

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
FULLERTON, CALIFORNIA, TO REVISE MUNICIPAL CODE
CHAPTER 12.04 "WATER REGULATIONS"

WHEREAS, the City has not updated Municipal Code Chapter 12.04 since 1982.

WHEREAS, it is in the public's interest to clarify and update Chapter 12.04.

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

SECTION 1. Municipal Code Revision. This ordinance revises Chapter 12.04 of the
Municipal Code, entitled "Water Regulations" to provide as follows

12.04.010 Definitions.

A. "Customer" means the person in whose name then City renders service as evidenced by the signature on the application, contract or agreement from that service; or in the absence of a signed instrument, by receipt and payment of bills regularly issued in their name, regardless of the identity of the actual user of the service.

B. "Fixed Meter Charge" means a minimum charge paid by the customer regardless of the amount of water consumed.

C. "Premises" means the integral property or area, including improvements thereon, to which the City provides water service or for which the customer files an application for water service.

D. "Service connection" means the pipe or tubing, fittings and valves necessary to conduct water from the distribution main to and through the meter.

E. "Theft of water" means the taking of water from any City water main, fire hydrant, service or facility without a meter, permit or application as provided for in the Rates, Rules and Regulations, or with the intent to avoid payment therefor.

F. "Water Rates, Rules and Regulations" means the rate structure of the utility and any rules and regulations as approved by City Council.

G. Other Definitions. See Rule No. 1 of the Water Rates, Rules and Regulations for other definitions pertinent to the operations of the utility.

12.04.020 Water utility.

The function of providing water and metering the water system of the City shall be known as the "Fullerton Municipal Water Utility of the City of Fullerton, California" and hereinafter shall be referred to as the "Utility."

12.04.030 Enforcement.

The Utility is divided among several operating departments of the City. It is the responsibility of these department directors subject to the general supervision of the City

Manager, to enforce the provisions of this chapter and the Water Rates, Rules and Regulations of the Utility, as they imply to their assigned responsibilities.

12.04.031 Construction, reconstruction, abandonment and destruction of wells.

There is adopted for the purpose of controlling the construction, reconstruction, abandonment and destruction of wells within the city that certain ordinance of the County of Orange, State of California, and as amended from time to time, known as Ordinance No. 2607. Three copies of said ordinance are on file with the City Clerk and are open to inspection. The same is adopted herein as though fully set forth herein.

Notwithstanding other provisions of this section, the City retains authority to approve well construction permits issued by the Orange County Health Officer in the City. This approval will be made by the Director of Public Works or their designee and will be specified in an agreement between the City and the Orange County Health Officer. If said agreement is terminated, all the terms and conditions of the County ordinance will be enforced by the City.

The Utility shall have first rights of negotiation with any owner of a well located within City limits that is planned for abandonment or deconstruction to assume the well at its expense for the use and benefit of the Utility.

12.04.040 Use of fire hydrants.

Fire hydrants connected to the City water system shall be operated only by the Utility, Fire Department, or a person who has obtained a permit from the Utility. Any person desiring to use water through any City fire hydrant must comply with the Water Rates, Rules and Regulations. Any person using a fire hydrant without a permit may be charged with theft of water.

12.04.060 Water charges rates, rules and regulations to be fixed by resolution.

The City Council shall, by resolution, establish water rates, rules and regulations that include all the installation charges for water installations, all the rates to be charged for water furnished to customers, all the charges for services rendered in conjunction therewith including fixed meter charges, and all the rules, regulations, and policies for operation of the Utility.

12.04.070 Bypass connections.

Any bypass or connection around the meter between the service and the main shall be prohibited. All water use, except as provided in case of private fire service, shall pass through the meter.

12.04.080 Shut-off valves.

All shut-off valves installed by the Utility are for the use of the Utility. Such shut-off valves shall not be used or manipulated by the customer. For ordinary usage or emergency needs, all customers shall provide and install a Utility approved valve immediately after the water meter.

12.04.090 Replaced by 12.06 Water Supply Shortage Conservation Plan.

12.04.100 Meter Tampering.

No person, firm, or corporation shall tamper with, remove, cause, permit, or allow to be tampered with or removed, any meter where the same has been attached to any service.

12.04.110 Turning on water.

No person, firm, or corporation shall tap, open or connect to, or cause, permit, or allow any water to be turned on in any way after the same has been turned off by the Utility.

12.04.120 Tapping of mains.

No person, firm, or corporation shall tap, open, or connect to, cause, permit, or allow to be tapped, opened, or connected to any water main or pipe without first having made application to the Utility and receiving a permit therefor.

12.04.130 Unauthorized possession or use of official identification.

No unauthorized person shall possess, carry, wear, or exhibit any badge and/or other official identification of the Utility; nor shall any person, whether or not possession is authorized, display, exhibit, or cause to be exhibited any badge or other official identification of the Utility at any time, place, or in any manner, or for any purpose which is not authorized by the Utility.

12.04.140 Director of Public Works of the Utility may make rules and regulations.

The Director of Public Works or their designee of the City may, from time to time, make reasonable interim rules and regulations not in conflict with this chapter and subject to the approval of the City Council, and these rules and regulations shall be observed by all customers to the same extent as though set forth in the City Council-approved Water Rates, Rules and Regulations.

SECTION 2. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, phrase or word of this ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The electorate hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause, phrase or word be declared unconstitutional.

SECTION 3. CEQA. The adoption of this ordinance is not a “project” subject to the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code § 21000 *et seq.*) because, as described in CEQA Guidelines Section 15378(b)(2), CEQA does not apply to “general policy and procedure making”;

SECTION 4. Certification. The mayor shall sign and the City Clerk-Treasurer shall attest to the passage of this Ordinance. The City Clerk-Treasurer shall cause the same to be published once in the official newspaper within 15 days after its adoption, and submitted to the Department of Housing and Community Development within 60 days after adoption. This Ordinance shall become effective 30 days from its adoption.

ADOPTED BY THE FULLERTON CITY COUNCIL ON _____, 2021.

Bruce Whitaker
Mayor

ATTEST:

Lucinda Williams, MMC
City Clerk

Date