

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

AN ORDINANCE AMENDING SECTION 14.04.030 [WATER BILLING – FAILURE TO PAY – ACTION] OF CHAPTER 14.04 [WATER DEPARTMENT AND REGULATIONS] OF TITLE 14 [WATER AND SEWERS] OF THE FORT BRAGG MUNICIPAL CODE

ORDINANCE NO. 935-2018

WHEREAS, Section 14.04.030 of the Municipal Code states that water billing periods shall be fixed by City Council Resolution; and

WHEREAS, Section 14.04.030 sets the water billing period in the body of the Municipal Code rather than by City Council Resolution; and

WHEREAS, amended language clarifying Section 14.04.030 is preferred; and

NOW, THEREFORE, the City Council ordains as follows:

Section 1. **Legislative Findings.** The City Council hereby finds as follows:

1. Section 14.04.030 contains apparently contradictory language and clarification is preferred.
2. There is no possibility that the adoption of this ordinance will have a significant impact on the environment, and therefore, the adoption of this ordinance is exempt from the California Environmental Quality Act (“CEQA”), pursuant to Section 15061(b)(3) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations).

Section 2. Section 14.04.030 entitled WATER BILLING – FAILURE TO PAY – ACTION is hereby amended as follows:

Water billing periods and delinquency dates shall be established and fixed by City Council resolution except for discontinued service which shall be billed as provided by § [14.04.080](#). Upon a bill becoming delinquent, the Water Department shall give the person or entity responsible for payment of the bill (hereinafter referred to as “consumer”) a notice of delinquency stating that water service will be discontinued within fifteen (15) days of the date of deposit of the notice of delinquency in the United States mail, unless the person to whom the notice is addressed requests a hearing as specified in § [14.04.035](#). Such notices shall be sent first class mail, postage prepaid, to the consumer responsible for payment of the water bill at such consumer’s last known address. This notice may be sent with the next scheduled water billing, or separately, within the discretion of the Water Department.

Section 3. **Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof

irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

Section 4. Effective Date and Publication. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

The foregoing Ordinance was introduced by Councilmember Turner at a regular meeting of the City Council of the City of Fort Bragg held on January 8, 2018 and adopted at a regular meeting of the City of Fort Bragg held on January 22, 2018 by the following vote:

**AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:**

**Lindy Peters
Mayor**

ATTEST:

**June Lemos, CMC
City Clerk**

**PUBLISH: January 11, 2018 and February 1, 2018 (by summary).
EFFECTIVE DATE: February 21, 2018.**