

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 8, CHAPTER 8.04, SECTIONS 8.04.020, 8.04.140, 8.04.160, 8.04.180, TITLE 13, CHAPTER 13.04, SECTIONS 13.04.020, 13.04.060, 13.04.070, 13.04.200, CHAPTER 13.12, SECTIONS 13.12.100, 13.12.130, 13.12.180, 13.12.190, CHAPTER 13.16, ARTICLE III, SECTIONS 13.16.160, 13.16.170, 13.16.270, 13.16.280 AND AMENDING CHAPTER 8.04 BY ADDING 8.04.135, CHAPTER 13.04 BY ADDING 13.04.015, CHAPTER 13.12 BY ADDING 13.12.125, CHAPTER 13.16, ARTICLE III BY ADDING 13.16.165 TO REQUIRE UTILITY ACCOUNTS BE HELD IN THE NAME OF THE RECORD OWNER OR THE CITY WATER CUSTOMER.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

SECTION I. FINDINGS AND INTENT

The City Council of the City of Stockton finds that:

Pursuant to California Health and Safety Code section 5473 et seq., the City of Stockton (the "City") has the authority to elect to have its water, sewer, solid waste collection, and stormwater service charges, and any such delinquent service charges and applicable penalties, collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, its general taxes.

In enacting these provisions of the Health and Safety Code the Legislature found and declared that: Californians want their governments to be run efficiently and economically and that public officials should avoid waste and duplication whenever possible; and it desired to control costs by reducing the number of separate bills.

Water service is provided by the California Water Company to certain properties within the City. The City separately bills and collects from these properties its sewer, solid waste collection, and stormwater service charges. The City cannot terminate water service to these properties to enforce payment of delinquent sewer, solid waste collection, and stormwater service charges. Requiring that the sewer, solid waste collection, and stormwater service accounts be established and held in the name of the record owners of properties receiving water service from the California Water Company allows the City to collect their delinquent sewer, solid waste collection, and stormwater service charges on the tax roll.

Where California Water Company provides water service in the City, it is more efficient and economical for the City to: (1) require that all sewer, solid waste collection, and stormwater service accounts be held in the name of the record owner of the property where such service or services are being provided; and (2) enforce the collection of any such delinquent service charges by placing a lien on the property for which delinquent service charges and any penalties are due and owing.

Delinquencies in the payment of utility service charges negatively impacts the revenues of the City's water, sewer, solid waste collection, and stormwater utilities. Collecting delinquent service charges on the tax roll benefits all ratepayers by improving the City's ability to collect such delinquent charges and penalties, thereby increasing the City's service charge revenues for its utilities, reducing the need to increase the amount of any such service charges for its utilities, and ensuring the City is able to provide safe and reliable utility services to all of its ratepayers.

If prior to the effective date of this ordinance the record owner of any property is not the holder of the account for which delinquent City water, sewer, solid waste collection, or stormwater service charges or penalties are due and owing, the record owner shall not be responsible for such delinquent service charges and any penalties due and owing for services provided to his or her property.

SECTION II. AMENDMENT OF CODE

Title 8, Chapter 8.04, Section 8.04.020 of the Stockton Municipal Code is hereby amended to read as follows:

8.04.020 Mandatory solid waste service required.

It shall be mandatory for all owners, or occupants or persons in possession, charge or control of all dwellings, buildings, places and premises in the City in and from which solid waste is created, accumulated or produced to:

A. Subscribe to and pay for solid waste collection services provided to such property by the City, or a collector or permittee of the City; and

B. Place, at a location accessible to the collector or permittee, an adequate container or containers for deposit of refuse of such capacity as the Public Works Director for the City may prescribe.

SECTION III. AMENDMENT OF CODE

Title 8, Chapter 8.04, Section 8.04.135 of the Stockton Municipal Code is hereby added to read as follows:

8.04.135 Unified bill.

A. A unified bill includes charges for water services provided by the City and all other service charges, including sewer, solid waste, and stormwater service charges.

B. A bill that does not contain charges for water services provided by the City is not a unified bill as used in this chapter.

C. Water services not provided by the City may be billed separately from other City service charges at the water service provider's sole discretion.

