- (d) User supervisor. At each premise where it is necessary, in the opinion of the City, a user supervisor shall be designated by and at the expense of the water customer. This user supervisor shall be responsible for the monitoring of the backflow prevention devices and for avoidance of cross-connections. In the event of contamination or pollution of the drinking water system due to a cross-connection on the premises, the City shall be promptly notified by the user supervisor so that appropriate measures may be taken to overcome the contamination. The water customer shall inform the City of the user supervisor's identity on, as a minimum, an annual basis and whenever a change occurs.
- (e) Administrative procedures.
- (1) Water system survey.
- a. The City shall review all requests for new services to determine if backflow protection is needed. Plans and specifications must be submitted to the City upon request for review of possible cross-connection hazards as a condition of service for new service connections. If it is determined that a backflow prevention device is necessary to protect the public water system, the required device must be installed before service will be granted.
- b. The City may require an on-premise inspection to evaluate cross-connection hazards. The City will transmit a written notice requesting an inspection appointment to each affected water customer. Any customer which cannot or will not allow an on-premise inspection of their piping system shall be required to install the backflow prevention device the City considers necessary.
- c. The City may, at its discretion, require a reinspection for cross-connection hazards of any premise to which it serves water. The City will transmit a written notice requesting an inspection appointment to each affected water customer. Any customer which cannot or will not allow an on-premise inspection of their piping system shall be required to install the backflow prevention device the City considers necessary.
- (2) Customer notification - Device installation.
- a. The City will notify the water customer of the survey findings, listing corrective action to be taken if required. A period of 60 days will be given to complete all corrective action required including installation of backflow prevention devices.
- b. A second notice will be sent to each water customer which does not take the required corrective action prescribed in the first notice within the 60 day period allowed. The second notice will give the water customer a two week period to take the required corrective action. If no action is taken within the two week period the City may terminate water service to the affected water customer until the required corrective actions are taken.

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- (3) Customer notification - Testing and maintenance.
- a. The City will notify each affected water user when it is time for the backflow prevention device installed on their service connection to be tested. This written notice shall give the water customer 30 days to have the device tested and supply the water customer with the necessary form to be completed and resubmitted to the City.
 - b. A second notice shall be sent to each water customer which does not have his backflow prevention device tested as prescribed in the first notice within the 30 day period allowed. The second notice will give the water customer a two week period to have his backflow prevention device tested. If no action is taken within the two week period the City may terminate water service to the affected water user until the subject device is tested.
- (f) Water service termination. When the City encounters water uses that represent a clear and immediate hazard to the potable water supply that cannot be immediately abated, the City shall institute the procedure for discontinuing the City water service.
- (1) Basis for termination.
- Conditions or water uses that create a basis for water service termination shall include, but are not limited to, the following items:
- a. Refusal to install a required backflow prevention device,
 - b. Refusal to test a backflow prevention device,
 - c. Refusal to repair a faulty backflow prevention device,
 - d. Refusal to replace a faulty backflow prevention device,
 - e. Direct or indirect connection between the public water system and a sewer line,
 - f. Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants,
 - g. Unprotected direct or indirect connection between the public water system and an auxiliary water system,
 - h. A situation which presents an immediate health hazard to the public water system.

(2) Water service termination procedures.

To terminate water service, the City will take the following steps:

- a. Notify the customer in writing specifying the corrective action needed and the time period in which it must be done. If no action is taken within the allowed time period, water service may be terminated. In those situations which present an immediate health hazard to the public water system, the City will make reasonable effort to advise water user of intent to terminate water service;
- b. Terminate water supply and lock service valve. The water service will remain inactive until correction of violations has been approved by the City.

(Ord. Nos. 504, 729)

Sec. 46-3.11. Right of ingress and egress.

The city or its duly authorized agents or contractual agent, shall at all times have the right of ingress to and egress from the consumer's premises at all reasonable hours for any purpose reasonably connected with the furnishing of water and the exercise of any and all rights secured to it by law or the rules and regulations enacted hereunder. A customer shall provide and maintain reasonable access for city representatives to all service connections, meters, backflow prevention devices, or other facilities pertinent to water service installed on consumer's premises. (Ord. No. 504)

Sec. 46-3.12. Obstruction of meter boxes, etc.

It shall be unlawful to damage or interfere with or to place any object, material, dirt or debris, garbage or rubbish cans or accumulation of any kind upon or about any fire hydrant, gate valve, manhole, meter or meter box, shut-off valve, or valve box so as to prevent free and immediate access to same at all times. (Ord. No. 504)

Sec. 46-3.13. Employees identification.

An official identification card shall be carried or worn by all employees who, in line of duty, may be required to enter upon private premises. Every employee, upon ceasing to be employed in the division, shall surrender and deliver to the proper official all identification cards and credentials of the division. (Ord. No. 504)

Sec. 46-3.14. Refusing admittance.

No person, as owner or occupant of any premises supplied with city water shall refuse admittance to, or hinder or prevent inspection by an authorized employee of the division when on official business, and if any person, as owner or occupant of such premises, does so refuse, hinder, or prevent, the water to such premises by be shut off. (Ord. No. 504)

Sec. 46-3.15. Fraud.

The city may refuse water service or may discontinue service at any time if found necessary in order to protect the city against abuse or fraud. (Ord. No. 504)

Sec. 46-3.16. Additional rules and regulations.

The city council may from time to time amend, alter or add additional rules and regulations pertaining to the maintenance and operation and use of the water system. In addition, the city council may by resolution, adopt such additional rules and regulations pertaining to the maintenance and operation and use of the water system as it deems necessary including as well, charges for the use of said service, which said rules and regulations may be amended, altered, repealed or added to by the city council from time to time as it deems necessary in its discretion. Such resolution shall be adopted in the form and manner that any other resolution of the city council would be adopted with the exception that any resolution creating or establishing a charge for the use of the service of the water system or repealing or amending any charge for said use shall only be adopted after two readings at least five days apart and after a public hearing on the adoption of said resolution. The city manager, with the advice and the assistance of the city attorney, is hereby given power and authority to interpret and apply said rules and regulations. Any person aggrieved by the decision of the city manager, may appeal said decision to the city council and the decision of the city council shall be final and conclusive thereon. (Ord. No. 504)

Article IV. Water Service.Sec. 46-4. Supply.

The city will endeavor to deliver a dependable supply of potable water from available sources, in quantities adequate to meet the reasonable needs of its customers. The delivery of such supply will be at the service connection. The city may suspend temporarily the delivery of water, for the purpose of making repairs or improvements to its system. Such repairs or improvements will be made as rapidly as practicable. Customers dependent on a continuous water supply should provide adequate storage for emergencies. During any emergency, the city may apportion the available water supply among its customers in the manner that appears most equitable under the circumstances prevailing and with due consideration for public health and safety. (Ord. No. 504)

Sec. 46-4.1. Customers consent to service subject to regulations and all conditions of pressure and supply.

Service provided by the city shall at all times be subject to the regulations promulgated by the city council. All persons applying for or receiving water service shall be required to accept and shall be deemed to have consented to accept water service subject to such regulations, conditions of pressure and service as may be provided from time to time by the distribution system at the location served and to hold the city harmless from any damages arising from low pressure or high pressure, fluctuations of pressure, interruptions of service, shortage, insufficiency of supply or condition not within the department's control. (Ord. No. 504)

Sec. 46-4.2. Impairment of service to other customers.

Where the use of water is unusually intermittent or is subject to violent fluctuations of a character that may impair service to other customers, the city may require that the customer provide, at his own expense, suitable equipment to reasonably limit fluctuations in use and pressure caused by the customer's equipment or operations. (Ord. No. 504)

Sec. 46-4.3. Water pressure.

