

ORDINANCE NO. 910

**AN ORDINANCE OF THE CITY OF ROHNERT PARK, CALIFORNIA, REPEALING
RESOLUTION 2005-86 AND CHAPTERS 13.04, 13.44, 13.62 AND 13.66 OF TITLE 13
OF THE ROHNERT PARK MUNICIPAL CODE AND ADDING CHAPTERS 13.02,
13.03, 13.04, 13.05, 13.06 AND 13.44 TO TITLE 13 OF THE ROHNERT PARK
MUNICIPAL CODE RELATING TO THE CITY'S POTABLE WATER, RECYCLED
WATER AND SEWER SYSTEMS**

WHEREAS, the City owns and operates potable water and sewer systems and has recently accepted ownership of and operational responsibility for a recycled water system from the City of Santa Rosa; and

WHEREAS, the City is responsible for ensuring compliance with state and federal laws with respect to these systems for the preservation of public health and environmental quality; and

WHEREAS, in accordance with state law, the City establishes and administers rates, fees, and charges and bills customers for potable water, recycled water and sewer service; and

WHEREAS, the City's rules and regulations for its potable water system are currently set forth in Resolution 2005-86 and Chapters 13.04, 13.62 and 13.66 of the Title 13 of the Rohnert Park Municipal Code; and

WHEREAS, the City currently administers the recycled water system through various user agreements; and

WHEREAS, the City's policy for billing and collections for water and sewer bills is set forth in Chapter 13.44 of Title 13 of the Rohnert Park Municipal Code and billing for recycled water service is administered through various user agreements; and

WHEREAS, the City desires to better consolidate its policies and regulations for its water and sewer systems in order to facilitate compliance with state and federal laws and streamline administration of its potable water, recycled water and sewer systems; and

WHEREAS, nothing in this ordinance is intended to duplicate, contradict, or enter a field which has been fully occupied by state and federal law, including the Articles XIII C and D of the California State Constitution, the California Waterworks Standards and the Porter Cologne Water Quality Law.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ROHNERT PARK, CALIFORNIA, does hereby ordain as follows:

SECTION 1. FINDINGS

The City Council finds that:

- A. A public meeting introducing the proposed amendments to the Municipal Code was held by the City Council on September 12, 2017.
- B. In accordance with CEQA Guidelines, Section 15061(b)(3), this is not a project subject to CEQA in that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 2. REPEAL OF RESOLUTION 2005-86

Resolution 2005-86, a Resolution Adopting Rules and Regulations Regulating the Sale of Water in the City of Rohnert Park, is hereby repealed.

SECTION 3. REPEAL OF CHAPTERS 13.04, 13.44, 13.62 AND 13.64 OF TITLE 13 OF THE ROHNERT PARK MUNICIPAL CODE

Chapter 13.04 – City Water System, Chapter 13.44 – Billing and Payment of Water and Sewer Charges, Chapter 13.62 – Water Waste Regulations, and Chapter 13.66 Water Shortage Contingency Plan, are hereby repealed.

SECTION 4. ADOPTION OF CHAPTERS 13.02, 13.03, 13.04, 13.05, 13.06 AND 13.44 OF TITLE 13 OF THE ROHNERT PARK MUNICIPAL CODE

The City hereby adopts Section 13.02 – City Water System, Section 13.03 – City Recycled Water System, Section 13.04 – Cross Connection Control, Section 13.05 – Water Waste and Water Shortage Contingency Plan, Section 13.06 – Water and Recycled Water System – Violation and Enforcement and Section 13.44 – Water, Sewer and Recycled Water System – Service Charges, Billing and Collection, in substantially similar form as attached hereto and incorporated herein as Exhibit A.

SECTION 5. ACTIONS TO EFFECTUATE AND CODIFICATION

The City Manager is hereby authorized and directed to take other actions on behalf of City, which are not expressly and specifically reserved for the City Council, to implement and effectuate this ordinance. The City Clerk is directed to codify this ordinance in a manner which best reflects the legislative intent of the City Council in enacting this ordinance. The City Clerk is directed to resolve any numbering conflicts accordingly.

SECTION 6. SEVERABILITY

The City Council hereby declares that every section, paragraph, sentence, clause, and phrase of this ordinance is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses, or phrases.

SECTION 7. EFFECTIVE DATE

This ordinance shall go into effect thirty (30) days after its adoption and shall be published or posted as required by law.

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This ordinance was introduced by the Council of the City of Rohnert Park on September 12, 2017 and adopted on September 26, 2017 by the following roll call vote:


AYES: Four (4) Councilmembers Ahanotu, Belforte, Callinan and Mayor Mackenzie

NOES: None (0)

ABSENT: One (1) Vice Mayor Stafford

ABSTAIN: None (0)

CITY OF ROHNERT PARK



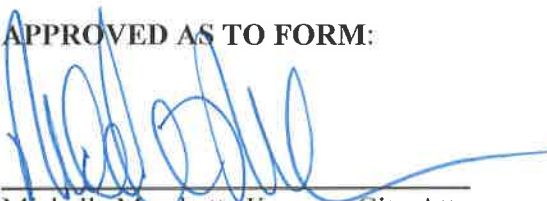
Jake Mackenzie, Mayor

ATTEST:



Caitlin Saldanha, Deputy City Clerk

APPROVED AS TO FORM:



Michelle Marchetta Kenyon, City Attorney

Exhibit A to Ordinance

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Chapter 13.02 – City Water System

Sections:

13.02.010 - Established.

There is established in the city a public water supply system to be known as the Rohnert Park potable water system which shall include all facilities for the production and distribution of water and all improvements, additions, extensions thereto.

13.02.020 – Purpose.

The purpose of the Rohnert Park potable water system is to provide a source of water for the inhabitants of the city. Extension of water service beyond city limits shall only be permitted upon approval of the city council. The city council shall not approve the extension of water service unless it finds the city has sufficient water supply and sewer treatment capacity to accommodate its current customers and the growth anticipated per the General Plan.

13.02.030 – General Provisions.