SECTION IV. AMENDMENT OF CODE

Title 8, Chapter 8.04, Section 8.04.140 of the Stockton Municipal Code is hereby amended to read as follows:

8.04.140 Billing and collection procedures for residential solid waste collection.

A. All accounts for solid waste collection services shall be established by and held in the name of the record owner of the property where the solid waste services are to be provided or the City water service account holder for the property if the holder of the water service account is not the record owner of the property. If a property does not receive water services from the City, then the solid waste collection services account shall be established by and held in the name of the record owner of the property where the solid waste services are to be provided.

B. If the account for solid waste collection services is established by and held in the name of the record owner of the property, the following conditions apply:

1. At the time the application for solid waste collection services is requested, and at the Chief Financial Officer's sole discretion, the applicant shall provide proof of ownership of the property to be served.

2. The record owner of a property receiving solid waste collection services shall be fully responsible and liable for the payment of all solid waste collection service charges, any delinquent solid waste collection service charges, and any penalties applicable to his or her property.

3. The Chief Financial Officer may, in the Chief Financial Officer's sole discretion, send the bill for solid waste collection services to a tenant or any other person or entity designated by the record owner, provided the record owner or his or her authorized representative submits to the City a complete and signed request to bill the tenant or other designated person or entity on such form as may be specified by the Chief Financial Officer.

4. If, in accordance with subdivision B3 hereof, a bill is sent to a person or entity other than the record owner, then the service account shall remain in the record owner's name and the record owner shall be fully responsible and liable for the payment of any solid waste collection service charges, any delinquent solid waste collection service charges, and penalties applicable to his or her property as if the bill had been sent to the record owner.

C. The method of billing for residential solid waste collection services will be determined by the Chief Financial Officer with the concurrence of the City Manager.

Notification of billing changes shall be provided to the record owner of any property where solid waste services are provided, any tenant or designated person or entity authorized to receive a bill for solid waste collection service charges pursuant to subdivision B3 hereof, or the solid waste service account holder if the account holder is not the record owner of the property receiving solid waste services.

D. Except as provided in subdivision B3, residential solid waste collection service charges will be billed on a unified bill to the account holder receiving the bill for water services if the water services are provided by the City at the service location. Residential properties that consist of two (2) or more separate dwelling units and are served by a single water meter shall be billed for solid waste collection service for the total number of separate residential dwelling units served by such water meter on a unified bill.

E. If a property does not receive water services from the City, the solid waste collection service charges may be billed separately or with other utility services provided by the City.

SECTION V. AMENDMENT OF CODE

Title 8, Chapter 8.04, Section 8.04.160 of the Stockton Municipal Code is hereby amended to read as follows:

8.04.160 Delinquency, penalties and nonpayment for residential solid waste collection.

A. An account is delinquent when payment in full of the bill for solid waste collection service charges is not received at the office of the City or its authorized agent for billing and collection within 25 days of the billing date. A postmark date is not considered the date of payment.

B. Where all or any part of any bill for a solid waste collection services account remains unpaid 25 days after the billing date, a basic penalty of 10 percent of the total delinquent amount will be added to such bill for the first month the account is delinquent. In addition, the City may impose a penalty in an amount not to exceed one (1) percent per month for nonpayment of any solid waste service charges and any basic penalty.

C. Except as otherwise provided by law, if a unified bill remains unpaid more than 30 days after the date of billing, City water service at the service location may be terminated.

1. City water service will not be restored until the amount of all delinquent solid waste collection service charges, associated service charges, penalties, deposits, and reconnection charges have been paid in full.

2. Prior to termination of water service, the Chief Financial Officer, in the Chief Financial Officer's sole discretion, may authorize an amortization agreement pursuant to Section 779 or 10010 of the Public Utilities Code or other applicable statute or regulation.

D. If the account holder is the record owner of the property receiving solid waste services, the City shall include a statement in each bill for solid waste collection service charges to each record owner in substantially the following form:

"Solid waste collection service charges and any penalties shall constitute a lien against the lot or parcel of land against which the charges and any penalties are imposed if the charges remain delinquent for 60 or more days."