The city will endeavor to maintain such pressure as recommended by the National Board of Fire Underwriters. In the event any consumer deems that pressures are inadequate, the consumer shall furnish at his own expense whatever devices are necessary to boost the pressure for his own premises. In the event water pressures are in excess of any consumer's normal requirements, it shall be the responsibility of such water consumer to install such devices on his own premises to protect his plumbing and/or to reduce the pressure for his normal needs. The consumer shall obtain approval of any devices installed to insure protection of public water supply. (Ord. No. 504)

Sec. 46-5. Service connections, meters and customer's facilities--General provisions.

- (a) Applicability. Service connections will be installed by the city subject to the provisions of this section, except as otherwise provided in "Temporary service connections," "Temporary supply," and "Distribution system extensions."
- (b) Size and location of service connections. The city may determine the size and number of service connections and their locations in relation to boundaries of the premises to be served and the point of connection to the customer's facilities. The city shall determine in all cases the adequacy of the then existing water system to supply any proposed service. Should the city determine that the system is inadequate for said service, application shall not be approved until the applicant has provided additional facilities, at his cost, in accordance with the regulations for distribution system extensions. The customer's piping to the service connection location should not be laid until the service connection is installed; in the event the customer's pipe is installed and its location does not correspond to that of the service connection, the customer must provide for connecting to the service connection.
- (c) Ownership and absence of rental obligation. All service connections, meters and valves, and housings installed by the city or conveyed to the city, however provided for, shall be the sole property of the city under the control of the city and will be maintained at the city's expense except as otherwise provided in these regulations. No rent or charge will be paid by the city where such facilities are located on a customer's premises. The city may relocate its facilities as required by operating conditions and may remove any and all of its facilities from the customer's premises at the termination of service. In the event property is vacant or city's equipment installed is not longer needed, such equipment may be removed at any time upon order of the water utility director.
- (d) Responsibility for loss or damage. The customer will be held responsible for loss or damage to the city's meters or other facilities resulting from the use or operation of appliances and facilities on the customer's premises, including but not limited to damage caused by steam, hot water, or chemicals. The city's control and responsibility ends at its shut-off valve or meter, and the city will in no case be liable for loss or damage on the premises served, or elsewhere caused by, or in any way arising out of, the running or escape of water from open faucets, burst pipes, or faulty fixtures or appliances on the premises. Each customer shall be responsible for the cost of any water lost through leaks or defective lines between the meter and the point of use. Shut-off valves on the inlet side of the meter shall be operated only by the city. For convenience and safety, the consumer shall install a valve between the meter and the building or first outlet. Damages resulting from violations of this rule shall be charged to the customer. (Ord. No. 504)

Sec. 46-5.1. Service connections, type of service and applications.

- (a) Application for service connection. An application for a service connection shall be made on a form furnished or approved by the city. This application shall specify the size of the service connection desired, the property to be served and the purpose for which the water is to be used. The information supplied by the applicant shall be considered as authoritative and final. The city shall install the service connection at such location as the applicant requests, subject to approval by the water utility director. The service shall be installed from the nearest water distribution main to a point as close to the property line as is reasonable, depending upon all applicable conditions, whether such nearest water distribution main is located in a public street, utility right-of-way, or easement. If any error in such application shall cause the installation of a service connection that is improper either in type, size or location, the cost of all changes required shall be paid by the applicant. Applicant shall make proper application for service, in accordance with "Application for service connection" and make payment of fees or deposits as set forth in resolution of the city council before water service connection will be provided. If such application has been made and the applicant requests the water turned on, the billing for water service shall begin when the service connection is installed and the meter is set.

The rates set forth by resolution are for normal connections where there is a main adjacent to the property. For all extensions required between the nearest distribution main and the curb line or property line for installations over two inches, or on long runs, where the actual cost is charged, a deposit in the amount of the estimated cost shall be made with the city prior to any installation.

(b) Domestic, commercial and industrial service connections.

- (1) Each house or building under separate ownership shall be supplied through a separate service connection or service connections. Two or more houses or buildings under one ownership and on the same lot or parcel of land may be supplied through one service connection, or a separate service connection may be installed for each building.
- (2) The city may limit the number of houses or buildings or the area of the land under one ownership to be supplied by one service connection.
- (3) The city may limit the number of service connections to any residential or other structure whether under separate or multiple ownership.
- (4) When property provided with a service connection is subdivided, the service connection shall be considered as supplying the lot or parcel of land which it directly enters.
- (5) A service connection to a premises shall not be used to supply the premises of the same owner or which proper application for service connection was not made.
- (6) Whenever any service connection is authorized to be abandoned or removed, any re-establishment of service shall be considered a new service connection.
- (7) Extension of service pipe through basement wall. Where conditions require that the service connection be extended through a basement wall, the applicant shall, at his own expense, provided and seal the entrance way for such pipe and shall assume all responsibility for damage by leakage through such entrance way or by leaking pipes, fittings, or meters.

(c) Private fire protection service connections.

- (1) Whenever a service is installed for private fire protection, a charge shall be made for installation of a fire detector check valve and meter and appurtenances. Such service may be used only in case of fire or other purposes in this chapter expressly provided. Use of fire protection service for any other purpose than in this chapter provided shall be prohibited.

Should it be necessary to use water through a fire detector check meter for the purpose of testing or maintaining a private fire suppression system of fire department apparatus, the city shall authorize such use upon the receipt of a written request stating:

- a. Date and time of use;
- b. Purpose;
- c. Estimated quantity of water to be used;
- d. Estimated maximum flow.

The city may restrict such non-emergency flows which may be detrimental to or tend to dewater the system.

- (d) Installation of public fire hydrants. The fire chief having jurisdiction shall designate the size and location of all public fire hydrants to be installed. The cost of all public fire hydrant installations or changes shall be paid by the applicant.

(e) Temporary service connections.

- (1) Establishment of temporary service. The city shall, if no hardship will result to its existing customers, furnish temporary service for construction and miscellaneous uses when the applicant has requested service on this basis or where the city reasonably expects the service to be temporary. A temporary service may be disconnected at any time after expiration of the period for which applicant stated it was required or when in the opinion of the water utility director, the service is no longer temporary in nature or when the use of such temporary service is detrimental. Applicants shall make in advance the payments provided in this section.
- (2) Temporary service from existing connections. An existing inactive connection which is not being used may be used for temporary service but if it is required at any time to service the property which it enters, its use for temporary service shall be discontinued. A charge as set forth by resolution of city council will be made for arranging such temporary use.
- (3) Installation of temporary service connections. Where installation of a temporary service connection is required, applicant shall pay the estimated cost to the city.
- (4) Meter may be required. The city may require that a meter be installed on any temporary service connection and charge the applicable rate for the service provided. The charge for a meter shall be provided in "Service connections, meters, and customer's facilities."
- (5) Service connection installation charges. The charges for installation of the several kinds and sizes of service connections shall be as set forth in resolution of city council. (Ord. No. 504)

Sec. 46-6. Application for service.

- (a) Generally. The department may require prospective customer to sign, as applicant, or his agent to sign as such, an application for the service desired and also to establish his credit. Application may be made at the business office of the department or to a duly authorized employee.

The department's requirements for the type of service desired must be met before an application will be approved. If main, service connection and meter required for service to the premises have not been installed, the applicant will be informed of the terms and conditions which must be met before an application for service will be approved.

When an application is made by a former customer who has failed to pay charges owed by him to the department, service may be refused until such charges are paid.

