

ORDINANCE No. 1043
ORDINANCE ADOPTING AND PRE-
SCRIBING THE RULES AND REGU-
LATIONS GOVERNING THE WATER
DEPARTMENT OF THE CITY OF
REDLANDS CALIFORNIA.

The City Council of the City of Redlands do ordain as follows:

Section 1. WORDS AND PHRASES. For the purpose of this ordinance all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; and all words in the singular number shall include the plural number.

Section 2. Whenever in this ordinance the following words and phrases set forth in this section are used, they shall, for the purpose of this ordinance have the meanings, respectively ascribed to them in this section.

"BOARD." The City Manager Superintendent of the Water Department, and the City Engineer of the City of Redlands.

"SERVICE CONNECTION." The tapping of water mains and the laying of pipes from the main to the curb line and the setting of the meter and meter box.

"COST." Labor, material, transportation expense, supervision, engineering and all other necessary overhead expenses.

"DEPARTMENT." The Water Department of the City of Redlands, its Superintendent and Engineer, appointed officers, and any other persons or bodies invested with responsibility and jurisdiction in matters pertinent to said Water Department.

Section 3. SIZE AND LOCATION. The Board reserves the right to determine the size of service connections and their location with respect to the boundaries of the premises to be served. The laying of consumer's pipe line to the meter shall not be done until the location of the service connection has been approved by the Board.

Section 4. CURB COCK. Every service connection installed by the Department shall be equipped with a curb cock or valve on the inlet side of the meter, which valve or curb cock shall be for the exclusive use of the Board in controlling the water supply through the service lateral. It is further provided that if the curb cock or valve is damaged by the Consumer's use to an extent requiring replacement, such replacement shall be made at the consumer's expense.

Section 5. PRESSURE CONDITIONS. All applicants for service connections or water service shall be required to accept such conditions of pressure and service as are provided by the distributing system at the location of the proposed connection, and shall agree to hold the Department blameless for any damages arising out of low pressure or high pressure conditions or interruptions of service.

Section 6. MAIN CONSTRUCTION CHARGE. Before water shall be supplied from any water main, installed after the effective date of this ordinance, to any premises, which are subject to a main paid for by a subdivider and/or person, and which are subject to a refund contract, a charge of \$2.00 per foot of the premises adjacent to the main shall be paid as a water main construction charge. The said charge shall be paid at time of application for service and shall be in addition to the service connection charge. That \$1.50 of each \$2.00 in the total amount so collected shall be deposited in the Line Extension Fund of this City to be refunded to the person, or persons, or corporation originally paying for said water main to which the collection has been made.

Provided further that said water main construction charge of \$2.00 per foot shall likewise apply to and be made on all service connections made to mains installed or reconditioned at City expense after effective date of this Ordinance. That said amount shall be deposited in the General Water Fund of the Department.

Section 7. WATER RENTS. Water rents are due and payable at the office of the City of Redlands Water Department on date of mailing bill to the property owner or his agent as designated in the application and shall be delinquent 15 days thereafter. Service may be discontinued without further notice if payment of the water rent is not made prior to the date such rent becomes delinquent. If said owner or agent pays for water service on more than one piece of property or unit, service may be discontinued on all properties for failure to pay on any one property. Service will not be turned on again except upon payment of all amounts due, together with a charge of \$2.00 for turning on the water and a deposit of \$10.00, or an amount equal to three times the average or estimated monthly consumption whichever is the higher, for each applicant for such water service. Provided however, that if the applicant has established satisfactory credit with the Department, the deposit charge may be waived by said Department.

Failure to receive bill does not relieve consumer of liability. Any amount due shall be deemed a debt to the City of Redlands, any person, firm or corporation failing, neglecting or refusing to pay said indebtedness shall be liable to a civil action in the name of said City, in any court or competent jurisdiction for the amount hereof.