Pursuant to such notice, the solid waste collection service charges and penalties may become a lien against the lot or parcel of land against which the charges were imposed if such charges remain delinquent for a period of 60 or more days. The City shall cause to be recorded with the county recorder all such delinquent solid waste service charges and any penalties, and when so recorded such charges and penalties shall have the force, effect and priority of a judgment lien and continue for 10 years from the time of recording unless sooner released or otherwise discharged.

SECTION VI. AMENDMENT OF CODE

Title 8, Chapter 8.04, Section 8.04.180 of the Stockton Municipal Code is hereby amended to read as follows:

8.04.180 Payment of fees and mandatory reporting of change in circumstance.

A. No solid waste collection services will be furnished to any property or person free of charge.

B. The solid waste collection account holder shall be responsible for the payment of any and all solid waste collection service charges, any delinquent solid waste collection service charges, and any penalties applicable to his or her account.

C. It shall be and is hereby made the duty of each solid waste collection account holder to ascertain from the City Administrative Services Department or its authorized agent for billing and collection the amount and due date of any solid waste collection service charges, any delinquent solid waste collection service charges, and any penalties applicable to his or her account, and to pay such charges and penalties when due and payable.

D. The solid waste collection account holder is obligated to inform the City Administrative Services Department or its authorized agent for billing and collection immediately of all circumstances and of any change(s) in any circumstance which will in any way affect the applicability of any solid waste collection service charges or the amount

of any such charges that may be imposed on the account holder for solid waste services provided to the property associated with his or her account. In particular, but not by way of limitation, the record owner of any property where solid waste services are provided by the City or a collector or permittee of the City shall immediately inform the City Administrative Services Department or its authorized agent for billing and collection of any sale or transfer of any such property.

SECTION VII. AMENDMENT OF CODE

Title 13, Chapter 13.04, Section 13.04.015 of the Stockton Municipal Code is hereby added to read as follows:

13.04.015 Mandatory water service required.

Except as otherwise provided in this title, in areas in which the City provides water service it shall be mandatory for all owners, or occupants or persons in possession, charge or control of all dwellings, buildings, places and premises in the City that are connected to the City's water system to subscribe to and pay for water services provided to their respective property by the City.

SECTION VIII. AMENDMENT OF CODE

Title 13, Chapter 13.04, Section 13.04.020 of the Stockton Municipal Code is hereby amended to read as follows:

13.04.020 Billing and collection procedures.

A. All accounts for City water services may be established by and held in the name of any person who satisfies and complies with the requirements of this chapter.

B. Billing and collection procedures for City water services, including the billing cycle, whether monthly, quarterly, or otherwise, will be determined by the Chief Financial Officer with concurrence of the City Manager. Notification of billing changes shall be provided to the City water service account holder of any property where City water services are provided.

SECTION IX. AMENDMENT OF CODE

Title 13, Chapter 13.04, Section 13.04.060 of the Stockton Municipal Code is hereby amended to read as follows:

13.04.060 Remedies for non-payment or other violations.

A. Where all or any part of any bill for a City water service account remains unpaid 25 days after the billing date, a basic penalty of 10 percent of the total delinquent amount will be added to such bill for the first month the account is delinquent. In addition,

the City may impose a penalty in an amount not to exceed one (1) percent per month for nonpayment of any City water service charges and any basic penalty. A postmark date is not considered proof of payment.

B. Except as otherwise provided by law, if a bill for City water service charges remains unpaid more than 30 days after the date of billing, City water service at the service location may be terminated.

1. City water service will not be restored until the amount of all delinquent water service charges, associated service charges, penalties, deposits, and reconnection charges have been paid in full.

2. Prior to termination of water service, the Chief Financial Officer, in the Chief Financial Officer's sole discretion, may authorize an amortization agreement pursuant to Section 779 or 10010 of the Public Utilities Code or other applicable statute or regulation.

SECTION X. AMENDMENT OF CODE

Title 13, Chapter 13.04, Section 13.04.070 of the Stockton Municipal Code is hereby amended to read as follows:

13.04.070 Form of collector's bill.

A. The City shall include a statement in each bill for City water service charges that if the bill is not paid within 25 days of the billing date, the account holder may be responsible for penalties and interest.