- (b) Use of water without application for service. Any person who takes possession of a premises where water supply has been shut off by the department and uses water without making application for water service shall be responsible for all charges for the water service. The amount of such charges shall be at a rate to be determined by the department whether by meter readings or on the basis of the estimated consumption for the time water was used. When water is being used without application for service, the service may be disconnected without notice.
- (c) Applications for water service. Each new user, owner, or tenant of any premises served by the city shall make a written application for water service on forms furnished by the city, in the collections office of the division; provided, however, if an existing service user seeks a change of service address within the city system, such application may be made by telephone with the applicable fees deposited by mail or transferred on the accounts of the city. The application shall include the name and address of the applicant, the legal description or street number of the property, and an agreement by the applicant to pay the stipulated rate at the time and in the manner provided by any applicable resolution or provision of this chapter and to abide by all the service rules and regulations of the division.
- (d) Consumer to furnish current information. The consumer shall notify the city of any change in the status of or the information shown on the application for service and shall be responsible for the water service furnished until the city is notified to discontinue service.

The city shall make no adjustments or waive any charges or penalties resulting from the consumer's failure to provide current information.

All conditions of service contained herein together with the current water rates and charges shall apply to each and every service regardless of whether the premises served is occupied or vacant, excepting if the water has been turned off by the city upon request of the consumer or the owner of the property, any fixed or minimum charge shall not apply.

- (e) Temporary service for contractors and miscellaneous uses. Water for construction and miscellaneous uses normally shall be furnished through a temporary service connection. The applicant shall designate the period of time and purpose for which the water is to be used. The department may discontinue the supply and remove its equipment at the expiration of the period so designated. Water supply shall be subject to limitations as to the rate of flow and time of use.

The department initially will install all the equipment necessary to furnish a temporary water supply and, upon payment of the charges provided for in this section, will move equipment for any subsequent changes in location as requested by the applicant except when the applicant is being furnished water on a flat rate basis and is supplying his own eddy valve.

- (f) Temporary supply from fire hydrants. Temporary supply of water for purposes other than extinguishing fires may be secured from existing fire hydrants on application in accordance with the provision of this section. Applicant shall designate the period of time and purpose for which water is to be used. The city may discontinue the supply and remove its equipment at the expiration of the period so designated or if the supply is used for any purpose other than designated by applicant. The supply is subject to limitations as to rate of flow of water and on times of use. The city may require that a meter be installed and charge the applicable rate for the service provided as set forth by resolution of city council.

The city will install all equipment necessary to furnish a temporary water supply and no water shall be used until such equipment is installed and arrangements have been made for payment of water to be used. A backflow prevention device may be required.

If the equipment furnished by the department is damaged through the carelessness or abuse of an applicant, the cost of repairing it shall be charged to the applicant. If any such equipment is removed from the fire hydrant by others and not recovered by the department, the value thereof shall be charged to the applicant.

Applicant shall establish credit as provided by "Establishment and re-establishment of credit" to secure payment of the department's charges for furnishing installation, removal, inspection and rental of the equipment installed on a fire hydrant for such securing of water and charges for the water used.

If credit is established by making a deposit, the amount thereof shall be sufficient to secure payment for water used and the other charges by the city.

No permit for temporary supply from fire hydrants shall be issued to any person who has violated any of the provisions of this chapter or whose indebtedness to the city for water used or damage to hydrants is delinquent. Only approved spanner wrenches may be used when operating fire hydrants. Applicant shall not operate the main fire hydrant valve except in an emergency. (Ord. No. 504)

Sec. 46-6.1. Deposits.

- (a) Amount of deposits. The applicant is required to make a deposit as set forth by Resolution for guaranteeing payment of charges for service or for re-establishment of credit.
- (b) When the department holds a deposit guaranteeing payment for water service that has been discontinued, such deposit will be refunded without interest, with the following exceptions: any unpaid final charges or any other indebtedness to the department shall be deducted from the deposit and any remaining portion of the deposit returned.

Deposits or guarantees made pursuant to this section may be refunded without interest to the customer when credit satisfactory to the department has been established.
(Ord. Nos. 504, 492)

Sec. 46-6.2. Application for a meter installation.

- (a) All applications for a new water service shall be made on the forms furnished by the city and shall be signed by the applicant.

In addition to any other information required, such application shall show the true name of the applicant, the address of the property to be served, a true and accurate description of the area to be served and the size of the service requested.

Each application shall be accompanied by an installation fee in the amount set forth by the water utility director.

- (b) Except as otherwise specifically provided herein, all water delivered by the city shall be delivered through approved meters installed by the city. Meters installed or new services shall be no smaller in size than five-eighths inch by three-fourths inch.

Service pipes will be installed from the main to a point inside the curb line where a meter and appurtenances will be installed. However, all service pipes from main located in easements will have meters and appurtenances located adjacent to said mains except where other arrangements are provided by customer. Installation and maintenance of all pipes on the property on the customer side of the meter shall be the responsibility of the customer. (Ord. No. 504)

Sec. 46-6.3. Discontinuance of service.

- (a) Discontinuance of service at customer's request.

(1) A customer may have service discontinued by giving not less than forty-eight hours advance notice thereof to the city. Charges for service may be required to be paid until the requested date of discontinuance or such later date as will provide not less than the required two-days advance notice.

(2) When such notice is not given, the customer will be required to pay for service until one day after the city has knowledge that the customer has vacated the premises or otherwise had discontinued water service.

- (b) Discontinuance of service by city. Nonpayment of bills. A customer's water service may be discontinued for the nonpayment of a bill for water service rendered, if the bill has not been paid within thirty-five days from presentation.

Water charges shall be due and payable upon presentation and shall become delinquent if not paid before the 20th day after the date of mailing. If any account becomes delinquent, the city may shut off the water to the premises concerned. There shall be, as set forth by Resolution, a charge for turning on any water service after shut-off by reason of delinquency.

If any fire service account becomes delinquent, the city may shut off and discontinue the domestic water service to the premises. Water service shall not be restored until all provisions have been complied with.

- (c) Vacant premises. In case any premises become vacant, the regular minimum rates shall be charged, and no refund or discount shall be made unless the water has been shut off by the department upon the written request of the one in whose name the water service is rendered or the written request of the owner.
- (d) Uncollected water bills. The city may show an uncollected water bill as an assessment on the tax roll or place a lien against the service address if the bill remains unpaid sixty days after the date of mailing. (Ord. Nos. 504, 692)

Sec. 46-6.4. Removal and reinstallation of meters.

Meters will be removed and service discontinued upon request of the owner of the property served, or if any inactive service is unlikely to be used in the reasonably near future, as determined by the city, the meter may be removed.

Services one and one half inches in diameter and smaller may be reactivated and the meter reinstalled upon proper application and payment of a reinstallation charge as set forth by resolution, provided that the service pipe is at proper size and is good and in a usable condition. Service of two inches diameter and larger may be reinstalled upon proper application and payment of a reinstallation charge as determined by the city.

Service which has been discontinued as a result of a violation of any rule and regulation or for delinquent payment of charges or penalties shall not be reactivated until such violation has been remedied and all charges and penalties have been paid.

Any inactive or discontinued service which the city determines is unlikely to be used or is found to interfere with use of the public right-of-way or the facilities therein may, at the discretion of the city, be disconnected at the main and the service abandoned. Unusable and abandoned service lines shall not be reactivated and upon any application for same, the full charges and conditions for a new installation shall apply. (Ord. No. 504)

Sec. 46-6.5. Change of meter location or size.

Any customer desiring to change the location or size of a meter that has already been installed shall make application to the city and upon payment in advance of the cost as determined by the city, the city may cause said change to be made. No such change shall be made if in the opinion of the city the same is not required or is not in the best interest of the city.