- A. The city has the sole right supply water within its city limits. No person, firm, corporation or institution shall drill, construct or cause to be constructed any well within the city of Rohnert Park.
- B. The city council shall by resolution establish rates for the sale of water, connection fees, and any other such other fees, standards, rules and regulations as may be necessary for the administration and operation of the Rohnert Park city water system.
- C. The city will not be liable for interruption, shortage, or insufficiency of supply, or for any loss or damage occasioned thereby caused by accidents, or acts of God, fire, strikes, riots, war, power outages or any other causes.
- D. The city, whenever it shall find it necessary or convenient for the purpose of making repairs or improvements to its system, shall have the right to temporarily suspend delivery of water and it shall not be liable for any loss or damage occasioned thereby.
- E. Applications for water service will be made. Such application will signify the applicant's willingness and intention to comply with all regulations or rates duly adopted by the city, and to make payment for services rendered.
- F. All applicants for service connections or water service shall be required to accept such conditions of pressure and service as are provided by the distribution system at the location of the proposed service connection, and to hold the city harmless for any damages arising out of low pressure or high pressure conditions or interruptions in service.
- G. If application is made for service to property where no service connection has been installed, but a distribution main is adjacent to the property, the applicant, in addition to making application for service, shall comply with the regulations and standards governing the installation of service connections.
- H. No customer shall permit the use or resale of any of the water received.
- I. Representatives of the city shall carry proper identification upon exhibition of which, they shall have the right of ingress and egress to the customer premises as necessary

to ensure the provision of water service and the protection of public health and safety.

13.02.040 – Ownership, Responsibility & Maintenance.

- A. The city owns all water distribution pipelines located in streets, highways, public ways, alleys, right-of-ways or easements which are used to serve the general public. When water distribution pipelines are planned to be extended, in accordance with Section 13.02.050, the owner of the lands upon which future pipelines are to be located, shall as a prerequisite to service grant easements unto the city for said purposes.
- B. The service connection including the meter and the meter box, whether located on public or private property, is the property of the city and no part of the cost thereof will be refunded to the applicant. The city reserves the right to repair, replace and maintain said service connections, as well as to remove them upon discontinuance of service.
- C. Water lines beyond the city's service connections belong to the property owner and must be maintained in proper condition by the property owner.
- D. The property owner, or designee, shall, at its own risk and expense, furnish, install and keep in good and safe condition all equipment that may be required for receiving, controlling, applying and utilizing water beyond the service connection.
- E. The city shall not be responsible for any loss or damage caused by the improper installation of such equipment beyond the service connection, or the negligence or wrongful act of the customer or of any of his tenants, agents, employees, contractors, licensees, or permittees in installing, maintaining, operating or interfering with such equipment installed beyond the service connection.
- F. The city shall not be responsible for damage to property caused by faucets, valves and other equipment that are open when water is turned on at the meter, either originally or when turned on after a temporary shutdown.
- G. The customer shall use all reasonable care to prevent damage to the meter or any other facilities loaned by the city that are used in furnishing the service from the time they are installed until they are removed. If meters or other facilities are damaged by the customer, the cost of making repairs shall be paid by the customer, except to the extent that the city caused or contributed to the damage.
- H. The customer shall be liable for any damage to the city-owned customer water service facilities when such damage is from causes originating on the premises by an act of the customer or his tenants, agents, employees, contractors, licensees or permittees, including the breaking or destruction of locks by the customer or others on or near a meter, and any damage to a meter that may result from hot water or steam from a boiler or heater on the customer's premises. The city shall be reimbursed by the customer for any such damage.

13.02.050 – Extension of Distribution Mains.

- A. Applications for extension of distribution mains shall be made. Such application will signify the applicant's willingness and intention to comply with all regulations or rates duly adopted by the city, and to make payment for services rendered.
- B. The extension of distribution mains may be accomplished by either the applicant

or the city, but in all cases must be approved as to design and location by the city Engineer prior to installation. Where installation is made by the applicant, plans must be prepared by a licensed professional only, and the city will provide inspection services to assure installation according to approved plans. The cost of the extension shall be borne by the applicant. The cost of city inspection shall be borne by the applicant.

- C. When the city requires the installation of a water main which is larger than that necessary to serve the applicant, the city may, in its sole discretion, enter into an agreement with the applicant whereby the applicant shall recover the excess cost through a reimbursement arrangement. The reimbursement may be by way of credits against connection or capacity charges, to the extent allowed by state law, or from other persons at the time of connection to said main. The city may, at its sole discretion, contribute a portion of the costs of main extensions.
- D. Applicant shall guarantee all costs and charges specified herein prior to commencement of work. Such deposit or security shall be in an amount equal to the estimated cost together with any appropriate contingency, approved by the city engineer. If the applicant's guarantee is in cash, any cash balance remaining upon completion of the work shall be refunded to the applicant.

13.02.060 – Installation of Service Connections.

- A. Water service connections will be installed in the size and at the location specified by the city. Service connections will be made only to property abutting on public streets, alleys, right-of-ways, or easements.
- B. Installation charges shall be in accordance with the rates established by the city's fee schedule.
- C. For multifamily residential and non-residential services connections, the applicant shall arrange for the installation of the water service connections by an approved contractor. Said installation will be in accordance with the standards set forth by the city and will be subject to city approval.

13.02.070 – Meters.

- A. Meters are required for all users.
- B. For commercial and industrial development, separate meters shall be installed for each portion of the property that is or could be used or occupied by a different customer class.
- C. For all development, except single family residential development, irrigation water shall be separately metered.
- D. Meters will be installed at accessible locations at the curb, or at the property line, in accordance with the city's adopted standards. Owners shall be responsible for maintaining area around meter to provide adequate access.
- E. Upon installation, meters will become the property of the city. No rents or other charges will be paid by the city for a meter or other facilities, including housing and connections, located on a customer's premises.
- F. All meters may be sealed by the city at the time of installation, and no seal shall be altered or broken except by an authorized city employee.
- G. Meters or services moved for the convenience of the customer will be relocated at the customer's expense. Meters or services moved to protect the city's property

will be moved at the city's expense.

