

ORDINANCE NO. NS-XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING ARTICLE II OF CHAPTER 16, ARTICLE XII OF CHAPTER 18, AND ARTICLE II OF CHAPTER 39 OF THE SANTA ANA MUNICIPAL CODE TO COMPLY WITH THE WATER SHUTOFF PROTECTION ACT

THE CITY COUNCIL OF THE CITY OF SANTA ANA DOES ORDAIN AS FOLLOWS:

WHEREAS, the California Water Shutoff Protection Act (Health and Safety Code Sections 116900, *et seq.*) became effective January 1, 2019. The Water Shutoff Protection Act prohibits residential water service from being discontinued under specified circumstances.

WHEREAS, Executive Order N-42-20 which prohibited the discontinuation of water service due to the COVID-19 pandemic, and other applicable orders, expired in February 1, 2022; and,

WHEREAS, the Santa Ana City Council desires to ensure that water service remains fiscally stable and well-maintained for the health and betterment of the community; and,

WHEREAS, the Santa Ana City Council wishes to amend the various sections of the Municipal Code to adhere to the regulations and requirements set forth in the State of California's Water Shutoff Protection Act to resume permitted water shutoffs due to nonpayment. Due to the fact the City's refuse, sanitation, sewer services are bundled with water services, various sections of the Municipal Code require revision.

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

Section 1. **Recitals.** The recitals above are true, correct and each incorporated herein by reference and adopted as findings by Santa Ana City Council ("City Council").

Section 2. Section 16-35 of Article II (Solid Waste Collection Regulations) of Chapter 16 (Garbage, Trash and Weeds) of the Santa Ana Municipal Code is hereby amended to read as follows (additions are underlined and deletions are stricken):

Sec. 16-35. Service charges.

- (a) Owners and/or occupants of any improved parcel of real property in the city, as shown on the latest county assessment roll, except any parcel receiving bin or roll-off service exclusively, shall pay to the city a solid waste collection service charge (refuse service charge) in such amounts, at such times, and in such manner as

shall be established by resolution of the city council. Such refuse service charge is imposed to provide for the continuing availability of curbside service and shall be due and payable in accordance with the terms of said resolution regardless of actual use thereof or of any interruptions or delays in such service, except to the extent reductions or refunds may be specifically authorized or directed by the executive director of public works or ~~his or her~~ their designee or by the executive director of finance and management services or ~~his or her~~ their designee.

- (b) For purposes of administrative convenience, the city council may establish billing units for payment of the said service charge consisting of one (1) or more occupancies within one (1) or more parcels. The said total refuse service charge reflecting the number of billable units shall be billed as provided in section 39-20 as part of the city's regular consolidated municipal utility services account/billing statement but shall be listed as a separate line item on the municipal utility services account/billing statement.
- (c) A penalty of ten (10) percent shall be assessed on all unpaid refuse service charge bills ~~thirty (30) days after the billing date. No penalty, however, will accrue until thirty (30) days after the date that the bill has been presented and determined to be delinquent~~ in accordance with section 39-20.
- (d) The said refuse service charge and any penalties accrued for failure to make timely payment therefore shall be a civil debt owing to the city.
- (e) In the event the occupant(s) of any property or premises, having registered a municipal utility services account and transferred municipal utility services into their own name as tenant(s), thereafter quit or otherwise vacate the premises, then responsibility for future municipal utility services charges, including refuse charges, shall ~~revert~~ default to the municipal utility services account of the property owner in accordance with section 39-16. It is the property owner's obligation to contact the city to update billing records when a tenant vacates or a transfer of responsibility is necessary.
- (f) In addition to all other civil remedies for collection of such indebtedness, in the event that the owner and occupant of the premises or property receiving refuse service are the same, then said civil debt against such customer or person shall be subject to special assessment and lien against said property in the manner provided by law. Establishment of a lien against the property shall remove said refuse charge(s) from the city's regular consolidated municipal utility services account/billing statement and toll the accrual of additional penalties therefore under this section and section 39-20.
- (g) Charges for bin service, roll-off container service or for collection services more frequent or more extensive than that provided in this article for curbside service shall be paid directly to the city's solid waste collection contractor in accordance with such regulations as shall be established by contract or resolution of the city council.