Sec. 46-6.6. Rendering and payment of bill.

(a) Meter reading and billing.

- (1) General. Regular bills shall be rendered at bi-monthly intervals. Except as provided in the water rate schedule, the quantitative charge for water will be based upon delivery as indicated upon the meter register.

Combined meter readings shall not be used for billing purposes in those cases where a customer is served by more than one meter.

Insofar as it is practicable, meters will be read as nearly as possible at regular intervals for the preparation of regular bills, and meters will be read as required for the preparation of opening, closing, and special bills.

If for any reason service is unmetered except as provided in the water rate schedule or if the meter is inaccessible and cannot be read, or if the meter fails to register correctly, the water consumption will be estimated by the city as follows:

- a. Previous consumption by metered service to the premises, for a like period of time, or
- b. The average consumption of similar metered services of the area during the period in question, or

- c. By giving consideration to the nature of use, volume of business, seasonal demand, and any other factors that may assist in determining such consumption.
- (b) Proration of bills. Rate schedules stated on a bi-monthly basis are related to a sixty day consumption interval as a standard billing period. Whenever actual meter-read intervals differ from standard sixty day period, bills related thereto computed from bi-monthly schedules are subject to a proration on a sixty day basis. However, at the discretion of the department, in computing and rendering regular bills, minor variances between actual read intervals and any established regular read interval need not be considered, in accordance with the following:
- (1) Where bills are regularly rendered bi-monthly, computation from bi-monthly rate schedules may be made directly whenever actual read intervals do not vary by more than three days (greater or lesser) from the standard sixty day interval.
- (c) Time and manner of payment of bills. All bills for water service hereunder are due and payable upon presentation; bills shall become delinquent twenty days after date of presentation. If bills are not paid upon becoming delinquent, the water service may be discontinued as provided in this Code. Payment shall be made in person or by mail at office of the finance department, or, at the option of the city, to its authorized collectors.
- (d) Notices. Except for emergencies, notices from the city to a customer shall be given in writing, either delivered to him or mailed to him at his last known address in the matter prescribed by this Code. Notice from any customer to the city pursuant to adopted regulations may be given in person or by his authorized agent, at the city office or by written notice enclosed in a sealed envelope and addressed to the city, deposited in the United States Mail, postage prepaid. (Ord. No. 504)

Sec. 46-6.7. Independent consumers on same premises.

In all cases in which water is being served to premises occupied by two or more different and independent consumers of water, which premises are held under the same ownership, the owner of such premises shall provide independent service to the service connection for each such independent consumer; provided, however, if the owner of such premises so served with water shall agree in writing to be responsible for and pay all money due for water used upon such premises, such independent service shall not be required. Should the owner fail or refuse to assume responsibility for money due for water used upon such premises, the city shall, after thirty days notice to the consumer so served and to the owner of such premises or the person in charge thereof, cut off water from such premises until the independent services herein required are installed or the agreement assuming responsibility for the money due for water served to the premises is made as herein provided. (Ord. No. 504)

Sec. 46-6.8. Disputed or erroneous bills.

Whenever the correctness of any bill for water service is questioned, the city will cause an investigation to be made.

Inaccurate recording of water use or clerical or meter errors shall be adjusted to a correct basis as determined by the city's investigation, and in the case of a slow or fast meter in accordance with this section.

In cases where the amount of water used, dates, or other factors required for application of rate schedules or other provisions are not subject to exact determination or are in question, or in case of dispute relative to service rate application, the city shall establish such factors by tests, analyses and investigations to determine the proper basis for making an adjustment, if any. Adjustments in the billing shall then be authorized by the city, as shown to be proper. When requested by the customer, such adjustments shall be subject to review by the water utility director. Each customer shall have the right of appeal to the city council as provided in this Code. (Ord. No. 504)

Sec. 46-6.9. Meter test.

When the accuracy of a water meter is questioned by a customer, the city will, upon request, cause an official test to be made. A customer shall have the right to require the city to conduct the test in his presence, or if he so desires, in the presence of any expert or other representative appointed by him. A customer, requiring such a test shall first deposit with the city a sum of twenty-five dollars. Should the meter be found by test to be more than two percent fast, the city shall refund the customer's deposit; otherwise the deposit shall be forfeited to compensate for the cost of such testing.

(a) Adjustment of bills for meter errors.

- (1) Fast meters. When, as a result of any test, a meter is found to be more than two percent fast, the department will render a corrected bill for the current period and the meter shall be adjusted or replaced.
- (2) Slow meters. When, as a result of any test, a meter is found to be more than five percent slow, the city will render a corrected bill for the period in which the meter was in use, not exceeding four months, unless it can be shown that the error occurred on a date which can be fixed, in which case the billing may be corrected to that date. (Ord. No. 504)

Sec. 46-6.10. Rates.(a) Schedule 1. General water service.

- (1) Applicability. Applicable to domestic, commercial, and industrial water service and to water service for any other purposes.
- (2) Territory. All areas to which water is served by the city.
- (3) Bi-monthly rates. As established by adopted resolution.
 - a. Minimum charge. Rate established by adopted resolution of city council.
 - b. Quantitative charge. The quantitative rate for all water delivered shall be as established by adopted resolution.
 - c. Minimum charge entitlement. The minimum charge will entitle the customer to the quantity of water which that minimum charge will purchase at the quantitative rate as set forth in resolution.

(b) Schedule II. Private fire protection service.

- (1) Applicability. Applicable to water service solely for private fire protection purposes.
- (2) Territory. All areas to which water is served by the city.
- (3) Bi-monthly rates.
 - a. Minimum charge. Rate established by adopted resolution of city council.

Service under this schedule shall be discontinued by the department if water supplied under this schedule is used for any purpose other than fire extinguishing and for filling or refilling the facilities of the customer which have been drained in connection with tests and repairs. Service shall thereafter be restored only after a meter satisfactory to the city has been installed and thereafter service shall be supplied at rates applicable to such service as metered. (Ord. No. 504)

Sec. 46-6.11. Changes to or adjustment of water facilities caused by others.

Any person, firm, agency, or corporation, public or private, requesting or otherwise necessitating adjustments to any water system facilities or any other service, shall pay the city the costs of making such changes or adjustments. (Ord. No. 504)

Sec. 46-6.12. Deferred payment of charges.

- (a) Deferred payments. Payments may be deferred when required installations, adjustments, replacements or enlargements of water facilities are to be performed at a future time. Such deferred payment shall be secured by a corporate surety bond or cash deposit at discretion of city. The city's charges for these facilities shall be paid prior to any investment by the city for any such installation, adjustment, replacement or enlargement.
- (b) General provisions. The form of all bonds, contracts, and notes shall be subject to the approval of the city attorney.

All bonds shall be executed by the applicant as principal and a surety company, acceptable to the city, authorized to write surety bonds in the State of California as surety, and shall provide for full force and effect to continue until the terms are performed. (Ord. No. 504)

Sec. 46-6.13. Use of average cost.

Where these regulations provide that the charge to be made by the city is the cost to the city, such charge may be an average determined by the water utility director from time to time, based on cost experienced by the city for the size and type of facility to be installed or changed and according to conditions of installation or change. (Ord. No. 504)

Sec. 46-6.14. Customer's responsibility.

The customer shall, at his own risk and expense, furnish, install and keep in good and safe condition all apparatus and appliances which may be required for receiving, controlling, applying and utilizing such water and the city shall not be responsible for any loss or damage caused by the improper installation of such apparatus and appliances, negligence, want of proper care or wrongful act of customer or any of his agents, employees or licensees in the installation, maintenance, use or operation of such apparatus or appliance. A customer making any material change in the size, character or extent of the equipment or operations for which the department's service is utilized shall immediately give the department written notice of the extent and nature of the change.

