

ORDINANCE NO. 1441

AN ORDINANCE AMENDING CHAPTER 59 OF THE REDLANDS ORDINANCE CODE, ADOPTING AND PRESCRIBING THE RULES AND REGULATIONS GOVERNING THE WATER DEPARTMENT OF THE CITY OF REDLANDS, CALIFORNIA, AND RESCINDING ORDINANCES NO. 1311 AND 1341.

The CITY COUNCIL of the City of Redlands does ordain:

That Ordinance No. 1441 of the City of Redlands provides 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, Director of Public Works and Water Superintendent 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.

"FIRE CONNECTION" The tapping of water mains and the laying of pipes from the main to the curb line and the setting of the shut-off valve, flow detection device and vault.

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

"DIVISION" The Water Division 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 Division.

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 Division 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 Division blameless for any damages arising out of low pressure or high pressure conditions or interruptions of service.

SECTION 6. FRONTAGE CHARGE.

Before water shall be supplied to any premises which are contiguous to a main installed after December 4, 1956, and paid for by a subdivider, person or agency, a charge of \$4.00 per foot of the premises adjacent to the main shall be paid as a water main construction charge. In the event the main is for the purpose of serving one side of a street only, the charge shall be \$8.00 per foot. The said charge shall be paid at time of application for service and shall be in addition to the service connection charge. That \$3.00 of each \$4.00 in the total amount so collected shall be refunded to the person, or persons, corporation or agency originally paying for said water main to which the connection has been made. See section 20d for rules governing application for refunds. Any property for single family dwelling that has more than one frontage side shall pay the frontage charge for one half of each frontage side.

SECTION 7. WATER RENTS.

Water rents are due and payable at the office of the City of Redlands Water Division 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 \$5.00 for turning on the water or making the collection call and a deposit of \$25.00 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 Division, the deposit charge may be waived by said Division.

Failure to receive bill does not relieve consumer of liability. Any amount due shall be deemed a debt to the City of Redlands, and 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 OF SERVICE AND CONNECTIONS.

The services and connections extending from the water main to the meter and including the meter shall be maintained by the Division. All pipes and fixtures extending from the meter or lying beyond the meter shall be installed and maintained by the owner of the property.

In the event that a property owner who has service from more than one water supplier elects to discontinue service from the City of Redlands, the service lateral shall be removed and service will be resumed by the City upon payment of the rate established by the City Council for a new service connection.

In the event that water service is maintained from two water agencies, adequate backflow protection shall be provided for the City system as provided for in Ordinance No. 1330.

SECTION 9. PROPERTY OWNER'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 Division for any purpose whatsoever, the property owner or his authorized agent shall first sign a form in which he guarantees the payment of future water bills for the service required. The property owner will be held liable for water used until the Division is notified in writing to discontinue the service. In the event any bill remains unpaid at the time property ownership changes, the unpaid amount shall be a lien against the property and must be paid before the Division will recommence service to a new property owner. The property owner shall notify the Division in writing in the event the authorized agent is changed.

SECTION 10. WATER USED WITHOUT REGULAR 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 Division 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 Division, and if accumulated bills for service are not paid immediately, the service may be discontinued by the Division 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 \$5.00 will be made by the Division. If the Division representative is in any way prevented from discontinuing service or if service is turned back on by other than an authorized representative, the Division may take any further steps it deems necessary to effect the disconnection and the full cost of all such efforts plus the estimated cost of reconnection must be paid in full before service will be restored. This said amount plus outstanding bills and deposit in an amount equal to \$25.00 or three times the average or estimated monthly consumption, whichever is greater, will be required to be paid by the consumer before service will be renewed. The Division, 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 Division 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 Division 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 Division shall end at the meter and the Division will in no case be liable for damages beyond the meter.

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

The Division 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 Division necessitates such discontinuance. Consumers dependent upon continuous water supply should provide their own emergency storage or water.

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

- a) Each parcel of land 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 \$5.00 paid for reconnecting the service. Two or more dwelling units 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 dwelling units or the area of land under one ownership to be supplied by one service.
- b) Not more than one service for domestic, commercial, irrigation or industrial supply shall be installed or used for one business or parcel of land, 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 upon which it fronts.

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, 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 27 herein shall apply.
- c) The Board shall have the right to take a domestic, commercial or industrial 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 Division 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 consumer's 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. It shall be the responsibility of the owner of the property to protect the meter and the inlet valve to the meter from physical damage. The cost of repairs to the meter or inlet valve as a result of such physical damage shall be included in the next water bill.

SECTION 18. METER TESTING.

When the accuracy of a water meter is questioned the Division 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 Division. 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 Division shall refund to the consumer the overcharge based upon the test, for the prior twelve months, 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, subdivision 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 subdivision or tract of land within the City limits desiring the extension of water mains and services to each lot, subdivision, or tract of land shall make application to the City Water Division and after initial application the applicant shall be subject to the following procedure:

1) The Division shall design the water system to serve such lot, subdivision, or tract and make available such design and specifications to the applicant. Plans shall be prepared by a Civil Engineer incorporating such design and specifications and present same to the Water Division for approval. Upon approval such plans become the property of the Division.