Section 3. Section 18-603 of Article XII (Sanitation Services Users Charge) of Chapter 18 (Health and Sanitation) of the Santa Ana Municipal Code is hereby amended to read as follows (additions are underlined and deletions are stricken):

Sec. 18-603. Payment of bills and penalties.

- (a) *Date payment due.* Bills for the sanitation charges made pursuant to this article and penalties, if any, are due and payable at the department of finance at the same time and in the same manner as all other parts of the regular consolidated municipal utility services account/billing statement.
- (b) *Penalties.* A penalty of ten (10) percent shall be assessed on all unpaid sanitation charges and/or prior sanitation charge related penalties ~~thirty (30) days after the billing date. No penalty, however, will accrue until thirty (30) days after the date that the bill has been presented~~ and determined to be delinquent in accordance with section 39-20.
- (c) *Civil debt.* Sanitation service charges and any corresponding penalties accrued for failure to make timely payment therefore shall be a civil debt owing to the city.

Section 4. Section 39-15 of Article II (Water) of Chapter 39 (Water and Sewers) of the Santa Ana Municipal Code is hereby amended to read as follows (additions are underlined and deletions are stricken):

Sec. 39-15. Definitions.

As used in this article:

Afterhours means that period of time allotted by the finance director for the performance of unscheduled water service turn on or turn off, occurring after the regularly established hours for the performance of scheduled water service turn on or turn off, as set by the director of finance.

Agency means public works agency, City of Santa Ana.

Applicant means an individual, partnership, association, corporation, receivership, trust, trusteeship, or agency of government, or other legal entity recognized by the laws of the state or of the United States applying for water service.

Backflow preventer means an approved device or means to prevent backflow into the city's potable water system.

Common area amenities means areas within residential, commercial, or industrial developments for the common use of residents or workers managed by the owner or his their agent, including but not limited to, rental offices, club houses, picnic areas, drinking fountains or filling stations, exercise rooms, and swimming pools.

City means the City of Santa Ana.

Cost means charges and/or fees which include the cost to the city of labor, materials, equipment, and overhead.

Customer means an individual, partnership, association, corporation, receivership, trust, trusteeship, or an agency of government or other legal entity recognized by the laws of the state or of the United States receiving water service.

Date of presentation means the date upon which a bill or notice is mailed to the customer at their mailing address of record, or in the event that a customer has signed up for electronic billing, the date upon which electronic notice is given to the customer at their electronic mailing address of record.

Director of finance or finance director means the chief administrative officer of the department of finance and management services or ~~his~~ their authorized designee.

Director of public works means the chief administrative officer of the public works agency, City of Santa Ana, or ~~his~~ their authorized designee.

Department of public works or public works department means the public works agency.

Department of finance or finance department means the finance and management services agency.

Due date means the date by which a bill must be paid by the customer to avoid delinquency charges, penalties, or other fees as a result of late payment, which is fourteen (14) days from the billing statement date, except when the 14th day falls on a weekend, city holiday, or city hall closure day, such bills will be due on the next following city business day. This date will be printed on all account/billing statements provided to customers.

Fee means the amount established by resolution of the city council which is intended solely to cover the reasonable administrative costs (time, materials, overhead) incurred in performing any specified act on behalf of any person or at any person's request for which said person shall be liable.

Gender pronouns: The masculine includes the feminine and neutral genders.

Greywater means untreated wastewater that has not been contaminated by any toilet discharge; has not been affected by infectious, contaminated, or unhealthy bodily wastes; and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. Greywater includes, but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers, or as otherwise defined by the California Health and Safety Code.

Main means the distribution pipe line located in a street, highway, public easement, or private right-of-way which is used to serve the general public.

Master meter means a meter, read by the city, that measures water usage for an entire property or structure, which may include common areas.

Meter means any suitable water measuring device or facility which measures or determines the volumetric flow of water.