Section 8. MAINTENANCE SERVICE AND CONNECTIONS. The services and connections extending from the water main to the meter and including the meter shall be maintained by the Department, all pipes and fix-

tures extending or lying beyond the meter shall be installed and maintained by the owner of the property.

Section 9. CONSUMER'S GUARANTEE. The water charge shall begin when a service is installed and the meter is set. Before the water shall be turned on by the Department for any purpose whatsoever, the property owner shall first sign a form in which he guarantees the payment of future water bills for the service required. The person signing the guarantee form or meter set form will be held liable for water used until the department is notified in writing to discontinue the service or to transfer the account to another property owner or water user.

Section 10. WATER USED WITHOUT REGULATION APPLICATION BEING MADE. A person, firm or Corporation taking possession of premises, and using water from an active service connection without having made application to the Department for water service, shall be held liable for the water delivered from the date of the last record meter reading, and if the meter is found inoperative, the quantity consumed will be estimated. If proper application for water service is not made upon notification to do so by the Department, and if accumulated bills for service are not paid immediately, the service may be discontinued by the Department without further notice.

Section 11. TURNING ON AND OFF WATER SUPPLY. No charge will be made for turning on and shutting off the water supply when requested by the consumer for the closing of an old account or the beginning of a new one. When service has been discontinued on account of non-payment of water bills, or collection is made at the premises when service has been ordered discontinued, or for any other infraction of the rules, a charge of \$2.00 will be made by the Department. This said amount plus outstanding bills and deposit in an amount equal to \$10.00 or three times the average or estimated monthly consumption may be required to be paid by the consumer before service will be renewed. The Department upon request day or night and without charge will shut off the water supply for emergency purposes at the curb cock, and it is understood that the Department will turn on the water supply when repairs are made.

Section 12. DAMAGES THROUGH LEAKING PIPES AND FIXTURES. When turning on the water supply as requested and the house or property is vacant, the Department will endeavor to ascertain if water is running on the inside of the building. If such is found to be the case, the water will be left shut off at the curb cock on the inlet side of the meter. The jurisdiction and responsibility of the Department shall end at the meter and the Department will in no case be liable for damages beyond the meter.

Section 13. MAINTENANCE OF WATER PRESSURE AND SHUTTING DOWN FOR EMERGENCY REPAIRS.

The Department shall not accept any responsibility for the maintenance of pressure and it reserves the right to discontinue service while making emergency repairs or for other cause, which in the discretion of the Department necessitates such discontinuance.

That consumers dependant upon a continuous water supply should provide their own emergency storage of water.

Section 14. DOMESTIC, COMMERCIAL, IRRIGATION AND INDUSTRIAL SERVICE CONNECTION.

(a) Each house or building under separate ownership must be provided with a separate service, and any violation thereof will be sufficient cause for the Board to remove the service until the said violation is corrected and a fee of \$2.00 paid for reconnecting the service. Two or more houses under one ownership and on the same lot or parcel of land may be supplied through the same service, provided, however, that the Board shall reserve the right to limit the number of houses or the area of land under one ownership to be supplied by one service.

(b) Not more than one service for domestic, irrigation, industrial, or commercial supply shall be installed for one business, except under special conditions, and by consent of the Board.

(c) When property provided with a service is subdivided, each service shall be considered as belonging to the lot or parcel of land which it directly enters.

Section 15. FIRE AND PROTECTIVE SERVICE CONNECTION.

(a) This service shall be used only for water consumed in the extinguishing of fires. Upon the completion of the installation, the valve governing the same will be closed and sealed and shall remain so until a written order is received from the owner of the premises to have the water turned on. After the water is turned on, the Board shall not be held liable for damages of any kind whatsoever that may occur to the premises served by reason of the installation, maintenance, use, fluctuation of pressure, or interruption of supply.

(b) If water is used through a fire connection for any other purpose than the extinguishing of fires, the Board shall have the right to place a meter on the fire connection at the owner's expense or to shut off the entire water supply from such premises. Upon the installation of such meter, the water rates shall be as adopted by resolution under provisions of Section 28 herein shall apply.