B. If the account holder is the record owner of the property receiving City water services, the City shall include a statement in each bill for City water service charges to each record owner in substantially the following form:

"Water service charges and any penalties shall constitute a lien against the lot or parcel of land against which the charges and any penalties are imposed if the charges remain delinquent for 60 or more days."

Pursuant to such notice, the water service charges and penalties may become a lien against the lot or parcel of land against which the charges were imposed if such charges remain delinquent for a period of 60 or more days. The City shall cause to be recorded with the county recorder all such delinquent water charges and any penalties, and when so recorded such charges and penalties shall have the force, effect and priority of a judgment lien and continue for 10 years from the time of recording unless sooner released or otherwise discharged.

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SECTION XI. AMENDMENT OF CODE

Title 13, Chapter 13.04, Section 13.04.200 of the Stockton Municipal Code is hereby amended to read as follows:

13.04.200 Payment of fees and mandatory reporting of change in circumstance.

A. No facility of the City water system or water service will be furnished to any property or person free of charge.

B. The water service account holder is and shall be responsible for the payment of any and all water service charges, any delinquent water service charges, and any penalties applicable to the customer's account.

C. It shall be and is hereby made the duty of each water service account holder to ascertain from the City Administrative Services Department or its authorized agent for billing and collection the amount of any water service charges, any delinquent water service charges, and any penalties applicable to his or her account and to pay such charges and penalties when due and payable.

D. The water service account holder is obligated to inform the City's Administrative Services Department or its authorized agent for billing and collection immediately of all circumstances and of any change(s) in any circumstance which will in any way affect the applicability of any water service charges or the amount of any such charges that may be imposed on the account holder for water services provided to the property associated with his or account. In particular, but not by way of limitation, the record owner of any property where water services are provided by the City shall immediately inform the City's Administrative Services Department or its authorized agent for billing and collection of any sale or transfer of any such property.

SECTION XII. AMENDMENT OF CODE

Title 13, Chapter 13.12, Section 13.12.100 of the Stockton Municipal Code is hereby amended to read as follows:

13.12.100 Mandatory sanitary sewer service required.

Except as otherwise provided in this title, it shall be mandatory for all owners, or occupants or persons in possession, charge, or control of any property in the City connected to the City's sanitary sewer system to subscribe to and pay for sanitary sewer services provided to their respective property.

SECTION XIII. AMENDMENT OF CODE

Title 13, Chapter 13.12, Section 13.12.125 of the Stockton Municipal Code is hereby added to read as follows:

13.12.125 Unified bill.

A. A unified bill includes charges for water services provided by the City and all other service charges, including sewer, solid waste collection, and stormwater service charges.

B. A bill that does not contain charges for water services provided by the City is not a unified bill as used in this chapter.

C. Water services not provided by the City may be billed separately from other City utility service charges at the water service provider's sole discretion.

SECTION XIV. AMENDMENT OF CODE

Title 13, Chapter 13.12, Section 13.12.130 of the Stockton Municipal Code is hereby amended to read as follows:

13.12.130 Billing and collection procedures.

A. All accounts for sewer services shall be established by and held in the name of the record owner of the property where sewer services are provided or the City water service account holder for the property if the holder of the water service account is not the record owner of the property. If a property does not receive water services from the City, then the sewer services account shall be established by and held in the name of the record owner of the property where the sewer services are provided.

B. If the account for sewer services is established by and held in the name of the record owner of the property, the following conditions apply:

1. At the time the application for sewer services is requested, and at the Chief Financial Officer's sole discretion, the applicant shall provide proof of ownership of the property to be served.

2. The record owner of a property receiving sewer services shall be fully responsible and liable for the payment of all sewer service charges, any delinquent sewer service charges, and any penalties applicable to his or her property.

3. The Chief Financial Officer may, in the Chief Financial Officer's sole discretion, send the bill for sewer services to a tenant or any other person or entity designated by the record owner, provided the record owner or his or her authorized representative submits to the City a complete and signed request to bill the tenant or other designated person or entity on such form as may be specified by the Chief Financial Officer.