Each customer shall at all times maintain in good repair all water pipes, faucets, plumbing fixtures, and other water appliances to prevent the waste of water. Where any customer willfully wastes water in any manner, the water may be shut off until wasteful practices have been discontinued or until repairs have been made to the satisfaction of the city. (Ord. No. 504)

Sec. 46-6.15. Action for unpaid deposits and charges.

In accordance with the provisions of Section 5437 and Section 5435 of the Government Code, the city's rights hereunder are cumulative and the city may, in addition to discontinuing services and imposing the other penalties herein provided, bring action in any court of competent jurisdiction against the person or persons who occupy the property when the service was rendered or the deposit became due or against the person guaranteeing payment of the bill or against any or all of said persons for the collection of the amount of the deposit or the collection of the delinquent charges and penalties thereon. (Ord. No. 504)

Sec. 46-6.16. Restoration of service.

Water service which has been shut off for failure to comply with any of the rules and regulations or to pay any rates, charges or penalties as herein provided, shall not be restored until such rules and regulations and penalties have been complied with to the satisfaction of the city and payment is made of the amount due if any and in addition thereto, a charge shall be assessed for the expense of turning the water off and on in accordance with resolution of city council. (Ord. No. 504)

Sec. 46-7. Distribution system extensions--General provisions.

- (a) Applicability of regulation. All extensions of the water system or distribution system from the city's existing distribution system required for water service to an applicant shall be made in accordance with the provisions set forth in this section.
- (b) Where facilities will be constructed. The city generally will install distribution system facilities only in public streets, alleys, roads, and highways and on other public and private property where satisfactory rights-of-way can be obtained essentially without involving direct purchase or lease of land by the city.
- (c) Installations in non-dedicated streets. The city will install a water main in a private street or thoroughfare to provide service to premises along such street or thoroughfare only under the following conditions:
 - (1) Approval by the city council.
 - (2) The street or thoroughfare conforms to applicable ordinances of the city or other applicable laws.
 - (3) Rights-of-way are provided which are satisfactory to the city.

- (4) Applicant or applicants shall pay the full cost of the installation.
- (5) The city shall have no obligation for maintenance or repair of the surface of such street or thoroughfare, except for the repair or replacement of surfacing required to be cut or removed by the city for the purposes of maintaining, repairing, replacing or removing such mains or attachments.
- (d) Conditions of streets as prerequisite to construction of mains and related facilities. In order to expedite the installation of mains, service connections and fire hydrants, each applicant for extension of the distribution system shall provide the city with street plans approved by the city engineer showing established sewers, paving, curbs and other features.

It is preferable to install water mains, fire hydrants, water service and related facilities after curbs have been constructed. If curbs are not to be constructed at the time or in the near future, applicant must obtain from the city engineer's office and furnish to the city the approved location of curbs.

The city will not install mains, service connections and fire hydrants or related services in new tracts unless streets are well defined by lot stakes, curb stakes or visible center line stakes properly set at applicant's expense.

Such streets must be down to a sub-grade approved by the city engineer before mains, services, fire hydrants or related services are installed. If such facilities are installed and thereafter have to be raised or lowered or otherwise relocated because of failure of applicant to supply correct information as to location or grade of curbs, property lines, etc., all costs of making such changes must be paid by the applicant.

If an applicant permits streets to be paved before mains, fire hydrants, service connections, or related facilities are installed, he shall pay the costs of cutting and replacing pavement necessitated by installation of such facilities.

- (e) All extensions to be property of city. All extensions of the city's water distribution system, however provided for, shall become property of the city and under control of the city.

Title to any facilities constructed by others shall be transferred to the city upon acceptance of such facilities by the city.

- (f) Special facilities. When facilities in addition to those required for extension under the city's normal design standards are required especially to provide capacity, pressure or storage exclusively for the required service, the applicant shall pay the added cost of such facilities in addition to other regularly applicable charges under these regulations.
- (g) Enlargement for special requirements. When service required by an applicant requires replacing an existing main with one of larger size, the applicant may be required to pay the full cost of such replacement.
- (h) Payment of charges to cover extensions or enlargements. All charges provided by these regulations applicable to an extension or enlargement of water distribution facilities shall be paid in advance by the applicant therefor before such extensions or enlargements are made by the city except where arrangements have otherwise been made with the city.

If, upon completion of such installation, the actual cost is greater than the amount deposited, the applicant shall pay the difference to the city. If, however the actual cost is less than the amount deposited, the difference shall be refunded by the city to the applicant.

- (i) Size of facilities. If the city should elect to construct facilities of greater capacity than required by the service requested, the city shall assume any additional cost involved as determined by the water utility director. (Ord. No. 504)

Sec. 46-7.1. Same--Main extensions.

The following charges for main extensions shall be paid in addition to all other applicable charges under the regulations of the city, including charges for service connections, meter installation, etc.

- (a) Extensions to serve individual customers. An applicant for a main extension, other than in a new subdivision or development, from an existing main to a premises to be served, shall pay the current cost to the city of a main of a size determined by the city to be adequate to serve the premises.
- (b) Extensions to serve new subdivisions or developments. Applicants for main extensions to serve a new subdivision or development shall pay the full installed cost of mains of adequate size to serve the subdivision or development as determined by the city and in addition may be required to pay the full cost of any extension from the nearest main of adequate size of the city's distribution system.

Any and all service connections, including fire hydrant connections installed or required to be installed, within the new subdivision shall be installed only in the manner, under the circumstances, and upon the payment of any charges therefor as provided in these regulations.

- (c) Water facilities installed under private contract. An applicant for service requiring main extensions may have the extensions and service connections installed by him under private contract, where authorized by the city. Such facilities installed by an applicant must be installed in accordance with the terms and conditions of an agreement between the applicant and the city. All costs of the city in connection with such facilities installed under private contract shall be paid by the applicant.

The material installed and the work performed must comply with the plans and specifications furnished by the city and shall be subject to city inspection at all times. The applicant shall pay in advance the charges for engineering and inspection services, materials, and general and administrative expenses and other costs in accordance with the accounting practices of the city.

Upon completion of the installation in accordance with the agreement, title to the facilities shall be transferred to the city by the applicant upon acceptance of such facilities by the city.

- (d) Refund agreement. When, by reason of remoteness from the city's water distribution system, an applicant is requested by the city to pay an amount of money in excess of that required to cover water main installation charges or connection charges for the applicant property, the city may enter into a refund agreement providing for the refund of that money which the city may collect as water main connection charges from subsequent consumers connecting to the water main. Such refund agreement shall be in effect for a period of ten years from the date the main is placed in service after which time the city shall be released of any further obligation to make refunds to the applicant. (Ord. No. 504)

Sec. 46-7.2. Same--Water capital improvement charges.

- (a) Definitions. All terms used in the section shall have the meaning respectively ascribed to them in this section:
 - (1) Acreage. The area of any lot, parcel, subdivision, or other property exclusive of any existing dedicated street rights-of-way or other easements which severely restrict the use of the property.
 - (2) Mains. All water mains existing or proposed to become a part of the city water system.
- (b) Application. It shall be the duty of every person as owner or subdivider of a subdivision or single development within the city to file written application with the water department for a water service connection.
- (c) Capital improvement charges. In addition to the established service installation charge, each applicant for water service connection shall pay the applicable capital improvement charge to the water department in accordance with paragraph (e).
- (d) Basis of charge. The capital improvement charge shall be based upon the fire department requirements for fire flow and duration, and shall be computed on the per acre charge.
- (e) Fee schedule. The following capital improvement charges shall be payable prior to final or parcel map approval or prior to issuance of a building permit in the case of developments not involving approval of a final or parcel map. In exceptional cases and upon approval by the city council, fees may be paid over time on a scheduled basis with interest at a rate approved by the council. These charges shall be based on the area of the property served as defined in paragraph (a).