- H. The cost of a change in the size of a meter on an existing service will be paid for by the customer.
- I. All meters will be tested prior to installation by the water meter manufacturer and no meter will be installed unless the accuracy is within one and one-half percent (1.5%) of being one hundred percent (100%) accurate.
- J. If a customer desires to have the meter serving their premises tested, the customer shall pay a meter check fee, as established by the city's fees schedule.
- K. If a meter tested at the request of a customer is found to be more than five percent (5%) slow, the city may bill the customer for estimated consumption. Such estimates will be made in Section 13.44.050 and will take into account the payments the customer has made.
- L. If a meter is found to be non-registering due to any cause, except the non-use of water, the charges for service will be based on the estimated consumption. Such estimates will be made in Section 13.44.050.

13.02.080 – Control Valve on the Customer Property.

The customer shall provide a valve on its side of the service installation as close as is practical to the meter location, street, highway, alley or easement in which the water main serving the customer's property is located, to control the flow of water to the piping on his premises. The customer shall not use the service curb stop to turn the water on and off for his convenience.

13.02.090 – Groundwire Attachments.

All persons are forbidden to attach any ground wire or wires to any plumbing which is or may be connected to a service connection or main belonging to the city. The city will hold the customer liable for any damage to its property occasioned by such ground wire attachments.

13.02.110 – Temporary Service.

- A. Temporary service may be provided from the potable water system through an approved hydrant meter, unless an alternative method is specifically approved by the city engineer.
- B. Applications for temporary water service will be made. Such application will signify the applicant's willingness and intention to comply with all regulations or rates duly adopted by the city, and to make payment for services rendered.
- C. The rates and meter rental fees for temporary water service, including any applicable deposits, shall be established as part of the city's rate schedule.
- D. All hydrant meters, or other forms of temporary connection, shall be installed by the city or a licensed contractor and shall be operated in accordance with instructions.
- E. The customer shall use all possible care to prevent loss or damage to the hydrant meter or to any other loaned facilities of the city which are involved in furnishing the temporary service from the time they are installed until they are removed.
- F. If the meter or any other equipment is lost, damaged or stolen, the meter rental fee, including any applicable deposit, shall be forfeited.
- G. Tampering with any fire hydrant for the unauthorized use of water there from, or for any

other purpose is a misdemeanor, punishable by law and subject to the penalties outlined in Section 13.06.

Chapter 13.03 - City Recycled Water System

Sections:

13.03.010 – Established.

There is established in the city a public recycled water supply system to be known as the Rohnert Park city Recycled Water System which shall include all facilities for the distribution of recycled water including all improvements, additions, extensions thereto.

13.03.020 – Purpose.

The purpose of the Rohnert Park recycled water system to provide an alternative water supply source for the inhabitants of the city, in accordance with the city's agreement with its wholesale suppliers. The city shall not permit the extension of recycled water service beyond its limits.

13.03.030 – General Provisions.

The Rohnert Park recycled water system shall be operated under the provisions of Section 13.02, which govern the Rohnert Park potable water system, except that the city council shall set applicable recycled water rates and connection fees through an approved form of a Recycled Water Agreement.

13.03.040 – Definitions.

For the purposes of this chapter, the following words and phrases will have the meanings respectively ascribed to them in this section:

- A. "Approved uses" means the uses defined in the city's Recycled Water User's Guide or by state law as being approved for use of tertiary treated recycled water.
- B. "Customer," "Consumer," or "User" means a person or entity having a connection into the recycled water system or potable water system owned and operated by the city.
- C. "On-site recycled water system" means that portion of the recycled water system on the consumer's premises which begins at the coupling on the consumer's side of the water meter.
- D. "Potable water" means water which meets the federal, state and local standards for human consumption and is approved for human consumption.
- E. "Recycled water" means tertiary treated water which results from the treatment of wastewater, is suitable for direct beneficial use, and conforms to the definition of disinfected tertiary recycled water in accordance with state law.
- F. "Recycled Water Agreement" means the agreement between the city and the customer which grants permission to use recycled water and requires the customer to use recycled water in accordance with the rules, regulations and standards of the Recycled Water User's Guide and all applicable state and local rules and regulations.
- G. "Recycled Water User's Guide" means city's document which details the requirements of the state and local rules and regulations that apply to the design, installation, and operations and maintenance of the on-site recycled water system, including but not limited to the requirements of the California Code of Regulations, Title 22.

13.03.050 – Regulatory Authority and Requirement to Connect.

- A. The State of California has declared that the use of potable water for non-potable uses is a waste or unreasonable use of water if recycled water is available.
- B. All new applicants for water service whose properties may be served by recycled water, shall connect their property to recycled water service for those uses for which the use of potable domestic water would be deemed a waste or unreasonable use of water as specified in Division 7, Chapter 7, of the California Water Code (Section 13550 et. seq.) and the state and local regulations promulgated pursuant thereto.
- C. All customers are liable for the cost of connecting plumbing at the point of connection as determined by the city and any costs of making private plumbing and irrigation systems conform to state health standards.
- D. Failure of a new customer to accept service of recycled water when it is made available, where use of potable water would otherwise be deemed a waste or unreasonable use of water, shall be grounds for termination of the customer's potable water service.
- E. Failure of a recycled water customer to comply with the conditions specified for its use shall be deemed a violation and shall be subject to enforcement as outlined in Section 13.06.

13.03.060 – Recycled Water Users Guide.

The city will at all times have a Recycled Water User's Guide which will be prepared, maintained and updated by the city engineer, or designee. The purpose of the Recycled Water User's Guide is to detail the requirements of the following rules and regulations as they apply to the city Recycled Water System, this chapter, the California Code of Regulations Title 22, and other State and local rules and regulations related to the use of recycled water as they may be adopted or changed from time to time.

13.03.070 – Recycled Water Agreement.