4. If, in accordance with subdivision B3 hereof, a bill is sent to a person or entity other than the record owner, then the service account shall remain in the record owner's name and the record owner shall be fully responsible and liable for the payment of any sewer service charges, any delinquent sewer service charges, and any penalties applicable to his or her property as if the bill had been sent to the record owner.

C. Billing and collection procedures for sewer service, including the billing cycle, whether monthly, quarterly or otherwise, will be as determined by the Chief Financial Officer with the concurrence of the City Manager. Notification of billing changes shall be provided to the record owner of any property where sewer services are provided, any tenant or designated person or entity authorized to receive a bill for sewer service charges pursuant to subdivision B3 hereof, or the sewer service account holder if the account holder is not the record owner of the property receiving sewer services.

D. Residential and commercial sewer service charges will be billed on a unified bill to the sewer service account holder and any person authorized to receive the bill pursuant to subdivision B3 if water services are provided by the City at the service location. Residential properties that consist of two (2) or more separate dwelling units and are served by a single water meter shall be billed for sewer service for the total number of such separate residential dwelling units served by such water meter on a unified bill if water services are provided by the City.

E. If a property does not receive water services from the City, sewer service charges may be billed separately or with other utility services provided by the City.

SECTION XV. AMENDMENT OF CODE

Title 13, Chapter 13.12, Section 13.12.180 of the Stockton Municipal Code is hereby amended to read as follows:

13.12.180 Delinquency, penalties and nonpayment.

A. An account is delinquent when payment in full of the bill for sewer service charges is not received at the office of the City or its authorized agent for billing and collection within 25 days of the billing date. A postmark date is not considered the date of payment.

B. Where all or any part of any bill for a sewer services account remains unpaid 25 days after the billing date, a basic penalty of 10 percent of the total delinquent amount will be added to such bill for the first month the account is delinquent. In addition, the City may impose a penalty in an amount not to exceed one (1) percent per month for nonpayment of any sewer service charges and any basic penalty.

C. Except as otherwise provided by law, if a unified bill remains unpaid more than 30 days after the date of billing, City water service at the service location may be terminated.

1. City water service will not be restored until the amount of all delinquent sewer service charges, associated service charges, penalties, deposits, and reconnection charges have been paid in full.

2. Prior to termination of water service, the Chief Financial Officer, in the Chief Financial Officer's sole discretion, may authorize an amortization agreement pursuant to Section 779 or 10010 of the Public Utilities Code or other applicable statute or regulation.

D. If the account holder is the record owner of the property receiving sewer services, the City shall include a statement in each bill for sewer service charges to each record owner in substantially the following form:

"Sewer service charges and any penalties shall constitute a lien against the lot or parcel of land against which the charges and penalties are imposed if the charges remain delinquent for 60 or more days."

Pursuant to such notice, the sewer service charges and penalties may become a lien against the lot or parcel of land against which the charges and penalties were imposed if such charges remain delinquent for a period of 60 or more days. The City shall cause to be recorded with the county recorder all such delinquent sewer service charges and penalties, and when so recorded such charges and penalties shall have the force, effect and priority of a judgment lien and continue for 10 years from the time of recording unless sooner released or otherwise discharged.

SECTION XVI. AMENDMENT OF CODE

Title 13, Chapter 13.12, Section 13.12.190 of the Stockton Municipal Code is hereby amended to read as follows:

13.12.190 Payment of fees and mandatory reporting of change in circumstance.

A. No facility of the sanitary sewer system or sewer service will be furnished to any property or person free of charge.

B. The sewer service account holder shall be responsible for the payment of any and all sewer service charges, delinquent sewer service charges, and any penalties applicable to his or her account.

C. It shall be and is hereby made the duty of the sewer service account holder to ascertain from the City Administrative Services Department or its authorized agent for billing and collection the amount and due date of any sewer service charges, delinquent sewer service charges, and any penalties applicable to the property and to pay such charges and penalties when due and payable.