(c) The Board shall have the right to take a domestic, commercial or in-

dustrial service from the fire connection at the curb to supply the same premises as those to which the fire service connection belongs. The Board shall also have the right to determine the proportion of the installation costs properly chargeable to each connection, if such segregation of costs shall become necessary.

(d) The Board reserves the right to install on all fire connections a check valve of a type approved by the National Board of Fire Underwriters and to equip the same with a by-pass meter; such installations shall be at the expense of the owner of the property and the regular domestic water rates as set forth by resolution hereof shall apply for all water used through such service except for fire protection purposes only.

Section 16. SUPPLY FROM FIRE HYDRANT.

(a) An applicant for temporary use of water from a fire hydrant must secure a permit therefore from the Water Department or Fire Department and pay the regular fee charged for the installation and removal of a meter to be installed on said hydrant, or in the case of an unmetered installation for the permits required for such usage.

(b) Each applicant shall provide himself with a hydrant wrench necessary to operate such hydrant, and install a separate shutoff with restricting orifice to minimize damage to hydrant and mains. If a hydrant is damaged by the consumer's use to an extent requiring repair or replacement such repair or replacement shall be made at the consumers expense.

Section 17. DAMAGE TO METERS. The Board reserves the right to set and maintain a meter on any connection. The water consumer shall be held liable, however, for any damage to the meter due to his negligence or carelessness and particularly for damage caused by hot water or steam from the premises.

Section 18. METER TESTING. When the accuracy of a water meter is questioned the department upon request will cause an official test to be made at its own expense. The consumer shall be duly notified of the time and place of such test and may be present before any such test will be made by the department. The meter will be tested on variable rates of delivery and if the average registration is more than two per cent in excess of the actual quantity of water passing through the meter, the department shall refund to the consumer the overcharge based upon the monthly test, unless it can be shown that the error was due to some cause for which the date can be fixed. In the latter case, the overcharge shall be computed back to and not beyond such times.

Section 19. TAMPERING WITH CITY PROPERTY. No one except an employee or representative of the Board shall at any time in any manner operate the curb cocks or valves, main cocks, gates or valves of the City's system, or interfere with meters or their connections, street mains or other parts of the water system.

Section 20. APPLICATION FOR MAIN EXTENSION. Any owner or owners or subdivider of a single lot, subdivision or tract of land desiring the extension of water mains and services to each lot, sub-division or tract of land shall make such application to the Board.

(a) Application for Main Extension. Any owner or owners or subdivider of a single lot, or sub-division or tract of land within the City limits desiring the extension of water mains and services to each lot, sub-division, or tract of land shall make application to the City Water Department, and after initial application, the applicant shall be subject to the following procedure:

(1) The Department shall design the water system to serve such lot, sub-division, or tract and give such design and specifications and estimate of cost to the applicant. Plans shall be prepared by a Civil Engineer incorporating such design and specifications and present same to the Water Department for approval. Upon approval such plans become the property of the Department.

(2) The applicant shall lay all mains within the tract, contiguous to, and the full length of the tract, and such connecting lines as may be needed to connect such lot, sub-division, or tract to the nearest main of suitable size and pressure. This shall include all control valves and fire hydrants, and a connecting lateral to each lot within the sub-division, tract, or lots owned by the applicant adjacent to the new main. The applicant shall make all such installation at his expense. All such installations shall be done according to the City of Redlands plans and specifications and subject to their inspection. The applicant shall notify the Water Department and furnish bond in the amount of the estimated cost, prior to the construction of such mains and pay the Department ten (10c) cents per lineal foot for inspection of all such mains installed. This payment to be made before the beginning of the installation.