The city will enter into Recycled Water Agreement with each recycled water customer, which grants permission to use recycled water and requires the customer to use recycled water in accordance with the rules, regulations and standards of the Recycled Water User's Guide and all applicable State and local rules and regulations.

13.03.080 – Designation of Site Supervisor.

Each customer shall designate a Site Supervisor for each site covered by a Recycled Water Agreement. The Site Supervisor must serve as a liaison with the city, and must have the authority to carry out the requirements of the Recycled Water User's Guide and Recycled Water Agreement including the operations and maintenance of the on-site recycled water system and prevention of potential hazards.

13.03.090 – Operation and Maintenance of Customer Equipment.

Each customer is required to operate and maintain the on-site recycled water system in accordance with the Recycled Water User's Guide and Recycled Water Agreement.

Notwithstanding compliance with this section, the city reserves the right to take any action necessary with respect to the operation of the customer's recycled water system to safeguard public health.

13.03.100 – Backflow Prevention on Recycled Water Systems.

The city reserves the right to require a backflow prevention device on the customer's recycled water system if it is determined that there is a backflow hazard on-site. If a backflow device is required, it must be properly maintained by the customer, inspected quarterly and tested at least annually. All required tests must be submitted to the city in accordance with the city backflow prevention program.

Chapter 13.04 - Cross Connection Regulations

Sections:

13.04.010 - Purpose.

This chapter provides for a reasonable and effective means of protecting the city potable water system, and where appropriate its recycled water system, from backflow, in compliance with the California Code of Regulations, Title 17, Division 1, Chapter 5.

13.04.020 - General Provisions.

- A. It is the customer's responsibility to protect the water quality in its system when the city requires a backflow prevention assembly to protect the public system.
- B. New potable water service connections shall be installed and existing potable water service connections shall be upgraded to conform to these requirements.
- C. Wherever backflow protection has been found necessary on a water supply line entering a customer's premises, then any and all water supply lines from the city's mains entering such premises, buildings, or structures shall be protected by an approved backflow prevention assembly.
- D. The provisions and requirements of this chapter are the minimum requirements. Where this chapter imposes a greater restriction than is imposed or required by other laws, rules, regulations, standards or ordinances, of or applicable to the city, the provisions of this chapter shall control and be applied; where such other laws, rules, regulations, standards or ordinances are more restrictive, they shall control and be applied.

13.04.030 - Definitions.

- A. "Approved" means accepted by the city as meeting applicable specifications or as suitable for the proposed use.
- B. "Approved Device" means a backflow-prevention device which is manufactured in full conformance with the standards established by the American Water Works Association (AWWA) and has completely met the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research (FCCC&HR) of the University of Southern California.
- C. "Auxiliary Water Supply" means any water supply on or available to premises other than potable water supplied by the city potable water system.
- D. "AWWA Standard" means a standard developed and approved by the American Water Works Association.
- E. "Backflow" means the flow of water or other liquids, mixtures or substances, under positive or reduced pressure from the customer's system into the city potable water system.
- F. "Backflow Prevention Assembly" means an assembly or means designed to prevent backflow or back-siphonage. Backflow prevention assemblies included the following devices:
 - a. "Air Gap Separation (AG)" which is a physical break between the service connection and a receiving vessel on the customer's system, where all piping between the service connection and the receiving vessel is entirely visible and the air-gap separation is greater than one-inch and at least double the diameter of the supply pipe, measured vertically from the flood rim of the customer's

- receiving vessel to the supply pipe from the service connection.
- b. "Reduced Pressure Principle Backflow Prevention Assembly (RP)" is an assembly consisting of two independently operating check valves with an automatically operating differential relief valve located between the two checks, a tightly closing shut-off valve on each side of the check valve assembly, and properly located test cocks for the testing of each check valve and the relief valve.
 - c. "Double Check Valve Assembly (DC)" is an assembly of two independently operating, spring loaded check valves with tightly closing shut-off valves on each side of the check valve assembly and properly located test cocks for the testing of each check valve.
- G. "Backpressure" means a condition in which the owner's system pressure is greater than the city water system pressure.
- H. "Back-Siphonage" means the flow of water or other liquids, mixtures or substances from the customer's system into the city potable water system caused by a reduction or loss of pressure within the city potable water system.
- I. "Certified tester" means:
- a. A person who is certified by the city to perform testing of backflow prevention devices, who has completed training and received certification by an AWWA sponsored backflow device testing certification program or the University of Southern California Backflow Prevention Device Testing School and who possesses a valid city business license.
 - b. A service representative of the manufacturer of the backflow-prevention device approved by the Engineer and possessing a valid city business license.
 - c. All City personnel, as authorized by the Engineer.
- J. "City": means the city of Rohnert Park, California.
- K. "City Potable Water System" means the potable water distribution system owned and operated by the city, including the service connection to a potable water main.
- L. "Contamination" means an impairment of the quality of the water supply of the city potable water system by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease.
- M. "Cross-connection" means an unprotected actual or potential connection between the city potable water system and any source or system within a customer's premises and/or customer's system which contains water or any substance that is not or cannot be approved as a potable water supply. Bypass arrangements, jumper connections, removable sections, swivel and changeover devices, or other devices through which backflow or back-siphonage could occur, shall be considered to be cross-connections.
- N. "Customer" or "User" means any person obtaining water from the city water supply system.
- O. "Customer's System" means the potable water piping system located immediately downstream from a meter.
- P. "Degree of Hazard" means the potential risk to public health and the adverse effect of the hazard upon the potable water system.
- Q. "Engineer" means the city engineer of the city, or a designee.
- R. "Health Agency" means the California Division of Drinking Water.

