

ORDINANCE NO. 2020-1

AN ORDINANCE REPEALING ORDINANCE NO. 2008-1
AS SUBSEQUENTLY AMENDED, AND ESTABLISHING
WATER CHARGES AND PROVIDING PROCEDURES FOR
ENFORCEMENT

BE IT ORDAINED, by the Board of Directors of the McKinney Water District, Placer and El Dorado Counties, State of California, as follows:

ARTICLE I – GENERAL PROVISIONS

1. **Short Title.** This Ordinance may be cited as “McKinney Water District Water Charge Ordinance”.
2. **Enabling Statue.** This ordinance is adopted pursuant to Section 35470 of the Water Code of the State of California.
3. **Application.** This Ordinance shall apply to all water facilities of the District.
4. **Separability.** It is hereby declared that the District would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the sections, subsections sentences, clauses or phrases be declared invalid or subsequently modified.

ARTICLE II – DEFINITIONS

5. **APPLICANT** means a Holder of Title, or an authorized person who has applied to the District requesting delivery of water, (prior, or subsequent to, the ability of the District to make such delivery of water).
6. **BOARD** means the Board of Directors of the McKinney Water District.
7. **CALENDAR YEAR** means the 12-month period – January 1st to December 31st
8. **DISTRICT** mean the MCKINNEY WATER DISTRICT
9. **FISCAL YEAR** means the Fiscal Year of the District, to wit: The 12-month period from July 1st to the following June 30th.
10. **HOLDER OF TITLE** means the Owner of Record of Fee Title to Land within the District.
11. **CONSUMER OF RECORD** means the user of Water identified by the District’s Account record by name and address.

ARTICLE III – WATER CHARGES: VARIOUS

1. **WATER CONNECTION CHARGE** - The Cost of approval of a connection of a use service to the District's Water System shall be paid by the applicant in an amount as established from time to time by the Board shall be \$250.00 pursuant to this Ordinance.

Any connection made without payment of such charge shall be disconnected, and the applicant and/or land owner shall pay all costs incurred thereby, and prior to a reconnection for such use service to such property.

2. **STANDBY CHARGE (NON-USERS)** – An Annual Standby Charge of Sixty-Four Dollars (\$64.00) per Fiscal Year, for a subdivided lot, is hereby established, and is payable by Holder of Title to which a water delivery facility has been made available. Each un-subdivided parcel as shown on the last equalized County Assessment Roll and to which water is available, regardless of area, shall be treated as a separate lot for purposes of this section.
3. **WATER USE SERVICE** – An Annual Water Service Charge of Three Hundred Dollars (\$300.00) per Fiscal Year, for each connection to the District's Water systems, is hereby established, and is payable by Holders of Title to the land to which such connection has been made. For a new connection, the annual charge shall be prorated from the 1st of the month following the connection through the remainder of the current Fiscal year and is payable with the Water Connection Charge herein established. Prepaid Standby Charges for the same period of proration shall be allowed as a credit against such Water Service Charge.
4. **WATER SHUT-OFF/TURN ON SERVICE** - A customer requested water shut-off and/or turn on service is Fifty dollars (\$50.00) per individual event that is performed by the District Staff pursuant to this Ordinance. If service is requested to be performed after 6:00pm through 7:00am Monday through Friday or Friday after 6:00pm through Monday at 7:00am and Government holidays, there will be an additional overtime fee charge of time and a half.
5. **REVERSION CHARGES – USER TO NON-USER STATUS** – A user, upon disconnection, shall pay the cost of approval established. Such charge shall commence on the 1st day of the month following the date of disconnection and shall be an amount equal to 1/12 of the Annual Standby Charge multiplied by the number of months remaining to the end of the current Fiscal Year. Any prepayments of Annual Water Service Charges as herein established applicable to the above determined remaining months shall be allowed as a credit to such Annual Standby Charges. An application for reconnection shall be treated as a new connection in accordance with Sections 13 and 15 thereof.

