

ORDINANCE 97-14

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF AMERICAN CANYON
AMENDING VARIOUS SECTIONS OF ORDINANCE 12,
RELATING TO MONTHLY SEWER CHARGES,
RETURNED CHECK FEES, OVERHEAD CHARGES AND
THE PROCEDURES TO APPROVE IMPROVEMENT AGREEMENTS**

The City Council of the City of American Canyon does ordain as follows:

Section One: Article 19, Section 3 (A) shall be amended to read in part as follows:

“Plans and specifications submitted for approval shall comply with all applicable ordinances, rules and regulations of City, shall show all details of the proposed extension and shall be accompanied by an accurate detailed estimate of the cost of construction of the proposed extension. The City Engineer shall approve them as filed or require them to be modified as he deems necessary for proper installation. When the City Engineer is satisfied that the proposed work is proper and the plans and specifications are sufficient and correct, he shall authorize the construction of the work predicated upon the payment of all fees and charges, and the furnishing of a written agreement in form to be approved by the City that the applicant will construct the work in strict accordance with the approved plans and specifications....”

Section Two: Article 19, Section 3 (B) shall be amended to read in part as follows:

“The plans and specifications submitted for approval shall be accompanied by a deposit of five percent (5%) of the estimated cost of construction as determined by the City Engineer for all inspection, plan review and other services of the City. The five percent (5%) deposit may be reduced to three percent (3%), if the estimated City costs warrant such a reduction. ...”

Section Three: Article 19, Section 3 (B) shall be further amended to read in part as follows:

“The percentage of the actual cost to be charged as overhead expense shall be as set forth by resolution of City Council, which may be amended from time to time.”

Section Four: A new Section 16 of Article 20 shall be added, to read in full as follows:

“Section 16. Temporary waiver of regular sewer charges

A. The City may waive the regular sewer charges of any customer if the following conditions are met:

- a) The customer signs an affidavit declaring that his/her residence was or will be vacant for at least the period of time equivalent to one or more billing cycles;

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- b) The customer furnishes proof of vacancy, such as other utility bills, written statements from surrounding neighbors, or other documentation to the satisfaction of the City's Finance Director; and
- c) The customer agrees to authorize the City, its officers, employees or agents, to inspect the property to verify it is not in use.

B. Once the property is determined to be vacant, the customer's regular sewer charge will be waived and/or credited, as the case may be. Credit will be given for full billing cycle periods only; no prorated amounts are allowed.

C. In the case of a customer served under a master metered account, the credit will be issued to the owner of the master metered account. It is expected that the credit will then be forwarded to the appropriate individual's subaccount. Failure to do so may result in discontinuance of the credit.

D. An administrative fee may be charged to recover the cost of processing and verifying the waiver request. The amount of the fee shall be set forth by resolution of the City Council, which may be amended from time to time.

Section Five: A new Section 17 of Article 20 shall be added, to read in full as follows:

"Section 17. Returned Check Fee

Any customer paying for services by check, which is returned unpaid by the bank on which the check is drawn, shall be subject to a returned check fee. The amount of the fee shall be set forth by resolution of the City Council, which may be amended from time to time. Section 500 of the Rate and Fee Schedule is hereby repealed."

Section Six. This ordinance shall be liberally construed to achieve its purposes and preserve its validity. If any provision or clause of this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are declared to be severable and are intended to have independent validity.

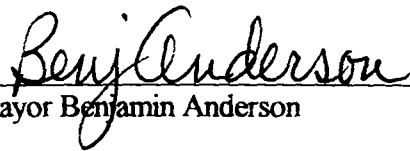
Section Seven. This ordinance shall take effect thirty (30) days after its adoption.

The foregoing ordinance was introduced and read at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 4th day of September, 1997, and was passed and adopted at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 18th day of September, 1997 by the following vote:

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AYES: Anderson, Cypher, Colcleaser, Maples and Winters
NOES: None
ABSTAIN: None
ABSENT: None




Mayor Benjamin Anderson

ATTEST:



Mark Joseph, City Clerk

APPROVED AS TO FORM:



William D. Ross, City Attorney