(3) In lieu of the applicant making such installations, he may request the City of Redlands to do all the work and supply all the materials, and the said Board at its sole discretion shall accept or reject such installation job. If the said City agrees to do such work and to supply the materials thereof, the sub-divider or owner will pay the total cost of such installation plus ten per cent. Before commencement of such work, the sub-divider shall deposit the total estimated cost of such installation with the City of Redlands Water Department, and upon the completion of the job the City

will rebate to the owner or sub-divider any money not used over and above the total cost thereof plus the said ten per cent; or in the event that the cost exceeded the deposit, the owner or sub-divider shall pay the additional amount of such cost plus ten per cent to the said City. Failure to make such payment will result in any and all services being discontinued and such services will not be re-instated until the amount due is paid.

(b) Size of mains. The sub-divider or lot owner shall pay the full cost of the mains installed not to exceed eight (8") inches inside diameter unless the size of the sub-division requires a larger main. In such a case, the owner or sub-divider will pay the total cost, regardless of size. If the City requires a line larger than (8") inches to be used as a transmission line, such transmission line shall be laid by the City of Redlands and paid for by the owner or sub-divider with an allowance made by the City to cover the difference in cost of the materials used between eight (8") inches and the size actually used.

(c) All mains laid shall become the property of the City of Redlands Water Department.

(d) Refunding of the Costs Within City Limits. There shall be no refunding of any costs for the laying of any mains or lot connections within the sub-division or connections made to mains contiguous to the sub-division. For all new connections to lots contiguous to all such mains laid by the owner or sub-divider and not within the tract or sub-division, the City of Redlands Water Department shall refund to the original applicant the sum of \$1.50 per front foot of the lot for which the connection is made, which refund agreement shall not be transferable except to legal heirs and in any event no refunds shall be made, and the agreement shall terminate, ten years from completion of such new main.

The person entitled to such a refund shall make application for refund to the Water Department. If the applicant does not apply for the refund by July 1st of each year, such money shall be transferred to the operating budget of the Water Department and the applicant shall forfeit all claim to such money. Three such consecutive annual forfeitures shall terminate the refund contract, and all moneys accruable under the contract shall become the property of the City of Redlands Water Department.

(e) Main Extensions to lots or tracts outside City Limits. The lot owner or sub-divider of any approved lot, tract, or sub-division outside the City of Redlands shall install all mains, laterals, connecting lines, and other installations as may be needed to serve water under proper pressure and volume to each lot within the tract or sub-division. Before commencement of construction the applicant shall furnish bond for the estimated cost and shall pay to the City of Redlands twenty (20c) cents per lineal foot inspection fee for all mains to be laid. The applicant shall give free and clear to the City of Redlands any and all water stocks or well rights used on the lot or tract desiring service before any services or extensions are made, pursuant to the rules and regulations as set forth in Ordinance No. 988. Any person constructing water lines for service outside the City limits, shall be refunded their costs on the same basis as set forth in sub-section (d) of this Section.

(f) If, for any reason, the development of any lot or tract makes it necessary to move, lower, or in any manner change any existing water lines; such moving, lowering, or changing shall be done by the developer at his expense. Any damage done to existing lines during the development of the lot or tract shall be paid for by the developer. Failure to make or pay for such changes or repairs shall be reason for the Department to refuse water service to the lot or tract until such changes or repairs are made or paid for in full.

Section 21. APPLICATION FOR SERVICE. Upon application for water service each applicant shall be required to sign an Application for Service, wherein the City of Redlands is released from all liability by applicant that may be caused by water escaping or flowing from any water pipe, hose, water conduit, faucet, hydrant, valve, or other connections or appliance at any point within said premises, and wherein applicant also guarantees payment of all sums to become due for water service furnished in pursuance of the said application until notification to the Water Department to discontinue or transfer such service.

If upon application for water service a service connection is found to have produced no revenue in the twenty years, immediately prior to date of application and the service has been physically disconnected from the main, such connection will be considered abandoned and all requirements under this Ordinance shall be in effect in establishing a new service connection.