6. NEWLY SUBDIVIDED LOTS – Upon the availability of water distribution facilities, within a newly subdivided area. Which are owned, or controlled by the District, Annual Standby Charge as herein established shall become applicable. To the Holders of Title of all parcels within such area, per the District's records, there shall be mailed a 15 day delinquent billing stating the prorated amount of such charge applicable to the then remaining portion of the current Fiscal Year beginning with the 1st day of the month following acceptance by the District of ownership or control of such water distribution facilities.

7. BILLING AND DUE DATES FOR PAYMENT OF CHARGES – Annual Standby Charges and Annual Water Service Charges are due and payable in full on the 30th day of June for the Fiscal Year commencing on the following 1st day of July. Suitable billings shall be mailed each year, prior to the June 30th due date to the holder of Title or Consumer of Record, per the District's records, stating the applicable charges, the due date, the delinquent date, the delinquency penalty and request for payment.

8. DELINQUENCY – All charges established by this Ordinance shall be paid on or before their due date, and, if not so paid, shall become delinquent. Delinquent charges shall be subject to a penalty and shall from time to time be established by the Board of Directors. Non-receipt of a written bill shall not affect the date of delinquency. No connection or reconnection shall be made from a parcel to the District's Water system while there exists any delinquent charges applicable to such parcel.

9. COLLECTION OF ANNUAL STANDBY CHARGES – Pursuant to Sections 35479 et seq. of the Water Code of the State of California, Annual Standby Charges of Eighty dollars (\$80) may, at the option of the Board of Directors, be levied and collected at the same time and in the same manner as general county taxes.

10. DISCONTINUANCE FOR NONPAYMENT OF CHARGES – Water use service may be discontinued for nonpayment of Water Connection Charges or Annual Water Service Charges which have been delinquent. The District will not discontinue water service for non-payment until payment by the customer (consumer) has been delinquent for a minimum of sixty (60) calendar days after county property tax due date. At least seven (7) calendar days prior to such discontinuance, a final notice will be sent to the Consumer of Records stating that discontinuance will be effective if payment is not made within the time limit specified in the notice. Failure of the District to send, or any such person to receive, said notice shall not affect the District's power to terminate the delivery of water to such connection

11. COLLECTION OF DELINQUENT CHARGES –

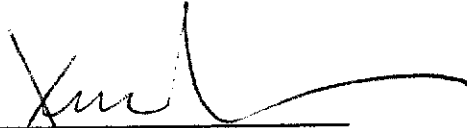
- A. **Legal Action** – As an alternative to any of the other procedures herein provided, District may bring a legal action against the Holder of Title, and/or the occupants of the premises when Water Service was rendered, for the collection of delinquent charges, related costs of collections and reasonable attorney's fees.
- B. **County Property Tax Rolls** – The District may, by resolution, elect to have delinquent charges as established by this ordinance collected on the County tax roll on which its ad valorem assessments are collected, in the same manner, by the same person, at the same time, and together with and in addition to the District's ad valorem assessments.
- C. **Lien Against the Land** – The amount of delinquent charges attributed to each parcel, as received by the County Auditor, shall constitute a special assessment against such parcel and shall be a lien on that property for such amount.

- 12. REPEAL OF PRIOR ORDINANCES.** – Ordinance No. 2020-1, an ordinance Repealing Ordinance No. 2008-1 and establishing Water Charges and providing procedures for its enforcement, adopted by the Board of Directors of said District, as subsequently amended, it is hereby repealed.


I hereby certify that the foregoing is a full, true and correct copy of an Ordinance duly passed and adopted by the Board of Directors of the McKinney Water District, Placer and El Dorado Counties, California, at a meeting thereof duly held on the 22nd day of May, 2020 by the following vote of the members thereof:

AYES, and in favor thereof; J. Swartfager, V. Dangler, S. Cotner, M. Noack,
K. Arcidiacono

NOES, Directors, NONE
ABSENT: Directors, NONE



Jerry Swartfager
President/Director
McKinney Water District



Karla Gunter
Secretary/Treasurer
McKinney Water District