<u>Fire Flow (gpm)</u>	<u>Duration</u>	<u>Charge Per Acre</u>
0 to 750	2 hrs.	To be established by resolution.
751 to 1,250	2 hrs.	
1,251 to 1,750	2 hrs.	
1,751 to 2,250	2 hrs.	
2,251 to 2,750	2 hrs.	
2,751 to 3,250	3 hrs.	
3,251 to 3,750	3 hrs.	
3,751 to 4,250	4 hrs.	
4,251 to 5,000	5 hrs.	

- (f) Credit for water mains. The applicant shall be credited for cost incurred for all labor, equipment and material which he has incurred to extend, or replace with larger mains, any existing water mains outside the limits of the proposed development.

Such credit shall be applied to the fee established in paragraph (e) and shall not exceed the amount of the fee.

- (g) Reimbursement for transmission mains. In the case where the applicant is required by the city to construct a larger diameter transmission main which provides capacity to areas outside of the proposed development, the city shall pay for the additional cost necessitated by the increased size. The amount reimbursable to the applicant shall be negotiated between the city and the applicant prior to issuance of the application.

- (h) Water main reconstruction plan. The water main reconstruction program shall be carried out basically in accordance with the city's master plan for water which is on file in the office of the city engineer.
- (i) Disposition of revenue. The money collected under paragraph (e) shall be deposited with the city treasurer and credited to the city water capital improvement fund.
- (j) Expenditure from water capital improvement fund. Money deposited in the city water capital improvement fund, as provided in this chapter, may be expended by the city council to accomplish any lawful purpose as provided in this chapter. All engineering costs, overhead, incidentals, and construction cost necessarily incurred in the reconstruction or extension of water mains may be charged to the fund, to the extent allowed by law. (Ord. No. 504)

Section 46-8. Local water emergency.

Section 46-8.1. Water provider.

Except for a very small portion of its municipal territory, the City of Paramount is the only provider of water to its residents and commercial, industrial and agricultural uses. The source of water provided by the City of Paramount is the Metropolitan Water District and two underground water wells (Well #13 and Well #14). (Urgency Ord. No. 773; Ord. No. 774)

Section 46-8.2. Operation of Well 13 and Well 14.

Both Well 13 and Well 14 must be operable at all times in order to insure an adequate supply of water for personal consumption, public sanitation, nourishment of crops, preparation of foods, industrial processes and suppression of fire. (Urgency Ord. No. 773, Ord. No. 774)

Section 46-8.3. Fueled by natural gas.

The water pumps on Well 13 and 14 are powered by internal combustion engines fueled by natural gas. (Urgency Ord. No. 773, Ord. No. 774)

Section 46-8.4. AQMD's denial of application.

On February 9, 1990, the South Coast Air Quality Management District (AQMD) denied the City of Paramount's application for a permit to operate the engine at Well 13 and a denial of an application to operate the engine at Well 14 is expected in the near future. (Urgency Ord. No. 773, Ord. No. 774)

Section 46-8.5. Well 13--Violation of AQMD rule.

AQMD staff has taken the view that the City of Paramount's continued operation of the engine at Well 13 is a violation of AQMD Rule 203 and AQMD Rule 1110.1. (Urgency Ord. No. 773, Ord. No. 774)

Section 46-8.6. Appeal for denial of application.

The City of Paramount has appealed the denial of the application for a permit to operate the engine at Well 13. The City of Paramount has applied for a variance from AQMD Rule 203 and AQMD Rule 1110.1 for the internal combustion engine at Well 13. (Urgency Ord. No. 773, Ord. No. 774)

Section 46-8.7. No impounded supply of water.

The City of Paramount has no impounded supply of water that could be used as an alternative to the continued operation of Well 13 and Well 14. (Urgency Ord. No. 773, Ord. No. 774)

Section 46-8.8. Delivery of water.

The Metropolitan Water District (MWD) has informed the City of Paramount that the delivery of water from the MWD could be severely affected during the next several months. The MWD has also stated that it would not allow the City of Paramount to be dependent upon the MWD for its total water supply needs, nor would it permit the City of Paramount to take additional flows during peak-hour demands. (Urgency Ord. No. 773, Ord. No. 774)

Section 46-8.9. Responsibility to provide water.

Section 4017(c) of the California Health and Safety Code requires the City of Paramount to provide its customers a reliable and adequate supply of pure, wholesome, healthful and potable water. (Urgency Ord. No. 773, Ord. No. 774)

Section 46-8.10. Fire protection.

Section 38600 of the California Government Code permits a city to provide fire protection. Once a city assumes that responsibility it logically must provide the necessary and proper apparatus for the prevention and extinguishment of fires including an adequate apparatus for delivering water to extinguish fires. The Paramount City Council has established Well 13 and Well 14 as part of its apparatus for extinguishing fires and preventing conflagration. (Urgency Ord. No. 773, Ord. No. 774)

Section 46-8.11. Power to acquire, construct, repair, and manage pumps.

Section 38742(b) of the California Government Code provides that the legislative power of a city includes the power to acquire, construct, repair and manage pumps necessary or proper for supplying water for the use of the city of its inhabitants. (Urgency Ord. No. 773, Ord. No. 774)

Section 46-8.12. Rules and directives of the AQMD.

The rules and directives of the AQMD which would prohibit the City of Paramount from providing water for the public health and safety constitute conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of the City of Paramount as defined in California Government Code Section 8558(c) and constitute the existence of a local emergency. The City Council for the reasons and conditions herein found and declared, does hereby order and authorize the continued operation of Well Nos. 13 and 14 to the extent necessary to preserve and protect the public peace, health and welfare of the City of Paramount. (Urgency Ord. No. 773, Ord. No. 774)

Section 46-8.13. Local emergency.

A local emergency has existed from the time the AQMD determined the City of Paramount could not meet its lawful obligations to the public health, safety and welfare and prohibited operation of a city water well. (Urgency Ord. No. 773, Ord. No. 774)

Article V. Water Conservation.

Sec. 46-9. Declaration of purpose and intent.

- (a) The purpose of this ordinance is to establish a water conservation and supply shortage program that will reduce water consumption within the City through conservation, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, and maximize the efficient use of water within the City to avoid and minimize the effect and hardship of water shortage to the greatest extent possible. (Ord. No. 1050)
- (b) This ordinance establishes three stages of water supply shortage response actions to be implemented during times of declared water shortage or declared water shortage emergency, with increasing restrictions on water use in response to worsening drought or decreasing supplies and emergency conditions. (Ord. No. 1050)

Sec. 46-10. Definitions.

The following words and phrases whenever used in this ordinance shall have the meaning defined in this section:

“City” means the City of Paramount.

“Landscape irrigation system” means an irrigation system with pipes, hoses, spray heads, or sprinkling devices that are operated by hand or through an automated system.

“Person” means any natural person or persons, corporation, public or private entity, governmental agency or institution or any other user of water provided by the City.

“Potable water” means water which is suitable for drinking.

“Recycled water” means the reclamation and reuse of non-potable water for beneficial use.

(Ord. No. 1050)

Sec. 46-11. Application.

