

ORDINANCE NO. 2019-09

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON TO AMEND
AMERICAN CANYON MUNICIPAL CODE CHAPTER 13.10.020 "PRIORITY OF SERVICE"
CONSISTENT WITH STATE LAW**

WHEREAS, the State of California Housing Element Law requires each public agency or private entity providing water or sewer services to grant a priority for the provision of these services to proposed developments that include housing units affordable to lower income households; and

WHEREAS, the Community Development Department and Public Works Department staff have reviewed the proposed Policies regarding Provision of Priority Water and Sewer Service to Residential Developments with Affordable Housing; and

WHEREAS, adoption of these proposed policies will bring the City of American Canyon into compliance with California Government Code 65589.7; and

WHEREAS, the City of American Canyon has an adopted and certified Housing Element and the Priority of Service Ordinance will facilitate implementation of Policy 2.1.3 of the Housing Element; and

WHEREAS, this Ordinance amendment was publicly notified on July 14, 2019; and

WHEREAS, the City Council has considered all of the written and oral testimony presented at the public hearing on July 30, 2019 in making its decision.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: American Canyon Municipal Code Chapter 13.10.020 "Priority of Service" is hereby amended, consistent with State Law, to read as shown below:

Chapter 13.10.020 PRIORITY OF SERVICE

- A. The city shall give first priority for new water and sewer connections and services to residential developments with affordable housing as defined in California Government Code 65589.7 or any successor statute.
- B. The city shall give second priority for new water and sewer connections and services to residences and businesses located within the city corporate boundaries.
- C. Notwithstanding the foregoing, consistent with the City-County Agreement, the city will provide water service to all outside customers and other outside customers upon request under all of the same terms and conditions under which the city provides water service to city customers, and the city will not impose any term or condition on any water service to any outside customer and other outside customers that is different from the terms and conditions that the city imposes on city customers, except that the city may continue to impose higher water rates on outside customers and other outside customers, consistent with *Hansen v. City of San Buenaventura* (1986) 42 Cal.3d 1172.

- D. Applicants for water service from other outside customer applicants must comply with all standards applicable to outside customers set forth in this chapter and in the discretion of the city, applicants may be required to enter into a revenue sharing agreement.

SECTION 2: CEQA FINDINGS. The proposed ordinance implements Policy 2.1.3 of the City of American Canyon General Plan Housing Element. The Housing Element was evaluated in a Negative Declaration and approved on March 17, 2015. No further environmental review is necessary for the Priority Water and Wastewater Service Ordinance recommendation as it implements the Housing Element consistent with the environmental assumptions in the approved Negative Declaration.

SECTION 3: EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days following adoption.

SECTION 4: SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5: CUSTODIAN OF RECORDS. The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 4831 Broadway, Suite 201, American Canyon, CA 94503. The custodian of these records is the City Clerk.

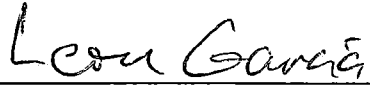
SECTION 6: RESTATEMENT OF EXISTING LAW. Neither the adoption of this Ordinance nor the repeal of any other Ordinance of this City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty or the penal provisions applicable to any violation thereof. The provisions of this Ordinance, insofar as they are substantially the same as Ordinance provisions previously adopted by the City related to the same subject matter or relating to the enumeration of permitted uses under the zoning code, shall be construed as restatements and continuations, and not as new enactments.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 30th day of July, 2019 by the following vote:

AYES:	Council Members Leary, Joseph, Oro, Vice Mayor Aboudamous and Mayor Garcia
NOES:	None
ABSTAIN:	None
ABSENT:	None


The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 20th day of August, 2019, by the following vote:

AYES: Council Members Leary, Joseph, Oro, Vice Mayor Aboudamous and Mayor Garcia
NOES: None
ABSTAIN: None
ABSENT: None



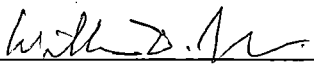
Leon Garcia, Mayor

ATTEST:



Suellen Johnston, CMC, City Clerk

APPROVED AS TO FORM:



William D. Ross, City Attorney