- S. "Local Health Agency" means the Sonoma County Department of Health.
- T. "Owner" means any person, who has legal title to, or a right to the use or occupancy of, a property.
- U. "Nonpotable Water" means water which is not safe for human consumption.
- V. "Person" means any individual, partnership, company, public or private corporation, political subdivision or agency of the United States State of California or other governmental entity.
- W. "Pollutant" means a foreign substance that, if permitted to get in the public water system, will degrade its quality so as to constitute a moderate hazard, or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonable affect such water for domestic use..
- X. "Potable water supply: means a water supply which, according to recognized standards and the public health authority having jurisdiction, is safe for human consumption.
- Y. "Pollution" means an impairment of the quality of the potable water supply of the city.
- Z. "Premises" means a piece of land together with such buildings and appurtenances located thereon.
- AA. "Recycled Water" means water which, as a result of treatment of waste, is suitable for uses other than potable use.
- BB. "Service Connection" or "User Connection" means the water piping system and/or meter connecting the city potable water system to the customer's system.

13.040.040 - Requirements for Backflow Prevention Devices.

- A. To comply with the California Code of Regulations, the city requires the installation of approved backflow prevention assemblies or air gaps, by and at the expense of the Owner, when the degree of hazard in the customer's system so warrants, as solely determined by the city.
- B. Backflow prevention devices or air-gaps of a type, manufacture and design approved by the Engineer shall be installed by the customer on the customer's system in a location approved by the Engineer in the following described categories:
 - a. Premises having an auxiliary water supply;
 - b. Premises and/or customer's systems within which any substance is handled under pressure or any other fashion that, in the opinion of the Engineer, could potentially permit backflow or back-siphonage into the city potable water system, including water that originated from the city water system;
 - c. Premises and/or customer's systems which have more than one service connection and which, in the opinion of the Engineer, contain cross-connections or the potential for cross-connections which could result in the pollution or the contamination of the city potable water system in the event of backflow or back-siphonage;
 - d. Premises and/or customer's systems which, in the opinion of the Engineer, contain cross-connections or the potential for cross-connections which could result in the pollution or contamination of the potable city water system in the event of backflow or back-siphonage;
 - e. Premises and/or customer's systems where, in the opinion of the Engineer, the potential for contamination is such as to require an air-gap separation system;
 - f. Premises having a gray water use system as defined by California Code of

- Regulations, Title 24, Part 5; and
- g. Premises having a recycled water system as defined by the State of California Code of Regulations, Title 22, Division 4, Chapter 3.
 - h. On tank trucks and spray tanks of 49 gallons or more, that will connect to the city's system.
 - i. All temporary water cross connections, including but not limited to the use of fire hydrants or blow-offs for construction water, flushing lines, or similar purposes.

13.04.050 - Ownership of Backflow Devices.

Backflow-prevention devices and air-gaps shall be and remain the property of the customer.

13.04.060 - Type of Protection Required.

The type of backflow protection required shall be commensurate with the degree of hazard that exists on the customer's premises. The minimum types of backflow protection required to protect the public water supply, at the customer's water connection to premises with varying degrees of hazard are given in Table 1. The Owner may choose a higher level of protection than required by the city. Situations which are not covered in Table 1 shall be evaluated on a case by case basis and the appropriate backflow protection shall be determined by the Engineer.

TABLE 1
TYPE OF PROTECTION REQUIRED

Degree of Hazard		Minimum Level of Backflow Prevention
A	Sewage and Hazardous Substances	
	Premises where the public water system is used to supplement the recycled water supply	AG
	Premises where there are wastewater pumping and/or treatment plants and there is no inter-connection with the potable water system. This does not include a single family residence that has a sewage lift pump.	AG ¹
	Premises where recycled water is used and there is no interconnection with the potable water system.	AG ¹
	Premises where hazardous substances are handled in any manner in which the substances may enter a potable water system. This does not include a single family residence that has a sewage lift pump	AG ¹
	Premises where there are irrigation systems into which fertilizers, herbicides, or pesticides are, or can be, injected	RP
B	Auxiliary Water Supplies	
	Premises where there is an unapproved auxiliary water supply which is interconnected with the public water system.	AG ²
	Premises where there is an unapproved auxiliary water supply and there are no interconnections with the public water system	RP ³
C	Fire Protection Systems	
	Premises where the fire system is directly supplied from the public water system and there is an approved auxiliary water supply on or to the premises (not interconnected).	DC
	Premises where the fire system is supplied from the public water system and interconnected with an unapproved auxiliary water supply	AG ¹
	Premises where the fire system is supplied from the public water system and where either elevated storage tanks or fire pumps which take suction from the private reservoirs or tanks are used.	DC
D	Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross-connections do not exist.	RP
E	Premises where there is a repeated history of cross-connections being established or re-established	RP
F	In the case of tankers and spray tanks of 49 gallons or more, including but not limited to fire.	AG/RP
¹	<i>An RP may be provided in lieu of an AG if approved by the city and the health agency</i>	
²	<i>A RP or DC may be provided in lieu of an AG if approved by the city and the health agency.</i>	
³	<i>A DC may be provided in lieu of a RP if approved by the city and the health agency.</i>	

13.04.070 – Installation of Backflow Devices.

- A. New Service Connections.
 - a. At the time of application for potable water service, the Engineer will review said application to determine the need for a backflow-prevention device or air-gap. If the Engineer determines that a backflow-prevention device or air-gap is required, it shall be the customer's responsibility at customer's expense to provide for installation of an approved backflow-prevention device or air-gap in accordance with city standards and at a location approved by the Engineer.
 - b. Installation of a backflow-prevention device or air-gap, where required by the city, shall be a condition of city potable water service and meter installation.
- B. Existing Service Connections without Backflow- Prevention Devices or Air-Gaps. The city may inspect the premises of existing customers which, in the opinion of the Engineer, may require a backflow-prevention device or air-gap. If the Engineer determines that a backflow-prevention device or air-gap is required, the installation of an approved device or air-gap shall be a condition of continued potable water service from the city potable water system to the premises and/or customer's systems.
- C. Upgrading of Existing Backflow-Prevention Devices or Air-Gaps. An existing backflow-prevention device or air-gap which, in the opinion of the Engineer, is a non-approved device or air-gap that does not provide adequate protection for the degree of potential hazard from the backflow or back-siphonage from a premises and/or customer's systems, shall be upgraded at the customer's expense.