Multi-family dwelling/accommodation means an apartment building, apartment house, condominium complex, or any other group of residential units located upon a single premises, including mobile home parks, providing the residential units therein meet the requirements for a single family accommodation. Hotels or motels consisting primarily of guest rooms and/or transient accommodations are not classified as multifamily accommodations.

Municipal utility services account/billing statement means the consolidated account and/or billing statement to which refuse service charges, sanitation service charges, sewerage service charges and other sewerage related charges and fees, water commodity consumption charges, and other related water service charges and fees (including fire line service charges), together with corresponding penalties, as applicable, shall accrue and/or are stated.

Parcel means a division of land as shown in the Orange County Assessor's Book.

Person means an individual, partnership, association, corporation or an agency of any governmental organization, receivership, trust, trusteeship, or other legal entity recognized by the laws of the state or of the United States.

Premises or service address means the integral property or area, including improvements thereon, to which water service is provided or for which an application for water service is filed.

Private fire protection service means provision of stand-by readiness to serve water to premises through a separate fire service line connection for fire protection only, such fire service lines to be connected to automatic sprinkling system, hose attachments, or hydrants.

Property owner or owner means the record owner of real property, as shown on the most recently issued equalized assessment roll.

Recycled water means treated wastewater supplied by Orange County Water District from the Green Acres Project, or treated wastewater of comparable quality from such other water recycling system as the city shall designate.

Service area means all area within the city limits and the area served outside the city limits.

Service charge or service related charge shall mean any commodity consumption cost, whether measured by consumption or volume or whether applied as a pass-through adjustment rate, or any fixed amount or variable schedule of amounts authorized herein or authorized elsewhere in this chapter or Code relating to refuse, sanitation, sewerage, and water (including fire line service), as established by resolution of the city council.

Submeter means a device that measures water consumption of an individual unit within a multiunit residential structure or mixed-use residential and commercial

structure, and that is owned and operated by the owner of the structure or the owner's agent.

Temporary service means a water service through a city-owned fire hydrant for special outdoor events, fairs, construction work, irrigation of vacant property, and similar uses which, because of their nature, will not be permanent.

Tenant improvement means changes made to the interior and exterior of a commercial or industrial property to accommodate the needs of tenants, including but not limited to, partitions, air conditioning, electrical, plumbing, fire protection, and security.

Theft of water means the taking of water from any city water main, hydrant, service, or facility without a meter or the written permission of the city in the form of a permit or application as provided for in the provisions of this article.

Unit of water means one hundred (100) cubic feet.

Water facilities means water distribution and treatment components, individually or as a whole, operating to provide storage, flow, and pressurized domestic water. The following components make up water facilities: wells, reservoirs, pipelines, system valves, control valves, fire hydrants, interties, disinfection treatment, instrumentation and controls, power distribution, and supervisory control and data acquisition system.

Water service means the tapping connection, pipe, valves, and other facilities by means of which water is conducted from the main water line, whether public or privately owned, to the meter.

Section 5. Section 39-16 of Article II (Water) of Chapter 39 (Water and Sewers) of the Santa Ana Municipal Code is hereby amended to read as follows (additions are underlined and deletions are stricken):

Sec. 39-16. Application for turning on water and transfer of responsibility.

- (a) Procedures; registration fee. An application to have water turned on or to transfer responsibility for water charges shall be made to the finance department of the city in conformance with the procedures established by the director of finance. A "registration fee" for the administrative cost therefore shall be made; provided, however, that the reversion of responsibility for water charges from a tenant to a previously registered property owner or other customer possessing the legal right to act as a lessor, at the time of the termination of such tenant's tenancy, shall not constitute a new application for turning on water or transfer of responsibility for water charges and shall not be subject to the "registration fee".
- (b) Transfer of responsibility. The customer of record shall remain a customer of record until a transfer of responsibility occurs. If no customer is on file with the City, the customer on record, by default shall be the property owner of the premises where water service is being provided. If there is ever any dispute as to who should be the customer of record, by default, the customer of record shall be the property

owner of the premises where the water service is being provided. Within the meaning of this chapter, a transfer of responsibility for water service charges occurs when any of the following conditions are met:

