



# CITY OF WHEATLAND

## CITY COUNCIL MEETING STAFF REPORT

April 28, 2020

**SUBJECT:** Second Reading: Introduce Ordinance 472 Amending Title 13 of the Wheatland Municipal Code

**PREPARED BY:** Susan Mahoney, Finance Director

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### **Recommendation**

Staff recommends that Council waive the second reading and adopt Ordinance 472 to amend Wheatland Municipal Code Title 13, Chapters 13.36 and 13.44.

### **Background/Discussion**

At the April 14, 2020 Council meeting, the City Council voted to waive the first reading and introduce Ordinance No. 472. Ordinance No. 472 amends portions of Title 13, Chapters 13.36 and 13.44 as required by Senate Bill 998.

Should the Council choose to waive the second reading and adopt Ordinance No. 472 at tonight's meeting, the Ordinance would be effective May 28, 2020, thirty days from the second reading.

### **Alternatives**

The Council could reject Ordinance 472.

### **Fiscal Impact**

There is no direct fiscal impact by adopting the Ordinance.

### **Attachments**

1. Ordinance 472

**ORDINANCE NO. 472**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHEATLAND  
AMENDING THE WHEATLAND MUNICIPAL CODE, TITLE 13 – PUBLIC  
SERVICES, CHAPTERS 13.36 AND 13.44 TO CHANGE PAYMENT  
RESPONSIBILITY AND BILLING PROCEDURES**

The City Council of the City of Wheatland does ordain as follows:

**SECTION 1. Purpose and Authority.**

The purpose of this ordinance is to amend Title 13 Public Services, Division II Water, Chapters 13.36 and 13.44 to align with Senate Bill (SB) 998, the Disconnection of Residential Water Service for Nonpayment legislation, adopted by the State of California on September 28, 2018 with City of Wheatland compliance required by April 1, 2020.

**SECTION 2. Findings.**

The City Council hereby finds and determines as follows:

A. The responsibility for payment of water charges is contained in the City of Wheatland Municipal Code, Chapter 13.36.020. This portion of the Code must be updated to include the SB 998 requirement to allow tenants to take responsibility for the payment of water service.

B. The payment of water bills, including delinquent and service disconnection dates, causes for service disconnection, and mailing of notifications, is contained in the City of Wheatland Municipal Code, Chapter 13.44.010. This portion of the Code must be updated to include the SB 998 requirements for delinquent and service disconnection dates, and tenant notifications.

C. Chapter 13.44.015 must be added to the City of Wheatland Municipal Code to acknowledge the requirement of a Council adopted Disconnection of Residential Water Service for Nonpayment Policy.

D. The method for collecting delinquent water charges from a landowner is contained in City of Wheatland Municipal Code, Chapter 13.44.020. This portion of the Code must be updated to include the method for collecting delinquent water charges from a tenant that has taken responsibility for water service at a property

**SECTION 3. Amendment to Title 13 Chapter 13.36.020 Responsibility for payment.**

Wheatland Municipal Code Section 13.36.020 Responsibility for payment is hereby amended to read as follows:

The owner of real property or a tenant, if the tenant meets the city's requirements, served by the city shall be charged with and shall be personally responsible for the water bills incurred for water service to such property.

**SECTION 4. Amendment to Title 13 Chapter 13.44.010 Payment of bills.**

Wheatland Municipal Code Section 13.44.010 Payment of bills is hereby amended to read as follows:

- A. Bills become delinquent ten days after the date upon which they are due. In each case where any bill for water service remains unpaid for sixty days after such bill becomes delinquent, the city shall cause the premises to be disconnected from the municipal water system. Whenever the service to any parcel of land is disconnected for nonpayment of a bill, such water customer shall, upon full payment of delinquent bill and before such service is again resumed, pay to the city a reconnection charge in an amount established by city council resolution, which may be amended from time to time.
- B. When service has been discontinued through any fault of the water customer, the city shall require payment of any outstanding water bill plus the reconnection charge established pursuant to subsection A, and the city may require a deposit of one month's charges in advance.
- C. In the event of disputed bills, the water customer shall deposit the amount demanded with the city and the matter shall be referred to the city council.
- D. For all properties other than residential properties, monthly bills for water and sewer charges, delinquent notices, and shutoff notices will be mailed to the landowner.
- E. For residential properties, monthly bills for water and sewer charges, delinquent notices, and shutoff notices will be mailed to the property owner. If the tenant has taken responsibility for water service, then the tenant will also be mailed the monthly bill and notices.

**SECTION 5. Add to Title 13, Chapter 13.44.015 Disconnection of residential water service for nonpayment policy**

Wheatland Municipal Code Section 13.44.015 is hereby added and will read as follows:  
A policy for Disconnection of Residential Water Services for Nonpayment shall be adopted by resolution of the council.

**SECTION 6. Amendment to Title 13, Chapter 13.44.020 Charges a debt to city.**

Wheatland Municipal Code Section 13.44.020 is hereby amended to read as follows:

- A. Charges for water when the landowner is the water customer shall be a lien upon the premises as provided by statute. Whenever a bill for water service remains unpaid ninety days after the bill is due, the city may file with the recorder of the county a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the city claims a lien for this amount as well as for all charges for water serviced subsequent to the period covered by the bill. A list of all such delinquent charges shall be recorded at least every six months.
- B. A deposit is required for all tenants that take responsibility for water service at a property. The deposit amount will be set by council resolution and amended from time to time. Whenever a bill for water service remains unpaid sixty days after the bill becomes delinquent, the city will apply the deposit amount to pay the outstanding

charges and service will be disconnected. If service is disconnected for non-payment, the tenant will be required to pay the reconnection fee in addition to the deposit amount to resume service. The city will use all legal remedies available to collect unpaid utility charges.

**SECTION 7. Repeal of Existing Ordinance.**

All former ordinances or parts conflicting or inconsistent with the provisions of this Ordinance and any other ordinance in conflict herewith are hereby repealed.

**SECTION 8. Severability.**

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**SECTION 9. Effective Date.**

This ordinance shall take effect 30 days after its final passage.

**SECTION 10. Posting.**

Within 15 days from the date of passage of this ordinance, the City Clerk shall post a copy of it in at least three public places in the City.

INTRODUCED by the City Council on the 14<sup>th</sup> day of April 2020

PASSED AND ADOPTED by the City Council of the City of Wheatland on the 28<sup>th</sup> day of April 2020 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Rick West, Mayor

Attest:

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Lisa J. Thomason, City Clerk

I hereby certify that the foregoing is a true and correct copy of City of Wheatland Ordinance No. 472, which ordinance was duly adopted and posted pursuant to law.

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Lisa J. Thomason, City Clerk