D. Metered or monitored industrial sewer service charges will be billed to the sewer service account holder of the property where the sewer services are provided or to the tenant or designated person or entity authorized to receive such bill for such property pursuant to Section 13.12.130, subdivision B3 on an individual basis separate from the City water service bill. The account holder is and shall be responsible for payment of any and all sewer service charges, delinquent sewer service charges, and any penalties applicable to the account. It shall be and is hereby made the duty of the account holder to ascertain from the City Administrative Services Department the amount and due date of any sewer service charge, delinquent sewer service charges, or penalties applicable to his or her account and to pay such charges and penalties when due and payable.

E. The sewer service account holder is obligated to inform the City Administrative Services Department or its authorized agent for billing and collection immediately of all circumstances and of any change(s) in any circumstance which will in any way affect the applicability of any sewer service charges or the amount of any such charges that may be imposed on the account holder for sewer services provided to the property associated with his or her account. In particular, but not by way of limitation, the record owner of any property where sewer services are provided shall immediately inform the City Administrative Services Department or its authorized agent for billing and collection of any sale or transfer of any such property.

SECTION XVII. AMENDMENT OF CODE

Title 13, Chapter 13.16, Article III, Section 13.16.160 of the Stockton Municipal Code is hereby amended to read as follows:

13.16.160 Mandatory stormwater service required.

Except as otherwise provided in this title, it shall be mandatory for all owners, or occupants or persons in possession, charge, or control of all places or premises in the City subscribe to and pay for stormwater service.

SECTION XVIII. AMENDMENT OF CODE

Title 13, Chapter 13.16, Article III, Section 13.16.165 of the Stockton Municipal Code is hereby added to read as follows:

13.16.165 Unified bill.

A. A unified bill includes charges for water services provided by the City and all other service charges, including sewer, solid waste, and stormwater service charges.

B. A bill that does not contain charges for water services provided by the City is not a unified bill as used in this chapter.

C. Water services not provided by the City may be billed separately from other City service charges at the water service provider's sole discretion.

SECTION XIX. AMENDMENT OF CODE

Title 13, Chapter 13.16, Article III, Section 13.16.170 of the Stockton Municipal Code is hereby amended to read as follows:

13.16.170 Billing and collection procedures.

A. All accounts for stormwater services shall be established by and held in the name of the record owner of the property where stormwater services are provided or the City water service account holder for the property if the holder of the water service account is not the record owner of the property. If a property does not receive water services from the City, then the stormwater services account shall be established by and held in the name of record owner of the property where the stormwater services are provided.

B. If the account for stormwater services is established by and held in the name of the record owner of the property, the following conditions apply:

1. At the time the application for stormwater services is requested, and at the Chief Financial Officer's sole discretion, the applicant shall provide proof of ownership of the property to be served.

2. The record owner of a property receiving stormwater services shall be fully responsible and liable for the payment of all stormwater service charges, any delinquent stormwater service charges, and any penalties applicable to his or her property.

3. The Chief Financial Officer may, in the Chief Financial Officer's sole discretion, send the bill for stormwater services to a tenant or any other person or entity designated by the record owner, provided the record owner or his or her authorized representative submits to the City a complete and signed request to bill the tenant or other designated person or entity on such form as may be specified by the Chief Financial Officer.

4. If, in accordance with subdivision B3 hereof, a bill is sent to a person or entity other than the record owner, then the service account shall remain in the record owner's name and the record owner shall be fully responsible and liable for the payment of any stormwater service charges, any delinquent stormwater service charges, and any penalties applicable to his or her property as if the bill had been sent to the record owner.

C. Billing and collection procedures for stormwater, including the billing cycle, whether monthly, quarterly, annually, semi-annually, or otherwise, including collection on the property tax roll, will be as determined by the Chief Financial Officer with the concurrence of the City Manager. Notification of billing changes shall be provided to the record owner of any property where stormwater services are provided, any tenant or

designated person or entity authorized to receive a bill for sewer service charges pursuant to subdivision B3 hereof, or the stormwater service account holder if the account holder is not the record owner of the property receiving stormwater services.