- (a) The provisions of this ordinance apply to any person in the use of any potable water provided by the City. (Ord. No. 1050)
- (b) The provisions of this ordinance do not apply to uses of water necessary to protect public health and safety or for essential government services, such as police, fire and other similar emergency services. (Ord. No. 1050)
- (c) The provisions of this ordinance do not apply to the use of recycled water. (Ord. No. 1050)
- (d) The provisions of this ordinance do not apply to the use of water by commercial nurseries and commercial growers to sustain plants, trees, shrubs, crops or other vegetation intended for commercial sale. (Ord. No. 1050)
- (e) This ordinance is intended solely to further the conservation of water. It is not intended to implement any provision of federal, state, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff. Refer to the local jurisdiction or Regional Water Quality Control Board for information on any state based ordinances and stormwater management plans.

(Ord. No. 1050)

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Sec. 46-12Sec. 46-12. Stage 1 water supply shortage.

- (a) A Stage 1 Water Supply Shortage condition exists when the City determines, in its sole discretion, that due to drought or other supply reductions, a consumer demand reduction is required in order to ensure that sufficient supplies will be available to meet anticipated demands. Upon the declaration of a Stage 1 Water Supply Shortage condition, the City shall implement the mandatory Stage 1 conservation measures identified in this section. These requirements are in addition to the water conservation items stated in the Waste Water Ordinance. (Ord. No. 1050)
- (b) Water conservation measures: The following water conservation requirements apply during a declared Stage 1 Water Supply Shortage:
- (1) Limits on watering: Watering or irrigation of lawn, landscape or other vegetated area with potable water is limited to 3 designated days per week. During the months of November through March, watering or irrigation of lawn, landscape or other vegetated area with potable water is limited to no more than 2 designated days per week. This provision does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than 2 gallons of water per hour. This provision does not apply to use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self closing water shut-off device, or for very short periods for the express purpose of adjusting or repairing an irrigation system. The days per week designated for use of irrigation shall be determined by the Director of Public Works and shall not be implemented until publically noticed.
 - (2) Obligation to fix leaks, breaks or malfunctions: All leaks, breaks, or other malfunctions in the water user's plumbing, distribution, or irrigation system must be remedied within seventy two (72) hours of observation and/or notification by the City.
 - (3) No excessive water flow or run-off: Watering or irrigation of any lawn, landscape or other vegetated area in a manner that causes or allows excessive water flow or run-off onto an adjoining sidewalk, driveway, street, alley, gutter or ditch must be repaired within 5 days of observation and/or notification by the City.
 - (4) No washing down hard or paved surfaces: Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys is prohibited except when necessary to alleviate safety or sanitary hazards and only by use of a hand-held bucket or similar container, a low-volume high pressure cleaning machine equipped to recycle any water used or a low volume high pressure water broom.
 - (5) Re-circulating water required for water fountains and decorative water features: Operating a water fountain or other decorative water feature that does not use re-circulating water is prohibited.
 - (6) Limits on washing vehicles: Using water to wash or clean a vehicle including but not limited to any automobile, truck, van, bus, motorcycle, boat or trailer whether motorized or not is prohibited, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device.
 - (7) Drinking water served upon request only: Restaurants are prohibited from providing drinking water to any person unless expressly requested by that person.

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- (8) Use only recycled water for construction site dust control, consolidation of backfill.
- (9) Other prohibited uses: The City Council may implement other prohibited water uses as determined by the City after notice to customers.

(Ord. No. 1050)

Sec. 46-13. Stage 2 water supply shortage.

- (a) A Stage 2 Water Supply Shortage condition exists when the City determines, in its sole discretion, that due to drought or other supply reductions a consumer demand reduction is required in order to ensure that sufficient supplies will be available to meet anticipated demands. Upon the declaration of a Stage 2 Water Supply Shortage condition, the City shall implement the mandatory Stage 2 conservation measures identified in this section. (Ord. No. 1050)
- (b) Conservation measures: In addition to the prohibited uses of water identified in Section 46-12, the following additional water conservation requirements apply during a declared Stage 2 Water Supply Shortage:
 - (1) Limits on watering: Watering or irrigation of lawn, landscape or other vegetated area with potable water is limited to 2 designated days per week. During the months of November through March, watering or irrigation of lawn, landscape or other vegetated area with potable water is limited to no more than 1 designated day per week. This provision does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than 2 gallons of water per hour. This provision does not apply to use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self closing water shut-off device, or for very short periods for the express purpose of adjusting or repairing an irrigation system. The days per week designated for use of irrigation shall be determined by the Director of Public Works and shall not be implemented until publically noticed.
 - (2) Obligation to fix leaks, breaks or malfunctions: All leaks, breaks, or other malfunctions in the water user's plumbing, distribution, or irrigation system must be remedied within forty eight (48) hours of observation and/or notification by the City.
 - (3) No filling, cleaning and/or refilling of decorative fountains, ornamental lakes or ponds except to the extent needed to sustain aquatic life, provided that such animals have been actively managed within the water feature prior to declaration of this supply shortage stage.
 - (4) Residential car washing prohibited: Use car washes available with water recycling systems.
 - (5) The filling or topping off of any new or existing residential pools or outdoor spas is prohibited.
 - (6) Planting of new turf grass is prohibited.
 - (7) Outdoor evaporative mist coolers are prohibited.
 - (8) Main line flushing is allowed for emergency purposes only.
 - (9) Other prohibited uses: The City may implement other prohibited water uses as determined by the City Council, after notice to customers.

(Ord. No. 1050)

Sec. 46-14. Stage 3 water supply shortage – emergency condition.

- (a) A Stage 3 Water Supply Shortage condition is also referred to as an “emergency” condition. A Stage 3 Water Supply Shortage condition exists when the City declares a water shortage emergency in a manner and upon the grounds set forth in California Water Code Section 350 et seq.

Upon the declaration of a Stage 3 Water Supply Shortage condition pursuant to California Water Code Section 350 et seq., the City will implement the mandatory Stage 3 conservation measures identified in this section. (Ord. No. 1050)

- (b) Additional conservation measures: In addition to the prohibited uses of water identified in Sections 46-12 and 46-13 the following water conservation requirements apply during a declared Stage 3 Water Supply Shortage Emergency:

- (1) Limited watering or irrigating: Watering or irrigating of lawn, landscape or other vegetated area with potable water is restricted in accordance with allotments as set forth by the City during a Stage 3 Water Supply Shortage. This restriction does not apply to the use of recycled water or to the following categories of use, subject to the hardship waiver provisions as described in Section 46-16:

- a. Maintenance of existing landscape necessary for fire protection;
- b. Maintenance of existing landscape for soil erosion control;
- c. Maintenance of plant materials identified to be rare or essential to the well-being of protected species;
- d. Maintenance of landscape within active public parks and playing fields, daycare centers, golf course greens, and school grounds, provided that such irrigation does not exceed 2 days per week;
- e. Actively irrigated environmental mitigation projects.

- (2) Obligation to fix leaks, breaks or malfunctions: All leaks, breaks, or other malfunctions in the water user’s plumbing, distribution, or irrigation system must be remedied within twenty four (24) hours of observation and/or notification by the City.

- (3) Other prohibited uses: The City may implement other prohibited water uses as determined by the City Council, after notifying customers.

(Ord. No. 1050)

Sec. 46-15. Procedures for determination/notification of water supply shortage.

- (a) Determination and notification of a Stage 1 or Stage 2 Water Supply Shortage condition: The existence of a Stage 1 or Stage 2 Water Supply Shortage condition will be declared by resolution of the Council adopted at a regular or special public meeting held in accordance with State law. The mandatory conservation measures applicable to Stage 1 and Stage 2 Water Supply Shortage conditions, respectively, shall take effect on the tenth day after the date the shortage condition is declared. Within five days following the declaration of the shortage condition, the City shall publish a copy of the resolution once in a newspaper used for publication of official notices.