13.04.080 - Testing, Maintenance and Repair of Backflow Devices.

- A. The customer on any premises where backflow-prevention devices are installed shall be responsible for maintenance and repair of the devices. The customer shall at all times maintain the devices in proper working order as a condition of continued city potable water service.
- B. Customers' backflow-prevention devices shall be inspected and tested by a certified tester at least once a year. Where the Engineer determines that there is a potential for backflow or back-siphonage, the Engineer may require inspection and testing of the backflow-prevention devices at more frequent intervals. Inspections and tests shall be at the customers' expense.
- C. Backflow-prevention devices which fail to pass inspection or testing by a certified tester shall be repaired within 30 days after notification of test results.
- D. Repairs and satisfactory retest of devices by a private certified tester shall be documented and submitted on a form provided by the city.

Chapter 13.05 - Water Waste and Water Shortage Contingency Plan

Sections:

13.05.010 - Purpose.

The purpose of this chapter is to promote the efficient use of the water and recycled water supply provided by the city; to eliminate the intentional or unintentional waste of water when a reasonable alternative solution is available; to prohibit the use of equipment that is wasteful and to outline the city's policy with respect to water shortages.

The provisions of this chapter shall apply to all persons, customers, and property served by the city.

13.05.020 - Nonessential uses.

No customer of the city shall use or permit the use of city potable or recycled water supply for the following nonessential uses:

- A. The washing of sidewalks, walkways, driveways, parking lots and other hard-surfaced areas by direct hosing, except as may be necessary to properly dispose of flammable or other dangerous liquids or substances, wash away spills that present a trip and fall hazard, or to reduce or eliminate materials dangerous to the public health and safety.
- B. The escape of water through breaks or leaks within the customer's plumbing or private distribution system for a period of time greater than seventy-two hours after discovery of the break or leak or receipt of notice from the city.
- C. Irrigation in a manner or to an extent which allows excessive runoff of water or unreasonable over-spray of the areas being watered.
- D. Washing cars, boats, trailers or other vehicles and machinery directly with a hose not equipped with a shutoff nozzle.
- E. Water for non-recycling decorative water fountains.
- F. Water for single pass evaporative cooling systems for air conditioning in all connections installed after the effective date of this chapter, unless required for health or safety reasons.
- G. Water for new non-recirculating conveyor car wash systems.
- H. Water for new non-recirculating industrial clothes washing systems.

13.05.030 - Water Shortage Contingency Plan.

The city will at all times have a Water Shortage Contingency Plan which will be prepared, maintained and updated by the city engineer, or designee. The Water Shortage Contingency Plan shall, at a minimum, be reviewed every five years in association with the approval of the city's Urban Water Management Plan.

The purpose of the Water Shortage Contingency Plan is to detail the voluntary and mandatory actions that the city will require to respond to water shortages caused by drought or other natural or manmade disaster. The Water Shortage Contingency Plan shall comply with State and local rules and regulations related to drought and water shortages as they may be adopted or changed

from time to time.

13.05.040 - Exempt Water Uses.

All water use associated with the operation and maintenance of fire suppression equipment or employed by the city for water quality flushing and sanitation purposes shall be exempt from the provisions of this chapter.

13.05.050 – Exceptions.

Any customer of the city may make written application for an exception to the requirements of this chapter. Said application shall describe in detail why applicant believes an exception is justified based on unique hardship or circumstances. Generalized economic hardship alleged to result from the provisions of this chapter shall not be a reason for granting an exception.

- A. The city manager may grant exceptions for use of water otherwise prohibited by this section, upon finding and determining that failure to do so would cause an emergency condition affecting the health, sanitation, fire protection or safety of the applicant or public; or, cause a unique, unnecessary and undue hardship on applicant or the public.
- B. The decision of the city manager may be appealed to the city council by submitting a written appeal to the city clerk within fifteen calendar days of the date of the decision. If the exception is granted by the city council on appeal, the city council may impose any conditions it determines to be just and proper. Exceptions granted by the city council shall be prepared in writing and the city council may require the exception be recorded at applicant's expense.

Chapter 13.06 - Water and Recycled Water Systems - Violations and Enforcement

Sections:

13.06.010 – Violation – General Provisions.

It is unlawful for any person, firm, corporation or institution to make or cause to refuse to comply with the provisions of Chapters 13.02 through 13.05 of this Municipal Code, governing the operation and use of the Rohnert Park city potable and recycled water systems.

13.06.020 – Violation - Tampering with City Property.

- A. It is unlawful for any person, firm, corporation or institution to make or cause to be made any connection with or to the city water system or recycled water system unless authorized by the city.
- B. No one except an employee or representative of the city shall at any time in any manner operate the curb or main valves, or remove and/or tamper with locking devices of the city's system; or interfere with meters or their connections, street mains or other parts of the water system.
- C. Penalty for tampering:
 - i. First Offense: \$ 500.00
 - ii. Second Offense: \$1,000.00
 - iii. Third Offense: \$1,000.00
 - iv. Subsequent Offenses: \$1,000.00

13.06.030 - Violation – Termination of Service.

- A. The city may terminate water and/or recycled water service to a customer for noncompliance with Section 13.02 through 13.05 of this Municipal Code and any other adopted ordinances, rules and regulations of the city, if the customer fails to comply within five (5) days after receiving written notice of the city's intention to discontinue service.
- B. The city may terminate water and/or recycled water service immediately and without notice to the customer when the customer's noncompliance constitutes an immediate danger to the health, safety and welfare of the public and/or to the operation, maintenance, or costs of operation and maintenance of the city's water or recycled water systems.
- C. The city may refuse to furnish water and/or recycled water and may terminate water and/or recycled water service to any premise where apparatus, appliances, or equipment using water and/or recycled water furnished by the city are dangerous, unsafe, or not in conformity with any laws, ordinances and/or rules of the city, county, state or federal government.
- D. The city may refuse to furnish water and/or recycled water and may terminate water and/or recycled water service to any customer whose current demand greatly exceeds past averages or seasonal use, and where such current demand threatens the public health, safety of welfare and the city's ability to provide service to one or more other customers.