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, subdivision, 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 subdivision, tract, or lots owned by the applicant adjacent to the new main. The applicant shall notify the Water Division and furnish bond in the amount of the estimated cost, prior to the construction of such mains and pay the Division twenty cents (20¢) 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 subdivider or owner will pay to the City of Redlands Water Division, the total estimated cost of such installation plus ten per cent before commencement of such work.

b) Size of mains. The subdivider or lot owner shall pay the full

cost of the mains installed not to exceed eight inches (8") nominal diameter, unless the size of the subdivision or other requirements of the development requires a larger main. In such case, the owner or subdivider will pay the total cost, regardless of size. If the City requires a line larger than eight inches (8") 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 subdivider with an allowance made by the City to cover the difference in cost of the materials used between eight inches (8") and the size actually used. To compensate for the additional cost due to labor and other reasons as a result of installing lines greater than 8" in size, the allowance for the difference in material cost will be increased by thirty percent (30%). If for any reason the City cannot make the installation of any line over 8" in size, the owner or subdivider may have a properly qualified licensed contractor make the installation. The City shall determine the amount of allowance for lines over 8" in size according to the material costs available to the City.

c) All mains laid shall become the property of the City of Redlands Water Division after final inspection and acceptance.

d) Refunding of the Costs Within City Limits. There shall be no refunding of any costs for the laying of any mains within the development or for connections to lots within the development or for connections to any lot contiguous to the mains that had a connection prior to the installation of the new main. For all new connections to lots contiguous to all such mains laid by the owner or subdivider and not within the tract or subdivision, the City of Redlands Water Division shall refund to the original applicant \$3.00 of each \$4.00 collected in accordance with Section 6, which refund agreement shall not be transferable except to legal heirs and assigns 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 Division. If the applicant does not apply for the refund by July 1st of each year for all connections made during the preceding calendar year, such money shall be transferred to the operating budget of the Water Division 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 Division.

e) Main Extensions to Lots or Tracts outside City Limits. The lot owner or subdivider of any approved lot, tract, or subdivision 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 subdivision. Before commencement of construction the applicant shall furnish bond for the estimated cost and shall pay to the City of Redlands forty cents (40¢) 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. 1322. Any person constructing water lines for service outside the City limits, shall be refunded their costs on the same basis as set forth in subsection (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. It shall be the responsibility of the developer of the land to furnish a drawing by a civil engineer showing all water lines, both new and existing in their location in relation to the finished development. 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 Division 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 Division 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 overpayment of a closing bill, or other just cause, a demand shall be made by said consumer to the Division for refund of such overpayment,

and subject to approval of the Board, a City Warrant shall be issued to the consumer in the amount of said overcharge, or in the event the overpayment 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 leak 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 or his appointed representative. Should said investigator 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 Division may require a deposit from applicants who have not established credit. The amount of this deposit shall be \$25.00, or a sum equal to three months' minimum charge for services 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 continuously 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 three quarters of an acre ($\frac{3}{4}$) under cultivation and producing commercial crops.
- 3) Consumer shall have a minimum of one (1) acre in pasture and such pasture shall be used for the feeding of animals raised for commercial purposes.

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. 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 28.

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 29.

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, subsection, sentence, clause or phrase be declared unconstitutional, illegal or void.

SECTION 30.

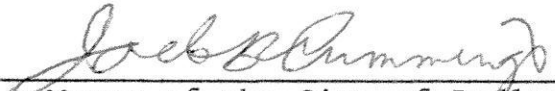
All ordinances or parts of ordinances in conflict herewith are hereby repealed. It is intended that this ordinance shall repeal Ordinance No. 1311 of the City of Redlands, entitled "Ordinance Adopting and Prescribing the Rules and Regulations Governing the Water Department of the City of Redlands, California," adopted on the 12th day of March, 1966, and Ordinance No. 1341, entitled "An Ordinance of the City Council of the City of Redlands Amending Ordinance No. 1311 Prescribing the Rules and Regulations Governing the Water Division of the City of Redlands, California," adopted on the 15th day of August, 1967.

SECTION 31.

This ordinance shall be in force and take effect as provided by law.

SECTION 32.

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.



Mayor of the City of Redlands

ATTEST:



City Clerk

APPROVED FOR FORM:

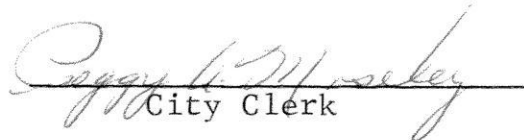
s/ Edward F. Taylor
City Attorney

I, Peggy A. Moseley, do hereby certify that the foregoing ordinance was duly adopted at a regular meeting thereof held on the 18th day of May, 1971, by the following vote:

AYES: Councilmen DeMirjyn, Knudsen, Miller, Sewall, Mayor Cummings

NOES: None

ABSENT: None



City Clerk