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If the City Council establishes a water allocation, the City shall provide notice of the allocation by including it in the regular billing statement or by another mailing to the address to which the City customarily mails the billing statement for fees or charges for on-going water service. A water allocation shall be effective on the fifth day following the date of mailing or at such later date as specified in the notice. (Ord. No. 1050)

- (b) Determination and notification of a Stage 3 Water Supply Shortage condition ("emergency" condition): The existence of a Stage 3 Water Supply Shortage condition may be declared in accordance with the requirements and procedures specified in California Water Code Section 350 et seq.

The mandatory conservation measures applicable to a Stage 3 Water Supply Shortage condition shall take effect immediately upon the City Council declaration of a "Water Shortage Emergency" pursuant to California Water Code Section 350 et seq. As soon as practicable following the Council's declaration of a "Water Shortage Emergency," the City shall publish a copy of the declaration once in a newspaper used for publication of official notices.

If the City Council establishes a water allocation, the City shall provide notice of the allocation by including it in the regular billing statement or by another mailing to the address to which the City customarily mails the billing statement for fees or charges for on-going water service. A water allocation shall be effective on the fifth day following the date of mailing or at such later date as specified in the notice. (Ord. No. 1050)

Sec. 46-16. Hardship waiver.

- (a) Undue and disproportionate hardship: If, due to unique circumstances, a specific requirement of this ordinance would result in undue hardship to a person using water or to property upon which water is used, that is disproportionate by the impacts to water users generally or to similar property or classes of water users, then the person may apply for a waiver to the requirements as provided in this section. (Ord. No. 1050)
- (b) Written finding: The waiver may be granted or conditionally granted only upon a written finding of the existence of facts demonstrating an undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property:
- (1) Application: Application for a waiver shall be on a form prescribed by the City and shall be accompanied by a non-refundable processing fee in an amount set by resolution of the Council.
 - (2) Supporting documentation: The application may be accompanied by photographs, maps, drawing and other information, including a written statement of the applicant.
 - (3) Required findings for variance: An application for a waiver shall be denied unless the appropriate authority finds, based in the information provided in the applications, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the City or its Agent, all of the following:

- a. That the waiver does not constitute a grant of special privilege inconsistent with the limitations upon other residents and businesses;
 - b. That because of special circumstances applicable to the property or its use, the strict application of this ordinance would have a disproportionate impact on the property or use that exceeds the impacts to similarly situated residences and businesses;
 - c. That the authorizing of such waiver will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the City to effectuate the purpose of this ordinance and will not be detrimental to the public interest; and
 - d. That the condition or situation of the subject property or the intended use of the property for which the waiver is sought is not common or general in nature.
- (4) Approval authority: The Director of Public Works (or designee) shall exercise approval authority and act upon any completed application no later than ten (10) days after submittal and may approve, conditionally approve, or deny the waiver. The applicant requesting the waiver shall be promptly notified in writing of any action taken. Unless specified otherwise at the time a waiver is approved the waiver applies to the subject property during the term of the mandatory water supply shortage condition.
- (5) Appeals to the Council: An applicant can appeal a decision or condition to the City Manager on a waiver application to the City of Paramount within 10 days of the decision upon written request for a hearing. The request shall state the grounds for the appeal. At a public meeting, the City of Paramount shall act as the approval authority and review the appeal following the regular waiver procedure. The decision of the City of Paramount is final.

(Ord. No. 1050)

Sec. 46-17. Penalties and violations.

- (a) Misdemeanor: Any violation of City ordinances may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty (30) days, or by a fine not exceeding one thousand dollars (\$1,000), or by both. (Ord. No. 1050)
- (b) Civil penalties: Civil penalties for failure to comply with any provisions of the ordinance shall be as follows:

Stage 1

- (1) First violation: The City shall issue a written courtesy door hanger describing the violation and deliver a copy of this ordinance by mail.
- (2) Second violation: A second violation within the preceding twelve (12) calendar months is punishable by a fine not to exceed one hundred dollars (\$100.00).
- (3) Third violation: A third violation within the preceding twelve (12) calendar months is punishable by a fine not to exceed one hundred and fifty dollars (\$150.00).
- (4) Fourth violation: A fourth violation is punishable by a fine not to exceed two hundred dollars (\$200.00).

- (5) Fifth and subsequent violations: A fifth and subsequent violation is punishable by a fine not to exceed five hundred dollars (\$500.00).
- a. Water flow restrictor: In addition to any fines, the City may install a water flow restrictor device of approximately one gallon per minute capacity for services up to one and one-half inch size and competitively sized restrictors for larger services after written notice of intent to install a restrictor for a minimum of forty-eight (48) hours.

Stages 2 & 3

- (1) First violation: The first violation is punishable by a fine not to exceed one hundred dollars (\$100.00).
- (2) Second violation: A second violation within the preceding twelve (12) calendar months is punishable by a fine not to exceed two hundred dollars (\$200.00).
- (3) Third violation: A third violation within the preceding twelve (12) calendar months is punishable by a fine not to exceed two hundred fifty dollars (\$250.00).
- (4) Fourth violation: A fourth violation is punishable by a fine not to exceed three hundred fifty dollars (\$350.00).
- (5) Fifth and subsequent violations: A fifth and subsequent violation is punishable by a fine not to exceed five hundred dollars (\$500.00).
- a. Water flow restrictor: In addition to any fines, the City may install a water flow restrictor device of approximately one gallon per minute capacity for services up to one and one-half inch size and competitively sized restrictors for larger services after written notice of intent to install a restrictor for a minimum of forty-eight (48) hours.
- b. Termination of service: In addition to any fines and the installation of a water flow restrictor, the City may disconnect and/or terminate a customer's water service.

(Ord. No. 1050)

- (c) Cost of flow restrictor and disconnecting service: A person or entity that violates this ordinance is responsible for payment of the City charges for installing and/or removing any flow restricting device and for disconnecting and/or reconnecting service per the City's schedule of charges, then in effect as a charge for installing and/or removing any flow restricting device shall be paid to the City before the device is removed. Nonpayment shall be subject to the same schedules as nonpayment of basic water rates. (Ord. No. 1050)
- (d) Separate offenses: Once the City issues a violation for a particular offense, no further notice of violation will be issued for the same offense until such time as the penalty for the offense has been paid or the 10 day period to appeal has expired, whichever occurs first. If an appeal is timely filed after a violation is served, then no further notice of violation for the same offense will be issued until the appeal has been heard and a decision on that appeal rendered. (Ord. No. 1050)

(e) Notice of hearing:

- (1) The City shall issue a Notice of Violation by mail or personal delivery at least ten (10) days before taking enforcement action and said notice shall describe the action to be taken. A customer may appeal the Notice of Violation by filing a written notice of appeal with the City no later than the close of business on the day before the date scheduled for enforcement action.

Any Notice of Violation not timely appealed shall be final. Upon receipt of a timely appeal, a hearing on the appeal shall be scheduled in a timely manner, and the City shall mail written notice of the hearing to the customer at least ten (10) days before the date of the said hearing.

- (2) Pending receipt of a written appeal or pending a hearing pursuant to an appeal, the City may take appropriate steps to prevent the unauthorized use of water as appropriate to the nature an extent of the violations and the current declared water Stage condition.

(Ord. No. 1050)

(Urgency Ord. No. 773; Ord. Nos. 492, 504, 692, 729, 774, 841, 1050)

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