13.06.040 – Violation – Additional Remedy.

- A. Any violation of Sections 13.02 through 13.05 of this Municipal Code and any other adopted ordinances, rules and regulations of the city shall be enforced as an infraction in accordance with Chapter 1.24 of this Code. Every day any violation of this chapter continues is a separate offense.
- B. As an additional remedy, the violation of any provision of this chapter by any person who has received more than one written warning to refrain from the same or any other violation under this chapter in one calendar year shall be deemed and is declared to be a public nuisance and may be subject to abatement in accordance with Chapter 1.24 of this Code.

13.06.050 – Violation – Appeal.

Any person or customer of the city may make a written appeal of any alleged violation of Chapters 13.02 through 13.05 of this Municipal Code in accordance with procedures outlined in Chapter 1. 25 of this Code.

Chapter 13.44 – Water, Sewer and Recycled Water Service Charges, Billing and Collection

Sections:

13.44.010 - Purpose and Authority.

This chapter establishes the rules and regulations for billing and collection of water, sewer and recycled water service charges including, but not limited to, requirements for security deposits, and maintenance of service, customer responsibilities, prohibited acts and penalties, adjustments of billings, and service discontinuance.

13.44.020 –Definitions.

For the purposes of this chapter the following words and phrases shall have the meanings respectively ascribed to them in this section.

- A. “Billing period” means the period of time between meter readings for which a customer is billed.
- B. “Charge” or “rate” means the amount of money to be paid by the person liable to the city for potable, recycled water, and sewer services.
- C. “Customer” or “consumer” means any persons liable for a connection into the potable water, recycled water or sewer systems.
- D. “Permanent water service” means the installation of a permanent (non-temporary) city water meter in an approved water meter box accompanied by a request to the city by the property owner, agent, or tenant to establish a permanent connection for service by the potable water system or recycled water system.
- E. “Potable water system” means the system of pipelines, pump stations and appurtenances owned and operated by the city and which delivers water for human consumption.
- F. “Recycled water system” means the system of pipelines, pump stations and appurtenances owned and operated by the city and which delivers, for approved uses, non-potable tertiary treated recycled water as defined by State law.
- G. “Fixed monthly service charge” means the fixed charge to be paid by persons liable for each and every connection to and/or use of the city recycled water, potable water and/or sewer system based upon the size of the water meter. This includes both fixed charges dedicated to system operations and fixed charges dedicated to capital replacement or reserves.
- H. “Service or water service” means a connection through which potable or recycled water is supplied or is available to a person from and out of the potable or recycled water system owned and operated by the city.
- I. “Service lateral” means that portion of the potable or recycled water system which extends from the city water main to the coupling immediately beyond the meter box on the consumer’s premises.
- J. “Sewer cap” means sewer charges for customers based on metered consumption of water as determined by averaging usage during winter billing periods occurring during the months of December through February and in accordance with policies, rules, or regulations approved by the city council.

13.44.030 - Water, Recycled Water and Sewer - Rates for Service.

- A. The city council shall adopt water and sewer rates by Resolution. Water and sewer rates may include both fixed and variable components in order to allow the city to recover its costs for the provision of service. Water and sewer service charges are separately stated and billed upon the same bill.
- A. The city council shall impose recycled water rates through agreement. Recycled water rates shall generally conform to the policies of the Santa Rosa Subregional System, the city's recycled water producer. Recycled water services charges may be billed with water and sewer service charges or may be separately billed.
- B. Water Shortage Charges - At any time the city council declares a water shortage emergency and implements water rationing stages 2, 3 or 4 pursuant to its current, adopted urban water shortage contingency plan, any water shortage rates structure, adopted by the city council will be applied to all potable water accounts.

13.44.040 - Charges for New Installations, Meters and Special Charges.

In addition to its rates for service, the city council, by Resolution, may adopt uniform installation charges for all new services and connections, including the cost of meters and special charges for special services rendered. Such charges may be amended and varied from time to time; provided, that all such charges shall reasonably reflect the total actual cost and expense of the service performed or materials supplied.

13.44.050 - Charges when Meter Is Inoperative.

If a meter fails to register due to any cause except the nonuse of potable or recycled water, the charge for potable or recycled water will be estimated based on previous consumption for a comparable period or by such other method as is determined by the city. In the preparation of such averaged bills, due consideration will be given to fluctuations caused by seasonal changes or any interruption to the service known to have occurred.

13.44.060 - Charges for Vacant Premises.

If a property is vacant, the fixed component of the water and sewer service charge will be billed to the property owner.

13.44.070 - Application for Service and Deposit Required.

- A. All customers must apply for service in order to establish a water, recycled water or sewer service account. Applications may be made in person, over the phone, by email, through an online system or by any other method designated and approved by the city.
- B. Applications may be made by either property owners or tenants and all applicants are liable for the city's charges for service.
- C. As part of the application, property owners and occupants are required to provide a deposit in the amount set by the city manager. The deposit required of tenants shall not exceed that allowed under Public Utilities Code Section 10009.6.
- D. Deposits made by property owners are refundable after the expiration of one year if the property owners' account has not been in arrears during the first year of said deposit. If the service is discontinued in less than one year, the deposit will be applied to the account to offset any outstanding amount due. Credit balances after all charges have been invoiced will be refunded.

- E. Deposits made by other than property owners shall be applied on account upon termination of service. Credit balances, of more than ten (10) dollars, after all charges have been invoiced will be refunded. Credit balances of less than ten dollars will be retained by the city.
- F. Regardless of the customers' payment history, the city may require a new deposit before rendering service to the same customer at a new service address.
- G. Any deposit eligible for refunding and uncalled for within five (5) years from the date when made will become the property of and be retained by the city.

13.44.080 – Application for Service – Person with Outstanding Bills

When an application for potable, recycled water or sewer service is made by an applicant who was responsible for and failed to pay all bills for service previously rendered, regardless of location or when incurred, the city may refuse to furnish service to such applicant until the outstanding bills are paid and may require additional deposit, in an amount set by the city Manager.