D. Residential stormwater service charges will be billed on a unified bill to the account holder receiving the bill for water if the water services are provided by the City at the service location. Residential properties that consist of two (2) or more separate dwelling units and are served by a single water meter shall be billed for stormwater services for the total number of separate residential dwelling units served by such water meter on a unified bill.

E. If a property does not receive water services from the City, the stormwater service charges may be billed separately from or with other utility services provided by the City, or collected on the tax roll.

SECTION XX. AMENDMENT OF CODE

Title 13, Chapter 13.16, Article III, Section 13.16.270 of the Stockton Municipal Code is hereby amended to read as follows:

13.16.270 Delinquency, penalties and nonpayment.

A. An account is delinquent when payment in full of the bill for stormwater service charges is not received at the office of the City or its authorized agent for billing and collection within 25 days of the billing date. A postmark date is not considered the date of payment.

B. Where all or any part of any bill for a stormwater services account remains unpaid 25 days after the billing date, a basic penalty of 10 percent of the total delinquent amount will be added to such bill for the first month the account is delinquent. In addition, the City may impose a penalty in an amount not to exceed one (1) percent per month for nonpayment of any stormwater service charges and any basic penalty.

C. Except as otherwise provided by law, if a unified bill remains unpaid more than 30 days after the date of billing, City water service at the service location may be terminated.

1. City water service will not be restored until the amount of all delinquent stormwater service charges, associated service charges, penalties, deposits, and reconnection charges have been paid in full.

2. Prior to termination the Chief Financial Officer, in the Chief Financial Officer's sole discretion, may authorize an amortization agreement pursuant to Section 779 or 10010 of the Public Utilities Code or other applicable statute.

D. If the account holder is the record owner of the property receiving stormwater services, the City shall include a statement in each bill for stormwater service charges to the record owner in substantially the following form:

“Stormwater service charges and any penalties shall constitute a lien against the lot or parcel of land against which the charge is imposed if the charges remain delinquent for 60 days.”

Pursuant to such notice, the stormwater service charges and any penalties may become a lien against the lot or parcel of land against which the charges and penalties were imposed if such charges remain delinquent for a period of 60 days. The City shall cause to be recorded with the county recorder all such delinquent stormwater service charges and penalties, and when so recorded such charges and penalties shall have the force, effect and priority of a judgment lien and continue for 10 years from the time of recording unless sooner released or otherwise discharged.

SECTION XXI. AMENDMENT OF CODE

Title 13, Chapter 13.16, Article III, Section 13.16.280 of the Stockton Municipal Code is hereby amended to read as follows:

13.16.280 Payment of fees and mandatory reporting of change in circumstance.

A. No stormwater services will be provided and no facility of the stormwater system will be made available to any property or person free of charge.

B. The stormwater account holder shall be responsible for the payment of any and all stormwater service charges, any delinquent stormwater service charges, and any penalties applicable to his or her account.

C. It shall be and is hereby made the duty of stormwater services account holder to ascertain from the City Administrative Services Department or its authorized agent for billing and collection the amount and due date of any stormwater service charges, any delinquent stormwater service charges, and any penalties applicable to his or her account, and to pay such charges and any penalties when due and payable.

D. Stormwater charges for commercial and industrial parcels will be billed to the record owner of the property on an individual basis separate from the City water service bill.

E. The stormwater services account holder is obligated to inform the City Administrative Services Department or its authorized agent for billing and collection immediately of all circumstances and of any change(s) in any circumstance which will in any way affect the applicability of any stormwater service charges or the amount of any such charges that may be imposed on the account holder for stormwater services provided to the property associated with his or her account. In particular, but not by way

of limitation, the record owner of any property where stormwater services are provided shall immediately inform the City Administrative Services Department or its authorized agent for billing and collection of any sale or transfer of any such property.

SECTION XXII. SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the act which can be given without the invalid provision or application, and to this end the provisions of this act are severable.

SECTION XXIII. EFFECTIVE DATE

This ordinance shall take effect and be in full force thirty (30) days after its passage.

ADOPTED: _____

EFFECTIVE: _____

MICHAEL D. TUBBS
Mayor of the City of Stockton

ATTEST:

CHRISTIAN CLEGG, Deputy City Manager/
Interim City Clerk of the City of Stockton