- (1) ~~The owner or other customer possessing the legal right to act as a lessor, or his authorized agent, informs the department of finance that a tenant has assumed lawful control of the property or premises or that there has been a change of lawful tenants; alternatively, the initial tenant or a new incoming tenant informs the department of finance that they have assumed lawful control of the property or premises.~~ The property owner, authorized agent, or other customer possessing the legal right to act as an owner or lessor, informs the department of finance that a tenant has assumed lawful possession of the premises or that there has been a lawful change in possession by a new tenant, and the department can confirm with the tenant that such a change occurred, and the tenant agrees to assume responsibility for water service charges moving forward. Alternatively, a tenant independently informs the department of finance that they have assumed lawful possession of the premises and desires to assume responsibility for water service charges.
 - (2) ~~A lease or other rental agreement (signed by the owner or his authorized agent) is provided, clearly specifying that the named tenant shall be responsible for municipal utility services in tenant's own name. A triple-net lease or other written agreement obligating a tenant to pay charges for water services and other municipal utility services provided to the property or premises in the name of the owner or lessor shall not constitute a transfer in responsibility, and liability for the payment of water charges shall be deemed to remain with the owner or lessor.~~ A written lease or other rental agreement (signed by the owner, or their authorized agent, and the tenant) is provided, clearly specifying that the named tenant shall be responsible for municipal utility services directly with the utility provider, and the tenant agrees to assume responsibility for water service charges.
 - (3) A recorded deed or other government-issued record is provided indicating that a property was purchased by a new owner, and the new owner contacts the City to assume responsibility for water service charges. Property owners, whether in the sale or acquisition of real property, are responsible for the transfer of responsibility and determining who is the appropriate customer of record with the City. The customer of record will be held liable for the payment of water service charges and other municipal utility services at the premises.
 - (4) In accordance with the Water Shutoff Protection Act, *California Health and Safety Code* §§ 116900, *et seq.*, as amended from time to time.
- (c) Deposit. Each applicant, except for the property owner of record, shall make a water service deposit at the time of making an application for turning on water or transfer of responsibility in an amount as set forth by resolution of the city council. The deposit may be refunded or applied as an account credit if and when all municipal utility services account bills rendered have been paid before their delinquent date for a period of one (1) year.

- (d) In the event occupant(s) of any property or premises having registered a municipal utility services account and transferred municipal utility services into their own name as tenant(s), pursuant to a lease or other rental agreement (signed by the owner or ~~his~~ their authorized agent) clearly specifying that the named tenant(s) shall be responsible for municipal utility services in tenant(s)' own name, thereafter quit or otherwise vacate the premises, then responsibility for future charges shall revert to the municipal utility services account of the property owner.

Section 6. Section 39-19 of Article II (Water) of Chapter 39 (Water and Sewers) of the Santa Ana Municipal Code is hereby amended to read as follows (additions are underlined and deletions are stricken):

Sec. 39-19. Water rates, service charges, fees and costs.

- (a) Water commodity consumption and service charges.
- (1) *Commodity charges.* Quantitative consumption rates shall be charged in the amount which the city council shall establish by resolution and in accordance with applicable law.
 - (2) *Basic service charges.* Charges shall be made for services rendered to provide and maintain a potable water supply and to provide standby readiness in the amounts established by and for the purposes described in the resolution adopted by the city council and in accordance with applicable law.
 - (3) *Multi-family per unit charge.* Basic service charges shall be applied to developments that meet the definition of multi-family dwelling/accommodation where the individual units are not individually metered by the city.
 - (4) *Private fire service protection charge (fire line charge).* A charge shall be made for the service rendered to provide readiness to deliver relatively large quantities of water for short periods of time for on-site private fire protection and suppression systems in the amounts established by and for the purposes described in the resolution adopted by the city council and in accordance with applicable law.
- (b) Fees to establish water service. All applicants, prior to connecting to a water main or prior to an increase in size of an existing water meter or service, shall apply and obtain a permit to do so and pay the following fees in amounts as established by resolution of the city council.
- (1) New water service application fee — see section 39-17.
 - (2) Water meter cost and installation fee — see section 39-17.
- (c) City is authorized to charge/levy the following administrative and other fees and deposits in an amount established by resolution of the city council, excepting any restrictions of imposition of such fees or deposits as detailed in the Water Shutoff Protection Act, California Health and Safety Code § 116900, et seq., as amended from time to time:
- (1) Meter turn on or meter turn off fee during weekdays for new water turn on services and delinquent accounts — see section 39-20(e).