13.44.090 – Bills - Generally

- A. Bills for water and sewer service to residential, commercial, institutional and industrial accounts will be rendered bi-monthly in arrears unless otherwise provided by agreement.
- B. Bills for recycled water service will be rendered in accordance with the Recycled Water Agreement.
- C. If the total period of service is less than the billing period, the period of service will be prorated and the service charge adjusted accordingly.
- D. Bills for service to all accounts are due and payable upon presentation. Payments may be made in any manner designated and approved by the city.
- E. Bills become delinquent twenty days after they have been presented to the customer.
- F. A fee of twenty-five dollars (\$25.00) will be charged to customers for bill payments returned, from any method of payment.

13.44.100 – Bills - Refunds

- A. Whenever the amount of any water, recycled water or sewer service charge has been overpaid, or paid more than once, or has been erroneously or illegally collected or received by the city, it may be refunded as provided in this section.
- B. The claimant or his or her guardian, conservator, executor or administrator must submit a written application to the city's finance director, on a form provided by the city, within six months of the alleged overpayment or erroneous or illegal collection. The application must clearly establish claimant's right to the refund by written records.
- C. Upon receipt of the claim, the city will evaluate the request and provide a written evaluation of its analysis, including any refund due, within sixty days.
- D. Any customer aggrieved by the city's decision with respect to its refund request, may appeal to the city manager by filing a notice of appeal with the city clerk, within fifteen days of the finance director's decision. The city manager will render a written decision within sixty days of the filing of the appeal. The findings of the city manager shall be final. Any amount found to be due shall be immediately due and payable upon the service of notice.

- E. The submission of a written claim as set forth in Chapter 2.44 shall be a prerequisite to a suit challenging a city decision made pursuant to this chapter.
- F. The filing of a claim on behalf of a class or group of property owners is not permitted.

13.44.110 - Delinquent Bills – Courtesy Notice

- A. Courtesy notices will be sent out to those accounts whose balance is past due. If payment is not received within ten (10) days from the date of the courtesy notice, a shut-off notice will be mailed.

13.44.120 - Delinquent Bills – Service Disconnections

- A. Five (5) days will be allowed after the shut-off notice is mailed before service is disconnected for non-payment.
- B. When water, recycled water or sewer service is disconnected for nonpayment, the city may demand the full amount of both delinquent and current bills be paid in full, and the same shall be paid in full before service is restored.
- C. To re-establish credit, a customer may be required to pay all back bills up to the time service was discontinued. The customer will also be required to pay reconnection charges as established by the city council.

13.44.130 – Delinquent Bills – Authority to Assess Penalties

The city council may by resolution prescribe penalties or charges to be assessed against delinquent accounts and shall have the power and authority to enforce collection thereof.

13.44.140 – Delinquent Bills – Collection Agency Charges

If, in an effort to collect a delinquent bill, the city uses the services of a collection agency, any and all collection agency fees shall be passed on to the delinquent customer.

13.44.150- Delinquent Bills – Property Owner Liability and Lien

Regardless of the whether the customer is the property owner or a tenant, by the adoption of a resolution, the city council may declare that delinquent charges and penalties for water, recycled water or sewer service, when recorded shall constitute a lien upon real property served after notice and hearing as in Section 13.44.150

13.44.160 Delinquent Bills – Formal Notice and Hearing

- A. On or before the fifteenth day of June of each year the city council shall hold a hearing to determine the amount of the delinquent charges and penalties for sewer and water service. Notice of hearing shall be given by the city clerk and shall contain a copy of the proposed resolution, state the time and place for a hearing on the proposed resolution, and provide that any person interested may appear at the hearing and be heard as to the charges and penalties.
- B. The notice shall be published at least once each week for two weeks prior to the hearing in a newspaper published in the city. The first publication shall be at least fifteen days prior to the date of the hearing.
- C. At the time and place fixed in the notice of hearing, the city council shall hold the hearing. At the hearing, any person interested may appear and be heard on the matters set forth in the notice. At the hearing the city council may change or modify

the charges and penalties; provided, however, that no charge or penalty shall be increased from that set forth in the proposed resolution unless notice of intention to make said increase shall be published at least once or posted at least ten days prior to the hearing on the proposed charge.

- D. At the conclusion of the hearing, the city council may determine that the charges and penalties are not discriminatory or excessive, comply with the law, and adopt said resolution as proposed or modified.
- E. One of the modifications of the resolution may be the finding and determination by the city council that the amount of the charge and penalty shall be placed on the tax roll. If such finding and determination is made by the city council, the city clerk shall forward the amount fixed by the city council to the Sonoma County tax collector for placement on the tax roll next succeeding the hearing.

13.44.170 – Charges as Lien

Charges for potable or recycled water service and all penalties thereon, when confirmed by the city as provided in this chapter, shall constitute a lien upon the real property served and such lien shall continue until the charge and all penalties are fully paid or the property is sold therefore. The lien shall be prior to all other liens recorded after the lien for potable or recycled water charges is recorded as herein provided. In addition, the city council may authorize the Finance Director to place the lien on the tax roll of the property served.

13.44.180 - Recordation of lien.

The lien provided for in this chapter shall attach and be entitled to priority as of the time the finance director records the list of delinquent unpaid charges and penalties with the county recorder. Each recorded lien shall state the amount of each charge and the penalty, a description of the real property upon which the same is a lien, and the name of the city of Rohnert Park to which the same is payable. A list of all delinquent charges shall be recorded annually, but no delay or informality in recording them shall invalidate the lien or any unpaid charge or any subsequent act or proceeding.

13.44.190 - Separate remedies.

As separate, distinct, and cumulative remedies for the collection of said charges and penalties, the city shall use a collection agency or bring an action in court to collect the unpaid charge and all penalties. In the event of court action, reasonable attorney's fees may be awarded the city. In the event a collection agency is used, reasonable collection agency fees may be added to the unpaid charge.