Section 22. REFUNDS AND ADJUSTMENTS. If for any reason a consumer becomes entitled to a refund such as for over-payment of a closing bill, or other just cause, a demand shall be made by said consumer to the Department for refund of such over-payment, and subject to approval of the Board, a City Warrant shall be issued to the consumer in the amount of said over-charge, or in the event the over-payment was made on a bill which is not a closing bill, the amount overpaid shall be credited to consumer's account.

Section 23. DISPUTED BILLS. In

the event of a complaint by a consumer that his water bill is excessive, a re-read shall be made on the meter and a check shall be made to determine in particular if there are leaks in the meter. Should no leaks in such meter be found, then upon request of the consumer, the meter shall be removed and be subject to a test upon it as set forth in detail in Section 18 in the event the meter tests within the approved limitations, and the consumer continues to question the water bill, a personal investigation of said premises served by the meter shall be made by the Water Superintendent. Should said Superintendent find no reason to adjust said bill, he shall refer the disputed bill to the Board for a final ruling, subject to the rights of the consumer to appeal the ruling to the City Council.

Section 24. DEPOSITS. The Water Department may require a deposit from applicants who have not established credit. The amount of this deposit shall be \$10.00, or a sum equal to three months' minimum charge for service rendered, whichever is the higher. This deposit shall be refunded at the end of one year without interest, or at an earlier date if the consumer orders the service discontinued, provided that the water bills have been paid in full.

Section 25. IRRIGATION SERVICE. There shall be no new connections made for irrigation services, nor shall there be any connections made to serve water at any reduced rate below the regular domestic rate as set forth in this ordinance. Any existing irrigation connections will continue to be served, as provided any one of the following conditions are fulfilled:

(1) Consumer shall have forty (40) or more edible fruit bearing trees on the property served by the existing meter.

(2) Consumer shall have a minimum of $\frac{3}{4}$ acre under cultivation and producing commercial crops.

(3) Consumer shall have one acre in pasture and such pasture shall be used for the feeding of animals raised for commercial purposes.

(4) For athletic or playing fields or parks owned by public agencies or under private ownership provided that such facilities are available to the public either free or on a rental basis. Any water used in buildings appurtenant to such facilities shall be on a separate meter, and all water used through such a meter shall be charged at the domestic rate.

All irrigation rates shall be subject to study and annual revision. Should an irrigation service be discontinued for any reason, the service when resumed shall be charged at the domestic rate.

Section 26. CROSS CONNECTIONS. No person, firm or corporation shall install or maintain any physical connection between any private source of water supply and the city water supply; provided however, that subject to the approval of the Board of Health of the State, the said City may maintain emergency connections with other public utilities serving water.

Section 27. LIMITATIONS OF SERVICE AREA. The Water Department of this City of Redlands shall not install or make any new water service connections, or extensions, of any kind, either for domestic or irrigation use in any territory not included in the corporate city limits of the City of Redlands, except where commitments have been made by the Redlands City Council.

Section 28. RATES AND CHARGES. All water rates and charges shall be set by a formal resolution of the City Council of the City of Redlands.

Section 29. Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment.

Section 30. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, illegal or unlawful, such decision shall not affect the validity of the remaining portion of the ordinance. The City Council hereby declares that it would have adopted this ordinance irrespective of the fact that any one or more section, sub-section, sentence, clause or phrase be declared unconstitutional, illegal or void.

Section 31. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 32. This Ordinance shall be in force and take effect as provided by law.

Section 33. The City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published once in the Redlands Daily Facts, a daily newspaper hereby designated for that purpose.

RAY J. LAMM,
Mayor of the City of
Redlands, California.

Attest:

H. R. WHALEY,

City Clerk of said City.

I do hereby certify that the foregoing ordinance was duly adopted at a regular meeting thereof held on the 4th day of December, 1956, by the following vote:

AYES: Councilmen Parker, Hooper, Wilson and Mayor Lamm.

NOES: None.

ABSENT: Councilman Romo.

H. R. WHALEY,
City Clerk.

Approved for Form:

E. F. TAYLOR,

City Attorney of said City.