- (2) Afterhours turn on or turn off fee during afterhours and holidays for new water turn on services and delinquent accounts when requested by customer — see section 39-20(e).
- (3) Special investigation/meter reread fee when requested by customer or when meter was inaccessible at the time the routine meter read was attempted by the city — see section 39-20(c).
- (4) Meter removal fee or meter resetting fee (to re-install meter when meter was removed for non-payment or for violation of this Code) — see section 39-20(e).
- (5) Meter test fee (when requested by customer) — see section 39-21(a).
- (6) Temporary construction meter deposit — see section 39-24.
- (7) Temporary construction meter daily rental fee — see section 39-24.
- (8) Field collection fee — see section 39-20(j).
- (9) Return payment service fee — see section 39-20(m).
- (10) Fire flow test application fee — see section 39-28.
- (11) Fire flow test witness fee — see section 39-28.
- (12) Backflow preventer third-and-final notice generation fee — see section 39-29(e).
- (13) Water service deposit — see section 39-16(c).
- (14) Backflow device testing administrative fee — see section 39-29(e).
- (15) Registration fee — application for turning on water and transfer of responsibility — see section 39-16(a).
- (16) Tag fee — see Sec. 39-20(d).
- (17) Removal of unauthorized "straight pipe" connections fee — see section 39-20(k).
- (18) In street cut-off (of water services) fee — see section 39-20(l).
- (19) Meter read trip fee — see section 39-20(e).
- (20) Abstract of billing history fee — Whenever a customer of record or his agent requests a history of charges and/or fees billed to a municipal utility services account registered in the name of the customer, an abstract of billing history shall be provided and an "abstract of billing history fee" shall be added to the customer's next regularly scheduled municipal utility services account/billing statement. Whenever such request is made by a third party pursuant to customer's letter of authorization, the fee shall be payable in advance.

Section 7. Section 39-20 of Article II (Water) of Chapter 39 (Water and Sewers) of the Santa Ana Municipal Code is hereby amended to read as follows (additions are underlined and deletions are stricken):

Sec. 39-20. Payment of water bills and penalties; municipal utility services account/billing statement.

- (a) Date payment due. Water commodity consumption charges, and related water service charges (including any fire line charges), and other fees and penalties shall be stated as part of a municipal utility services account/billing statement along with

refuse related charges as established pursuant to section 16-38, sanitation related charges as established pursuant to section 18-601 et seq., sewerage related charges as established pursuant to section 39.55.1 et seq., and all above related corresponding associated penalties, and are due and payable to the department of finance on the due date which is on the date of presentation and become delinquent thirty (30) days after the date of such presentation fourteen (14) days from the billing statement date except that when the 30th-14th day falls on a weekend, city holiday, or city hall closure day, such bills shall be due on the next following city business day. Any charge for water supplied to any customer, or any related charges or fees (including fire line charges), together with any refuse service, sanitation service, sewerage service charges, fees, or penalties due to the city from such customer, or due from any person who has applied for water service, as herein provided for, shall be added to any billing being currently rendered to such person, and the same shall become a part of ~~his~~ their current municipal utility services account/billing statement for water service and subject to all of the provisions of this chapter. Partial payments made upon municipal utility services account/billing statements shall be applied in the following order:

- (1) Refuse service related charges,
 - (2) Sanitation related charges,
 - (3) Sewerage service related charges,
 - (4) Water service commodity consumption charges and related charges (including fire line service charges) and fees established pursuant to section 39-19, and
 - (5) Corresponding penalties and fees as provided respectively under sections 16-38(c), 18-603(b), 39-55.2(a), and 39-20(d).
- (b) Failure of meter to register correctly. If a meter fails to register during any period, or is known to have registered inaccurately, the customer shall be charged for a seasonally adjusted average daily consumption for a period of similar duration determined when the meter was registering accurately.
- (c) Meter reread and meter investigation. When a meter box is inaccessible at the time the routine meter read was attempted by the city or when consumption occurs in connection with a previously turned off meter, or when a customer requests that the city verify the accuracy of the read as shown on the bill, the customer shall be charged a "special investigation/meter reread fee" as established by resolution of the city council for sending a field representative to the service address to investigate the meter and obtain a reading or rereading of the meter. If the reading or rereading shows that the previous read is in error, no special investigation/meter reread fee will be imposed; otherwise such charge shall be added to the customer's next regularly scheduled water bill.
- (d) Penalties. A penalty of ten (10) percent shall be assessed on the unpaid balance of all unsatisfied municipal utility services account/billing statement charges and fees, and penalties thirty (30) days after the ~~presentation~~ billing statement date, in accordance with subsection (a). Thereafter, a ~~past due~~ delinquency notice shall be presented to the customer. ~~On the next city working day following the seventh (7th) day after the date of presentation of the past due notice, the water service shall be subject to turn off at the premises. Two (2) days before the intended turn off of~~

~~water service, a discontinuance of service notice for non-payment "turn-off tag" shall be affixed to the premises and a "tag fee" imposed for such notification service. Thereafter, service may be discontinued if the bill is not satisfied within the time required by such notice. Once turned off, water service shall remain off until all charges, penalties and fines have been paid, unless an application to have the water turned on is received accompanied by evidence satisfactory to the department of finance of change of ownership or change in tenants. The delinquency notice shall advise the customer that service may be discontinued if the bill remains unpaid after sixty (60) days from the due date. The notice shall be mailed to the service address and mailing address, if different. The notice shall comply with the Water Shutoff Protection Act, specifically *California Health and Safety Code* § 116908(a)(1), as may be amended from time to time. If written notice of payment delinquency and impending discontinuation is returned undeliverable, the City shall comply with the Water Shutoff Protection Act, specifically *California Health and Safety Code* §116908(a)(2) as may be amended from time to time, in an attempt to make contact with the customer. Two (2) business days before the intended turn off of water service, a discontinuance of service "tag" for non-payment shall be affixed to the premises and a "tag fee" imposed for such notification service. Thereafter, service may be discontinued if the bill is not satisfied within the time required by such notice. A residential customer may avail themselves of any applicable rights under the Water Shutoff Protection Act, *California Health and Safety Code* § 116900, *et seq.*, as may be amended from time to time, prior to water service discontinuation. Once turned off, water service shall remain off until all charges, penalties and fines have been paid, unless an application to have the water turned on is received accompanied by evidence satisfactory to the department of finance of change of ownership. Upon the receipt of such evidence, the application for turning on water or transfer of responsibility for water charges shall be processed as provided for in section 39-16.~~

- (e) Turn off and turn on of service. When the water has been turned off for non-payment or for the violation of any provision set forth in this code or any ordinance, regulation or requirement of the city, such water shall not be turned on again unless the violation has been corrected and all charges and penalties have been paid, unless the turn off is exempt from such payment by reason of change of person receiving service. A "meter turn on fee" and "meter turn off fee" shall be made for each separate trip to the premises for the purposes of turning on or turning off water service during weekdays for new water turn on services and delinquent accounts and whenever otherwise requested by customer; provided, however, that turn on or turn off of water service during afterhours and holidays for new water turn on services and delinquent accounts when requested by customer, shall be subject to a special "after hours turn on or turn off fee" as established by resolution of the city council. After a water meter has been turned off for a period of seven (7) days, the meter may be removed from the service. A "meter removal fee" as established by resolution of the city council shall be made for the cost of meter removal. A "meter resetting fee" as established by resolution of the city council shall be made for the reinstallation of the meter and the turning on of the water. A

"meter read trip fee" as established by resolution of the city council shall be payable for each trip to a customer's premises for the purposes of performing a meter read for closing out of service, or for start of service, or for transfer of responsibility for service. Fees as herein provided shall be added to the next water bill issued after date of turn off, turn on, special investigation/reread, meter resetting/reinstallation or other designated trip, provided the amount is not collected in advance of the turn off, turn on, special investigation/reread, meter resetting/reinstallation, or other designated trip. For the purposes of this article, the term "trip" shall not include the regularly scheduled routine reading of customers' meters.

- (f) Closing bill. Upon the rendering of the final bill for service, the city shall not refund any credit balance or deposit of less than one dollar (\$1.00); any checks returned that cannot be delivered or are unclaimed shall be forfeited unless the applicant applies for refund within twelve (12) months.
- (g) Individual liability for joint service. Two (2) or more persons who join in one (1) application or contract for service shall be jointly and severally liable thereunder and shall be billed by means of a single periodic bill presented to the person designated in the application process to receive the bill.
- (h) Change of address. Water service shall not be given to any customer upon change of address until all delinquent charges owing thereon at a former place of residence or business have been paid.
- (i) Transfer of charges. When a customer maintains separate water service at multiple premises in the city under the same name or identity of ownership or tenancy, and water service has been discontinued at one (1) premises for non-payment, the department of finance may transfer the unpaid balance owing from the account to which service has been discontinued to any other account belonging to the customer for which water service remains ongoing.
- (j) Field collection fee. When a representative of the city collects payment of delinquent charges owing from a customer or customer's agent in the field, in lieu of performing a turn off or removal of customer's meter, a "field collection fee" shall be applied and collected from the customer or his their agent at the same time as all other delinquent charges and fees owing are collected.
- (k) Removal of unauthorized "straight pipe" connections. Whenever a customer has connected to the city's water service through an unauthorized straight pipe connection, the city shall cause such connection to be removed and a "removal of unauthorized straight pipe connections fee" as established by resolution of the city council shall be made and billed to the customer.
- (l) In street cut-off of water services. Whenever, in the discretion of the director of public works any customer's access to the water service must be physically severed by means of an in street cut-off of water service, whether due to authorized turn on of water service, or unauthorized straight pipe connection, or other violation of city code, an "in street cut-off fee" as established by resolution of the city council shall be made and billed to the customer.
- (m) Any charge, fee, or deposit owing to the city which has been paid by an instrument such as a check or draft which is dishonored upon presentation for payment, shall be void and of no effect from its inception. The director of finance, may, in his their discretion, withhold the effect of this provision if the instrument is redeemed within

fifteen (15) days of its return. Payment of charges, fees, or deposits following a dishonor of such instrument upon presentation for payment shall thereafter be made only by credit card, cashier's check, money order, or cash, which amount shall include any applicable penalty, as well as a "return payment service fee". The director of finance shall be authorized to reject payment other than by cash, cashier's check, or money order from such customer or such customer's agent for a period of two (2) years following any such dishonor.

- (n) Water service commodity consumption charges and water related charges and fees established pursuant to section 39-19, and any corresponding penalties accrued for failure to make timely payment therefore pursuant to section 39-20 shall be a civil debt owing to the city.

Section 8. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Santa Ana hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

Section 9. This ordinance shall become effective thirty (30) days after its adoption.

Section 10. The City Clerk shall certify the adoption of this ordinance and shall cause the same to be published as required by law.

ADOPTED this _____ day of May, 2024.

Valerie Amezcua
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: 

Andrea Garcia-Miller
Assistant City Attorney

AYES:	Councilmembers	_____
NOES:	Councilmembers	_____
ABSTAIN:	Councilmembers	_____
NOT PRESENT:	Councilmembers	_____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, JENNIFER L. HALL, City Clerk, do hereby attest to and certify that the attached Ordinance No. NS-3052 to be the original ordinance adopted by the City Council of the City of Santa Ana on May 21~~7~~, 2024 and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: _____

Jennifer L. Hall
City Clerk
City of Santa Ana